Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 4 JUNE 1874

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LEGISLATIVE ASSEMBLY.

Thursday, 4 *June*, 1873.

Adjournment—Released Convicts.—Polling Places for the Logan.—Crown Lands Sales Bill.

ADJOURNMENT—RELEASED CONVICTS.

Mr. ROYDS rose for the purpose of moving the adjournment of the House, in order to give him an opportunity of bringing under the notice of the Government a state of affairs in the neighboring colony of New South Wales, as printed in the newspapers of that colony. He alluded to the proposed remission of the sentences of some twenty-four persons now incarcerated in the gaol of that colony. Twenty-two of those men had been convicted of bushranging, and two with wounding with intent to murder. He thought, under the circumstances, it would be very advisable for the Government to introduce a short Bill to prevent any of those persons from crossing the border and coming into this colony—

HONORABLE MEMBERS: Hear, hear.

Mr. ROYDS: He was sure that we had quite sufficient criminals, convicted and unconvicted, in our community at the present time, without having any introduced from other colonies. When one looked at the class of offences of which those men, who were about to be granted conditional pardons, had been convicted, he thought it would be sufficient to show the danger of allowing them to cross our borders. He found that four had

been sentenced to death, and had had their sentences commuted; two to imprisonment for life; two to fifteen years' imprisonment, and so on; and amongst others was the notorious man Gardiner, who was sentenced to thirty-two years' imprisonment. He thought that if they looked to the probability of many of those men coming to this colony, they should take steps to prevent it. It was not as if crime was on the decrease in New South Wales, as it was only the other day that two instances occurred of the mails being stuck up by bushrangers. He believed there was an Act now in force in Victoria, which might, he thought, be taken as a guide in passing a measure such as he referred to as being required.

The COLONIAL SECRETARY said he did not think it was necessary for the House or the Government to take any action beyond what the Government were already taking. They had, as yet, received no official information from the Government of New South Wales on the subject of the release of those convicts, but only the information contained in the newspapers. They were now, however, communicating with the New South Wales Government on the subject, to ascertain what course they were going to take, and where they were going to send those men; and also to impress upon them the necessity of taking care that none of them crossed over the borders into Queensland. He thought that that was quite sufficient for the present.

Mr. MOREHEAD thought that the honorable Colonial Secretary was not aware of the basis of the remarks which had been made by the honorable member for Leichhardt, and he would therefore read it—

"The following information is conveyed in a return to an address of the Legislative Assembly, dated 8th May, 1874, praying that His Excellency the Governor would be pleased to cause to be laid upon the table of this House, 'A return of the prisoners whom it is proposed to exile or liberate during the next twelve months, showing in each case the name of the prisoner, his offence, the duration of imprisonment to which he was sentenced, the period of sentence already elapsed, whether he had been previously convicted, and if so, for what offence, and the duration of his sentence; also the minutes of His Excellency's advisers, giving the reasons, if any, for such exile or liberation.'"

He thought that that was an evident proof of the intention of the Government of New South Wales to liberate those people, and he considered that it was highly desirable that steps should be taken to prevent any of them from crossing over the Queensland border.

POLLING PLACES FOR THE LOGAN.

Mr. IVORY said it had been his intention to move the adjournment of the House, as there was another subject which he wished to bring under the notice of honorable members, and which was, what he considered, an act of irregularity on the part of the Government. He had not the slightest doubt that he should be told that previous Governments had done the same thing; but notwithstanding that, he conceived it to be his duty to bring it under the attention of the House, and he trusted that in future such irregular proceedings would not be taken. He referred to the appointment of Brisbane as a polling place for the Logan, and he could not see what right Brisbane had, to be so appointed, as the Logan electorate was entirely separated from it. Had it abutted on that electorate in any way the case would have been different, but it was cut off by Oxley and Bulimba; and, therefore, he considered, that the Government were not warranted in the course they had pursued. There was a certain principle involved in the matter, as he thought it was totally improper that any polling place should be appointed out of an electorate. The Brisbane people should be satisfied with the power they already possessed, as they were better represented than any other portion of the community. Honorable members had recently heard a great deal about settlement upon the land, and had been told that they should encourage agricultural settlement; and yet the Government were binding themselves in the action they had taken, to enable the dummies, of whom they had heard so much of late, who held selections on the Logan, to vote in Brisbane. He should not wonder if the honorable Minister for Lands wanted to vote in the Logan electorate. He should press the motion for adjournment to a division, unless a guarantee was given by the Government that such a course of proceeding would not be indulged in, in future.

Mr. MILES said he thought the Government were bound to give some reason for appointing Brisbane a polling place for the Logan electorate, from which it was entirely separated. Notwithstanding what was generally done, he did not see that two wrongs made one right. He thought that honorable members had been taught a lesson by the action of the Government and had been shown how necessary it was that in the Elections Bill there should have been a clause fixing where the polling places should be. He was quite sure that if it had not been for the power of the late Government to appoint polling places for the district of Maranoa, the honorable Minister for Works would not be sitting where he was. With those few remarks, he trusted the honorable member for the Burnett would not press the matter to a division.

The COLONIAL SECRETARY said that, in appointing Brisbane a polling place, the Government had simply acted in accordance with the wishes of the candidates. He might point out that a similar course had been pursued during the last general elections, when Ipswich was made a polling place for the electorate of Fassifern.

Mr. STEWART apprehended that the object of giving manhood suffrage was to give every

facility to people to vote, and it was the expression of the opinion of the colony that was wanted, and not merely of a division of it. He, at the same time, agreed with the opinion that polling places should be fixed by Parliament, as far as possible, as otherwise it was a power that might be abused by any Government.

