Queensland

# Parliamentary Debates
[Hansard]

## Legislative Council

**THURSDAY, 22 DECEMBER 1870**

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## ERRATA.

Page 280, column 1—Pilotage Rates Bill—*for* "COLONIAL SECRETARY," *read* "COLONIAL TREASURER."

Page 290, column 1, line 30 from bottom, *between* the words "Downs" and "and," *read* "in order to leave out his own station."

Page 306, column 1, line 18 from top, for "two hundred," *read* "fifty-two;" line 19 from top, for "four hundred," *read* "five hundred and twenty-eight."

## LEGISLATIVE COUNCIL.

*ursday*, 22 *December*, 1870.

Constitution Act Amendment Bill.—Gold Fields Homestead Bill.—University Bill.—Commonage Bill.—Border Customs Bill.—Pilotage Bill —Wages Bill.—Lien on Crops Bill —Postage Bill Amendment Bill.—"Hansard."

### CONSTITUTION ACT AMENDMENT BILL.

The Hon. E. I. C. BROWNE moved the second reading of a Bill to amend the Con-

stitution Act of 1867. The honorable member said he had hoped this motion would have fallen into the hands of some one who was more capable of doing justice to it, especially as he did not agree with the Bill in its full extent. Since, however, he had been asked to take charge of it, he would do so. He regretted that there should have been a necessity to introduce such a Bill, even with the amendment which he hoped would be made in it, but he must confess that he had now come to the conclusion that the necessity existed. Hasty legislation was unquestionably to be deprecated, and it was to prevent that sort of legislation that the Council sat. Still, he repeated he thought the time had arrived when this alteration in the Constitution Act had become necessary. It was only the other day that a Bill had been introduced in the other branch of the Legislature—a Bill in which he must say he did not entirely concur, because he did not think such a large addition of members was at all necessary at the present time—which had been shelved because it had been passed by a bare majority only, and it was impossible to carry out any legislation as long as the two-thirds clause remained. He should, therefore, like to see the Bill read a second time, but he would suggest that in committee the first clause should be altered by the omission of the words "ninth and," so that the repeal of the Constitution Act, or a portion of it, should only refer to the tenth section, which, as honorable members would see, only affected the Legislative Assembly. With that amendment, he must confess he should like to see the Bill passed, as he had come to the conclusion, though with regret, that it had become necessary.

The Hon. D. F. Roberts said he thought he need hardly say that the honorable member who had moved the second reading of this Bill had not his heart in it. It was all very well to say that this Bill would not affect the interests of the Legislative Council, but if honorable members would read the 9th clause, they would see that the Legislative Council was expressly mentioned, and this Bill proposed to repeal the 9th and 10th sections. There was a great deal of agitation out of doors, about the repeal of the two-thirds clause. It was made a hustings and a popular cry, but, in his opinion, there were not many persons who properly understood the meaning of it. It was said everywhere that this Bill was not intended to apply to the Legislative Council; if so, why was it not framed so as to omit the 10th section of the Act only? He thought it would only be right to give the other House a lesson, and to shew them that, though they could legislate for themselves, they could not touch the Legislative Council. He would ask honorable members whether—under the extraordinary circumstances of the case, this being probably the last day of the session—they should take such a Bill into consideration? He would leave it for honorable members to decide, but, for his part, he thought it would be better not to allow the second reading, but to move that the Bill be read a second time that day six months.

The Hon. H. B. Fitz said he was very glad to observe that the honorable member who moved the second reading of this Bill had reserved to himself the right of amending it in committee. When it was introduced in the other branch of the Legislature, he had remarked that he did not think a member of the Upper House would be found who had so little regard for his own dignity, or that of the House of which he was a member, or the constitution of the colony, as to introduce it in the Legislative Council. The idea of introducing a Bill which would destroy the constitution of the Council, and make it elective—for that would be the result, if the Bill were carried in its present shape—was absurd, and he was surprised that any private member should have introduced it, and that the House should be expected to pass such an important measure in one day. He was, therefore, exceedingly glad to hear the honorable member say that he intended to propose the retention of the ninth section of the Act. If it had been found by the community at large that the two-thirds clause was objectionable, the Government should have introduced the Bill for its repeal, and made it a measure upon which they would stand or fall. He looked upon it as a piece of presumption to introduce it into the Legislative Council by a private member. He might say that he had seen this very Constitution Act in the hands of Mr. Wentworth, on the Hunter, when he had sent it home, and that gentleman's remark was, that when new colonies were formed in this country, there would be so much democracy that it would be necessary to guard with the greatest care against any alteration of the Constitution Act. That was the opinion of a very eminent statesman, and he repeated it was a piece of presumption to ask the House to make such an important alteration on the last day of the session. A question of this magnitude should be canvassed throughout the colony before it was finally dealt with. Honorable members had no doubt made up their minds on the subject; he hoped they would shew their opinion of the motion, by leaving the honorable member and his Bill alone in the division.

