

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**THURSDAY, 22 AUGUST 1872**

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## LEGISLATIVE COUNCIL.

Thursday, 22 August, 1872.

Assent to Bills.—Homestead Areas Bill.—Railway Laws Amendment Bill.—Stamped Transfer Bill.—Resumption of Land.—Loan and Appropriation Bills.—Trans-Australian Telegraph.—Close of the Session.

## ASSENT TO BILLS.

Messages were received from His Excellency the Governor informing the House that the Royal Assent had been given to the following Bills:—

Mineral Lands Bill.  
Publicans Act Amendment Bill.  
Bonded Distilleries and Sugar Houses Bill.  
Treasury Bills Bill.

## HOMESTEAD AREAS BILL.

The House went into committee for the further consideration of the Legislative Assembly's Message, remitting the Homestead Areas Bill for the Council to reconsider their amendments.

The POSTMASTER-GENERAL said the House had debated the question a number of days, and it only remained for them now to decide whether they would insist or not upon their amendments in the Bill. He had thought that a conference with the other House would be most advisable, but he was now fully satisfied that some other course should be adopted; and he was quite satisfied that the

one which he should point out was the best to be pursued. He had spoken to members of the Assembly, and he assured the House that they had informed him that the Assembly had no intention whatever of giving offence in any way to the Council by the message which had been sent up. The resolution arrived at by the Assembly was with the view of giving the Council an opportunity of reconsidering their decision with regard to their amendments, which appeared to the Assembly to be antagonistic to the statute upon which the resolutions for the resumption of land were based. Any honorable gentleman who doubted the matter should look at the tenth and fourteenth sections of the Act of 1868, and he would arrive at the same conclusion as the Assembly. He (the Postmaster-General) would only point out that the divisions of the Council upon the amendments were very close; for the first, nine to seven, and for the second, eight to eight. It was not incompatible with the dignity of the Council to do what he now asked them to do. They had best settle the question as soon as they possibly could, and he should therefore move—

That the Council having reconsidered their amendments, viz., new clause 13, and proviso in clause 14—do not insist on the same.

He urged that the Assembly had given way upon one amendment by accepting the reduction made by the Council in the homestead area from 640 to 320 acres.

The Hon. L. HOPE said he should most certainly oppose the motion of the Postmaster-General. Why should the Council be dictated to? He should be content to forego the second amendment, which was only carried by the casting vote of the Chairman; and, besides, he did not think there was very much in it. The principle contained in the first amendment was certainly of great force; and it was the deliberate conclusion of the Council, that without that amendment in the Bill, great injustice would be perpetrated upon the Crown tenants. He could not understand how the House could submit to dictation from another branch of the Legislature. The reasons given by the Assembly did not seem to him to be effective. The Assembly had not interfered with the reason of the Council that "no cause has been shewn" for resuming the land; and, he submitted that such resumption was "virtually repudiating the ten-years leases of the halves of the runs held by the Crown tenants," inasmuch as they could never have supposed that the land would be resumed in the manner proposed, but, as hitherto, in fair square blocks of eight miles. When the Act of 1868 was passing, there was nothing done that would lead to such a supposition. Nothing was left untried to bring the Crown tenants under that Act—cajolery and threats. They were told that if they did not come under it, free selection would be proclaimed, and all manner

of frightful things would be done with the country. He maintained that no Crown tenant would have put himself under that Act, had he understood that the best of the land on his run was to be selected as a homestead area of eight square miles. The pastoral tenants had entirely depended upon justice and consideration of Parliament; and they had expected something like fair treatment from the Executive. If the Council gave way, now, they would virtually surrender their independence of action to the other branch of the Legislature; so he hoped that honorable gentlemen would adhere to their resolution and determination as before expressed.

**THE PRESIDENT:** He thought that the honorable gentleman representing the Government had put the question before the House on what seemed to be a false issue. He asked the House to agree to rescind, or rather, not to insist upon, their previous amendments in the Bill, because the Legislative Assembly had met the Council upon one of their amendments. It was not right that the Council should be influenced in that manner. They had to decide upon the abstract merits of any question which was put before them for consideration; and, for a mark of their influence upon it, before it became law, they had decided that certain amendments should be made in the Bill. Those amendments had been forwarded to the other House of Legislature, and, as was usual in such cases, an answer was returned, agreeing with one amendment and disagreeing with two of them. The Council insisted upon their amendments, when they came again before them. Usually that third message, in which they informed the Assembly of their insistence, concluded the matter between the two Houses. It was very unusual indeed for one House to send to the other a message of the nature now before the Council; because, it seemed to him (the President) an attempt to influence them by the opinions held elsewhere.

**THE HON. H. B. FITZ:** Hear, hear.

**THE PRESIDENT:** The Council had considered the matter, he presumed, dispassionately and to the best of their judgment, and they had arrived at certain conclusions. Those conclusions they had communicated, as an independent branch of the Legislature to another independent branch of the Legislature, and that other branch held different opinions from them. The usual course was, that the matter dropped. The two Houses could not agree, and the matter dropped for want of agreement between them. He must remind the Council that the other House had shewn themselves very jealous of their privileges in this respect. It was only a few sessions past that the Council arrived at a decision that they would not entertain Bills unless brought in at least one week before the end of the session. That resolution was communicated to the Legislative Assembly, and the answer was certainly not a very courteous one:—"We return your

message, because we believe the effect would be to interfere with the independent action and the privileges of this House, in dealing with the measures before them." It amounted to that, or that they did not want the opinion of the Council as to what they required, and that the Assembly must judge for themselves. Yet, the message now before the committee appeared to be a somewhat similar attempt to interfere with the independent action of the Legislative Council. He was quite sure, from what he had heard and knew, that it was not intended, by any means, as it seemed at first, to be a wilful and insulting interference with the action of the Council; but, still, it was such an interference that the message ought not to remain on the paper without some stronger notice than the Postmaster-General took of it now. It might be drawn into a very inconvenient and dangerous precedent. The Council were asked to reconsider a decision at which they had arrived in this case, which, if they did, they would lay themselves open to be asked, in respect of every decision they might arrive at, to do the same. He hoped that, before the committee came to any final conclusion, they would consider well the precedent they were about to establish.

The Hon. L. HOPE informed the Postmaster-General that the reduction of the homestead area to 320 acres was agreed to by the Assembly, because it was taken to make the position of the Crown tenant worse than it was before, and was therefore an improvement in the Bill.

The Hon. H. G. SIMPSON said he was extremely glad that the House had not come to a decision upon the message, last evening. He had been anxious that time should be given to honorable members to consider deliberately its purport. There was not much to find fault with in it; and there was no intentional slight to the House. The wording might not be exactly what it ought to be; but he did not see anything in it to take exception to seriously. He was of a different opinion last night, not having heard it properly when it was received and read. The House were not infallible, where their divisions upon the amendments had been so close that there was only a majority of two votes in one case, and in the other the question was decided by the casting vote of the Chairman. The other House were very anxious to get the Bill settled. They had, he thought, gone a step further than they otherwise would have done, in the hope of getting the Council to reconsider the amendments, and so as to get the Bill passed; and that had led to the venial mistake of not using perhaps the most correct Parliamentary language. As to what his honorable friend, Captain Hope, had said about not wishing to insist upon the second amendment, he might tell him with pretty considerable confidence that that was not the point in dispute at all in the other House; the point that the other House were decidedly dead

against was the amendment which the honorable gentleman especially insisted upon, the pre-emptive right over 1,280 acres of land. If that, the first amendment, was struck out of the Bill, he had no doubt the Assembly would assent to the second. He had said three or four times in the debate that honorable gentlemen who opposed the Bill were acting badly for their own interests. He should be glad to see the Bill pass; but it would never pass with that pre-emptive clause. He hesitated as to his vote on the present question because of the precedent that the House might now establish. He was one of those who had voted for the resolution to which reference had been made by the President. Then, he was a new member. Further experience led him to say confidently that he would not give such a vote again. The resolution was extremely vague, and it would be extremely difficult to carry it out. Cases would occur towards the end of the session in which Bills could not be before the Council a week, nor was it necessary for many.