Mr. WIENHOLT said that he quite agreed with the honorable member for the Burnett in the question he had brought forward, inasmuch as it was very undesirable that polling places should be appointed, which were altogether outside of an electorate. It was another attempt to give to the large towns an opportunity of over-ruling the whole of the colony; and, in the present instance, it was giving additional power to Brisbane, which had now more than was good for the benefit of the country generally. He considered that the Government were much to blame for the appointment they had made.

The COLONIAL TREASURER did not agree with the honorable member for Darling Downs, as he thought the Government would have been very much to blame if they had not granted the polling places as they had been requested to do. He considered it would be very bad to follow the example of the late Government, who compelled the electors of a district to go past the Government and memorialise the Governor to appoint a polling place. At the last election, Ipswich was a polling place for Fassifern, and the honorable member for the Bremer was returned for a constituency in which there was not a single polling place. He thought it was rather late in the day for supporters of the late Government to censure the present Government for affording opportunities to electors to exercise their rights of suffrage.

Mr. FRYAR said that Brisbane was the most southerly polling place in his electorate, which was almost cut off from it, yet Brisbane was not only made a polling place, but also the chief polling place and place of nomination. Still that arrangement had not been found fault with by either of the candidates.

The question was put and negatived.

CROWN LANDS SALES BILL.

The House went into committee for the further consideration of this Bill,

On clause 10,

The SECRETARY FOR PUBLIC LANDS brought forward his amendment (moved on the previous day)—

That the words, "It shall be lawful for," at the commencement of the 10th clause, be struck out.

The question was put, That the words proposed to be omitted stand part of the Bill, and was negatived.

Other verbal amendments, rendered necessary by the above omission, were made.

Mr. J. SCOTT moved, as an amendment—

That the words "seventy-nine" be omitted, with the view of inserting the words "eighty-four.'

That was in order that the leases might continue for five years longer; and he proposed it with the view of giving the lessees some little compensation. None of the present leases ran out before 1879, and if they were to be broken, surely the holders of them were entitled to some advantage.

Mr. WIENHOLT said he did not think that the amendment would be of any advantage to the great bulk of the persons with whom the Bill proposed to deal, namely, those in the inside districts; if, however, it would be any relief to the northern leaseholders, he would support it.

The Hon. B. B. MORETON said he was inclined to support the amendment, as it would not affect the principle of the Bill at all, and was only a fair compensation to make.

The COLONIAL TREASURER said it was a very important alteration, and he could not quite see the force of it at the present time; but it appeared to him that, if they made that alteration in the Bill, the squatter would have the right of impounding the free selector's stock that happened to stray outside his boundaries.

Mr. J. SCOTT said that that was not his object, but merely to give the present owners of the runs, who would, under the old Act, hold those runs until 1879, some slight compensation. It might not affect lessees on the Darling Downs or the Moretons, but it would have some effect on the northern districts.

Mr. BELL thought it was hardly worth while passing the amendment, because, if it was intended as compensation, they might just as well be without it. When the Bill was passed, it would be so full of repudiation that any little amendment like that proposed would be useless. The honorable Minister for Lands had attempted to give some compensation, but it must be remembered that it would be no compensation whatever by the time the Bill passed.

The SECRETARY FOR PUBLIC WORKS said that he quite agreed with the opinion that the amendment would be no compensation, as the effect of it would be that a man who was most injured by having his lands resumed would be the best compensated. If he was to be compensated at all, it should be for the amount of land he lost.

Mr. MILES thought the pastoral tenants who held the land had been sufficiently compensated already, and he believed they were in a position that made them perfectly independent of compensation. It was monstrous to hear gentlemen who had been in possession of the best lands of the colony for twenty or thirty years, come down to that House and cry out for compensation.

Mr. DE SATGE said the honorable member made a great mistake in the time, as many of the runs in the Broadsound district had not been occupied for more than ten years, during which period they had suffered great losses through the blacks.

The SECRETARY FOR PUBLIC LANDS said that personally he had no objection to the amendment, if the honorable member for Springsure thought it would be of any benefit. He might say that his object was, so long as the 9th and 10th clauses were passed substantially as they were in the Bill, so that provision was made that anyone wanting land could get it, to deal as liberally as was possible with the pastoral tenants. It seemed, however, that those interested did not accept the amendment as an advantage, and he would therefore adhere to the original proposal.

The SECRETARY FOR PUBLIC WORKS objected to it, as it proposed to compensate the wrong man. The man whose run was not touched at all would come in for an additional term of lease, whilst the party really affected would not get any compensation.

Mr. WIENHOLT was quite certain that his constituents did not require such an amendment, if it was to be looked upon in the light of compensation. It would not affect the lessees on the Darling Downs, as, when the Bill was passed, the proposed leases would be perfectly valueless. If the smaller areas were passed, there would be larger ones immediately afterwards; and he looked upon it, that leases which were liable to be taken up at any time were valueless.

Mr. J. SCOTT wished to point out that the amendment would not affect any portion of his district. His idea was to benefit some of the outside settlers along the coast. As it appeared to him that former leases had been broken to suit the convenience of the Government, and that that might be the case with any that were given in future, he did not think it worth while to press the amendment, and therefore, with the permission of the committee, he would withdraw it.

Amendment withdrawn accordingly.

Mr. J. SCOTT objected to sub-section 5 of the clause, as it gave immense power to the Minister of the day; power to single out any man's run for resumption; he thought that might be very hard in some cases.

The SECRETARY FOR PUBLIC LANDS said that the sub-section gave no power whatever, but was simply declaratory of what should follow, certain things being done. For instance, if the Government surveyed 20,000 acres into allotments, for sale by auction, the survey and putting up to auction did not withdraw the land from the run, but it was the auctioneer's hammer knocking down, that withdrew it.