The Postmaster-General said this Bill had been brought up in another place and passed by a bare majority—by a majority of one he believed—and as far as he understood it, no Bill affecting the Constitution Act could be passed in that House except by a majority of two-thirds. For although it was said that the Act itself could be repealed by a simple majority, it could not be altered except by a two-thirds majority. That was certainly an anomaly, as the spirit of the Act was infringed. He thought the two-thirds

clause was a very proper safeguard; and although he agreed with his honorable friend, Mr. Browne, that a very good Bill might have been passed in the other House had it not been for this proviso, still he thought it would be better even to allow a good measure to lapse than to lose the power which this clause gave to check any hasty legislation on the subject. He should not himself move that the Bill be read this day six months, but he would support an amendment to that effect.

The Hon. G. ELIOTT said he had always considered the two-thirds clause one of the greatest safeguards against any change in the constitution of the colony, and recent events had not in any way tended to alter that opinion; and bearing in mind how a tyrannical majority in the other House a short time ago had acted, and would act again, he should be sorry to see this Bill passed. The longer he lived, and the more he saw of some of the public men in this colony, the more satisfied he felt that the alteration in the Constitution Act contemplated by the Bill before the House should receive the sanction of a two-thirds majority. It had been urged in the newspapers during the last few days, that because New South Wales had repealed this clause many years ago, this colony ought to follow her example. But he saw no valid reason for such a course, for although the clause had been repealed in New South Wales, it was done very hurriedly, and without due consideration; and, he believed, that now when they knew the value of that provision, a majority of the members in that colony would be only too glad to see it again in the Statute Book. The example of New South Wales was, therefore, no example for this colony to follow. He thought it was highly objectionable that a Bill which would so materially alter the Constitution Act, should be introduced by a private member; and it came with a very bad grace from a private member in the other branch of the Legislature, who a short time ago was at the head of a Government, and could then have brought it forward as a Government measure. The introduction of such a Bill at this time, and the way it was introduced, were, he thought, sufficient to create a large degree of suspicion; and maintaining, as he did, that a Bill which in any way affected the constitution of that House, should have been brought in by the Government, and not by a private member, he should certainly oppose the motion, and would move as an amendment—

That the Bill be read a second time this day six months.

The Hon. J. F. MCDOUGALL said he had heard no argument from the honorable gentleman in charge of the Bill which would induce him to allow it to go to a second reading. He believed the honorable member had said all he could possibly say in favor of it—as much as his conscience would permit him to say. He had always been opposed to these continuous and continual changes. Almost every session a new Land Bill had been brought in; and if this Bill were allowed to become the law of the land, there would probably be a new Constitution Act every session. It had been said that nearly every member carried a Land Bill in his head, and there would be found a great many who would carry Constitution Bills in their heads also. He was not aware that any petitions had been sent to either branch of the Legislature for the repeal of the two-thirds clause, nor had he ever heard that any necessity existed for its repeal, or that there was any anxiety in the public mind on the subject. He believed it existed only in the minds of a few persons who would be very glad to upset the constitution of the Upper House. While on this subject, he must remark in reference to the question of hasty legislation, about which so much was said, that the Council were not to blame for it. They must either have no legislation at all or endeavor to master the Bills which were sent to them in such quick succession, and of the two evils they chose the lesser. He quite concurred with the honorable member, Mr. Eliott, in every word he had said, and also with the honorable member, Mr. Fitz. They were all aware that their Constitution Act had been framed by one of the greatest statesmen these colonies had ever produced, Mr. Wentworth. He had foreseen the results which would follow any tampering with the Constitution Act, and wisely protected the colony by the insertion of the two-thirds clause. It would in his (Mr. McDougall's) opinion be unwise to allow any private member to introduce, more particularly at this late period of the session, a measure affecting in such a vital point the constitution of the colony. He was entirely opposed to it, and should support the amendment.

