Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 2 JULY 1874

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ERRATA.

Page 646, second column, *read*, for "Mr. Miles," "Mr. Morehead."

Page 655, column 2, third line from the end of Mr. Box's speech—for "lawyer," *read* "banker."

Page 819, column 2, seventeenth and eighteenth lines from the top—instead of "The Chief Secretary, Mr. Bligh," *read* "Phelps."

Page 879, column 2, nineteenth line from the top—instead of "would," *read* "in town ought to;" twenty-second line—for "if they could leave," *read* "without even;" and, twenty-third line, after "it," at end of sentence—*read*, "so long as they cultivate a tenth." In lieu of the sentence commencing on the twenty-fifth and ending on the nineteenth line from the bottom—*read* "And, then, woe betide the squatters in the outside districts!—all the lands in the settled districts would be gobbled up!—because no Government would stand an hour unless they brought in a comprehensive Land Bill, dealing with the whole of the lands of the colony."

Page 892, column 2, at the end of the debate on the Crown Lands Sales Bill, after the word "Question"—for "That," *read* "On."

LEGISLATIVE COUNCIL.

Thursday, 2 *July*, 1874.

Personal Explanation.—Bill Reserved for Queen's Pleasure.—Scholarships of the Board of Education.—Completion of Parliament House.—Rules of Supreme Court as to Admission of Barristers.—Audit Bill.—Crown Lands Sales Bill.—Deceased Wife's Sister Marriage Bill.—Brands Act Amendment Bill.—Warwick Chapel Land Bill.—Gold Fields Bill.

PERSONAL EXPLANATION.

The Hon. E. I. C. BROWNE said he had observed a report in a newspaper to the effect that the President, in announcing to the House, yesterday, that a Librarian had been appointed, stated that the appointment had been made by the Joint Library Committee.

The PRESIDENT: The honorable member would find it was a mistake, as he had made no such statement.

The Hon. E. I. C. BROWNE: Then the report was a mistake.

The PRESIDENT: It was wrong.

The Hon. E. I. C. BROWNE: The President would bear him out that the appointment was made by the President himself and the Speaker?

The PRESIDENT: He used the words, that he acted in accord with the Speaker.

The Hon. E. I. C. BROWNE: That was an end of the matter.

The Hon. W. HOBBS: He thought that the words used by the President were, that the majority of the committee did make the appointment.

The PRESIDENT: No; he did not use the word committee at all. He had referred to the Parliamentary Shorthand Writer, whose notes of what he said on the occasion confirmed him that he had not mentioned the committee at all.

The POSTMASTER-GENERAL: Perhaps the President would state what the functions of the Library Committee were. He understood, some time ago, that the Library Committee had made a recommendation. That recommendation had been set aside by the Speaker of the Legislative Assembly and the President of the Legislative Council. He should like, now, to know why the Speaker and the President swept that recommendation away, and overruled the decision of the majority of the Joint Committee of the two Houses?

The Hon. A. H. BROWN: There was no question before the House, he submitted.

The PRESIDENT: It was a question put to himself. There was no question before the House.

An HONORABLE MEMBER: The adjournment.

The Hon. E. I. C. BROWNE: No. It was only a personal explanation upon what he had seen in a newspaper.

At a subsequent stage,

The PRESIDENT said: In answer to the question put to me by my honorable friend, Mr. Browne, I may state that I now hold in my hand the transcript of the shorthand writer's notes of what I said. On looking over them, I am confirmed in what I said before, that I did not make use of the term "committee" at all. [*The President here read his speech of yesterday, vide p.* 856.] In point of fact, I carefully avoided doing so. Now, in answer to the honorable member representing the Government, who wants me to define what are the duties of the Library Committee, I can only say that he asks what is unreasonable. The Library Committee are appointed as a joint committee by both Houses to conduct the Parliamentary Library, and I do not know that their functions extend beyond that. Whether, in the conduct of the library, their opinion should be taken on the appointment of the Librarian, is another question. I, personally, would take their opinion. But I am only temporarily holding office. My own view of the case is, that if I consult the Library Committee, I am bound to take the opinion of the majority; but it does not compel my successor, or the officer who fills the chair in the other House, to have the same opinion.

The matter was brought before the Library Committee, and it resulted, after a good deal of discussion, in the committee saying that the President and the Speaker must settle it between them. I think the honorable member who opened this discussion went so far as to say that if the President and the Speaker did not provide a librarian, he should bring forward a resolution in the House condemning them for not doing so.

The Hon. E. I. C. BROWNE thanked the President for the explanation he had made. The report that appeared in the *Courier* was certainly very different from the Parliamentary Shorthand Writer's notes, just read, of what the President said yesterday.

At a subsequent stage,

The Hon. J. TAYLOR, referring to the librarianship, said he durst say the House would like to know from the President whether the matter was finally settled or not?—because, he understood that the Government had to give their sanction to the appointment.

The PRESIDENT: All appointments are made, of course, in the name of the Governor of the colony; and, as the case now stands, it is merely a recommendation—a nomination—made by myself and the Speaker of the Legislative Assembly, which is before the Governor. I have heard nothing more about it.

The Hon. J. TAYLOR: Then the Government had the power of refusing to appoint?

The PRESIDENT: I presume they have the power, of course; whether they have the will, I do not know.

The Hon. H. B. FITZ said he wished to move, without notice—

That there be laid on the table of this House, copies of all correspondence that has taken place on the subject of the appointment of the Parliamentary Librarian between the Executive and the President and the Speaker; also, a list of all applications for the office, with any recommendations accompanying them.

He wished that the papers should be, as they might be, placed on the table at the next meeting of the House. If the motion was objected to, he was perfectly aware that it could not be put. He was somewhat shocked, on reading the newspaper, to find that the President had given as a reason for not appointing Mr. Pugh, that sixteen members of that House had given him a letter to the effect that the appointment was distasteful to them; as he certainly thought that the President should not have thrown the responsibility upon them. Being one of the sixteen members who had signed that letter, he thought it was a privileged communication, to a certain extent. He should be sorry if any remark he made could, for one moment, give annoyance to the President; as no member of the House had less desire to do so than he. The President might either have acted on that letter or not, as representing the Council on the Library Committee; but there was no reason to have mentioned it. If honorable members wanted to show Mr. Pugh and his friends that they were opposed to his appointment as Librarian, they could themselves have brought the matter before the House. He felt painfully that amongst fifty-six applications for the office, the President and the Speaker had gone out of the colony for the Librarian they had selected. It was very hard to say who Mr. O'Donovan was. He had inquired, and there was no person in the colony who knew him. If the applications were placed on the table, it would be found that there were gentlemen in the colony as good as any out of it—quite as well qualified for the office. He knew one, an M.A. of Oxford, who had occupied a high position in this and other colonies. It was not at all necessary to have gone to Melbourne for the purpose of filling the appointment of Parliamentary Librarian. The papers moved for would show what the House could not otherwise know. He did not think it was fair of the President to throw the responsibility of his not making the appointment of Mr. Pugh on the sixteen members who had signed the letter. They all knew that Mr. Pugh was an old colonist, and a large number of the House knew that there never was a more libellous article upon the Council than that which was written by Mr. Pugh in 1861. Mr. Pugh was brought to the bar of the House to answer for that libel; and he (Mr. Fitz) did not think that Mr. Pugh could at all find fault that he was not appointed Parliamentary Librarian.

The Hon. W. HOBBS suggested that, as the documents were voluminous and time would be occupied in preparing or printing them, the motion should be altered so as to admit of the originals being placed on the table, by which honorable members could judge for themselves. As regarded the honorable member's remarks about sending to Melbourne for a Librarian, when a suitable one could be found in the colony, he (Dr. Hobbs) wished the Honorable Mr. Fitz to understand distinctly that the committee were not privy to that action at all.

The Hon. H. B. FITZ said that, with the permission of the House, he was willing to alter his motion.

The Hon. A. H. BROWN said he thought there could be no objection to the motion, and he rather desired to see the letters. With regard to what had fallen from the Honorable Mr. Fitz as to the action of the President, it almost had a tone of censure. If he (Mr. Brown) had consulted his own taste, he should have acted differently; still he thought honorable members were indebted to the President for acceding to their request and carrying out their wishes.