Mr. WIENHOLT thought that the clause had been put so that the leaseholder should continue to pay rent which, under the Act of 1868, they would not have to pay. It was simply another imposition on the leaseholder under the Act of 1868.

The SECRETARY FOR PUBLIC LANDS said it would have the effect of giving the lessee absolute occupation of the land which he would not otherwise have.

Mr. WIENHOLT said he had an amendment to move in sub-section 8, to omit the words—

"Where a lessee has not selected any part of his holding as a pre-emptive lease under the fourteenth section of '*The Crown Lands Act of* 1868' such"

with the view of inserting the word "any," so that the clause would read—

"Any lessee or his agent may remove his improvements or any part thereof," &c.

He contended that the clause, as it stood, was a decided attempt to rob the pastoral tenant of his improvements, and he supposed any other selector would be able to go in and take possession of them. Such a clause, he maintained, would be a disgrace to the Bill, if passed, and he would oppose to the utmost all such attempts at gross repudiation.

Mr. MACDONALD said before the amendment of the honorable member for Darling Downs was put, he had a new sub-section to move, to follow sub-section 7, and it might perhaps meet the objections of that honorable member. He moved the following new sub-section:—

"Where a Crown lessee has not fully exercised his right to pre-emption under the provisions of section 14 of the Act of 1868 such lessee may at any time within three months after the commencement of this Act notify to the Secretary for Lands that he intends to exercise such pre-emptive and shall specify the land he intends to select and thereupon the portion or portions so specified shall be reserved from other alienation during the term of such pastoral lease except in satisfaction of the lessee's pre-emptive right and the lessee shall be entitled to a pre-emptive lease of such lands upon the payment of the first year's rent and survey fees under '*The Crown Lands Act of* 1868.'"

Under the provisions of the leases about to be resumed the lessee had the option of selecting 2,560 acres at any time before the end of his lease, provided that he could show that he had made improvements to the extent of £1,280; and no doubt the majority of the lessees on the Darling Downs and East and West Moreton would be able to show improvements to that extent; but as there were some stations in the northern districts which were in the hands of struggling squatters, he wished to make this alteration in the Bill. The object of it was merely to allow them the same time to perform their improvements as was allowed to conditional purchasers; and it would have the effect of securing to them their homes and other improvements which might otherwise fall into the hands of strangers.

The SECRETARY FOR PUBLIC LANDS said he was afraid he would have to oppose the amendment. He believed it would cause a great deal of awkwardness, and would not work at all.

Mr. MACDONALD said he understood from the honorable the Colonial Secretary that the

amendment would be accepted. It did not give the lessee any undue advantage or privilege whatever, because at present he would have, until the end of 1879, to exercise his pre-emptive rights for improvements; it merely gave him time to effect his improvements, the same as a selector who took up land alongside of him.

The SECRETARY FOR PUBLIC LANDS said, after reading the amendment over again carefully, and hearing a further explanation respecting it, he had come to the conclusion that it would be totally inoperative except in distant places along the northern coast; and if the honorable member wished it to be inserted, he thought he might safely accept it.

The amendment was then put and passed.

Mr. WIENHOLT then moved the amendment he had previously explained.

The SECRETARY FOR PUBLIC LANDS said the amendment on the face of it looked very fair, but he thought it required some alteration before it could be accepted; and perhaps, on the whole, it would be better not to accept it at all. At the present time, if a squatter, under the ten years' leases, had exercised his pre-emptive right to secure permanent improvements, he could have no claim upon the Government for such improvements —that was especially provided by the Act of 1868. The way it had worked was something like this:—The lessee put up improvements at one end of his run, and made the pre-emptive selection for those improvements in another part in order to secure them; and the effect of the amendment would be that after having exercised his pre-emptive right in that way he would be able to remove his improvements, which properly belonged to the place.

Mr. WIENHOLT contended that under the Act of 1868, the lessees received no compensation for improvements; that Act was a perfect spoliation of the lessees in that very respect, although he did not believe such was the intention of the Legislature. The lessees who held runs under the old leases had a right to demand from the Government the full value of their improvements in cash; but the Act of 1868 limited the quantity of land they could take up as against their improvements, and they had to pay cash for that land the same as any other selector. Was that compensation? he would ask. It was forced upon them, and he maintained that if the clause passed in its present form, it would be downright robbery.

Mr. MILES said the honorable member was wrong in some respects, with regard to this matter. He (Mr. Miles) had pointed out over and over again that it was no benefit to the lessee to be able to take up 2,560 acres, in lieu of improvements, because he had to pay the same for the land as an ordinary selector; but it was entirely optional with the lessees to exercise that right; and the most extraordinary thing was, that there was not a single one of them who did not do so; and they picked the eyes out of the country. How, under these circumstances, it could be said it was forced upon them, or that it was spoliation, he could not understand;—they did it of their own free will.

The COLONIAL SECRETARY said, if he understood the amendment of the honorable member for Darling Downs correctly, it would simply apply to those improvements in respect of which the right of pre-emption had not been exercised; and if that were so, he could see some grounds for it. But if he meant it to relate to improvements in connection with which the pre-emptive right had been exercised, it would be equal to asking for payment twice.

Mr. WIENHOLT repeated that the lessees had received no payment for their improvements—they had to pay for the land they took up under their pre-emptive right, the same as other persons had to pay who took up land. He held they had a perfect right to hold their improvements to the end of their leases, and that he had a right to take away every stick of improvements on his run; and he defied the Government to interfere with him in doing so. He considered they were his, and did not belong to the country.