The PRESIDENT: The honorable gentleman who spoke last had attempted to put before the House the same train of reasoning as the Postmaster-General. He wanted them to consider the measure not upon its merits; not according to what they believed to be the justice of the case which that measure involved, but upon the expediency of getting it passed through the other branch of the Legislature.

The Hon. H. G. SIMPSON: That was not his intention. He supported the Bill upon its merits, and his argument was against throwing it out by insisting upon the amendments.

The PRESIDENT: The question had been determined upon a division, and it was now sought to change the opinion of the majority to that of the minority upon that particular question. There might be good reasons for doing so. If that could be proved to the House, it was a very legitimate mode of proceeding. The House might have been wrong, and it was competent to change their decision; but let them not change it before they considered whether they had done wrong by their previous decision. Let somebody take up that view and argue it upon its merits.

The POSTMASTER-GENERAL said he believed that, if some honorable gentlemen who had voted on the opposite side had known the effect of their decision, they would have voted with him. He had argued the case on its merits all along. In answer to the honorable Captain Hope, instead of the reduction of the homestead area being the worse for the position of the squatters, it made their position very much better than if the area had not been reduced from 640 to 320 acres. He thought it would be best for the House to deal with the Bill apart from the resumption of land, which could be dealt with when they had the resolutions before them; and he urged the House to divide, as the easiest way of settling the question.

The Hon. H. B. FITZ said that he should support the Honorable Captain Hope. He thought that the Honorable Mr. Taylor and the Honorable Mr. McDougall, who had been such strong advocates for the introduction of the amendments, should now insist upon them. Should honorable members give way, it was due to the other House that those who changed their opinions should accompany the message to the other House, with an apology for having given so much trouble to the Assembly.

The Hon. J. TAYLOR: Hear, hear! He was extremely amused with the eloquent address of the Honorable Mr. Fitz. There was one curious point in the debate which he did not understand. Some honorable gentlemen stood on their dignity in this matter. Had they never given way? Had they never before swallowed the pill *holus bolus*? He durst say it was upon the records of the House that they had; and he named the occasion when the Land Act of 1868 was passing. He admitted that both the Honorable Mr. Fitz and the Honorable Mr. McDougall then made a gallant fight; but they had to give way.

The Hon. H. B. FITZ: No; they sat alone in the division.

The Hon. J. TAYLOR: As individuals; but the House, as a body, gave way. He durst say that he should be taunted as a traitor.

The Hon. L. HOPE: Hear, hear.

The Hon. E. I. C. BROWNE: Hear, hear.

The Hon. J. TAYLOR: Oh! if honorable members' hearts were as true to the cause as his, they would not doubt how they should vote;—if they had the true interests of the squatting party at heart, they would vote differently. He was no more to be frightened by the threats of the other House than any other honorable member. He said the language of some honorable members of the Assembly had not been what it ought to be; and the supposed leader of the Opposition had stated, as a fact, that the squatting members of the Council had actually voted to themselves a grant of land of 1,280 acres. That, he (Mr. Taylor) denied *in toto*. The pre-emptive right was only a supposed compensation for injuries done to the runs by the resumptions. Still, he was inclined to think that the best course for the Council to adopt was to pass the Bill. The Assembly had met them half way; because the second amendment was of no importance, and had only been insisted upon at the instigation of the Honorable Captain Simpson, out of pure mischief, to make the Bill thoroughly distasteful to the Assembly. There was no use sending the Bill back with the amendment; and if the Bill was shelved, it would be a bad job. He should vote for it, in the interest of the pastoral tenants. No matter how wrongly, the cry had got up, that land was wanted—no doubt, by a few interested demagogues. He advised the House to give way.

The Hon. H. B. FITZ: Ha, ha!

The Hon. J. TAYLOR: He believed the Bill would meet the wants of the country at the

present time, and it would not injure the squatter so much now that the homestead area was reduced. If it would injure his honorable friend, Mr. Fitz, one farthing, he would not vote for the Bill. He asked honorable members to reconsider the matter, and not to allow their violent prejudices to carry them away. He was as deeply interested as anyone; but he believed it was strict policy to pass the Bill. Therefore, he hoped it would be passed. Still, if it was not passed, he should be able to fight the battle as well as most persons. In reference to the observations of the President, he had been told that particular pains had been used in drawing the resolution to shape it in the least offensive manner. It appeared, however, that the Assembly had put some hard language into it. He did not see, and he should not consider, that the Council had been dictated to by the other House; who had agreed to one amendment, and returned another;—the third one was nothing. As the Council, he presumed, had repeatedly received back Bills with their amendments refused, he did not see that it was any indignity to receive back the Homestead Bill.

The Hon. H. G. SIMPSON deprecated the implication that he had been actuated by a spirit of mischief in moving that the House should insist upon the proviso in the fourteenth clause of the Bill. The object he had in view was attained, by the non-acceptance of the Bill as amended by the Council. If the Bill became law with the first amendment, the ill-feeling against the pastoral tenants of the Crown that somehow existed would have been intensified and perpetuated; and he wished to see the extinction of that ill-feeling.

The Hon. L. HOPE: The ill-feeling between the people and the Crown tenants was not justified. He feared that some of his honorable friends were suffering from intimidation. He had a clear recollection of the debate in another place, where the reduction of the area was hailed as a modicum of improvement in the Bill, as making it more unpleasant for the squatters; and the Bill was hailed as breaking the "charm of the ten-years leases." That shewed the animus with which the amendments in the Bill had been received by the other House. In opposition to the motion of the Postmaster-General, he should move—

That the Council insist upon their amendment, new clause 13, but do not insist on their amendment in clause 14.

The question was put, and the amendment was negatived, on a division, as follows:—

Contents, 6.  
Hon. The President  
" H. B. Fitz  
" J. F. McDougall  
" W. D. White  
" J. Gibbon  
" L. Hope.

Not-Contents, 9.  
Hon. J. A. Bell  
" W. Thornton  
" H. G. Simpson  
" F. H. Hart  
" J. Taylor  
" E. I. C. Browne  
" J. C. Heussler  
" W. Hobbs  
" T. L. Murray-Prior.

The Hon. H. B. FITZ moved that the following words be added to the original question, as moved by the Postmaster-General:—

In consequence of the instructions received from your honorable House.

He thought it was but fair to do something in acknowledgment of the Council's submission to the Assembly.

The Hon. E. I. C. BROWNE, as a point of order, asked for the Chairman's ruling, whether such a question could be put? Was it consonant with the dignity of the House, or with the respect due to honorable members?

The Hon. H. B. FITZ: It was a matter of opinion, and he and the Honorable Mr. Browne differed. He thought it behoved the House to acknowledge the way in which they had been coerced;—some apology should be made to the Assembly for having been put to so much annoyance by the Council.

The Hon. E. I. C. BROWNE: What did the honorable gentleman mean by "coerced"?

The Hon. H. B. FITZ: If the honorable E. I. C. Browne had been in his place—this was the first occasion on which he had voted on the present question—he would not need to ask. It came with a very bad grace from him to make such remarks.