The PRESIDENT: After what has fallen from the Honorable Mr. Fitz, I feel bound to address to you a few remarks upon this question. The honorable member seems to fancy that it was competent to a number of members of this House to address a letter to

me which I was to put in my pocket, to act upon, and not to reveal the source which guided my action. Just now, I showed to you that in the short statement I made yesterday, I merely announced what led me to act as I did. Members of the committee are well aware that if I followed my own judgment and my own inclinations, I should have forwarded the nomination of Mr. Pugh for the office of Librarian; but, when I was about to do so, some honorable members of this House waited upon me, and, in the first instance, begged that I would not do it. Then I was presented with a formal letter upon the subject. Why I should not mention that, or make it public, I am at a loss to understand. I complied. I submitted to change my own opinion, and not to act in accordance with my opinion, in deference to that request. Really, it was no privileged communication, that I could see. It was a formal official letter, addressed to me as representing this House on the Library Committee. That was the reason, the true reason, and the only reason, why I did not act in accord with the resolution which I had formed to forward a recommendation to the Government—and which I named to the committee when we could not come to an agreement on the subject. Afterwards, the committee declined to interfere with the matter at all; and they left it to the Speaker and myself to decide upon: if we should not decide, we were told we should be called to account.

The Hon. H. B. FITZ protested that he should be sorry to lead the House to suppose that he wished to move a vote of censure, in any way: quite the contrary. When the letter was addressed to the President, he was astonished, not that the President should have mentioned it to the Library Committee, but that he should have shown it and stated that it was his reason for not acting on his own opinion, and, indeed, for Mr. O'Donovan being appointed. The feeling out of doors was strong, that Mr. Pugh was kept out of the appointment by those sixteen members who had signed that letter; and they were known. He was asked, in Queen street, if he had signed that letter.

The Hon. A. B. BUCHANAN said, as one of the signers of the letter, he certainly did not view it as a private communication.

HONORABLE MEMBERS: Hear, hear.

The Hon. A. B. BUCHANAN: The President deserved thanks for having paid any attention to honorable members' wishes in the matter of the appointment of Librarian. The motion made by the Honorable Mr. Fitz ought not to be carried, as it reflected, in a measure, on the committee, who, as far as he understood, had left the matter in the hands of the President and the Speaker.

The POSTMASTER-GENERAL: The result was, that a stigma attached to a gentleman who had represented Brisbane in a former Parliament.

HONORABLE MEMBERS: Oh, ho!

The POSTMASTER-GENERAL: Honorable members might laugh; but he stated most unhesitatingly that the action which had been taken by certain honorable gentlemen in the Council was most detrimental to Mr. Pugh.

The PRESIDENT: If there was no objection, he should put the question moved by the Honorable Mr. Fitz without notice.

The Hon. T. L. MURRAY-PRIOR said he was sorry that the discussion had arisen, as the less said about the matter the better. A certain number of gentlemen did not approve of Mr. Pugh being Librarian, from his having been so much mixed up with politics;—and there were other reasons of their own. They requested the President not to do a certain thing, and the President complied with their wishes. He (Mr. Murray-Prior) really did not see that the Council were in any way accountable to private individuals for what had been done. Let the public say or think what it liked. The Council acted as they thought proper. The President did act very kindly in the matter; and it was unfair to him to bring forward such a motion at all. The Honorable Mr. Browne merely inquired as to a misreport of what the President had said, and he received a satisfactory explanation. He (Mr. Murray-Prior) for one objected to the question being put.

The PRESIDENT: If there was any objection to the motion, it could not be put.

The Hon. H. B. FITZ: Of course, if there was any objection, it could not be put. He knew it was the wish of the majority of honorable members that it should be decided whether the appointment of Librarian was vested in the Speaker and the President or in the Library Committee. If the committee had no power, he did not see what was the good of the committee.

BILL RESERVED FOR THE QUEEN'S PLEASURE.

A message was received from His Excellency the Governor, informing the Council that the Constitution Act Amendment Bill, to increase and fix the salaries of the Governor and his Private Secretary, which had been passed by both Houses and presented to the Governor for the Royal Assent, had been reserved "for the signification of Her Majesty's pleasure thereon."

SCHOLARSHIPS OF THE BOARD OF EDUCATION.

A message was received from the Legislative Assembly, intimating their concurrence in the resolutions passed by the Council on the 8th April last, that the recent action of the Board of General Education, "in granting scholarships of £50 to scholars of primary schools, is unadvisable, and should not be continued."

COMPLETION OF PARLIAMENT HOUSE.

The PRESIDENT moved—

That a Message be sent to the Legislative Assembly, acquainting that House that the Legislative Council have adopted the Report of the Joint Committee on the completion of Parliament House, and requesting concurrence in such Report.

Honorable members were aware that in an earlier part of the session a Joint Committee of the two Houses was appointed to take into consideration the advisability of completing the front of Parliament House and providing such increased accommodation as might be necessary in the refreshment rooms for the additional number of members in the Assembly and the Council. That committee had taken evidence and brought up a report, which the Council adopted some time ago. But that report had no force and effect, so far; and if it so remained, of course, the subject would have to be revived next session, and all the difficulties which had been overcome to the present time would have to be gone through again. It certainly seemed very difficult, indeed, to get anything done for the use of Parliament. He observed that in the different executive departments, the heads of those departments found no difficulty, if they wanted increased accommodation, in getting it provided; but, for the Parliament itself, the machinery necessary to be put in action was such that no power existing was adequate to the desired effect—it was almost impossible to bring about any satisfactory result. Of course, from his position, and in the office he had the honor to hold, it was his duty, as far as he could, to have carried out what appeared to be necessary for the accommodation and the due comfort of the Parliament. He supposed that honorable members were aware, by the crush and crowd which were apparent every day in the refreshment rooms, that increased accommodation was required. He fancied that honorable members of the Council very often, when they were compelled to dine there, found some difficulty in getting places at the table. It was a standing order that the other House should adjourn at six o'clock; whereas the Council adjourned on motion, which caused some stoppage and delay before getting away from work to dinner. For himself, he had never been able to make use of the dining room, from the fact of its being overcrowded; and, no doubt, other honorable members had found it equally inconvenient. It must be understood clearly, that if the present building continued to be used for refreshment rooms, considerable additions must be made to it; additional rooms were required for storing crockery, glass, plate, and linen; and the building itself was so unsuitable, as, being of wood, and of a temporary character, that it would seem a waste of money to expend £400 or £500 upon it, with the ever-present risk of its catching fire. He confessed that the latter danger was almost always before his mind: there were, of course, a large kitchen fire and other fires kept up, and the place was always liable to be burnt down; and if it did take fire, there would be imminent risk to the main building —Parliament House would be in danger. He did not, therefore, see why the question should be shirked, or why the Government should not at once go into it. Of course, the action of the Council would be of no effect unless the other House coincided with them, and provided the means for building the additional accommodation according to the plans which were appended to the report, and which seemed to him to be very suitable. The committee had the trouble and the labor of inquiring into the matter, and he should be sorry to see the session close without some effect being given to their report. Although it was probable that the other House would not concur, yet he thought the Council would be only doing their duty to put the choice before them; and if they refused to adopt the report of the committee, of course it could not be insisted upon by the Council, but the responsibility would rest with the Assembly. One reason was, that several large public buildings were about to be constructed, for which the convenience of Parliament must be postponed. That the convenience of Parliament should be postponed to other considerations was a view that he did not admit to be a sound one; but he was told that the reason which he had given was the one which prevented the Government doing what he held they should have done—taken up the matter and carried out the report of the committee. The Council had done their part, and now they would request the concurrence of the other House in that report.