Mr. MOREHEAD thought it was a hollow mockery to give a lessee a lease which was expected to last for ten years, if it could be taken from him at the very next session of Parliament, for political or other reasons. What would be the value of a renewed lease when the original lease had been repudiated? Was that a specimen of what was considered good faith by the Government of this colony? As he said in the first instance, it was a hollow mockery.

Mr. GRIFFITH would like to know, before he made up his mind, whether the committee were asked to give compensation for improvements on the resumed halves of runs, or for improvements on the leased halves. If they had not been paid for their improvements on the leased halves, he agreed with the honorable member for Darling Downs, that they were entitled to remove them at any time up to the end of their leases.

Mr. THOMPSON said, in three isolated cases that had been done by virtue of an opinion —"I think this is reasonable"—written on the margin of a document by an eminent legal gentleman. Acting on that, the Government of the day, allowed three men to get their land and improvements for nothing, whereas all the other pastoral lessees had merely a right to pre-emption—to pick the land on the runs and pay for it as other people. He alluded to the celebrated Brisbane River cases; the parties sent in claims for money, and the Government said, "No, we

will give you land orders," and they got the land warrants, and actually selected the land they received them for. He thought they should either give up the cash or pay like other lessees.

The SECRETARY FOR PUBLIC LANDS said he knew nothing about the cases referred to. The pre-emptive right was given in lieu of compensation to enable the lessees to secure their improvements. He did not object to the statement, that there was power of removal over improvements in the leased halves if the lessee had not exercised his pre-emptive right in respect of his improvements; but he submitted that every improvement by virtue of which he had taken up a pre-emptive selection, he could not remove. The words of the Act were clear and distinct:—

"Pastoral tenants in the settled districts may previous to the expiration of the twelve months' notice of resumption make pre-emptive selections to the extent of one acre for every ten shillings value of improvements at the same rate as those demanded from conditional purchasers to secure their homesteads and improvements in lieu of compensation thereof."

He objected to the amendment in its present form. The effect of it was, that a squatter, after he had taken up pre-emptive selections to secure his improvements, could remove his improvements.

Mr. BELL contended that there was no compensation whatever in the pre-emptive right, inasmuch as the lessee had to pay for the land he selected at the same rate as any other man in the country. The honorable the Secretary for Lands, who was then a private member, was the originator of that swindle; and the effect of the clause was this, that a man who had £10,000 or £15,000 worth of improvements on his run was allowed to select 2,560 acres, and pay for it at the same price as any one else, and the value of the improvements would, he presumed, go into the Treasury, if he exercised his pre-emptive right. It had been admitted by the greatest opponents of the Crown lessees, that that clause of the Act should never have been passed; and he hoped the honorable the Secretary for Lands would take advantage of the present golden opportunity to remedy it, and relieve his conscience. He thought the amendment of the honorable member for the Darling Downs was not asking too much, and he hoped it would be accepted.

The SECRETARY FOR PUBLIC LANDS said the matter did not rest at all heavily on his mind; and he could not see how the matter could be called a swindle when the lessees elected to be swindled. The Act of 1868 did not take away from them any right which previously existed; but it simply gave them liberty to pre-empt in lieu of compensation for improvements, and they elected to accept that.

Mr. BELL said that would have been very well if that had been the interpretation put on the Act by the Government of the day; but with the exception of the Brisbane River cases, the Government absolutely refused to allow a money compensation to any lessee; and they were, therefore, forced to accept the position, and exercise their pre-emptive rights. He denied that they had received any compensation.

Mr. GRIFFITH said it appeared to him that if the lessee had selected land under his pre-emptive right in respect of any improvements, he should not be allowed to remove those improvements; but if he had not exercised that right, it was only fair that he should have power to remove the improvements.

The SECRETARY FOR PUBLIC LANDS said he was prepared to admit that; but the amendment would have the effect of giving a squatter the right to remove improvements in respect of which he had received his pre-emptive right.

Mr. WIENHOLT said it was impossible for a lessee to take up the whole value of his improvements under his pre-emptive right, and it was now proposed that the Legislature should give power to the Government to seize upon those improvements; and he would like to know what would be done with them—whether they would be handed over to the selector who took up the land, or the value of them would be paid into the Treasury.

Mr. IVORY thought, after the difficulties which it appeared were certain to arise, the Government would be consulting their own interests if they withdrew the Bill altogether, and allowed the ten years' leases to run their course, after which, he was free to admit, the lessees would have no claim for consideration of any sort.

Mr. DE SATGE said the Government would commit a grave error if they did not settle this question of compensation in something like a satisfactory manner. There could be no doubt that in consequence of the lessee being obliged to make his selection in one block, it had been impossible for them to protect their improvements, some of which were of a very costly character; and it appeared that now he must see those improvements pass into the hands of the Government or some selector. He maintained that if they did not settle this question at this time justly and fairly, it would be certain to be brought up again. It was impossible to cover improvements with the area the pastoral tenants were allowed to select under their pre-emptive rights.

The amendment was then put and negatived.

The SECRETARY FOR PUBLIC LANDS moved—

That the words "his improvements or any part thereof" be omitted, with the view of inserting, "any part of his improvements in respect of which no pre-emptive right has been exercised."

Question—That the words proposed to be omitted stand part of the question—put and negatived, on division:—

Ayes, 12.	Noes, 17.
Mr. Bell	Mr. Ma·Devitt
„ Thompson	„ Macalister
„ J. Scott	„ Dickson
„ De Satgé	„ Beattie
„ Wienholt	„ Hemmant
„ Royds	„ Foote
„ H. Thorn	„ Miles
„ J. Thorn	„ Moreton
„ W. Scott	„ Stewart
„ Ivory	„ Pechey
„ MacDonald	„ Edmondstone
„ Buzacott.	„ Macrossan
	„ Fryar
	„ Pettigrew
	„ Stephens
	„ Bailey
	„ Groom.