The Hon. E. I. C. BROWNE: He had asked the honorable gentleman a question as to the meaning of the language he had used. Instead of answering, the honorable gentleman made an attack upon him for not performing what the honorable member considered his duty. He was therefore bound to conclude that the honorable gentleman could not explain the language he used.

The Hon. H. G. SIMPSON: With a view to putting a stop to this altercation, he asked the Chairman's ruling, whether the motion of the Hon. H. B. Fitz was a proper one to put?

The CHAIRMAN: I suppose it is about the first time such a question has been raised. I confess I have considerable doubt, as I mentioned to the honorable gentleman himself, whether such an addendum could be put. If it is left to me, I shall rule that it cannot be put. Of course, if the honorable member pleases, he can appeal from me to the President. I think it is irregular.

The PRESIDENT: I have no doubt my honorable friend will not insist upon the amendment which he has now proposed to the House. I fancy his motive was merely to give expression to his own opinion that this House is now acting under coercion. I am inclined now to endeavor to bring before the House a consideration of the great question with which it is dealing. There is no doubt that the question which the vote of this House, this night, will decide, is the future interest of the pastoral tenants of this colony.

HONORABLE MEMBERS: Hear, hear.

The PRESIDENT: Because, recollect that the measure you now deal out to the pastoral tenants within the district of Darling

Downs, and East Moreton and West Moreton, will be the measure which must be dealt hereafter, as the population moves on, and progress is made in the occupation of the country, to all those who occupy runs in the more distant districts. Therefore, this is the question now before you which you have to decide:—Whether the Parliament—it used to be the Crown—shall resume lands from the pastoral tenants, without going into the consideration of the particular reasons which require that resumption? It was boasted last night, as I see by the public press, by a member of the other branch of the Legislature, that he was the originator of compensation for improvements to the pastoral tenants of the Crown, upon the resumption of their runs. How unfounded such an assertion is, I can prove to you, by now adducing the first attack made upon the occupation of the Crown lands by the pastoral tenants, which was by the Governor of New South Wales, when the Crown lands were under the control solely of the Crown itself. Sir George Gipps, the Governor of that day, seeing that large tracts of land had been taken up by pastoral tenants beyond the settled boundaries, decided then that each squatter should, after five years' occupation, be compelled to purchase "not less than 320 acres for a homestead," upon his run, at £1 an acre; which was a fine of £320, to continue in occupation of his land. But the Crown provided at that time, that

"The value of any permanent and useful improvements which he may have made upon the land shall be allowed to him."

It was then provided by the Crown, as at that time the owner of the land, that when the land was resumed from the tenant, the tenant should have a right to the value of any improvements which he had made. Therefore when that, the first attack, was made upon the pastoral occupation, that condition was allowed as one to precede the resumption of the land. But that action of the Crown, at that time, created, as may be supposed, very great dismay amongst those who had committed their fortunes to the occupation of the country—who had placed their all, many of them large fortunes, in that particular pursuit; and who had kept the country in the position of making it profitable to themselves, and, as a matter of course, advantageous to the colony. It was objected strongly at that time that such a large power should remain in the hands of the Governor; and, after some time, owing to the exertions of the Pastoral Association, which then existed, that power was so much guarded against that the Orders in Council were issued, and a certain tenure, which was believed to be more secure, at any rate, was then given to the pastoral tenant. What was that, but the arbitrary power to resume the land then? I will now read to the Council from a document, which is the report from a Select Committee of the Legislative Council of New South Wales, at that time, drawn up and signed by one whose

name is now well known, Robert Lowe, who was chairman of that committee, and is now Chancellor of the Exchequer of Great Britain. The committee were reviewing what would be the effect of the Orders in Council then issued; and, in reference to the ninth section—

"Your committee would observe, that it seems to leave the real grievance of the squatter's position precisely where it found it; the real grievance of the squatter's position was the uncertainty of his tenure, not as against his fellow colonists but as against the Crown. As against his fellow subjects possession was title, and from any disturbance by them, the law, as long understood and practised in the colony, amply protected him. To the Crown he was a mere tenant-at-will, liable to be ejected at any moment, occupying a position at once degrading and precarious. It is the singular anomaly of these land orders, that while as against his fellow subject—the actual colonist, or intending emigrant—they fortify the squatter with every muniment which can give permanence to the possession;—as against the Crown, they leave him as they found him, utterly defenceless. Nothing in the leases is to prevent the Governor from disposing of the lands within the runs, for any purpose of public defence, safety, utility, convenience, or enjoyment, or for otherwise facilitating the improvement of the colony. Words more explicit, and more comprehensive to denote the absolute dependence of the squatter upon the Government, could not possibly have been employed. It is said that the Government would not use the arbitrary powers which it enjoyed under the former system: this may possibly be so; it is not necessary that it should use them; it is quite sufficient for the purposes of servitude and degradation that it should possess them. A country inhabited by tenants-at-will of the Crown is a degraded and miserable land, whether the Crown exercise that will or not. The genius of British institutions is the distrust of arbitrary power. They will not wait to see whether it is abused—they do not tolerate its existence; they guard not so much against the suffering of an individual who may be oppressed, as against the slavish spirit which is generated in a community in which oppression is possible. While the Executive is strong enough to oust the squatter, he will be its most obsequious dependent, and the same uncertainty of tenure will naturally hold out to him the strongest inducement to resist the Executive, the moment he can do so with safety, not so much for the purpose of political freedom, as for the sake of security to his property."

Now, honorable gentlemen, I take it that these arguments apply as strongly to the exercise of power by the Parliament now proposed as they did to the exercise of power by the Crown in that day. The Crown, however, eventually, was got rid of; and it was proposed, when the Act of 1868 was under consideration, in the first instance, to give that power to the Minister of the day. That met with great opposition in the Parliament of Queensland—in the Legislative Assembly of that time—and I think it was altered by a motion in this House, though I

do not exactly recollect. However, when that measure was under consideration, it was said by a member of the Legislative Assembly at that time :—

"On the hustings, the cry with the honorable member was, that those lands should no longer be left in the hands of the pastoral tenants; and, now, he said they should be left in the hands of the pastoral tenants. The honorable member also said that the Bill would not bring in sixpence to the Treasury, and talked a great deal about agrarian intoxication. All that sort of thing might sound very well, and no doubt did sound very well, in the House; but he could tell the honorable member that the people would not have it. They did not want agricultural intoxication; what they wanted was land. He would take the Darling Downs, for illustration—for, after all, this was really a Darling Downs measure; and the land question would always be a Darling Downs question till the Darling Downs had altogether passed from the Crown into freeholds. What did the late Ministry do in that quarter? Why this. From any squatter on the Downs who had offended them, whether as a member of Parliament or not, they took away his run. They proclaimed an agricultural reserve upon it."

The Hon. J. TAYLOR: Hear, hear.