The Hon. W. THORNTON said he did not intend to support the motion in its entirety, but he must confess that he did not entertain the same apprehension on the subject which honorable members who had spoken appeared to feel. He took very much the same view as his honorable friend, Mr. Browne. He believed it was necessary for the advancement of the colony that the tenth clause of the Constitution Act should be repealed, and that it was competent for the House to pass the Bill as far as that clause was concerned, and reject that portion of it which referred to the ninth clause. In common with the majority of Queenslanders, he must say he looked upon the tenth section as the greatest obstacle to Parliamentary Reform and the redistribution of seats. It was well known that those members who represented the over-represented districts were too numerous and too strong to allow the passing of any such measure while that clause remained, and he saw no other course open except to repeal it,

Allusion had been made to a good measure which had been passed in the other House by a bare majority, and therefore lost, and the same thing would always occur until the two-thirds clause had been abolished. He thought it would be desirable to pass this Bill as far as the tenth section of the Act was concerned, without allowing any alteration in the constitution affecting the Legislative Council. He was one of those who had no fear of reforms—and looking to the great reforms lately carried in the old country, he could not see that any evil results had ensued. For instance, it was predicted, that the passing of the Catholic Emancipation Bill would be the knell to Protestantism, but the very contrary was the case, for it had produced the most amicable relations between the two sects. It was the same with the Reform Bill. England had never been more loyal then she had been since the passing of that Bill. He believed equally good results would accrue in this colony from the reform now proposed. In colonies circumstances were continually changing, and he believed that if ever there existed a necessity for reform in the other House it was now. Some districts returned too many members to that House, others too few; the number of members altogether was too small, and the country was not fairly represented; the representation was not based upon manhood suffrage, as it ought to be, and that would never be obtained until some comprehensive measure of electoral reform had been passed. He could not see that any evil results had followed the repeal of the two-thirds clause in New South Wales. It had been repealed by one of the most conservative Ministries in that colony, and immediately afterwards they had obtained manhood suffrage and free selection all over the colony, both of which had largely tended to the advancement of the colony. This was a matter which really concerned the other branch of the Legislature more nearly than the Council. The Bill was one which they had considered and approved. They had seen how impossible it was to carry any measure of electoral reform without it, and it affected them chiefly. He was aware that there was some little jealousy existing between the two branches, and he feared that if this Bill were rejected by an amendment to read it that day six months, the present pleasant relations between them would be disturbed. The Council was, of course, perfectly justified in throwing out the Bill by such an amendment; but he thought it would be uncourteous to do so. With regard to the repeal of the ninth section, he should certainly vote against it, if the Bill went into committee; for he thought that, in the present state of the country, and probably for many years to come, a House composed of members nominated by the Governor in Council was perhaps the best. Members of that House were free from party prejudices and party spirit, and more likely to give an unbiassed opinion upon the measures submitted to them. But the time might come when the circumstances of the colony would be altered—when new industries would spring up and require to be represented, and an elective Upper House would be desirable. He did not think the time had come yet, and thought it was quite right to prevent any interference with the constitution of that House, by retaining the very slight protection which the ninth section of the Act afforded—as the Act itself could be repealed by a simple majority. He should support the second reading of the Bill, reserving to himself the right of voting against the repeal of the ninth section in committee.

The Hon. D. F. ROBERTS: The honorable member who had just sat down had stated that it would be impossible to increase the number of members in the Legislative Assembly so long as the ninth and tenth sections of the Constitution Act remained. He would point out to the honorable member, and the records of the House would shew him, that addition had been made to the number of members in that House some years ago without repealing those sections; and there was nothing to prevent the adoption of the same course again.

The PRESIDENT said he was unwilling to allow the debate upon such an important question to pass without saying a few words on the subject. He thought the circumstances attending the introduction of this Bill accounted for the feeling of opposition which the House appeared to entertain towards it. In the first place, it had not the support of the Government of the day, in whose hands the Governor had placed the executive power at the will of the majority of the Assembly; and it was introduced in the Council after it had been passed in the other Chamber by a bare majority. Those were alone sufficient grounds for grave consideration as to the propriety of assenting to it. Another objection, and a very strong one, had been advanced by an honorable member, Mr. Fitz, viz., that it was brought in at the very close of the session in a very hurried way; and that objection applied especially to a measure of such importance, and one which so materially affected the constitution under which they sat. It had been urged by an honorable member, Mr. Thornton, that out of courtesy to the other branch of the Legislature, the Council should consent to pass so much of it as referred to that House. But honorable members were there to legislate for the good government of the colony as a whole; and if they considered the repeal of a portion of the Constitution Act likely to be injurious to the country, they were quite justified in postponing it for some time to come. The honorable member, Mr. Eliott, had alluded to the effects resulting from the decision of a simple majority actuated by the strong political feeling of the moment; and he had certainly been surprised, as he had no doubt other honorable members had been,