Question—That the words proposed to be inserted be so inserted—put and passed.

Mr. WIENHOLT said before the clause was passed he would like to hear from the honorable Minister for Lands what he proposed to do with the improvements that he purposed by the Bill to take away from the pastoral tenants, in fact, to rob them of. Did the honorable member intend that the selector should pay to the Treasury the value of those improvements, or that the improvements made by the pastoral tenants of the Crown should be taken by the selector without payment? It was very necessary that the committee should be informed upon that point, so that they might know what course to take.

The SECRETARY FOR PUBLIC LANDS said that in deference to the committee he declined to answer any question so put as to involve an admission that the committee proposed to rob any one.

Mr. WIENHOLT said that if the honorable member refused to answer the question he should refuse to allow the clause to go through. He thought it was very important that the committee should know what was to be done; what was the intention of the Government in regard to those improvements. There was nothing stated in the Bill on the subject, and he demanded an answer to his question as a right.

Mr. STEWART had no doubt that if the honorable member put his question in more respectful words, and did not impute that a robbery would be committed, it would be answered.

The SECRETARY FOR PUBLIC LANDS said he thought the honorable member for Darling Downs had managed to put his question in a less invidious form, and he would now answer it. The course proposed to take was precisely the same as that under the Act of 1868. When a selector obtained improvements in the manner mentioned in that Act, the money went into the Treasury; but, if the improvements belonged to the squatter, the value of them went to him.

Mr. WALSH asked, if the improvements did not belong to the squatter, to whom did they belong? The Government proposed to resume certain lands from the Crown tenants, and the honorable Minister for Lands said, that if the improvements on those lands belonged to the squatter, the value of them would be paid to him; if not, it would go into the Treasury. What did the honorable member mean?

Mr. GRIFFITH said that was the law under the Act of 1868, but he failed to see in the Bill, anything to provide that the money for improvements should go into the Treasury.

Mr. WALSH said that the answer had been put in such an equivocal way, as to lead to the belief that the improvements might belong to either of two persons; he wanted to know if they did not belong to the Crown tenant, to whom they did belong.

Mr. FOOTE thought the Bill sufficiently showed to whom they belonged.

Mr. WALSH wished to know if the Crown lessee was not the recipient of the value of improvements, who else could be?

The COLONIAL SECRETARY said that, as he read the clause, it was simply one that had reference to the leasing of land; it certainly did not deal with the question of what was to become of the improvements.

Mr. WALSH said the honorable member was perfectly right; it was not the clause that he was dealing with, but with the extraordinary answer given by the honorable Minister for Lands—that if the money for improvements did not go into the pockets of the Crown lessees, it went into the Treasury.

Mr. THOMPSON said the matter was by no means an easy one to decide. The origin of the compensation for improvements was in the Act of 1863, which was particularly vague, and said that at the termination of a lease the squatter might claim the amount of the improvements, but it did not go on to say that then the improvements should be the property of the Government. It appeared to him that the squatter was to receive back his outlay by virtue of losing his lease. It did not in the Act of 1868 say that in virtue of losing the lease the improvements should become the property of the Government; as a matter of justice and right, to go back to the Act of 1863, it was a very serious question whether, after all said and done, the improvements did not belong to the squatter.

The SECRETARY FOR PUBLIC LANDS imagined that compensation under the Act of 1863 was to be given when the land was taken from a squatter, but he never saw any "improvements" specified; he considered that when a man got hold of the land he got hold of the improvements upon that land. The Act specified that when a squatter lost his land he was to have compensation; but he took it that the improvements went with the land.

Mr. THOMPSON said that the honorable member's law was perfectly correct; but improvements were not always of the nature of what were commonly called fixtures; he saw nothing in the Act to prevent a squatter removing his improvements on the very day before that on which his lease terminated.

He wanted to know, however, whether it was consistent with the dignity of a Government to put money received as value of improvements made by a squatter, into the Treasury.

Mr. WIENHOLT said that it was to prevent a repetition of what was the illegal action on the part of the Government under the Act of 1868, in pocketing the value of the improvements made by the Crown tenants, that he had raised the point. He would repeat that it was perfectly monstrous for any Government or a Legislature to step in and resume not only leases which had been granted to tenants of the Crown for ten years, and were now to be broken after five years of that time, but actually to take the improvements which had been made by those tenants for the benefit of the country, pocket the proceeds from the sale of those improvements, and put them into the Treasury; a more perfect piece of spoliation never took place. If it was the fact that the money was to go into the Treasury, he wished to see it clearly stated in the Bill, and not done by a subterfuge or side wind.

Mr. STEWART said that notwithstanding what had fallen from the honorable member for Darling Downs, the committee had just been told by the honorable member for the Bremer, who was a lawyer, that it was a perfectly legal argument that the ground carried its improvements. He took it that the Act of 1868 granted leases for ten years under certain conditions, one of which was, that a lease could be resumed by a resolution of both Houses of Parliament. Now, he was of opinion that an Act which passed both Houses would be equivalent to a resolution of both Houses. He took it that all improvements on the lands must be carried with them by law in the usual way. The Act of 1868 said pastoral tenants might secure their improvements in lieu of compensation; he imagined, therefore, that they should either take their improvements or the other alternative open to them.

Mr. BELL characterised the support given by the liberal party to the Crown, as against the tenants of the Crown, as being contrary to all precedent in England, especially with regard to the Irish tenant right question. He thought that the more the present question was ventilated, the greater hardship would be seen which it was proposed to inflict upon the Crown tenants in regard to the improvements on their runs. The present was an opportunity for the Government to show that they were anxious to do justice to the Crown tenants.