The PRESIDENT: Well, honorable gentlemen, the history of the measure is this :—That we have resisted what we supposed to be the despotic power of the Crown; we have resisted what might be supposed to be the partial action of the Minister of the day, for political purposes; and, at last, there was thrown around the pastoral tenant, as a protection against unfair resumption, the authority of Parliament. Parliament was to be asked, by resolution, to resume any portion of the runs. One would suppose that the pastoral tenants slept in peace, after such protection had been thrown around them. They ought to have so slept; they ought to have trusted to the defence of Parliamentary protection put around them, as a secure one. But what are we to believe, if the House passes this present measure with the little consideration which has been given to it? Here is a measure brought in at the fag-end of the session. Dependent upon this measure, are the notices of the resolutions for the resumption of about fifty runs—a matter affecting the interests, no doubt, of fifty colonists who are largely interested in the progress of the country. And how is this measure passed? Hitherto, with very little inquiry, certainly;—except in this House, I believe with hardly any inquiry at all. If the opinion of Parliament is to be any protection to the pastoral tenant, I say that that protection, if this Bill is passed, is a very frail one. And yet the Parliament is bound to consider what, to the colony itself, is the great interest which this Bill affects. I find that out of the exports seaward in the year 1870—which is the date of the last return I can get hold of, prepared by the Collector of Customs—amounting to a total of £1,991,572, the products of the pastoral interest were £1,216,541, or more than three

parts of the whole; and, in addition to these figures, the pastoral products sent from the colony overland, were valued at £527,097. Therefore, it is no slight interest that this measure is now dealing with. Moreover, it deals with that interest in a part of the country where the occupation has been brought to the highest point of efficiency. It has been said that "Any man who can make two blades of grass grow where one grew before, is a benefactor to his country." Looking at what has been done by the application of capital, skill, and industry, as shewn at the agricultural show at Toowoomba, I say that the settlers of those districts have created largely the greatest and most important productions of this country. I have said so much because I think the attention of honorable members has been rather called away from the great importance of the question which is really under discussion, to the minor questions of whether what we agreed to on our past consideration of the Bill shall be insisted upon or not, inasmuch as our views have not obtained any acceptance in the other branch of the Legislature. Before we give in to expediency, I think it desirable to endeavor again to bring under the consideration of the House the full importance of the question before honorable gentlemen. As I said at the commencement, your decision to-night will influence for the future, and, no doubt, govern for the future, the mode in which the pastoral tenants of this colony are to be dealt with. They spread, now, over a large tract of country, and, in the further districts, perhaps, fancy themselves secure from such assaults as are now made upon the pastoral tenants near at hand; but they will all be drawn into the vortex eventually; and, what you now decide to be the fair measure for the pastoral tenants of Darling Downs will no doubt be dealt out to the Burnett, Leichhardt, and the more distant districts of the colony in turn. With regard to the special motion which the Postmaster-General proposes, I do hope, for the credit of the House, that some reason will be expressed for our change of opinion. To say the least of it, it is not usual, even in private life, that a man, having expressed a very decided opinion upon any subject, should change his opinion, without giving some reason for so doing. As far as I can catch the terms of the honorable member's resolution, I think that it implies, or merely goes to the extent of saying, that, having been asked to do so, we have reconsidered our opinion. I shall vote against the mode in which the honorable member's message is drawn up.

The Hon. H. B. FITZ: As the Chairman had ruled that his amendment could not be put, he should withdraw it; but, in doing so, he said he should be a very inconsistent person indeed to alter the views which he entertained, with the records of the past staring him in the face. He looked upon the action of the Government always as most despotic towards the Crown tenants. It was not seven

years since a Premier of Queensland, displeased with something that he had done, told him, on the steps of the old Council Chamber, that in a fortnight from that day he (Mr. Fitz) should not have an acre of land! What was the consequence? In the course of a fortnight every acre of land that he held from the Crown was put into a reserve. No doubt it was done from a political motive; but it proved to him, then, that it was high time such power should be taken out of the hands of the Government. He introduced resolutions taking that power away from the Government, and they had since been embodied in the Act of 1868, placing that power in the hands of the Parliament. When in a Bill such as the one before the House, amendments were made, and afterwards insisted upon, it shewed a great want of determination on the part of honorable members to yield as they had just done. He called upon them to give some reasons for their yielding.

The original question was then put and affirmed, upon a division:—

Contents, 9.	Not-Contents, 6.
Hon. E. I. C. Browne	Hon. The President
" H. G. Simpson	" L. Hope
" J. Taylor	" H. B. Fitz
" F. H. Hart	" G. Harris
" J. A. Bell	" W. D. White
" W. Thornton	" J. F. McDougall.
" J. C. Heussler	
" W. Hobbs	
" T. L. Murray-Prior.	

The House then resumed.

The CHAIRMAN reported that the committee had taken into consideration the Legislative Assembly's Message on the Homestead Areas Bill, and, having reconsidered their amendments, did not now insist upon the same.

The report was adopted, and the Bill was ordered to be returned to the Legislative Assembly by message.

#### RAILWAY LAWS AMENDMENT BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to amend the Railway Laws. Its object was, he said, to simplify the mode of resuming land for railway purposes and of settling the amount of compensation therefor by arbitration; and, a new feature of the Bill was, to encourage the construction of railways by private enterprise. In the first-named matters, great inconvenience had been experienced, as in disputes concerning the value of land, if taken into court, juries almost invariably gave verdicts against the Government; and arbitrators were, in fact, worse than the judicial courts. So much was this the case, that the Minister for Works never thought of going to arbitration now. The honorable gentleman connoted the respective provisions of the Bill by the marginal references. The second part of the Bill related to proposals from private persons or companies to undertake public works; and the twentieth clause enacted that—

"It shall be lawful for the Governor with the advice of the Executive Council upon receipt of a proposal from any person or corporation desirous

of constructing any railway or tramway containing the terms and conditions upon which he or they is or are willing to construct the same to accept any such proposal or proposals provisionally but subject to any such modification or alteration of the terms thereof as the Governor with the advice of the Executive Council shall think fit. Provided however and it is hereby enacted that no such acceptance shall impose any liability upon the Government unless such acceptance shall be ratified by Parliament by an Act authorising the construction of such railway or tramway."

Another clause gave power to the Governor to authorise persons whose proposals were accepted to enter upon lands for the purpose of survey. After that, there was a provision that a private Bill must be brought before Parliament, in the way in which the Government now moved for the making of a railway.

The Hon. H. B. FITZ: It struck him that there were powers in the Bill which were most dangerous, and which raised the same question that the House were discussing this afternoon—the resumption of lands; but the power was left in the hands of the Government. When the Bill should get into committee there were some portions that he should certainly object to; and he had prepared a clause to meet a difficulty which he saw. He supposed there never was a greater piece of fraud, or at any rate, extravagance, than in the compensation for the resumption of lands for the first railway on the Downs;—and the Government had their own arbitrator. The valuation of land should be left to no secret tribunal. In the case referred to, the Government arbitrator put the most fabulous and absurd valuation upon some land that was resumed. The Bill opened the door to great abuses. He (Mr. Fitz) believed in the responsibility resting with the commissioner, and he approved of a Minister of the Crown holding the office of commissioner. In place of the fifth clause of the Bill, he should move that the following provision be substituted:—

"When any such question shall arise of disputed compensation as to the value of such lands so resumed for the purpose of making such railway the commissioner is hereby empowered to bring such question before the District Court judge who shall on due notice being given cause not less than five assessors to be summoned to appear before him at a time and place to be named therein which summons may be in the form in Schedule B hereto annexed and the said assessors shall after hearing evidence on being called upon by the judge declare their valuation in open court."

The House should legislate so as to anticipate such acts as experience taught them were likely to occur, without due precaution; and they should guard as much as possible against the interests of the country being affected by a corrupt administration. His clause would be safer for the country than the proposed arrangement under the Bill. The empty benches in the House shewed that the question was not as interesting as



the disposal of the Crown lands. If the Bill stopped at the nineteenth clause, it would be well. He always contended for making railways, if possible, by grants of land to companies or individuals, but he did not think the power of entering into arrangements should be left with the Government. He did not agree with the power given to the Government to accept proposals; as it was known that what a Government did in the recess was endorsed by their party in the Parliament. The Bill was a very important one, and he did not think the House should pass it on the last day of the session; and he recommended that it should be thrown out, as there was no necessity for it until next session.