The Hon. E. I. C. BROWNE said he had no desire to overstep the prescribed course of proceeding, or to under-estimate the labors of the committee, or to prevent the progress of the report in another place; but he wished, before the report should go to the Assembly with a request for their concurrence in it, that the House could have an opportunity of reconsidering it, and deliberating as to whether it was advisable to send it down exactly in its present shape. He referred more particularly to the plan attached, which showed one part of the building which he did not think at all necessary, or in any way desirable—the billiard room. No such place was required for honorable members of either House. They were, as legislators, supposed to be present, to take part in, and to listen to, the debates, and to vote; and the playing of billiards, which was a very proper game in its place, was more likely to distract their attention from their peculiar labors in Parliament than to assist their deliberations. He wished strongly, and hoped, that the report would be amended, and that it would be sent down to the other House without the recommendation

of the addition of a billiard room to the proposed new refreshment rooms. There was another reason for the amendment in what had dropped from the President; and the Council should be particularly careful not to ask the other House to vote more money than was absolutely necessary. The Council might very fairly say that the improvement of the refreshment rooms were absolutely necessary, but they could not say that a billiard room was a necessary adjunct. He did not know what course he could take.

The PRESIDENT: The honorable member could not take any; the Council had adopted the report.

The Hon. E. I. C. BROWNE: He knew he was in a false position. But, if the House agreed with him, he should be glad to consider what course could be taken to effect the change he desired.

The Hon. H. G. SIMPSON said he always felt that it was a grand mistake to propose a billiard room in the report and the plan. If it had been called an ante-room, into which a billiard table might be put, there would not have been a word heard against it. Personally, he did not care two straws whether a billiard room was provided or not; he should be best pleased never to see a billiard table, as he hated the sight of it. At the same time, the room was required. If it could be used only as a billiard room, it would be a great waste of accommodation to provide it.

The Hon. H. B. FITZ: He did not care for a billiard room; but, if it was intended to have one, let it be called by its name openly: it would not be called an ante-room or a nursery. There was one attached to the Parliament House of Victoria. Let the report remain.

The Hon. A. H. BROWN: It was fortunate that honorable members had an opportunity of expressing their opinions on the subject. When the adoption of the report was moved in the House it was treated with less attention than it ought to have received. He quite agreed with the honorable gentleman who had called attention to the billiard room, and he thought it was an unnecessary item in the plan, and that the House should avoid asking the other House to go to any expense which was not really necessary. As to the remarks of the Honorable Captain Simpson, that the room was necessary, it must enhance the cost of the building if it was an addition to the accommodation really necessary for refreshment. There were several other items in the plan which were unnecessary—baths and matters of that description, rarely used. He feared that in the present stage, the House could not interfere with the report, however much they might desire to do so; and that it must lapse until next session, as it would be of little avail to send it down to the other House. However, he agreed with the President that refreshment rooms should be provided of a more permanent character than those existing; but the billiard room was an unnecessary adjunct.

The Hon. W. HOBBS said he agreed with what had fallen from previous speakers, as to the unnecessary expense of providing a billiard room. There was an additional item of expense that had been overlooked, the appointment of a billiard marker. Perhaps it would be necessary to send to Melbourne for that functionary!

Question put and passed, and the message was transmitted accordingly.

RULES OF SUPREME COURT AS TO ADMISSION OF BARRISTERS.

The Hon. H. G. SIMPSON said he rose, in accordance with notice given yesterday, to call the attention of the Council to the *Regulæ Generales* of the Supreme Court, laid on the table on the 24th June. His reason was, that the second rule was in direct conflict with the twenty-third section of the Supreme Court Act which had just been passed by both Houses and had received the Royal Assent. He had no doubt, in his own mind, that had the judges been aware, when they passed that rule, of the exact terms of the twenty-third section of the new Act, the rule would not have been promulgated. The twenty-third section of the new Supreme Court Act provided—

"No person applying to be admitted as a barrister of the Supreme Court by submitting himself to be examined in manner prescribed by any rules in force relating to the admission of barristers shall be compelled to reside in Queensland for more than one year preceding such examination and any person applying to be admitted as a barrister as aforesaid may up to the time of such examination be engaged in any trade business or salaried employment anything in the said rules to the contrary notwithstanding."

The second of the *Regulæ Generales* was—

"Any person applying to be admitted as a barrister, and not being entitled to such admission under the said *Regula Generalis* by reason of his previous admission in some other part of Her Majesty's dominions, may, for some part not exceeding two years of the three years next preceding his application for admission, be engaged in the capacity of an articled clerk to an attorney, or in any other capacity, with or without salary, but shall not for the remainder of such three years be engaged in any trade, business, or salaried employment other than that of Judge's Associate or principal Secretary, or Minister of the Crown, or act as a clerk or writer to any barrister or attorney."

By those quotations, honorable members would see that the rule was in direct conflict with the Act, and proposed to interfere with the freedom and privileges granted to the intending barrister. As he said before, their Honors the Judges could not have known or understood the provisions of the Act, when they passed the rule. As showing

why he called attention to the *Regulæ Generales*, he should turn to the Supreme Court Act of 1867, which was in Part I. of the Consolidated Statutes :—

"54. It shall be lawful for the judge or judges or such majority as in the section last but one preceding mentioned to make such rules for regulating the admission of barristers and of attorneys solicitors and proctors to practise in the said court and such rules to repeal vary and alter as occasion may require Provided that every such rule for regulating the admission of barristers and of attorneys solicitors and proctors when so made shall be sent by the registrar to the Colonial Secretary of the said colony and by him laid before the Legislative Council and the Legislative Assembly without delay and it shall be lawful for the said Legislative Council or Legislative Assembly at any time within one calendar month after the same may have been laid before such Legislative Council or Legislative Assembly to present an address to the Governor of the said colony to disallow any such rule who if he thinks fit shall disallow the same accordingly."

Therefore, with the view of preventing a continuance of the conflict between the rules of the Supreme Court and the Act just passed, he moved—

That an Address be presented to His Excellency the Governor, requesting him to disallow the second *Regula Generalis* of the Supreme Court.

The PRESIDENT: Before he put the question, he should call the honorable gentleman's attention to the fact that the *Regulæ Generales* to which he referred were of date, "Tuesday, the 19th day of May, A.D. 1874": whereas the "Act to amend the Supreme Court of 1867" was not assented to until the 30th June; so that when the *Regulæ Generales* were issued, they were in accordance with the then existing law. No doubt, when the judges had cognisance of the Act just passed, they would issue new rules in accordance therewith.

The Hon. H. G. SIMPSON: The 24th June was the day the rules were laid on the table, and the Supreme Court Bill had passed through both Houses of Parliament before they were brought forward.

The POSTMASTER-GENERAL said he might point out that it was no unusual thing for rules of court to be issued that were not in accord with the law; as, on a former occasion, he remembered, upon the passing of the District Courts Act, certain rules as to fees of court were framed on a scale quite repugnant to the Act itself. In order that there should be no mistake the Honorable Captain Simpson had acted well in calling attention to the change of the law and the conflict of the latest rules of court with it; and he ought to press his motion to a division. There was no doubt that the second of the *Regulæ Generales* was directly repugnant to the Act passed the other day. It seemed to him a monstrous thing that the Police Magistrate of Brisbane, and other gentlemen, if they thought fit to apply to be called to the Bar of the Supreme Court, should have to live a life of idleness for one year as a qualification for admission as barristers. The House ought to dissent from the rule as laid before them, and not let it lie on the table without notice. If such a rule could exist, it would be a great hardship; and, it might be asked, what was the use of passing Acts of Parliament, if they were to be continually overridden by the judges of the Supreme Court?

The PRESIDENT said he was afraid that the honorable gentleman was under a misapprehension. There had been no attempt on the part of the judges to override the law. The *Regulæ Generales* were dated more than a month, or six weeks, before the Act was passed, and, at that time, it was quite competent for the judges to make the regulations now complained of. Since then, the law had been changed. Directly the judges should become aware that the Supreme Court Act of 1867 Amendment Act was assented to—and only last week it was assented to—that the law was changed, and that the *Regulæ Generales* last made were at variance with the law, he (the President) had no doubt they would at once adopt the change. It would be hardly wise, on the part of the House, to request the Governor to disapprove of rules of the Supreme Court, which were in accordance with the law at the time they were made.

The POSTMASTER-GENERAL: The *Regulæ Generales* were in direct contravention of the old Supreme Court Act; and he had no doubt the same objection applied under the new Act.