Mr. WALSH said that he must press his question; he wished to know, whether the money derived from the improvements erected by Crown tenants on the runs taken from them, was to go into the Treasury?

The SECRETARY FOR PUBLIC LANDS said, that the proposition of the Government was exactly the same as under the Act of 1868, by which the improvements went into the hands of the Government.

Mr. WALSH said that he looked upon the answer which had been given by the honorable Secretary for Lands as a pure evasion of the question.

Mr. ROYDS said that he had been under the impression that the Bill was to be an improvement upon the Act of 1868; but it appeared that the honorable Minister for Lands justified an injustice which was proposed to be committed, because it was part of that Act; that, in fact, was the only answer which had been given.

The SECRETARY FOR PUBLIC LANDS said he did not attempt to justify it in the slightest degree; he had been asked what would be done, and what was the authority; and the answer that suggested itself to him was, that the same course would be pursued as under the Act of 1868. He might state that in the auction clauses of the Bill, he had provided that the Governor in Council might add the value of the improvements to the price of the land. That had been constantly done, but he could not, on looking over it a few minutes ago, refer to any part of the present Act which justified it.

Mr. GRIFFITH said that he had just called to mind a case which was decided in the Supreme Court that had some bearing on the question. It was that of Kent and Wienholt against the Attorney-General in respect to certain improvements which the plaintiffs claimed. They had taken up some land on which there were improvements, and they claimed that they were entitled to them without paying for them. They contended that having paid up the purchase money, exclusive of the improvements, they were entitled to a grant to be issued to them, but the court held that they were not.

Mr. WIENHOLT said that there was no doubt that there was such a case in the Supreme Court; but there was not a word in the Act of 1868 which gave the Government power to ask a selector for anything except the value of the land; and it was because he thought it was illegal that he wished to know how the Government proposed to deal with the improvements. He wished it to be clearly put before the country in the Bill, what the Ministry intended to do—that they intended to take from the pastoral tenants the improvements they had put up, on the strength of having a ten years' lease from the Government. Now it was proposed to withdraw those leases five years before their time, and to put the value of those improvements into the Treasury of Queensland. He wished it to be stated clearly in the Bill that that was intended to be done.

Mr. GRIFFITH said that in dealing with the measure he was most anxious to do perfect justice, and he must say that his view was that the Crown lessee should get compensation for all improvements in respect to which

he had not already received compensation; that principle he believed to be embodied in the Bill.

The clause as amended was agreed to.

The SECRETARY FOR PUBLIC LANDS moved clause 12—Sale at auction of leases of forfeited and vacated runs. He also moved that the blank should be filled up with "twenty," thereby fixing the upset price at not less than twenty shillings per square mile. He said he proposed to leave the upset price at that low figure, so that the next clause would be unnecessary.

The amendment having been agreed to, the clause as amended was put and passed.

Clause 15—Town lands to be classed as town, suburban, and country lands—moved.

Mr. GROOM asked the honorable the Secretary for Public Lands whether any reservation was made in connection with lands along the railway lines? He did not see any reservation of the kind, and he thought it ought to be inserted, in order to prevent those lands from being sacrificed.

The SECRETARY FOR PUBLIC LANDS said this clause did not provide for railway lands, but other portions of the Bill gave ample power to the Government to reserve those lands.

Mr. GROOM said he was still unable to see any similar provision to that which was in the Act of 1868, that all lands were reserved when the survey was made, and the line was in the course of construction, and he would like to see that clause re-enacted.

The SECRETARY FOR PUBLIC WORKS said, under clauses 4 and 48, ample power was given to the Government to reserve lands and sell them by auction; he thought that was all that was necessary.

Mr. WIENHOLT said the only reservation in the Act of 1868 was, that lands within a certain distance of the railway line should not be classed lower than as first-class pastoral.

Mr. GROOM said the clause of the Act of 1868 he referred to was the 19th, which provided:—

"All Crown lands within three miles in a direct straight line from any railway already constructed or in course of construction or of which for the time being the plans shall have been approved by the Parliament shall be deemed and taken as railway reserves subject to be dealt with as hereinafter directed."

There was no such reservation in this Bill and he thought it was of great importance, considering the enormous cost of the railways, that it should be inserted.

Mr. WIENHOLT thought the difficulty might be met by inserting a clause that all lands within a certain distance of railway lines should be sold by auction. By that means, the country would receive a considerable sum over and above what they would if the land was offered for selection, and it would to some extent repay the cost of the railways.

The SECRETARY FOR PUBLIC LANDS said, by clause 40 of the present Act, all railway reserves should be thrown open to selection within two months of the passing of that Act; they were to be excluded from the leased halves of runs, so as to be open for selection. Then, until otherwise classified, they were to be agricultural land, and be open to selection or sale by auction as such; and afterwards they were classed as first-class pastoral. There was nothing in that which could not be done more effectively by the Bill.

Mr. MILES was under the apprehension that every acre of land along the railway lines in the settled districts was alienated, and there was therefore no necessity to make a reservation for what did not exist.

Mr. J. SCOTT said some of the land along the northern railway was not in the settled districts.

Mr. MILES believed the greater part of the land along the northern railway was not worth 2½d. an acre, and it would be perfectly useless to reserve it.

The SECRETARY FOR PUBLIC WORKS said a clause such as that quoted by the honorable member for Toowoomba would be perfectly useless, because, as soon as the railway was mapped out, the land would be selected. The first step he thought necessary was to give the Government power to reserve lands through which the lines of railway would probably pass before the surveys were published. They would require to exercise that power within the next six months.

Mr. ROYDS asked whether it was the intention of the Government to introduce a clause to that effect?