The Hon. J. TAYLOR said he must differ from the honorable gentleman who preceded him. The first part of the Bill was very much required. As far as the second part was concerned, he did not know whether or not the House should pass it. He objected to the powers given in the twentieth and twenty-first clauses to the Government.

The POSTMASTER-GENERAL rose in explanation of the provisions of the Bill; and a conversation ensued thereupon, with respect to verbal differences, in which the Honorable Mr. FITZ and the Honorable Mr. TAYLOR, joined mutually.

The Hon. W. HOBBS maintained that the supporters of the Government did not always vote with the Government; and he called the Honorable Mr. FITZ to order for his *sotto voce* remarks. There was scarcely an occasion on which he rose to address the House, that the honorable member did not make some remark that was peculiarly offensive. The honorable member had frequently made remarks that he (Dr. Hobbs) was not an independent member of the Council. Since entering the House, he (Dr. Hobbs) always acted independently and conscientiously, and, as far as he was able, for the advantage and for the interests of the colony. It was only recently that the Honorable Mr. FITZ had adopted the method of annoying honorable members, and he had lately made special reference to the Honorable Mr. Thornton and himself, because they happened to be Government officers. They were not Government officers in the House. It was to be hoped that the honorable gentleman would have the good sense and good taste not to repeat such language as he had used in the House; if he should repeat it, he (Dr. Hobbs) should be obliged to retaliate. Apart from that he hoped that he should not be guilty of any breach of courtesy, in the House, to anyone; but it must not be expected that he would submit to similar occurrences. The honorable gentleman was in error when he said that Government supporters must support the action of the Government.

The Hon. H. B. FITZ: It was the natural conclusion.

The Hon. W. HOBBS: The honorable member seemed to argue that Government sup-

porters were slaves. In the House of Commons, the supporters of the Government often voted against the Premier, and in the Assembly also the same was seen. Here, in the Council, he did not always vote with the Postmaster-General. Such measures as the House had been discussing, he felt bound to support, because they were measures that he had been advocating for the last twenty years, both before and after Separation; and he should support the present Bill, because he believed it to be a good one. There was nothing in the twentieth clause which bound Parliament to authorise any proposal that the Government might accept; and no proposal that the Government might accept was binding unless ratified by Parliament.

The Hon. H. B. FITZ: Hear, hear.

The Hon. W. HOBBS: How then could the honorable gentleman call this a dangerous Bill? The Government could only accept proposals provisionally; and whatever was approved of would be ratified by Act of Parliament, not by resolution.

The Hon. H. G. SIMPSON said he was extremely glad to see the Bill before the House, as he believed, if there was one thing wanted in this colony more than another, it was the opening up of means of communication. A great deal had been heard of late years of the plan of making railways in America by the state making grants of land to companies or individuals who undertook the construction of the works. No doubt it was a very good plan; but hitherto the colony had not been in a position to carry it out. He might say there had been no enterprising individuals or companies to undertake such works on such terms. However, it seemed probable that they would now come forward. He was against postponing for their action such necessary works as the Brisbane and Ipswich and the Northern railway extensions; he preferred the course that was taken of leaving them to be carried out by the Government. But now that there was a prospect of the system being undertaken by private individuals or companies, he thought the Parliament would be worse than foolish to let the opportunity slip. Of all things, the means of internal communication were wanted in this colony. It was the great want. He believed that there was untold wealth, not only in the North, but in the South, and in the West—in all directions, all over the country, and everywhere. The main thing was to develop communication. As far as he understood the objections to the Bill, they referred to the twentieth clause, which was supposed to confer the power upon the Government of alienating the public land. He was perfectly confident that if a line of railway were made under the Bill by the grant of alternate blocks of land as payment for its construction, the value of the intermediate blocks that would be retained by the country would be increased three or four fold, at the least. He looked upon it that, to refuse to give grants

of land to a company or individuals who would do that, was a sort of dog-in-the-manger policy. The land was no use, now, when there was little or no population to occupy it. If a company, by taking half of it, would give the country a system of communication convenient for the public, the advantage to the country in every way would be great. But he should, of course, stipulate that the communication should always be under the control of the Government; in other words, that the Government should always have the power to see that a sufficient amount of traffic was kept up along the railway, and that the line was in proper order. In that way, the gain to the country would be immense, and the grant of a sufficient number of acres of land for the work would be nothing to the country. With regard to the twentieth clause of the Bill, he remarked that the objections which had been offered to it were utterly groundless. It was impossible for Parliament to go into the *minutiae* of all the undertakings that might be proposed, to examine witnesses, and to go through all the processes that projectors were required to be put through, as in the House of Commons. At home, he believed, they were of little practical effect: a committee brought up a report, and it was laid on the table of the House, and adopted as a matter of course. The railway committee were not elected in any special manner, but taken in the ordinary course, haphazard, because the members were in the habit of attending committees. With the small number of members in both Houses of the Colonial Parliament, the Government were a sufficient committee for the purposes contemplated by the Bill. They were as able to get information as any committee appointed by the House. As it had been very ably argued, the Government majority of Parliament would be very well able to control any committee. Therefore, no end was to be gained by taking the preliminary arrangements out of the hands of the Government. He had heard it said that the Government, backed by the majority, would force any undertaking that they accepted through another place; that was to say, the Government would take it as a vote of want of confidence, if their act was not approved of by the House. Well, the Council had to be considered. All undertakings must be ratified by Parliament; in fact, an Act must be passed, before any undertaking was binding on the Government. He should be very sorry to see the Bill endangered; and he should support it to the best of his ability. Some points of the Bill might be altered in committee; but as regarded the general purport of the measure, it was one of the best that had come before the House for a long while.

Question put and affirmed. The Bill was considered in committee and advanced through all its stages and passed forthwith.

#### STAMPED TRANSFER BILL.

On the motion of the POSTMASTER-GENERAL, a Bill to extend the provisions of the Stamp Duties Act of 1866 was read the second time, and committed.

The Hon. J. TAYLOR called attention to the anomalous state of things existing as regarded companies whose head offices were in Sydney, while their property was in Queensland. How far could the shares of such companies be made liable to the stamp duty in this colony? They might be transferred from hand to hand, here, but the transfers must be registered in Sydney, where stamp duty was paid. The Bill was brought forward without due consideration, and ought to be thrown out. There was the risk of sending scrip to Sydney, and the penalties, and the transfer stamp duty there. The Sydney companies ought to be compelled to have offices in Brisbane for the transfer of shares. Everything was thrown into the hands of the outsiders; the Queensland people taxed themselves, and Sydney companies got free.

The Hon. H. G. SIMPSON said, if the Parliament "put their house in order," and took care that Queensland scrip paid the stamp duty, it could then justly say that transfers of the scrip of other colonies should be stamped.

The Hon. H. B. FITZ advocated that, under the Bill, "half a loaf was better than no bread at all." He called attention to the question which he brought forward a few weeks ago on this subject for the action of the Government.

The POSTMASTER-GENERAL said the question raised by the Honorable Mr. Fitz had been brought under the notice of his colleagues.

The Hon. J. TAYLOR: He was informed, in a letter he had just received, that one hundred and eighty companies were formed in Sydney for working properties in Queensland—mining for tin, copper, silver, and other metals—representing a capital of five and a-half millions sterling. An enormous duty could be collected from the stamp upon the transfer of the shares of those companies, if only two millions of the capital, say, was paid up. A question had arisen, there, about insurances;—unless the policy of insurance of property in Queensland had the Queensland stamp upon it, it was worthless in a court of law, elsewhere, in a suit against the proprietors of the company.