when he heard that a majority of the other House had taken upon themselves to disqualify a member without inquiring into the truth or otherwise of his qualification. Now, if a simple majority could act in that impetuous way in reference to a question of so much importance as the seat of one of its members, they might act in such a manner with regard to the proportion of representation in that House, that those who held the preponderance of power would obtain a still larger share, for there could be no doubt that political parties might be considerably strengthened by a change in the mode of representation. A majority of the House might, in fact, so change the system of representation, as to keep their own party in power. He thought that power was wisely controlled by the two-thirds clause in the Constitution Act. Under the tenth section of that Act, it was provided that before any Bill proposing a change in the representation could be presented for the Royal Assent, it must have received the support of two-thirds of the members of the Legislative Assembly. He quite agreed with those honorable members who had remarked that the Additional Members Bill which had been introduced in the other House contained many principles worthy of consideration, and would have done away with many existing difficulties if the two-thirds clause had not prevented its passing into law. It had not, however, passed, and he thought it would be well for the Council to allow more time to consider it, and by their action to prevent hasty legislation. They would act wisely in availing themselves of the protection which the Constitution Act afforded them in a matter of such vital importance as the representation of the country. He was aware that out of doors the action of the Council would be unpopular, but they were bound to bear upon their shoulders the burden of unpopularity, so long as they were doing what they believed to be best for the interests of the colony.

The Hon. H. G. SIMPSON said, that although he could add very little to what had been said by honorable members who had preceded him, he did not wish to give a silent vote upon a question of so much importance. He would at once state his intention to vote for the amendment. He did not say that under certain circumstances he should not have been prepared to vote for the second reading of the Bill, with the view of making certain amendments in Committee, for he should certainly never have for one moment assented to the proposal to repeal the ninth section of the Constitution Act. He thought a proposition of this sort, emanating from a private member of the other branch of the Legislature, ought not to be entertained. He had, however, a different feeling with regard to the tenth section, which affected the Legislative Assembly alone. He did not go so far as the honorable member, Mr. Thornton, and say that they ought to pass that portion of the Bill out of courtesy to that House; for although it would not affect the Council directly, it would effect an important change in the constitution of the colony. He considered, that although under certain circumstances, this alteration might be desirable, the Legislative Council, in assenting to it, and especially in such a hurried way, would be abandoning the position they were bound to hold, and the purpose for which that House was instituted, viz., to check hasty legislation. There was another reason: he had heard it stated that the two-thirds clause could be repealed by a simple majority of the Legislative Council, but he had never heard the question argued, and he thought that before passing such a measure, they ought to hear arguments to prove that they were legally entitled to pass it in that way. If all these preliminaries were complied with, and a Bill brought before the House only affecting the other branch of the Legislature, and if such a measure were passed by a respectable majority in that branch, then—although he did not altogether agree with the alteration—he thought the Council might perhaps give way to the strongly expressed opinion of the Legislative Assembly. Under such circumstances he should have been prepared to vote for the second reading of the Bill, and allow it to go into committee. But, under present circumstances, he thought the House, in justice to itself, could do no less than reject it altogether.

The question was put, and the amendment—That this Bill be read this day six months—carried without division.

## GOLD FIELDS HOMESTEAD BILL.

The Hon. H. B. FITZ moved the second reading of a Bill to authorise the issue of agricultural leases on Gold Fields. He said that when this Bill was before the other branch of the Legislature, he had not seen it, and after hearing the remarks of those members who opposed it, he must say he had been very much prejudiced against it. He had looked upon it as the thin end of the wedge to give free selection all over the colony, and had considered it a very pernicious measure. He had then been induced to ask for the Bill, and to read it carefully, and after some conversation with its promoter he had become strongly impressed with the belief that all the dangers which had been predicted to result from its passing were quite imaginary. It provided that where gold fields were proclaimed the diggers should have the right of selection within the proclaimed area. Honorable members were probably aware that under a clause of the Gold Fields Act of New South Wales, which had been in operation in this colony hitherto, the Minister of the day had the power to proclaim a gold field, and that gold field, when it was proclaimed, became—under the Crown Lands Alienation Act of 1868—a common. So that if a gold field were proclaimed on a run, the lessee had no right to