The Hon. E. I. C. BROWNE: The rule was overridden by the Act that was passed the other day. The House were wasting their time in considering of an address to the Governor upon a rule which was not now in force. He thought the Honorable Captain Simpson had best withdraw the motion.

The Hon. H. G. SIMPSON: If his honorable friend, Mr. Browne, would pledge his professional knowledge that it would have no effect at all, he should withdraw the motion.

The Hon. E. I. C. BROWNE was understood to express his surprise that the honorable member should ask him to pledge himself as to what the judges would or would not do.

The Hon. H. G. SIMPSON: His honorable friend misunderstood him. He had stated distinctly that the rule was not good in law, that it was now repealed; consequently that the rule would have no effect whatever. If he would pledge his professional reputation that it would have no effect, he should withdraw the motion.

The Hon. E. I. C. BROWNE: The honorable gentleman had no right to ask him to pledge his professional reputation, or to say what the judges would or would not do. How could he have any knowledge of what they might do?

The question was put and the House divided :—

Contents, 9.	Not-Contents, 10.
Hon. W. Hobbs	Hon. E. I. C. Browne
„ H. G. Simpson	„ A. H. Brown
„ J. Taylor	„ A. B. Buchanan
„ H. B. Fitz	„ W. D. Box
„ W. Thornton	„ T. L. Murray-Prior
„ J. Mullen	„ F. T. Gregory
„ J. Gibbon	„ G. Harris
„ D. F. Roberts	„ W. D. White
„ G. Thorn	„ W. Wilson
	„ W. H. Long.

Resolved in the negative.

AUDIT BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to amend the law relating to the receipt, custody, and issue of the Public Moneys, and to provide for the Audit of the Public Accounts. The Bill was founded mainly upon the report of the Commission on Public Accounts. It had been found that the existing Audit Act was defective in many respects; the words "Colonial Treasurer" appeared in places where "Auditor-General" should be, and the latter for the former; so that many of its main provisions were set aside, not merely by the Auditor-General, but likewise by the Treasurer, and the existing practice, more especially with regard to expenditure, was founded more upon expediency than upon law and just principles. In the different departments of the public service certain books of account were kept. The Auditor-General kept duplicate sets of those books in his office. It was competent for any officer in the service to go to the Audit Office, at any time, to see how the accounts were kept there, and, knowing that his accounts would not be passed, if wrong, to find out whether his own accounts were at variance with those kept in the Audit Office. Such being the case, there was in reality no audit of the different departmental accounts;—there were merely books of account kept. To obviate that state of things, the Bill was introduced. It clearly defined the duties of the Audit Office, the Treasury, and the other departments of the public service. The Auditor-General would by it be relieved from the extraordinary and anomalous position in which he stood at the present time of keeping the public accounts as well as auditing them. If the Bill passed, the accounts would be kept by the Treasury, would be audited by the Audit Office, and would be reported upon annually to both Houses of Parliament, by the Auditor-General; the accounts would be examined before, and audited after, payment. The practice at the present time was the reverse: the accounts were audited before payment. Instead of the audit of the schedule and vouchers, a local detailed audit of the books of the several departments would be made. The two systems at present in practice would be legalised, as regarded payments into the Treasury and operation on cash credits. There was one change made which was of importance: the financial year would begin on 1st July instead of 1st January, and end on 30th June, instead of 31st December in each year. In New South Wales also it was contemplated to make a similar change. Honorable members would notice that the salary of the Auditor-General was increased, but he was deprived of the privilege of acting as auditor or director of any public company. That would, no doubt, be held to be an improvement. It had been considered objectionable in many respects that the Auditor-General should be connected with the management or directorship of public companies. Certain provisions were taken from the existing Audit Act, and would be submitted to the House as a separate measure in the Crown Claims Bill, which was on the business paper for second reading next Tuesday. That accounted for the absence from the Bill which he now brought under the consideration of the House of those provisions which were contained in the present Act. In leaving them out of the Audit Bill, which the Government thought right, they deemed it prudent to embody them in another measure. He need state nothing further with regard to the Bill. When it was in committee he should be able to explain its various provisions, should honorable members desire it. Most of the clauses were re-enactments from the old Act. In order to get to more important business, knowing that honorable members were anxious to get to the Land Bill and the Marriage with Deceased Wife's Sister Bill, he should not ask to go into committee to-day.

The Hon. H. B. FITZ moved, that the second reading of the Bill be postponed until after the consideration of the third Order of the Day.

The Hon. W. THORNTON could not see any reason for interfering with the Orders of the Day. There was not the slightest danger of the Honorable Mr. Fitz not having a majority to thrust out the Marriage Bill, about which he seemed so anxious. But the Audit Bill and the Land Bill should be disposed of in their proper turns, and the business paper should not be disturbed.

The Hon. E. I. C. BROWNE: If the Postmaster-General had first consented to the change, he should not have objected; but, as the House had already gone into the Audit Bill, and made some progress towards the second reading, he did not think the House should be asked to interrupt the proceedings to take up another measure.

The POSTMASTER-GENERAL, speaking to the amendment, condemned the course proposed by the Honorable Mr. Fitz, because it was seen by him that there was a majority of one in the House to throw out the Deceased Wife's Sister Marriage Bill. It was only the other day that the honorable member strongly condemned any interference with the order of business on the paper. He hoped the

House would get rid of the Audit Bill before entering upon any other business.

The Hon. A. H. BROWN said the House were losing valuable time, and that the Honorable Mr. Fitz had given no reason for his amendment.

The Hon. T. L. MURRAY-PRIOR recommended the withdrawal of the amendment. Honorable members would only be wasting speech in discussing it, instead of the Bill itself which was before them. Let them go into the Land Bill, as soon as possible, which was the most important business of the day; and they would soon reach it if they proceeded regularly.

The Hon. H. G. SIMPSON: The House had before heard a good deal from an accidental majority about the iniquity of delaying the progress of business, but the tables were now turned. There was now a full House, only four members being absent—two in England, one in New South Wales, and one at the Palmer River. There could not be got easily a fuller House for the consideration of the Deceased Wife's Sister Marriage Bill; and the third reading could be decided by all the members who could possibly be present—twenty-four. It would be seen, now, whether those members who opposed the Bill were ill-advised in the tactics they had been compelled to adopt.

The question was put and the amendment was negatived by 12 to 11 votes.

The Hon. E. I. C. BROWNE said that when the Bill was in committee, it would be necessary for honorable members to pay great attention to it. If it was merely a measure, as the Postmaster-General had represented, to amend and improve the details of the present mode of keeping the public accounts, he should not feel himself much at liberty to express an opinion upon it or to call attention to it; but reading the Bill with the Audit Act of 1861, and with the Audit Act in force in England, he found that the Bill departed from the great principle, that the Auditor-General should be accountable only to the Parliament for his acts and perfectly and thoroughly independent of the Executive. Without such independence, the office of Auditor-General was of no value to the colony. The Bill would put the Auditor-General in a very different position from that he occupied under the existing law, and from that in which the Auditor-General of England acted. Honorable members would do well to exercise the greatest caution and care in considering how that officer was dealt with by the Bill. He should be responsible to the Parliament alone, he should have the most perfect control of his own office and officers, and not be held to be accountable to the Executive authority in any way. He (Mr. Browne) felt that it was not necessary—it must be so evident to the common sense of honorable members and everybody else—to urge, that unless the Auditor-General was perfectly independent of the persons whose accounts he audited, his action would be of very little advantage to the colony. It seemed to him that, under the Bill, the Auditor-General would become little more than a highly salaried officer of the Executive, and, it might be said, almost of the Treasury department. He made those observations on the principle of the Bill; but, when the Bill was in committee, he should move amendments in one or two clauses, more especially the twelfth, which varied considerably from the provisions of the Audit Act now in force, inasmuch as it seemed to give the Treasurer the most perfect control over moneys paid into the bank, to take them out again. The counter-signature of the Auditor-General, now necessary to such operation, was done away with. He should be sure, in committee, if the matter was not in better hands, as he hoped it would be, to see that attention was drawn to it; and he hoped that some better provision would be made. He should also feel it necessary to introduce some alteration, so as to give the Auditor-General a more complete control over the officers of his department than he had now. He felt satisfied that without such perfect control of his officers he could not himself hold that independent position which it was most desirable he should hold.