The Bill was reported without amendment, and passed through all its stages.

#### RESUMPTION OF LAND.

Upon the Order of the Day being read for the consideration of the resolutions for the resumption of land from runs, sent up from the Legislative Assembly [*see pp. 852-4*],

The POSTMASTER-GENERAL moved—

That this House do concur in the resolutions respecting the resumption of land in the settled district of Darling Downs.

The Hon. H. B. FITZ : Did the Postmaster-General wish to pass them *in globo*?

The POSTMASTER-GENERAL : If the House wished it.

The Hon. H. B. FITZ : They required some little consideration, because there could be no two opinions that some of the resumptions were not fair. He pointed out that on some runs of 10,000 acres, the land resumed was no less than the amount taken from runs of 200,000 or 300,000 acres. He should propose that the resolutions be considered *seriatim*.

The POSTMASTER-GENERAL : From the information before him he found that there were only two runs on Darling Downs which approached to the very limited dimensions referred to by the honorable gentleman;—Lagoon Creek Downs West, 11,680 acres; and Greenbank, 9,250 acres.

The Hon. J. F. McDougall said he could not see the force of the argument of the Honorable Mr. Fitz, that, because the areas varied, the resumption from each should be in proportion. The simple fact of the matter was, that if a run happened to be in a part of the country where land was required for public purposes, it was the misfortune of the holder of the run that it was so placed; but it became none the less necessary that he should give way. That was the whole scope and burden of the Act of 1868, and of the Bill which the Council passed to-day. The position he always held to, was, that if the land was required for public purposes, the pastoral lessee must give way. He should certainly oppose the amendment, and support the original motion, that the runs should be dealt with *in globo*.

The Hon. H. B. FITZ : He merely rose to say—

The Hon. J. F. McDougall : The honorable gentleman had spoken.

The Hon. H. B. FITZ : He merely rose in explanation. The Government took from Greenbank Run, 5,000 acres; and from Jimbour, which extended to 350,000 acres, they took only the same area. Perhaps the honorable gentleman was interested in the matter of land?

The Hon. H. G. SIMPSON said he had been led to believe that the Homestead Areas Bill having passed, the resolutions would be passed as a matter of course, leaving it to the Government to exercise their discretion as to the cases in which they would take advantage of the power to resume land, and in which they would allow the resumption to lie in abeyance—to resume land as it was required. But, as that seemed to be a false notion, he begged to move—

That Mr. Commissioner Coxen be examined at the bar of the House, to give information respecting resumption of lands in the Settled District of the Darling Downs.

Upon question put and passed, the House decided not to take the resolutions *seriatim*, by a division of 9 to 4 votes.

The PRESIDENT said that the motion of the Honorable Captain Simpson would now be put as a substantive motion. As the matter had been brought into question, it seemed to him that it would be satisfactory to call Mr. Coxen to the bar; he had the most full knowledge of the country comprised in the resolutions, and he could give the House a very good notion of where the land was required, from which they might know pretty well where it was likely to be taken up.

The Hon. H. B. FITZ said he had no objection whatever to Mr. Coxen being examined. No doubt, he would afford the House a good deal of information. He (Mr. Fitz) knew the locality well; he had been as much upon it as Mr. Coxen. The House had decided that the resolutions should be taken *in globo*, and he had no hesitation in saying that a greater injustice was never perpetrated than in some instances of the resumption of land from the runs named in the resolutions. He had instanced Greenbank and Jimbour, which were adjoining runs; the latter was held by a Minister of the Crown, and the former was held by an unfortunate widow. He knew one party in East Moreton who held 5,600 acres, and 5,000 acres were resumed from that run. That was shameful injustice. Let the Government take the land where it was required—where the people wanted it most.

The Hon. J. C. HEUSSLER : It seemed hard for any lessee to lose his run as described, but there was the Land Act of 1868, which said that not less than eight square miles was to be resumed from a run. The House had power to deal with hard cases, and disallow the proposed resumption. He believed the sole object in calling Mr. Coxen to the bar, was to get information to guide the House; and they had the power of agreeing to or expunging altogether any proposed resumption.

The POSTMASTER-GENERAL : In that respect, calling Mr. Coxen to the bar would do no good. What the Honorable Mr. Fitz had suggested was perfectly true. There were several honorable gentlemen in the House who ought to know as much of the Downs as Mr. Coxen. He agreed with what the Honorable Mr. McDougall had said, that where land was in close proximity to towns, and where it was required, of course, it should be taken. If a run was large and only a small area was taken out of it, there would be another resumption from it at a future time. The Honorable Mr. Fitz was wrong in saying that Jimbour comprised 300,000 acres.

The PRESIDENT : If there was any objection to the motion of the Honorable Captain Simpson, he was not aware that he could put it to the House.

The POSTMASTER-GENERAL : He objected.

The Hon. H. G. SIMPSON : Of course, if the honorable gentleman objected, he must bow.

The PRESIDENT : There had been no formal notice of the motion, although Mr. Coxen

was in attendance for the last four or five days. But the House could not have been taken by surprise. Still, as a matter of form, if the motion was objected to, it could not be put without notice.

After deliberation by Honorable Members, The Hon. H. G. SIMPSON said, though not in order, he might be permitted to explain that the particular reason why he wished to call Mr. Coxen was, that as honorable members had been told several times that they did not understand this matter, because they were not squatters, he wished to learn from him what they were supposed not to know.

The POSTMASTER-GENERAL withdrew his objection. There were thirty-three runs on the Downs. He did not propose, however, to call Mr. Coxen for East and West Moreton, unless honorable members wished it.

The Hon. H. G. SIMPSON: The examination of Mr. Coxen would not take five minutes, as far as he was concerned.

The PRESIDENT: He had suggested to the honorable gentleman who had charge of the resolutions, that it would be best to discuss them in committee. The present very irregular discussion shewed that he was right. The subject was one upon which honorable members wished to speak several times, and the rules of the House prevented that. He had permitted the discussion to go on; but if the same sort of discussion was to continue when the other resolutions were brought forward, it would be advisable to put the House into Committee of the Whole.

The motion was then put and passed.

CHARLES COXEN, Esq., was called to the bar of the House and examined.

1. *By the Hon. H. G. Simpson:* Mr. Coxen, you have a little knowledge of the Darling Downs as regards its agricultural and pastoral qualifications? I have.

2. Are you aware that there is any demand for land in any part? I believe there is a demand for land on the Darling Downs. I became acquainted of that when I was on the Downs making resumptions—or recommendations for resumptions.

3. Could you inform the House in what portions of the Darling Downs that demand was most considerable? So far as it came to my knowledge, it was principally at the eastern end of the Downs; and a few applications were made to me in the neighborhood of Dalby.

4. Could you state to the House, I do not say precisely, but generally, the runs upon which land is most likely to be taken up, supposing these resolutions are passed? So far as my recollection serves me now, I will say—Clifton, Felton, South Toolburra, Greenbank, Ellangowan, Goomburra, Westbrook, Yandilla, St. Ruth's, Irvingdale, Pilton, North Toolburra, Gowrie, Goombungee, South Canning Downs, Beauraraba, Cecil Plains, Eton Vale, North Branch. So far as my opinion goes, those are the principal runs. I should like to season my evidence by saying that not being Commissioner for the Downs, I have not so intimate and perfect a knowledge of the wants of that

district as I have of my own district, East Moreton.