impound, and the digger had quite as much right to feed over the reserve as he had. The object of the Bill before the House was to give the digger a right to select land to the extent of forty acres outside the town boundary, and two acres within it. He believed there was scarcely a member of the House who would not agree with him that it was very desirable to retain the diggers in the colony, and to induce them to settle upon the land; and it would therefore be a very short-sighted policy to oppose a Bill which had this object in view. It might, under some circumstances, work prejudicially. For instance, a gold field had been proclaimed at Lucky Valley, on the Condamine, and there could be no question that no payable gold had been discovered there as yet; and if this Bill were passed, any miner or person holding a miner's right could go and make his selection on that reserve. Under the Gold Fields Act, which this Bill did not interfere with in any way, the Ministry of the day had the power to proclaim any place a gold field, and the only danger which squatters and others would have to fear would arise from the unscrupulous character of the Minister at the head of that department. He believed a Bill of this sort had worked prejudicially in Victoria from that very reason; and there could be no doubt that the power which the Government possessed, if placed in the hands of unscrupulous persons, might be very dangerous. Even here they had had a Minister for Lands who, in order to secure his own run, had made a boundary which formed three sides of a square when proclaiming a large agricultural reserve upon the Downs, and had taken in the whole of his, Mr. Fitz's, run. That was evidently done to gain support for the election then pending. There could be no doubt that if a gold field were proclaimed where there was no gold, the selectors might ruin the lessee of the country. It was for a similar reason that he had objected to the hurried passing of a measure relating to Crown lands on the previous day. Bills relating to the lands of the colony should only be passed into law after careful and mature deliberation, and not rushed through all their stages in one day. This Bill did not give the Minister power to proclaim gold fields; it simply gave the digger the right to select land within the area of a gold field already proclaimed. His honorable friend opposite, Mr. McDougall, had a run upon which a gold field would one day be proclaimed, and, as an old colonist, he did not think he would object to the diggers making Queensland their home. It had been said that when a digger had selected his forty acres he would have the entire right to that selection, but that was not the case. If it should turn out very rich in mineral deposits, other diggers might follow the lead into the lessee's ground, so long as they did not injure his improvements; if they did, the damage had to be assessed. This Bill would of course only apply to gold fields already proclaimed and more particularly to Gympie, where there were a number of payable reefs and permanent interests which gave employment to a great number of men; and it would be a very short-sighted policy not to induce these men to expend their wages in securing a homestead on the spot, and settling down with their wives and families. He hoped there would be no objection to this Bill. Honorable members must be aware that, if any amendments were made in it, it would probably fall to the ground, as it was not likely that there would be time for those amendments to be considered by the other House and returned to the Council. If it were passed as it stood, as he hoped it would be, the Gold Fields Act could be altered next session so as to limit the power of the Minister to proclaim gold fields. He thought no gold field should be proclaimed except on the requisition of a certain number of diggers, and without evidence being taken. In the meantime, however, the diggers were anxious to settle upon the land, and every inducement should be held out to them. This Bill could do no harm, and, as it had passed the other branch of the Legislature, he did not think the Council could take upon themselves to object to it.

The Hon. J. F. McDOUGALL said he was very happy to find that a new light had dawned upon the mind of his honorable friend opposite, and that he had become so extremely liberal. There was a time when he had taken quite an opposite view. If he was right, when the Land Act of 1868 was under consideration, the honorable member had moved that no lands should be resumed from the ten years' leases without a resolution by both Houses of Parliament, which was the greatest possible obstruction to any resumption. But now the honorable member, being no longer a pastoral lessee, was ready to afford every facility——

The Hon. H. B. FITZ: I am still a pastoral lessee.

The Hon. J. F. McDOUGALL: He begged the honorable member's pardon. He looked upon the Bill before the House as a very good Bill, and the honorable member was quite right in saying that he (Mr. McDougall) would have no objection to see a large population settled upon a gold field which might form a portion of his run. But he should certainly object to see a large population settle themselves there only for the purpose of selection. He should offer no objection to the passing of this Bill, provided he could carry a very slight amendment to define the discovery of a gold field. He had, also, another objection. The Bill provided a new mode of dealing with the public lands. At the present moment there were Land Acts innumerable, and it was really a very difficult matter to understand the laws which controlled the administration of the lands of the colony. He did not think the honorable member,

Mr. Fitz, was justified in bringing his name and his run into the debate. For the sake of putting the honorable member right, he would offer an explanation. The honorable member was so far correct that, some eighteen months ago, a few men did discover a little gold on his run; and it being his impression that a gold field might be opened there, he had offered them every assistance in his power. However, after a trial of some two or three months, the alleged gold field was abandoned, and for the last six or eight months, not a soul had been upon it. He was not, therefore, afraid that this Bill would at all affect him, or that the land in the vicinity of that alleged gold field would ever be taken up for the purposes of settlement, because it was not fit for it. What he now proposed to do was simply to make a small amendment. If this Bill were intended to benefit the known *bonâ fide* digger, there could be no objection to it. If it were intended for another purpose, viz., to introduce free selection, then, of course, it would be objected to. The amendment he proposed to insert was in clause 3. In the third line, after the word "Queensland," he proposed to add the words "upon which shall have settled for a period of not less than six months one hundred or more authorised residents." That would have the effect of confining the operations of the Act to the *bonâ fide* diggers; and he repeated that unless the object of the measure was to introduce free selection all over the colony, there could be no objection to the alteration.