The POSTMASTER-GENERAL, in explanation, said the provisions referred to by the Honorable Mr. Browne, only legalised the practice in existence at the present time, under which the Treasurer made payments on receipt, and established credits.

The Hon. W. D. Box agreed with the opinion of the Hon. Mr. Browne. The question raised was most important, and should be considered with great attention. Nothing was more certain than that the Auditor-General should be wholly responsible to Parliament, and to Parliament only. He (Mr. Box) was glad to see by the Bill that the position of that officer was improved; and he wished that the improvement extended a little further. Nothing could be wiser for the colony than to place such an officer beyond the control of those whose accounts he was appointed to check. He did not believe at all in the clause which prescribed that the Governor in Council should order the books that the Auditor-General was to keep. It struck him that such an officer should be able to determine what books it was necessary, in the discharge of his duty and for the satisfaction of Parliament, to keep. Everyone knew that the "Governor in Council," as to details, was the Treasurer and the Ministry of the day. He should be glad to see honorable gentlemen go carefully through the Bill in committee, so as to secure that the powers of the Auditor-General should be exercised for the advantage of the community.

Question put and passed, and Bill read a second time.

In moving the order for the committal of the Bill, the POSTMASTER-GENERAL explained that the twelfth clause of the Bill was passed in accordance with the practice of the present day. He assured honorable members that the business of the colony could not be carried on, in the extreme North, without cash credits.

The Hon. E. I. C. BROWNE: Explain in committee.

The committal of the Bill was made an Order of the Day for Tuesday next.

CROWN LANDS SALES BILL.

The POSTMASTER-GENERAL, in moving the second reading of a Bill to consolidate and amend the laws relating to the Alienation of Crown Lands, was understood to say it was the intention of the Government, when they introduced the measure, that it should be one for settlement, and not for alienation; and however much they might have been thwarted by an amendment which was moved in another place, and which in some respects altered the complexion of the Bill, still they believed it should be passed; and, in order that the difficulty which had been placed in their way should be obviated, and the object they had in view carried out, he should suggest the insertion of a clause—and he would endeavor to see that it was inserted—to meet the views of the inhabitants of towns upon the particular question of residence on land purchased under the provisions of the Bill. He should be quite prepared to accept a clause to the effect, that where residence was not insisted upon, the selector should cultivate, *bona fide*, and crop, for three years, one-tenth of the land he had taken up. In fact, if such an amendment was carried, the Bill would not be longer a tentative measure; it would be one that would last for the next twenty years.

HONORABLE MEMBERS: Oh, ho!

The POSTMASTER-GENERAL: It would last longer than the far-famed Free Selection Act of the Honorable John Robertson in New South Wales. Five Land Acts had been passed by the Queensland Parliament since the foundation of the colony, and it was now high time to have something like a permanent land law. He deprecated the tinkering with the land laws of which so much had been seen; and he was anxious that something like a permanent measure should be passed. If the Bill should become law, with the amendment he suggested, he felt sure that no change in the land law would be required for a considerable number of years; but, if some such amendment as that should not be inserted, he must put the Bill alongside many others that had been before Parliament, as merely a trial measure. He desired to point out to honorable members who knew both the settled and the unsettled districts of the colony, that if the residence clause was restored to some form approaching what it was originally, no resumption would be required for a considerable period. The Government did not want to displace the present squatters, to put another set in their places, on the lands of the colony. They wanted to settle a population on the lands. The outside squatters might take his assurance that if the Bill passed in its present shape, their runs would be wanted within twelve months; in fact, he had no hesitation in stating that all the runs all over the colony would be clamored for, to afford free selection to those who would want to go on the lands. Knowing well, as he did, from reading the Bill, that, under its provisions, all the best lands would be monopolised very soon, he asked honorable members, consequently, to pause to consider whether, while they had the chance, they should not endeavor to make it a permanent measure. People would be quite satisfied, if they could take up land, to turn it to proper account, without needing to live on it, and if they could leave a servant or representative on it. The Act of 1860 provided for free selection after survey; the Act of 1863 provided for free selection before survey, in defined areas; then came the Leasing Act of 1866, which, in turn, was followed by the Act of 1868. All those measures had proved defective. Under the two last mentioned, it had been said frequently that certain malpractices had taken place in divers respects. He was not prepared to say what had taken place under them; but that, when inquiry should have been made, it would not be found that dummying existed to the extent that some persons said. He was anxious that the Parliament should pass an Act under which it would not be possible to dummy. That was his great idea, and it was that of the Government. If an alteration was made in the shape he had suggested, there would be no more dummying. If the Bill passed in its present shape, there would be no end of dummying under it. And then, woe betide the squatters in the settled districts, and in outside districts too!—because no Government, unless they brought in a comprehensive Land Bill, could prevent it;—unless they made residence a *sine qua non*, or enacted some such provision as he suggested. Some honorable gentlemen thought that the Bill went so far as to throw open the lands held by the Crown lessees in the unsettled districts. That he (the Postmaster-General) denied *in toto*. There was a clause in the Pastoral Leases Act of 1869 which provided that certain lands could be thrown open in the unsettled districts; and the Bill provided how they should be dealt with, after they were thrown open. Honorable members should look upon what had been said out of doors in that respect as so much nonsense. Under the Pastoral Leases Act, the Government would resume land for township reserves in outside places where the necessity was proved to exist. The Bill really conferred great favors on the pastoral lessees. It gave them a pre-emptive right, where it

had not been already exercised—and he was aware of persons who had not yet exercised it under the Act of 1868—up to the end of 1879. It went further: it allowed them to select their land, even though they were not able to comply with the conditions; at any time during their leases, provided that they paid the first year's rent and the survey fee, they could pay up the balance of the purchase money at any time. It provided, also, for the extension of leases. If the residence or cultivation clause was inserted in the Bill, as he said before, in many parts of the colony the pastoral lessees would not be disturbed during the term of their leases. It was not for Moreton, Darling Downs, or Wide Bay that the Bill was drafted. The Government could not draw the line there—they must open the lands in all the settled districts. The Bill, he might point out, particularly provided for a reduction of rent equal to two acres for every acre withdrawn from the lease. That was a great boon to gentlemen occupying Crown lands in the settled districts of the colony, and he was quite sure they would not take exception to it. That reduction was conditional only on the rent not falling below one pound per square mile of the land remaining under lease. Though the area of land to be taken up by conditional purchasers and homestead selectors was limited to a maximum of 1,280 and 160 acres respectively, yet a provision was made to enable the conditional purchaser to take up an extended area of 3,840 acres. Few homestead selectors, it was known, took up a very large amount of land; and any who had not exercised the full right, might take up the maximum area at a subsequent time from land conterminous with his previous holding. The provision with regard to granting certificates in open court was an improvement on the existing law, and no collusion could take place under it. He had no hesitation in saying, that if such a practice was in force now, little would be heard of evasions of the Land Act of 1868. Another liberal innovation was, that a person eighteen years of age could select and occupy land: at present, no one under twenty-one years of age could select. A great many of the provisions of the Bill were merely re-enactments of the existing law; for instance, the auction clauses. It would be observed that classification of the lands was done away with by the Bill, the classification by the commissioners, of whom he did not wish to speak with disrespect, not having given satisfaction heretofore. If honorable members would take the trouble to look through the *Government Gazette*, they would find that more than four-fifths of the land already alienated had been taken up as second-class pastoral; that, as the size of the selections increased, so the amount of agricultural land in them decreased; and that, in the case of small selections, the proportion of agricultural land was greater the smaller the area selected. There was, he found, a greater proportion of agricultural land in the occupation of small holders than there was amongst the large holders. One effect of the change of the law would be the increase of the revenue: land taken up at an uniform price of ten shillings an acre would give a better return than selections at the three different prices under classification. The people were dissatisfied with classification; and in order to put away suspicion, the Government wished to abolish classification. The increased area of 1,280 acres allowed to conditional purchasers, and the powers reserved in the Government to increase it, by proclamation, to 3,840 acres, in some districts, should prevent what it was alleged had taken place in some parts of the colony—dummying. The land on the Main Range would, no doubt, be reserved as homesteads; the land further back, as conditional purchases of 1,280 acres; while the land on the western part of the Darling Downs, and in the northern parts of the colony, would, he had no doubt, be declared capable of being taken up under the most liberal provisions of the Bill. The Government considered that six miles of country was a sufficient extent for one man to take up under the Bill. It contained many other excellent provisions. There was not, he thought, any necessity for him to go into them at length. The general conditions were in accordance with those in operation now, under the Act of 1868, and with which selectors were required to comply. For the information of the Honorable Mr. Gregory especially, he might point out that a certificate of compliance with the conditions of the Bill, or of the Act of 1868, might be procured at any time. That was a very important provision, as, according to the interpretation of some persons, it was not possible now to procure a certificate after three years. The Bill would, at any rate, settle the doubts of many persons who had selected land under the Act of 1868. He was certain that if the Bill should not pass, the public would clamor for land under the Act of 1868.