5. We are confined at present to the land selections on the Darling Downs. To the best of your judgment, those are the runs that it is most likely land will be selected upon? I believe so.

6. I have only one other question. Could you inform the House upon what runs the largest portions—or, the principal of the runs, upon which any considerably large portions of the resumed halves have been taken up by the lessees? I am not conversant with the selections made in the Darling Downs district. I cannot answer that question. I have no knowledge of selections made upon the Darling Downs.

7. *By the Hon. J. Taylor:* What are those applicants for land?—What do they want it for?—In what quantity do they want it? I cannot answer those questions.

8. Because, upon some of those very runs you have named, you have declared that there is no agricultural land. I want to know whether they are pastoral people, or whether they want agricultural land? It is a question I cannot answer. From my communication with them, I think they wanted it principally for dairy farming.

9. Do you consider, then, Mr. Coxen, that the resumption of the land upon Greenbank is actually necessary: as this seems to be the run that the whole of this has arisen upon? I can only say that more than one person spoke to me, desirous of taking land upon that run, when I was in Dalby last.

10. More than one person? More than one person.

11. And you met, as Commissioner of the district, one person. Do you think one application sufficient to induce the Secretary for Lands to resume eight square miles? I cannot answer the question.

12. Should you, in the performance of your duty as Commissioner, recommend the resumption of 5,000 acres, because one person had made application for land? If one person spoke, it would not have been attended to. I say more than one or two persons spoke to me, knowing I was in the neighborhood for the purpose, saying that it was a great satisfaction that a portion of the country was likely to be opened. It is not a recommendation from me—

13. I desire to know, do you consider it your duty to recommend the resumption for one person? No; I should not.

14. I suppose the people knew what you were up there for? I think so.

15. Could you, in your own mind, tot up the people who are upon the Darling Downs, applying for country? I cannot say.

16. Ten? More than that.

17. Fifty? I think so;—more than fifty.

18. And, which end of the Downs do you consider—? East end.

19. Warwick end? Yes; from Clifton eastwards.

20. And that was the principal part of the colony desired to be thrown open? A great many persons spoke to me about that.

21. You did not answer that question, whether Greenbank was necessary to the public, in your opinion? I think it is. I think it will all be taken up.

22. *By the Hon. W. Thornton*: Is Greenbank near a town? Near Dalby.

23. How far away? About six or seven miles.

24. *By the Hon. W. Hobbs*: Could you enumerate what runs the Parliament could get the largest area from, for homesteads? The largest portion for resumption would be Jimbour. But all the runs on Darlings Downs have a considerable area—more than eight square miles.

25. I suppose on some runs twenty square miles might be taken out? Mixed.

26. Give us the runs that a larger area than eight square miles could be taken from, of agricultural land? I think, Clifton.

27. Any other? Felton.

28. Any on the line of railway? No; not any.

29. All taken up? Yes.

30. On the line of railway, both sides? Yes.

31. Both railways, Dalby and Warwick? All the land, for three miles on each side of the railway, is alienated or included in the resumed halves of the runs, under the Act of 1868.

[Several questions put by the Hon. Dr. Hobbs were inaudible from the low tone in which he spoke; and the colloquial style in which the examination was conducted, amid the conversation of the House, precludes the possibility of rendering this part of the evidence coherently.]

32. *By the Hon. J. F. McDougall*: Do you think, Mr. Coxen, that there are not amongst these resumptions which you have recommended on Darling Downs thousands of acres that will not be taken up? I think there are.

33. *By the Hon. J. Taylor*: I think you said that your instructions were, when you went up to select the land, to serve all alike—to take eight square miles out of each run? My instructions were, to take eight square miles out of each run.

34. No option? I had none.

35. *By the Hon. J. F. McDougall*: And your instructions were, I presume, to pick out the very best land you could find? My instructions were, to take the very best land which I thought fit for settlement.

36. That is to say, the best watered, and the most suitable for agricultural purposes? The most suitable for agricultural purposes, or settlement.

37. Were you in any way influenced in your action by the pastoral lessees of the Crown?—Did they interfere with you, in any way? I am not aware of it. If so, it was quite unintentional on my part to be influenced.

38. *By the Hon. J. Taylor*: Did they treat you kindly, when you were up there? Not unkindly.

39. Are you aware that a great meeting was held in Toowoomba, where this opposition to the Bill was concocted, as stated in the Assembly, last night? No; I never heard of it.

40. You saw that remark in the papers? I saw it.

41. Were you not astonished? I was not astonished.

The PRESIDENT: The honorable gentleman is travelling out of the question.

The Hon. J. TAYLOR: I bow to your ruling, sir.

42. *By the Hon. J. Taylor*: There are some runs that you have given in this list that I think have some fine agricultural land. You seem to

have forgotten those on the slopes of the Range. You have gone on to the flat—on the western side of the railway? You must have misunderstood my list.

43. Those are on the western side of the railway. Do not you think you could find some land to suit on the east? There are parts on the runs on the eastern side—isolated spots.

44. For instance, there is Eton Vale? I mentioned Eton Vale.

45. There is Clifton? I mentioned Clifton. And, if you will allow me to explain, I have mentioned Goomburra, and Pilton.

46. *By the Hon. W. Hobbs*: Can you give us any idea of the nearest land suitable for agriculture on the line of railway? Speaking without a map of the colony, I should say Clifton and Felton were nearest.

47. That is on the Warwick line. Any on the Dalby line? I do not think it is an agricultural country.

48. *By the Hon. F. H. Hart*: You said just now, Mr. Coxen, that your instructions were to select eight square miles of the best agricultural land you could see. Am I to understand that you mean, to select eight square miles of the best agricultural land? The most suitable land.

49. Your instructions were to select eight square miles? Not less than eight square miles, on each station.

50. Then, you were bound to select eight square miles on each station? I considered that my duty.

51. *By the Hon. W. Thornton*: The best for settlement? The most suitable for settlement.

52. *By the Hon. J. F. McDougall*: In making those selections, you did not consider whether the pastoral lessee might not be injured by your taking so large a quantity, and by your selecting the best watered land?—That did not influence you in your selections? I think not.

53. I suppose that, in some selections, you have taken the frontage the whole way along the creek on both sides? I took that which I thought was most suitable. Where I could find water on the land which I had to choose, I, of course, took it.

54. Do you not think that, in many cases, where you have taken, perhaps, a frontage of three miles to the creek, that the remainder of the land is rendered valueless to the lessee? Hardly so; because the recommendations made by me were, that water reserves should be made, which would be available to the lessee on the back of the run.

55. Those recommendations are not before us. We have nothing before us to shew that any recommendations for water reserves have been made; nor do the maps shew it? No; they are not included in the report that would be submitted to the Houses of Parliament when asked to agree to the resumptions. If I may be allowed to say so, I have always, in matters of this kind, recommended water reserves. I have done so in the report:—"Here make a water reserve." Where the lessees have made pre-emptive selections which would include the whole of the water, I have endeavored to preserve the right of the people to the water; and I should certainly have endeavored to preserve the right of the lessee to the water.

56. *By the Hon. J. Taylor*: I suppose that you were aware that some of the selections had neither water nor timber? I am aware of that.

57. *By the Hon. W. Thornton*: And what have you recommended, then, Mr. Coxen? In making a selection from those runs to which the Honorable Mr. Taylor alludes, when I could find no timber on them, I took the best land that I could find.

58. *By the President*: Then, I presume that the resolutions which are now before the House include the resumptions recommended by you?—Are you aware whether they are the same? They are the same.