The Hon. H. G. SIMPSON said he was sorry this Bill had been put on the paper at such a late period of the session, because, though he believed it was in some respects a very good measure, there were certain defects in it which would require to be amended, and there was no time to take those amendments into consideration. If he thought there was the slightest chance that any amendments made in the Council would receive the consideration of the other branch of the Legislature, he should be in favor of reading the Bill a second time, and going into committee upon it at once. The first objection he had to the Bill was the same which had been made by the honorable member, Mr. McDougall, who had instanced the proclamation of a gold field at Lucky Valley, as a proof that some satisfactory evidence that a gold field had been discovered, was necessary. Still, that objection was not created by the Bill before the House, its object being only to give the digger some security of tenure for the land he took up. Another objection to the Bill was that it placed too much power in the hands of the local commissioner. Neither the Minister for Lands, nor the Minister for Mines, nor the Executive Council, could interfere with the power that officer could exercise. Such arbitrary power, he thought, should not be vested in any officer. He was aware that there were many able men among the gold commissioners; and the gentleman who had introduced this Bill in the other House had been as able an officer as any of them; but still he thought no one officer should possess so much power. Then, again, during the past year, the Parliament had passed a Bill, called the Gold Fields Town Allotments Bill; and that measure would of course be overridden by this Bill. He would point out to the House the difference between the two measures. Under the Bill before the House, any selector could take up town land to the extent of two acres, at the nominal rent of two shillings and sixpence per acre. Under last year's Act, which was a most incongruous Act as far as the price of the land was concerned, the rate for an average town allotment of half a chain frontage and one chain depth, at per perch, was equal to £220 per acre. Of course, if the same price were extended to larger areas it would be less; but, still, it would be much greater than the rates charged under the Bill before the House. There was another objection to this Bill as far as the town lands were concerned. Any person could go to a proclaimed gold field and take up all the choice town lots, and so preclude other persons coming after them from taking advantage of the Act. He believed that if the power of the commissioner were limited, and some provision made to prevent the indiscriminate proclamation of gold fields, and the land within the townships excluded from the operation of the Act, it would be a very good measure. He certainly could not vote for the Bill as it stood, and he did not see that any harm would be done by postponing it for four or five months. He should, therefore, reserve his vote until he saw whether there was any probability of the Bill being reconsidered by the other House.

The Hon. C. B. WHISH said he must oppose the motion for the second reading of this Bill, because it was too important a measure to be passed at such a late period of the session, and because it appeared to him to introduce the thin end of the wedge of free selection all over the colony. Several serious objections to it had been advanced by honorable members; and even if the honorable member who had charge of the Bill agreed to certain amendments, it still could not be passed this session. He would, therefore, move, that the word "now" be omitted, and the words "this day six months" inserted in its place.

The Hon. H. B. FITZ, in reply, said he was sorry for the fate the Bill was likely to meet, as he believed the dangers apprehended from it were merely imaginary. It simply applied to gold fields already proclaimed; and although, as he had pointed out, an unscrupulous Minister might proclaim a new gold field wherever he chose, he did not think there was any danger of that sort to be apprehended at the present time, and the power of the Minister might be limited by altering the Gold Fields Act. He would observe that if

it were intended to make amendments in the Bill, it would be just as well to press the amendment of the honorable member, Mr. Whish, as it was not probable that there would be time for the consideration of any alterations in the other House. He had very little doubt that if the Bill were allowed to pass, there would be a great number of selections made at Gympie and other proclaimed gold fields. As far as he could judge, the present Ministry were pretty firm in their seats. It was not probable that there would be a change of Government for twelve months, or perhaps, a couple of years; and if the report was to be relied upon, that a prominent member of the Opposition was about to join them as Attorney-General, the Opposition would be wiped out, and there would be a second Herbert Administration. Honorable members need not, therefore, entertain any fear that there would be any unscrupulous action in the proclamation of gold fields where no gold existed, and as this Bill had passed the other branch of the Legislature, he thought they might safely allow it to become law. He might observe that a large amount of capital was invested at Gympie, in quartz reefs and machinery, which gave permanent employment to a great number of men, and it was simply to allow those men to settle on the land that this Bill was framed. He could not see that it opened the way to free selection, if *bonâ fide* gold fields only were proclaimed, which he had no doubt would be the case, at any rate, as long as the present Ministry were in office, and it would be very easy to tie the hands of any future Government by a slight alteration in the Gold Fields Act next session.

The Hon. E. I. C. BROWNE said he was quite aware that if any amendments were made in the Bill, it would probably be lost, but that was not their fault. The Bill was sent to the Council to be reconsidered, and, if they found it necessary, they must amend it. But to refuse to read it a second time was to object to the principle of the Bill altogether. He should, therefore, support the original motion.