HONORABLE MEMBERS: Oh, oh!

The POSTMASTER-GENERAL: He could assure honorable members that in certain districts of the colony there was a great scarcity of land at the present time; and, it was quite possible that if a Land Act was not passed this session, there would be indignation meetings and a loud outcry for throwing open the lands. From what he knew of the mind of the public outside the House, he believed that——

The Hon. H. G. SIMPSON rose to a point of order. Was it competent for the honorable member to hold out what he (Captain Simpson) must consider threats to the House?

The POSTMASTER-GENERAL: He did not threaten—he held out no threats.

The PRESIDENT: He did not think the honorable member was out of order.

The POSTMASTER-GENERAL: He made no threat. He only said what would probably take place if the Land Bill should not pass.

Some honorable members were of opinion that the committal should be taken on Wednesday; but he should prefer to take it on Tuesday, if possible.

The Hon. J. F. McDOUGALL said he had no doubt that the honorable member who had charge of the Bill had stated pretty well all that could be urged in favor of it. He should try to point out what he considered to be some defects in the Bill. He considered that repudiation stared out from the face of the Bill.

The Hon. A. H. BROWN: Hear, hear.

The Hon. J. F. McDOUGALL: That was the great fault he had to find with it. An Act was passed in 1868, conferring upon the pastoral lessees ten years' leases. By the tenth clause of that Act power was given to resume certain portions of the lands held under those leases, upon resolution passed by both Houses of Parliament to that effect:—

"No land within the part so leased to any pastoral tenants shall be resumable during the term of the lease except by a resolution of both Houses of Parliament when it shall be lawful for the Governor in Council to resume any tracts of land not less than eight square miles in area in one block and in respect of such land so resumed to make a proportionate reduction of the yearly rents paid by such pastoral tenants."

Now, he contended that the insertion of that clause was a distinct pledge—that it was clearly and unmistakably set down, that the land should only be resumed in that way. Else, why the provision? And, it should be resumed in blocks of not less than eight square miles. The Bill before the House proposed to resume the whole of the runs at one fell swoop! What did it propose to give in return? Nothing! No compensation was to be given, beyond five years' leases to those pastoral tenants from whom land would be resumed under the Bill. What was the value of such leases? The Postmaster-General said that there was not an acre of land in the settled districts that would not be taken up. The Bill proposed utter repudiation, and the Council would not be doing their duty if they did not mark their sense of such a proposition by rejecting it. The Bill was one of the most unfair measures that was ever introduced into Parliament. If it had been shown that a necessity existed for the resumption of the lands, and if the Bill proposed to give to the Crown lessees a fair compensation in some shape or other—let it be money compensation, or a compensation in land—then it would not be open to the fatal objection which he had pointed out. But it seemed to be the sole object of the Government, in proposing by the Bill to resume the runs, to get rid of that obligation entirely. The House were bound, however, to see that no injustice was done to any section of the community. If the Bill should be passed by them in its present shape the grossest injustice would be done to the Crown lessees who would be affected by its provisions. He should not go into the details of the Bill; he wished to confine his remarks to its principle—though he was inclined to deny that there was any real principle in it. The Postmaster-General had said he should be willing to accept as a compromise an amendment making cultivation to the extent of one-tenth of the area taken up a condition in lieu of the residential qualification. That was, he (Mr. McDougall) held, simply an absurdity. Assuming for a moment that a selector took up land to the extent of 1,280 acres, which the Bill would allow: substituting cultivation for residence, he would have to cultivate 128 acres.

The POSTMASTER-GENERAL: That was not much.

The Hon. J. F. McDOUGALL: He did not think the honorable member was aware what it took to bring ten acres, or even one acre, of land into cultivation. He asked him, whether it would be within the power of any man—would it be possible for any man—who was likely to take up 1,280 acres of land, to cultivate 128 acres?—was he likely to try to comply with any such condition? It was utterly impracticable. The honorable gentleman had stated that if the Bill was passed it would have the effect of settling the land question. He (Mr. McDougall) did not at all agree with him. The land question was too good a question to go to the country upon, and to be given up—and it would not be given up—as long as there was an acre of land in Queensland to be dealt with. He contended now, that there was no principle in the Bill: the residential qualification had been abandoned; and the assumption that the Bill would have the effect of settling population on the lands of the colony he denied. An area of 1,280 acres was too large for an agriculturist, and it was too small for a man who intended to follow pastoral pursuits; therefore he could not see how it was to have that effect. The price of the land having been fixed at ten shillings an acre, and the classification having been done away with, rendered the investment too large for any poor man to enter into it. Without further detaining the House by more lengthened remarks, he had to say that to pass the Bill would be simply to legalise spoliation; it would deprive one class of landholders of their tenure for the supposed benefit of another class; and it would not have the effect of settling population in the country. It was repudiation, because not the slightest compensation was proposed for those who would be injured by the Bill.

The Hon. A. B. BUCHANAN said he rose early in the debate, because he intended to say only a few words. He must say that he was exceedingly surprised to hear the Postmaster-General, in moving the second reading of the Bill, himself suggest an amendment on

the principle of the Bill. The pre-emptive rights to which the honorable gentleman had referred, as given by the Bill, he (Mr. Buchanan) failed to discover, and he had studied the Bill very closely. The honorable gentleman's remarks about what might, or could, or would happen, if the Bill should be thrown out, he took to mean nothing.

The Hon. J. TAYLOR: Hear, hear.

The Hon. A. B. BUCHANAN: Honorable members were in the Council to vote for what was right, as their consciences dictated; and he believed they were under oath so to do;—they were not to consider whether what they did would or would not make things pleasant to the other House, or to those who were outside Parliament. They would do their duty. He was surprised that the representative of the Government should have made such remarks to the House. He believed that the effect of the Bill would not be what the honorable gentleman assumed. The constant tinkering with the land laws had done more injury to the colony than good; it alarmed those who had capital already invested in the colony, which was a misfortune, and it prevented other persons bringing capital into the country for investment. But the House had before them the suggestion that some legislation was necessary; and therefore it was, perhaps, worth their while to give the Bill consideration on that ground. It was their duty to consider it in some shape, and not to kick it out without any consideration. He should support the second reading, but in the hope that in committee, the House would make amendments in the Bill, to bring it somewhat near to what it ought to be. Anyone who gave attention to the land question must thoroughly realise the great difficulty that existed to prevent any man, or body of men, introducing a measure to the Legislature that would give general satisfaction. The House should give credit to anyone who introduced a measure in which some approach was made to giving satisfaction. His own opinion of the Bill was, that in many points it was a very good measure, indeed. It had some drawbacks and disadvantages, which he thought the House could remedy. He, too, thought that the effect of the Bill would be to introduce population, to settle, *bona fide*, men on the soil; and it was a Bill that would not be used to a great extent by the dummiers. On both those grounds, he was inclined to support the motion for the second reading. He did not know what honorable members were in accord with him. He held that population was the basis of the prosperity of the country, and he was surprised that persons could accuse the squatters particularly of wishing to keep population out of the colony. He could not understand how such a notion should have arisen about the squatters. Many of them had to send their cattle and sheep down to Victoria for a market, at great expense in travelling hundreds of miles and being delayed long on the road: it was simply because there was population in Victoria. If such a market was at their door, if there was the same population in Queensland, the stock of the squatters would return to their owners a profit three-fold and four-fold what it did now—one quarter of the land they occupied would return them equal profits to what they now gained. He looked at the question from a squatter's point of view merely. For the general prosperity of the country, the presence of population was equally advantageous. He had given sufficient reasons for supporting the Bill. There was one great blot upon the Bill which, if not removed, would justify its being kicked out. As the Bill stood, it was the uttermost measure of repudiation that was ever brought before any House of Legislature. There was no provision for the compensation of those who would be injured by being deprived of what the Bill would, if passed, take away from them. The repudiation must be apparent to anyone who read the resumption clauses carefully, and particularly clause nine. Every one must be struck with the excessive pains taken in that clause to justify the repudiation:—