59. And you have recommended these resumptions under certain instructions to you from the Government? Yes.

60. And those instructions, as far as I can gather from what you have already told this House, amount to this: that you were to recommend an equal, or nearly equal, resumption from each run on the Downs? Yes.

61. Your recommendation was not to be governed, then, by any apparent demand for settlement upon any particular run? To take from each run.

62. Yes;—but was your recommendation to be governed by any consideration as to the public demand for land upon each particular run? I had no discretionary power given to me.

63. That consideration did not govern you at all? No.

64. Were you governed by any consideration as to whether the land you recommended for resumption was land applicable to agricultural purposes? I made the selections of the best agricultural land I could find; and where there was no agricultural land, or not sufficient to satisfy the eight square miles, I took up pastoral land.

65. You took eight square miles, whether applicable to agricultural purposes or not? Yes.

66. And whether, within your knowledge, there was any demand for settlement by the outside public or not? That was not under my consideration.

67. *By the Hon. J. Taylor*: I suppose the land you took up—that quarter of a million acres that you took up—is about the same quality all through? No; a very great difference.

68. On the different runs.

69. Is the land upon Jimbour of the same quality as the land upon Greenbank? The quality of the land is quite equal on Jimbour.

70. They are on a par—the same quality? I think that Jimbour has the preference.

71. *By the Hon. W. Hobbs*: Tell us where the best land is to be found? On Clifton.

72. What size is Clifton? The area of the run is 27,663½ acres. That is the leased half.

The Witness withdrew.

The original question was then put and affirmed.

Upon the motion of the POSTMASTER-GENERAL, the series of resolutions for resumptions in the settled districts of East Moreton, West Moreton, and Wide Bay and Burnett, were severally put and agreed to, and all were ordered to be returned to the Legislative Assembly, with the usual messages.

#### LOAN AND APPROPRIATION BILLS.

The Government Loan Bill and the Appropriation Bill, No. 3, were received from the Legislative Assembly and passed through all their stages forthwith.

#### TRANS-AUSTRALIAN TELEGRAPH.

The POSTMASTER-GENERAL informed the House that the Honorable the Colonial Secretary had received a telegram from Mr. Ayers, the Chief Secretary of South Australia, informing him that direct telegraphic communication between Adelaide and Port Darwin was established, this day, at 1 p.m. This was the first intimation of the completion of the trans-Australian line.

#### CLOSE OF THE SESSION.

The POSTMASTER-GENERAL, on moving the adjournment of the House, said he had to inform honorable members that the Council were not likely to meet again, as the prorogation would in all probability take place before the next day of meeting.

The PRESIDENT: I think the present is not an unbecoming occasion for me to congratulate the House upon the results of this session. I have been rather surprised to see the small attendance on this evening, when Bills of such great importance have been before us, and have been passed. Since the very first session of our Parliament after the establishment of the colony, I believe no session has taken place of so much importance to the growth of its prosperity as that which I presume this evening comes to a close. I congratulate the Government—I feel I have good grounds for doing so—upon the enlightened policy which they have put before the Legislature and carried out so successfully. They, in the first instance, proposed those measures for the extension of telegraphic communication, which will bring us into closer proximity with the older countries of the world, and, at the same time, increased steam communication, for the same purpose. We are glad to have before us—I am sure I speak the sentiments and the feelings of honorable members as well as of myself—the telegram which has been read by the Postmaster-General, informing us that, at last, that long-desired measure, the completion of the overland telegraph line through the colony of South Australia, is an accomplished fact. I trust that many days will not elapse before we learn also that the submarine cable has been repaired, and that a through line to Europe likewise, is once more an accomplished fact. We have good reason, I fancy, to hope that before Parliament again meets, we may see our way to the establishment of steam communication, *via* Torres' Straits, with Europe. These are measures, the promulgation of which, I think, shews a statesmanlike policy, and does great credit to the Government who put them forward. We are bound to take advantage of our geographical position on the Australian Continent, and, if possible, to counteract the influences which hitherto have given a great preponderance to the southern colonies. I have no doubt that it is quite within our power so to do. I believe the shortest line from the

Australian Continent to Europe will be found eventually to lead from its northern extremity to Madras, through the Presidencies of India, and through the Valley of the Euphrates, which it is contemplated to open up, to London. That is the line which, I have no doubt, will be the line of communication for this colony, as being the shortest which it is practicable to effect between Australia and England, and which, whenever it is developed, will give to us the advantage which cannot be wrested from us, of being the first and nearest of all the Australian Colonies in communication with the old world. Those measures, exterior to the colony, will, I have no doubt, help much its progress. But there have been, also, measures more closely affecting us, which this session has brought to completion, and which ought to be matters of great congratulation. I allude to the long-vexed question of the railway from Brisbane to Ipswich, and the extension of the northern line. These are measures, happily, now, we will hope, put beyond doubt. There is an honorable member of this House who has occasionally, when he has addressed it, thrown some doubt as to the existence, in his mind, of belief in the good intentions of the Government in regard to the Brisbane Railway. But, I think, now, that any doubt about that has passed away, and that we will find, before we meet again, that the line which has met with the approval of both Houses will be, at any rate, if not approaching completion, somewhat advanced in progress. For these reasons I have deemed it my duty to say these few words of congratulation to the House, and of compliment to the Government. I cannot, I am afraid, add from my heart that I am inclined to compliment either the House or the Government upon the proceedings of this evening. I do look upon the resumptions of the lands which have been agreed to by this House this evening, as not shewing that protection, as not evincing that regard for the protection, of the property of the colonists which should be given to it, when it is surrounded by the requirement that Parliament shall approve of such resumptions before they are carried into effect. Those resolutions with regard to the resumptions of runs, as we could learn from the "Hansard" that has been put into our hands to-day, passed with very little question indeed from the other House. And I cannot congratulate this House, either, upon having paid very much more attention to them. Still, there was some attention, some inquiry; and we have learned that the recommendations made by the commissioner, who was employed to make the selections of the lands for resumption, were not governed by the call for settlement, or the nature of the land to be resumed. Therefore, I regret that this measure and those resumptions were adopted without what is, in my opinion, a sufficient degree of circumspection and consideration on the part of the Parliament. However, there were a great

many honorable members present here interested in the matter. I had no interest personally in it; and seeing that those gentlemen who were interested allowed the Bill and the resolutions to pass, I think that, on the principle which was well applied in an anecdote that I once read, I may wish them all the consolation they can find from their act. When King James the First was catechising his bishops as to his "divine right" to assume or dispose of the property of his subjects, of two present, one agreed with his views, allowing that the divine right existed; but the other, when asked his opinion, answered that he was not sure whether His Majesty was entitled to take the property of all his subjects, but he was quite sure that His Majesty was entitled to take the property of his right reverend brother who had allowed that the King had a divine right. Surely, those gentlemen who allowed the resumptions could not attach any blame to anyone for injury which they might sustain hereafter. I promise that, if I am here, and in my place, next session, to endeavor to get the Standing Orders Committee to bring in some orders which shall regulate the mode of obtaining the assent of the Council to future resumptions. I do not think that the land should in future be reserved without being submitted to the ordeal of a select committee; and I think that strong evidence should be given before that committee, prior to the resolutions being submitted to the House for approval. However, these are measures which time may enable us to perfect, and which I trust we shall perfect. I will now conclude. The time approaches when we may send our messages with the Bills we have passed to the other House. I once more congratulate the House upon the conclusion of its labors, and I trust that we may all meet again, and that we shall then proceed to our work with an earnest desire to do the best we can for the country.

Question put and passed.