The Hon. J. F. MCDOUGALL said the proposition of his honorable friend, Mr. Fitz, was to allow this Bill to pass, and then to repeal another Bill to correct its defects. He would ask honorable members, if that was the sort of legislation which ought to be carried out in that House? He, for one, was anxious that this Bill should pass, as he believed it would be a very good Bill, with the insertion of a saving clause to define the term gold field. Without that he believed it would work injuriously. He believed it would be quite possible to amend it, and pass it through all its stages that evening. If not, it would not be the fault of honorable members, as they could not be expected to shut their eyes to its objectionable features. As the House seemed to approve of the principle of the Bill and to be in favor of making amendments in it, he felt that he should be quite safe in voting for its second reading.

The Hon. W. THORNTON said he hoped the honorable member, Mr. Whish, would withdraw his amendment. He believed this to be an excellent Bill, and one that would do a great deal of good; and sooner than see it thrown out, he would accept the amendment of the honorable member, Mr. McDougall. He should vote for the second reading, and would suggest that the House should go into committee upon it at once, as it would have to be reconsidered by the other branch of the Legislature that evening.

The Hon. C. B. WHISH withdrew his amendment.

The question was then put and passed. The Bill was read a second time, and the House went into committee of the whole, to consider it in detail.

## UNIVERSITY BILL.

The Hon. E. I. C. BROWNE moved the second reading of a Bill to promote Classical and Scientific Education. He said this measure had been framed by a member of the other branch of the Legislature, whose exertions on behalf of education in this colony reflected the highest credit upon him. Its object was to empower the Government, upon obtaining authority from any university in Great Britain or Ireland, to institute examinations within the colony for matriculation and for degrees in arts and sciences. It was proposed, also, to extend the provisions of the Act to any colleges in the old country authorised to grant diplomas in medicine or surgery. As far as he could see, there would be no immediate benefit resulting from the Bill; but it was very desirable that every facility should be given to students in the colony. He held in his hand a voluminous correspondence on the subject, which shewed that the University of London had, in reply to an application from the head master of the Brisbane Grammar School, expressed its willingness to recognise the examinations of students within the colony.

The Hon. D. F. ROBERTS wished to know how it was that the Brisbane Grammar School only was mentioned; there was another grammar school in the colony.

The Hon. E. I. C. BROWNE said he supposed it was because the head master of the Brisbane Grammar School had made the application; but there could be no doubt the offer applied equally to the Ipswich Grammar School.

The Hon. H. B. FITZ said it afforded him great pleasure to support a Bill of this sort. There could be no doubt that the gentleman who had introduced it in the other House fully deserved the encomiums passed upon him by his honorable friend, Mr. Browne, for no other colonist in Queensland had done more to further the cause of education. Years hence the name of Lilley would be held in reverence by the youth of Queensland. He

fully approved of the Bill, and he believed there could be no possible objection to it.

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

## COMMONAGE BILL.

The Hon. W. YALDWYN moved the second reading of a Bill to amend the Crown Lands Alienation Act of 1868. He said it appeared that previous to the passing of the Crown Lands Alienation Act of 1868, considerable areas had been granted as commonages to certain towns. In 1865, 80 square miles were granted to the town of Dalby, but in 1868, when the Crown Lands Alienation Act came into force, it restricted the area to 20 square miles. The loss of 60 square miles of commonage was a great hardship to the people of Dalby. The railway terminus was at that town, and there were a great many carriers living at the place. The townspeople also had a number of horses and cattle. It was found that 20 square miles commonage was not adequate to the requirements of the population, and this Bill simply restored the area which had been taken away. He did not know that any further explanation was necessary, and he would simply move that the Bill be read a second time.

The Hon. H. G. SIMPSON seconded the motion.

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

## BORDER CUSTOMS BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to provide for the collection of Customs Duties upon goods imported by land. He said the object of this Bill was to empower the Government to collect certain customs duties on the border. A considerable quantity of dutiable goods crossed the border, and the New South Wales Government had been communicated with, and an offer made to them to accept £12,000 a year, in lieu of collecting the duties. No answer to that offer having been received, it became the duty of this Government to collect the revenue. The difficulty in doing so would not be so great as at first sight it would appear to be, as there were only a few crossing places where the traffic crossed the border. The Government proposed at first only to send a small force, viz., an inspector, a sub-inspector, and about four troopers. The Bill was a short one, and it was desirable that it should be passed and come into operation as soon as possible.