"Whereas in accordance with the provisions of '*The Crown Lands Alienation Act of* 1868' and as more especially set forth in the eighth section of the said Act certain leases of lands in the settled districts were granted for pastoral purposes for the term of ten years and by the tenth section of the said Act it is provided that the lands so leased may at any time during the currency of the said leases be resumable by a resolution of both Houses of Parliament when it shall be lawful for the Governor in Council to resume the same And whereas certain lands are also held in occupation for pastoral purposes under the thirteen section of said Act And whereas in pursuance of the provisions of '*The Settled Pastoral Leases Act of* 1870' certain lessees of lands for pastoral purposes under the eighth section of the said '*Crown Lands Alienation Act of* 1868' surrendered and yielded up their leases under such Act and procured new leases of the said lands made out in accordance with the provisions of '*The Settled Pastoral Leases Act of* 1870' and by such last-mentioned Act it was enacted that nothing therein contained should defeat affect or interfere with the right of resumption by resolution of both Houses of Parliament as prescribed in the said tenth section of '*The Crown Lands Alienation Act of* 1868' And whereas it is expedient that the whole of the lands so leased and held in occupation shall be resumed and thrown open for selection as conditional purchases or as homesteads or sale by auction so as to facilitate the settlement of the same."

That looked as if the framers of the clause were doubtful about the legality of it, or that the resumption was justifiable. The spirit of the Act of 1868 was, that the leaseholders, by surrendering half of their country, would have a perfect right to the remainder until their leases expired. The new leases would be no fair contract. It was facetiousness or utter

absurdity to call a lease under which the landlord allowed a tenant to remain on the land, for a certain amount, only so long as he could not get a greater amount from somebody else or did not require the land for some other purpose. The men who held the country had their all invested; many of them, by their improvements and their stock, were compelled to accept whatever was offered to them, or be utterly ruined. Whatever the transaction might be called, it was no contract: it was equivalent to legalising the act of a highwayman—"Whereas I stick you up with pistol at your head, and demand your money; be it therefore enacted that you have no claim to your money." To resume the runs without compensation to the holders would be the most flagrant repudiation; and, if the Bill was passed, the public securities of Queensland would be viewed as Pennsylvania bonds were in other countries. He knew a Darling Downs run held by an English proprietary that had purchased very little land. That company had 60,000 sheep on the run, and they were so situated that, within six months after the Bill should come into force, if passed, the whole of the land they occupied would be taken from them, and their 60,000 sheep would be turned adrift. Such was the position of an English company relying on a lease granted by the Government of Queensland. What was to be said to that company? Speaking on the Bill, he wished to say for himself that he had no personal interest, direct or indirect, either as agent or principal, in one acre of land in the settled districts. He did not say that to extol his principle; but as all knew that human nature was weak, he did it for the reason that some honorable members might think that his judgment was warped by self-interest in making his protest against practical spoliation, when he had no interest but to protest against injustice in any shape. There were in the Bill many bad points; if it could be amended in committee, honorable members would do it. But there were many good features in it; and he hoped that when it left the Council it would be a good Act for the country.

The POSTMASTER-GENERAL rose to explain.

HONORABLE MEMBERS: Spoke, spoke.

The POSTMASTER-GENERAL: He had meant to say that the probability was, that if a Land Act was not passed, a clamor would arise outside the House.

HONORABLE MEMBERS: Spoke, spoke.

The Hon. H. B. FITZ: He protested against the assumptions of the Postmaster-General. To some extent, he agreed with the two previous speakers; but the House must not lose sight of the fact that it was now fourteen years since Separation, when the colony took the management of its own affairs, and that during that period a Land Bill had been brought before Parliament about every year. Two of the latest Land Acts, those of 1866 and 1868, were passed by old colonists, who had their all in Queensland, who were tied to the colony by pecuniary bonds, as well as politically and socially united to it. Two better Acts were never passed; and the Act of 1868, more especially, was the best Land Act ever passed in Australia. The title of the Bill now before the House should be altered; it should be "The Political Land Sales Bill." The principal object of the Bill was, no doubt, to set the two classes of squatters against each other—the outside against the inside. The cunning promoter of the Bill had that object in view in introducing it to Parliament. The Act of 1868, which the Bill would repeal, had had the effect of settling 30,000 people on the lands of the colony; and it was allowed in all the other colonies to be one of the most liberal land laws ever passed. Why should its repeal be attempted? All that the land laws of the colony wanted was proper administration by a proper Government. The Postmaster-General had held out a threat as to what would be the case outside, if the Bill should not pass. The majority of the people did not believe in the Bill, and they would like to see the House reject it; and he (Mr. Fitz) had no doubt that the Government were trusting to the Council to throw it out. The other day, when Sir John O'Shanassy was here, he said, "I have put £50,000 lately into this colony; but I would not have put one shilling into it, could I have imagined that you were going to enter again upon the tinkering of your land laws." Mr. Jennings, too, who had just bought Westbrook, for £170,000, would not have done so, if he had known that a new Land Bill was to be brought so soon before Parliament. What was wanted for the colony was an honest independent Government, to administer the Land Acts and not to bring forward a political Land Bill. He (Mr. Fitz) was sure it was the feeling of the House that, if the Ministry of the day wanted to resume land for the settlement of population, nothing was required to be done but to send up resolutions to the Council and they would be passed without a dissentient voice. But it was spoliation to resume lands that were not required for the settlement of population on them, and that were now held under ten years' leases, and were fit for nothing but squatting. Why take the lands from one squatter to give them to another? That was unjust. It would be found by his past speeches that he (Mr. Fitz) had advocated the resumption of land to meet the actual requirements of population. What more was required than the progress of settlement under the present law? From the few remarks that had been made by the Honorable Mr. Buchanan, he could see that he was right in his surmise that one great object of the Bill was likely to be gained, to set one class of

squatters against another. He believed that the public of Queensland and the capitalists of other colonies were looking to the Council to perform their proper functions, by saying that there should not be repudiation, and that the Bill should not pass its second reading. He was aware that several honorable members had amendments to bring forward, though he had not seen them. It would be much safer and more honest to throw out the Bill than to make amendments in it which they were sure would not be accepted by the other House. In doing so, the Council would raise themselves very much in the estimation of their fellow-colonists and of capitalists in the other colonies. If honorable members would read the pamphlet published by Mr. Daintree, which put the Queensland land laws in so favorable a light before the British public, they would not be easily led to alter those laws. The effect of an alteration, now, on intending emigrants would be detrimental to the colony. Let the House do their duty, and reject the Bill. He should not move an amendment; but he thought the House would do right to refuse to affirm the motion for second reading.