The SECRETARY FOR PUBLIC WORKS: No; but it was their intention to do what he had stated.

Mr. ROYDS desired to know whether, after leaving the settled districts, it was intended to reserve three miles on each side of the proposed railway lines?

The COLONIAL SECRETARY: This Bill does not deal with lands in the unsettled districts.

After some discussion respecting the wording of the clause, some verbal amendments were made, and the clause, as amended, was put and passed.

On clause 16—relating to country lands,—

Mr. GRAHAM said he thought the present was a convenient time to put a question to the honorable the Minister for Lands, which he trusted would receive a definite reply. He wished to know whether there was any provision in the Bill, and if so, what provision, for throwing open to selection lands that might be resumed in the unsettled districts?

The SECRETARY FOR PUBLIC LANDS said that if the honorable member would postpone his question until they came to the 22nd clause, he thought that would be a more convenient time to bring it forward.

Mr. GRAHAM said that if the honorable member meant that the 22nd clause did con-

tain such a provision, he must confess that he could not see it, for as it stood at present, it was very indefinite. He thought that if all the lands under pastoral leases in the unsettled districts were country lands, and the present clause was passed, the Government, if they chose, could proclaim all the land in the unsettled districts open for selection.

The COLONIAL SECRETARY said that the Bill did not apply to the unsettled districts; but to prevent any doubts that might exist on the subject, it was intended to move an amendment when they came to the 22nd clause.

Mr. GRAHAM said that, under those circumstances, he would move as an amendment, that after the words "country lands" the words "in the settled districts" be inserted.

Mr. GRIFFITH said he would like to know, if the Bill did not apply to the unsettled districts, why the clause in the Act of 1868 giving power to extend the settled districts was not re-enacted. The settled districts were fixed some six years ago, since which time settlement had greatly increased and extended; and it certainly appeared to him to be a very retrograde movement to repeal the power of extending those districts which was contained in the present Act, and, at the same time, to make no provision for dealing with the unsettled districts. He should oppose the clause unless the Government re-enacted that part of the Act of 1868 applying to the extension of the settled districts.

Mr. J. SCOTT contended that as soon as the Bill was passed, there was nothing whatever to hinder the Government from passing a minute declaring that half the districts in the colony should come within the settled districts.

Mr. WIENHOLT differed from the honorable member; he thought the Government would have no such power.

Mr. THOMPSON said he should oppose the clause, as he did not see why the Bill should not apply to certain areas in the unsettled districts; for instance, round Roma, Surat, Goondiwindi, and other places which were now open, but which, if the Bill passed in its present form, would be no longer open.

The SECRETARY FOR PUBLIC LANDS said that clause 22 of the Bill provided that all lands open for selection at the time of the passing of the Bill would remain open; all lands which were thrown open under the Act of 1868 would still remain open.

Mr. THOMPSON said that that being the case he had no further objection to offer.

Mr. GRAHAM said he had just been shown an amendment to be added to clause 22, which would, he thought, meet everything he required, and he would therefore withdraw his amendment.

Amendment, by leave, withdrawn.

Mr. WIENHOLT proposed as an amendment, that the words "as conditional purchases or" be omitted. He stated that his object in doing so was to enable the Government to pass, in some of its clauses at least, a measure of a sounder nature than was now proposed. He was quite sure that if they would do away with all conditional purchases, except homestead selections, and allow the lands to be put up at auction in a sound way, it would be better for the country.

The amendment was put and negatived.

The clause was put and agreed to.

Mr. GROOM moved the insertion of a new clause, the effect of which was that all Crown lands within three miles of a railway constructed, under construction, or of which the plans had been approved by Parliament, not being town or suburban lands, should be deemed and taken to be country lands under the Bill.

Mr. ROYDS proposed, as a proviso to the amendment, that such lands be sold only at auction.

Mr. THOMPSON said an arrangement had been made some time ago by the late Government, by which land on each side of the railway in the North should be thrown open to selection. He should object to it being sold at auction, as he thought they might chance to settle some of the navvies along the line.

The SECRETARY FOR PUBLIC WORKS said that ample powers existed for resuming those lands under the Pastoral Leases Act of 1869.

Mr. WALSH thought that would not meet the case, as the proposition was to resume only three miles on each side of a line of railway, whereas the Pastoral Leases Act referred to the resumption of a whole run.

The SECRETARY FOR PUBLIC WORKS thought that if the honorable member had read the clause, he would see that a portion of a run could be resumed at any time, or the whole of it, by giving six months' notice.

Mr. DE SATGE thought the amendment should be confined to those lines of railway, the funds for the construction of which had been voted by Parliament, or otherwise lands might be resumed all over the country on the ground that lines were projected. For instance, he remembered that it was rumored a few years ago that a line was to be made to the Gulf of Carpentaria.

The SECRETARY FOR PUBLIC LANDS said that if it was proposed to have a line in any particular district, the Act would give the Government power to withdraw such lands, so that they would not have to purchase them, and then they could throw them open for selection. That applied to the settled districts; but in the unsettled districts, until the lands were resumed, none could be purchased; and he presumed that any Government, in running a survey for a railway, would take care that it went through Government land.

Mr. GROOM thought that what the Parliament of 1868 considered it necessary to guard against as regarded the question of railways, it was equally necessary should be guarded

against in 1874. His idea was to see the lands on each side of the railways utilised.

The clause was agreed to.

On clause 17—suburban lands,

Mr. THOMPSON was anxious that it should be clearly understood that he wanted the Bill to apply to the unsettled districts. He might mention that there was a very strong opinion among his constituents on the subject, and they considered that there must be an extension in every direction of areas open for settlement. He had not called for a division on the occasion of the second reading of the Bill, because he thought it might contain some features on that point which might commend it to the favor of his constituents. He now wished the Government to declare their policy on that subject, and say whether the Bill would or would not apply to the unsettled as well as the settled districts of the colony.