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

## PILOTAGE BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to establish a scale of pilotage rates for the several ports of Queensland. He said the Bill explained itself. The present rate of fourpence per ton was the rate in force in Sydney, where the distance for which vessels required pilotage was not more than one-fifth of the distance. Clause 2 provided a sliding scale between fourpence and sixpence. Clause 4 provided that vessels in ballast, and vessels returning to port from stress of weather, should pay half those rates; and clause 5 provided that

> "Vessels clearing out for more than one port in Queensland shall pay the said rates in full at the first port of arrival and half the said rates at every other port included in the original clearance."

The remaining clauses explained themselves, but he should be happy to afford any explanation which might be required in committee. The Bill had been carefully framed, and had passed the Marine Board.

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

## WAGES BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to facilitate the recovery of wages in respect of encumbered property. The object of the Bill was to allow the recovery of wages against the mortgagee, in case of failure in recovering from the mortgagor; but the liability of the mortgagee was limited to the payment of six months' wages. That was the whole of it; and he thought honorable members would see the justice of the provision. At present working men, who were unable to recover from the mortgagor, had no redress, and a good many cases of hardship had arisen.

The Hon. H. G. SIMPSON said he had been one of those who had assisted, last year, in throwing out a Bill to facilitate the recovery of wages in respect of encumbered property. He had since had some doubts whether it would not have been better to have allowed it to go into committee, and to have endeavored to make it what this Bill appeared to be. This was not a measure of class legislation, and he should therefore support the motion.

The Hon. J. F. MCDOUGALL said, honorable members would recollect that there was a good deal of opposition to the previous Bill, which resulted in throwing it out. It was a Bill which dealt with one class of the community only—that was the great objection to it. This appeared to be a more general measure, though, for his part, he thought now, as he had thought before, that there was no necessity for such a Bill at all. However, as it had received the consideration of the other branch of the Legislature, and as it could do no harm, he should not oppose its second reading. He should not have opposed the first Bill if it had been a more general measure. He feared it would have one bad effect—it would render it very difficult for farmers to obtain money upon their crops and farms, as no mortgagee would care to render himself liable for six months' wages. The same remark applied equally to pastoral properties. He should not, however, oppose the second reading.

The Hon. D. F. ROBERTS said he had been under the impression that this Bill was specially for squattages, but he found it was to provide for the recovery of wages "for work done in cultivating or otherwise improving any land under mortgage." If it were intended to assist persons in getting advances upon their properties, he feared it would have the very opposite effect; for who would advance money when he rendered himself liable to pay six months' wages?

The Hon. E. I. C. BROWNE said the Bill was not brought forward for the protection of capitalists, but to protect the laborers.

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

## LIEN UPON CROPS BILL.

The Hon. E. I. C. BROWNE moved the second reading of a Bill to extend the operation of preferable liens upon certain crops. He said this was an extension of an Act which had been on the Statute Book for some years. That Act gave a lien over a crop for one year; after that period the security expired. That would be sufficient with ordinary agricultural crops, but not with all. On sugar plantations, for instance, it was not found to be satisfactory, the crop being still immature at the expiration of a year. This Bill remedied the difficulty by allowing the lience, upon making affidavit that the crop upon which he held a lien was still immature, and that the lien was unsatisfied, to renew it for the further period of one year. He believed this Bill would have the effect of facilitating the advance of money upon sugar crops, and be the means of promoting an important industry.

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

## POSTAGE BILL AMENDMENT BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to amend the Postage Acts. He said the other colonies were reducing the rate of intercolonial postage from 6d. to 3d., and this Bill simply empowered the Government of this colony to make a similar arrangement. The Bill contained one clause, which was as follows:—

"1. The Governor in Council may enter into arrangements from time to time with the Governments of New South Wales Victoria South Australia Western Australia Tasmania and New Zealand under which the rates of postage upon letters whether carried by sea or land may be from time to time altered or assimilated and such arrangements when published in the *Government Gazette* shall have the force of law."

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

## "HANSARD."

A message was received from the Legislative Assembly, transmitting a Resolution passed by that House, to the following effect:—

"1. That, having in view the partial and unreliable Reports of the Parliamentary Debates appearing in the Newspapers, this House is of opinion that steps should be taken to secure, for the information of the public, an authentic Weekly Publication of the Reports of such Debates.

"2. That the above Resolution be transmitted to the Legislative Council for its concurrence."

The Hon. H. G. SIMPSON said he had been asked to take charge of this resolution, lest it should fall through, and, if possible, to get it passed through the House. He believed the object in view was to authorise the present weekly publication, and to print a few more copies for circulation. He would, therefore, move—

That this House do concur in the message.

The Hon. E. I. C. BROWNE objected to the motion. The resolution had been sent from the other House on the last day of the session, and it might probably occasion a debate. If it were worth anything at all, it could be brought on in the beginning of next session. The debates for this session were over, and there could be no necessity to pass such a resolution, especially without explanation or inquiry.

The matter then dropped.