The SECRETARY FOR PUBLIC LANDS said he thought the Bill was quite clear and plain on the point, and he was rather surprised that any difficulty could have arisen on the subject in the minds of honorable members. He believed that they would not be able to find either the words "settled districts" or "unsettled districts" in the whole Bill; and it repealed the Act of 1868, which referred to the settled districts. If the committee referred to clause 22, they would find that it applied so far to the unsettled districts, that all lands now open for selection would, under the Bill, continue to remain open. If it was made to apply strictly to the settled districts, and a clause was inserted that it should not apply to the unsettled districts, there would be no power to deal with such lands as those around Clermont, Roma, and other places. Under the Bill, the whole of the settled districts were included with the township reserves now open for selection in the unsettled districts. Clause 4 of the Bill gave the Governor in Council power to proclaim what portions of land should be set apart and thrown open for selection, and that power clearly extended to the whole of the colony. There was no reason that he saw to doubt that. He had taken particular care to mention, on the occasion of the second reading, that it was not intended to interfere with the pastoral leases in the unsettled districts, as the Act of 1869 gave full power to deal with them. The Bill had carefully avoided making any difference in the position of those runs from that state in which they were at present. He took it that the committee would not agree that no land should be sold in the unsettled districts; and in order to carry out a promise which both he and his honorable colleague, the Premier, had made on the second reading—that the Bill should in no way change the position of the unsettled districts—that was to say, that any lands that might have been resumed from lands in the unsettled districts, and thrown into open reserves, should come under the operation of the Bill—an amendment would be proposed, when they came to clause 22, which would have the effect of throwing open those lands beyond any doubt whatever.

Mr. BELL must confess that the explanation just given by the honorable member had thrown a new light upon the Bill altogether. The committee had been told by the honorable Premier, since the present discussion commenced, that the Bill would apply solely to the settled districts; but now they were told by another member of the Government that it was intended to apply to the whole colony. The Bill was now as different in his eyes from what it was before as it was possible for the same Bill to be.

The SECRETARY FOR PUBLIC LANDS: It is not altered.

Mr. BELL: The honorable member was correct; the Bill was not altered, but a complexion had been put upon it which was very different to that which the committee had been led to assume.

The SECRETARY FOR PUBLIC LANDS: The honorable member had misunderstood him. He had mentioned that when they got to clause 22, there would be an amendment added that would put things exactly as they were at the present time.

Mr. BELL: The honorable Colonial Secretary said most distinctly that the Bill would not apply to the unsettled districts; and, what was more, there was hardly an honorable member of the committee who had come to the conclusion that it would affect other than the settled districts. After the explanation which had just been given, it would require more time to consider the Bill in its new character, and to give to it a careful reading. In fact, he believed there was hardly an honorable member who would not feel that he would have to consult his legal adviser on every clause of it. As there never was, to his knowledge, a measure which had changed its character so suddenly and so thoroughly, he would move that the Chairman leave the chair, so that he and other honorable members might have time to consider it more carefully.

The SECRETARY FOR PUBLIC LANDS maintained that he had not said one word that was not written plainly in the Bill. Clause 22 specifically defined what lands should be brought under the operation of the Bill; and he had stated that, as some doubts had been expressed by honorable members, an amendment had been prepared so as to remove any doubts that it would not apply to the unsettled districts, any more than the Act of 1868. At the same time he must say that they were taking a rather unusual course in discussing a clause before they came to it.

Mr. WALSH thought the honorable member was himself to blame for that, as no one had so frequently referred to clause 22 as the hon-

orable member had done. He confessed, for his part, that he had been unable to understand that clause until within the last half-hour, but now it was as clear as noon-day, that it meant that whenever the Governor in Council thought proper, the Bill should be extended to the whole colony. After the explanation which had been given, it was perfectly clear that that was intended to be the meaning of it, although, perhaps, the honorable member was beginning to be afraid of that explanation. He considered it was a very ingenious contrivance to enable the Government to suddenly declare the whole colony to be under the provisions of the Bill.

The COLONIAL TREASURER thought the honorable member for the Warrego had discovered a mare's nest, for he did not see, unless some such provision was made as that proposed—namely, to withdraw lands for public purposes—how any townships could be proclaimed.

Mr. THOMPSON said, he had been quite pleased with the explanation which had been given by the honorable Secretary for Lands, and he had no doubt, after looking at clause 4, that the whole colony could be thrown open for selection at any time. It was a clear measure of justice that was now given, and he was glad of it, as it would do away with the invidious distinction between the inside squatter and the outside squatter, and there would be one Act for the whole of the colony.

The COLONIAL SECRETARY was not aware when the honorable member for the Bremer became an advocate for free selection, although he knew that at one time the honorable member for the Warrego was in favor of it—those honorable members, and the honorable member for Dalby, had got it into their heads, that the 22nd clause would give free selection all over the colony, but there was nothing in it to that effect.

Mr. WALSH: Governed by the 4th clause.

The COLONIAL SECRETARY: He was aware that some honorable members thought it would have that effect. As, however, the Government had never intended to deal with the lands in the unsettled districts beyond the powers given to them by the Pastoral Leases Act of 1869, so far as settlement was concerned, and as doubts had arisen, whether the Bill would or would not extend to the unsettled districts, he proposed to move an amendment on clause 22, which would show that the Government did not intend to extend selection to the unsettled districts, except to those township reserves which were proclaimed under the provisions of the Act of 1869.

After some further discussion,

The amendment was put and negatived.

The clause was agreed to.

The House resumed, and the Chairman reported progress.