The Hon. F. T. Gregory remarked that the measure before the House was of vital importance to the community. He should claim the attention of honorable members rather longer than was his wont, and a little consideration at their hands, from his having been for the greater part of the last thirty years more or less intimately connected with the administration of the Crown lands in the Australian colonies; and he had not been an idle worker, either, as he had assisted to prepare more than one Act of legislature dealing with such lands. It was not, however, his intention to dwell upon what he had done; he merely mentioned the matter, as he wished to go back a little in the history of the land laws. He should not go back to the time of Tiberius Gracchus, nor into Roman history, nor even to the commencement of his own experience; but he should content himself with beginning with the Crown Lands Alienation Act of 1868. That Act, as had been remarked by an honorable gentleman who spoke this afternoon, was one of the very best pieces of legislation that had been produced in the Australian colonies. He knew there were some who objected to it, but the results of that Act, even ill-administered as it had been, were so far satisfactory to the colony that, were it not that he conceived that there were some parts of it which could be now amended with advantage, he should not be prepared to vote for the second reading of the Bill, as he purposed to do. The Act of 1868 had worked well under the particular conditions in which the lands of the colony were circumstanced. For a great many years there was an upset price upon land of one pound an acre, and no land could be acquired at a less price. When that measure was passed, the price of land was reduced to three different rates—15s., 10s., and 5s. per acre; and the reduction was made with the view of opening up the country more generally than before to all classes of settlers, not only to small agriculturists, but to capitalists who wished to acquire reasonable pastoral areas on which to maintain stock. The result of the classification of the land, in the first instance, was so far satisfactory, that had it not been for material changes made in the administration of the law, its beneficial working might have continued for some years to come. He found, however, that while, at first, the lands were tolerably fairly distributed under the particular Ministry that brought the Act into force, no sooner had a change of Government taken place than alterations were effected which were highly detrimental to the principles of the measure; lands which had been classed as agricultural were, by the decree of the Minister, reduced to first-class pastoral, and first-class pastoral reduced to second-class. The result was that a great many applicants who had failed to obtain particular pieces of land, in consequence of the classification, had to avail themselves of their rights in a manner far more disadvantageous to themselves than otherwise; others lost their chance; and others came in and obtained the same land at a lower rate and paid very much less to the revenue than they ought to have done. That system had been more and more widening in its operation ever since, seriously to the detriment of all parties; and it had not benefited the colony by increasing the population. It offered no inducements for additional emigrants to come, as, no sooner was it found that the Act was in effect to be worked differently from its original intention and operation, than they lost all confidence in the land laws of Queensland. The defects resulting from that classification were materially heightened by pressure being brought to bear upon the officers administering the law; and, while he had no reason to say that any of those officers succumbed to the pressure, it was very likely, without knowing, to affect many of the decisions arrived at. He could say this much, that having been one of the first to administer the Act in one of the most important districts in the colony, gentlemen who, at that time, held the honorable position of members of the Legislature, made threats that they would coerce him into subjection, if he did not give them lands that they applied for at a lower classification than they ought to be classed: in other words—it might be a strong expression, but it was perfectly true—they attempted to coerce him into defrauding the revenue of many hundreds of pounds, and they held out the threat that they would make use of their position in Parliament to injure him as an officer administering the law. The system of requiring improvements under the Act of 1868, like all systems of the same character, introduced into the land laws of Australia

many years prior to that date, had been very nearly a total failure. To those selectors who would have made improvements on their selections, under any circumstances, it made no difference; the real agriculturist took up the land and improved it, whether required to do so or not. Other selectors, whose only object was to acquire land, did not fulfil the conditions; they spent their money only to enable them to acquire the land, without any benefit to the colony. He had seen the working of the system before, where, in one instance, the conditions required by the land law to be fulfilled involved an amount of expenditure amounting to many thousands of pounds for the acquirement of 70,000 acres of land, in one district, which land was not, five years afterwards, worth fifteen pounds. There was no need of concealment; he had been in the middle of it; and he felt quite sure that no honorable gentleman who had resided in the same district would attempt to deny that there had been very many cases where, in complying with the provisions of the Act, no possible benefit had resulted, but harm, to the selector and the district also. Under the cultivation clauses he had known hundreds of acres of land put into crop, with every intention on the part of the cultivator to obtain some return for his expenditure, and the undertaking had proved a total failure;—no crop had been reaped, but the land was covered with weeds to this day, though the conditions were fulfilled several years ago, and it was now fit for neither agricultural nor pastoral purposes. Therefore, any measure brought before the House to enforce agriculture was something like what had been said long ago, "trying to grow cabbages by Act of Parliament." Seeing that such a radical defect existed in the Bill, no doubt the House should attempt to remove restrictions which were utterly valueless to gain the end which it was supposed by the constructors or originators of the measure they would achieve—the advancement of the interests of the colony. With regard to residence, there was not the slightest doubt that the land should be occupied; but to make it compulsory that the owner of the land, or the selector, must reside upon his selection, was alike detrimental to the interests of the large majority of selectors and the best interests of the colony. For his own part, he would much rather have seen a system introduced—as the Act of 1868 had, to a certain extent, run its course for the purpose for which it was intended—by which the whole lands of the colony should be classified at auction; that was, that no land should be obtained in any other way than by auction. He would admit, however, that there was a class of small selectors, who were very useful and valuable, who would fail to compete with capitalists in certain cases, and for whom he highly approved of a system of homestead areas; but those areas should be properly and judiciously selected. Under such circumstances, those small men could band together and work in unison and prosper. But a system of indiscriminate resumption of lands, as was proposed, he condemned; as he did, also, the allowing of any person to mutilate large areas of land by making odd and indiscriminate selections, a course which could only result in disgraceful practices—in other words, in killing and destroying the cattle of the pastoral lessee in whose vicinity the selector set himself down. Having just pointed out one or two of what he (Mr. Gregory) considered to be the principal defects of the Act of 1868, he now proposed to show in what way he thought the Bill should be improved. He should hardly be prepared to support the second reading without the expectation that two or three very reasonable amendments would be made in the Bill in committee. If it was not capable of being improved in passing through the Council he should not support the Bill. In the first instance, it proposed to repeal the

"'*Crown Lands Alienation Act of* 1868' and '*The Town and Suburban Lands Act of* 1869' and '*The Settled Pastoral Leases Act of* 1870' and '*The Commonage Act of* 1870' and '*The Homestead Areas Act of* 1872' and all rules and regulations made thereunder respectively shall be and are hereby repealed saving always all rights claims penalties and liabilities already accrued or incurred and in existence;"

and it would take effect from the first of January next. He could not see why, in honor and justice, the pastoral lessees who still held the unexpired leases, should be affected by the Bill sooner than the term they had yet to run; though he felt assured that, if the law was once disturbed, the sooner a fresh law was brought into operation the the better. Without destroying the whole fabric of the Bill, the Council must do their best to make the Bill meet the requirements of justice and the country, remembering especially that the Bill had had the careful and prolonged consideration of the other House. To show how the existing law had operated, he should state the price the lands had realised in the different districts of the colony, with the exception of the pre-emptive purchases and the homestead selections, which had been always the better class of lands; and the latter were sold at a definite fixed price. Up to 31st December, 1873, the average price realised on Darling Downs, was 8s. 2d. per acre; Moreton district, 6s. 6d.; Kennedy, 6s. 0½d.; Wide Bay, 6s.; Port Curtis, 5s. 10d.; in the unsettled districts, including sugar selections, small areas of the most valuable land, which tended to raise the price, 10s. 5d. The area of land alienated was 2,480,000 acres in round numbers, which, when paid for in full, would return to the colony £849,000, which would give an average of 6s. 11d. per acre for land sold under the operation of the Act of 1868. The gross total, under all conditions, of land alienated

to that period, since the Act came into operation, was 2,514,000 acres, and the return was £867,000, as near as possible. From those figures honorable gentlemen would gather that the proposed fixed price of 10s. an acre was a rise, and that in the face of the fact that some of the best lands of the colony had been alienated. Indeed, he was very strongly of opinion, from his acquaintance, not only with the richer districts of the colony, but with the colony generally, that henceforward the class of land selected for all purposes would proportionately decrease, yearly, and would be of an inferior class to that taken up heretofore. That might seem anomalous. Honorable gentlemen had heard it repeated over and over again in another place, and by the public press, that when the Act of 1868 came into operation the best halves of the runs were left in the hands of the leaseholders, and a large amount of obloquy was hurled at the heads of the unfortunate commissioner. Now, he did not hesitate to say that the very reverse of what had been said was the case; because, he was the commissioner who administered the Act in a very important district. Darling Downs and Moreton were now assuming an important position. In Darling Downs, so far from the very best part of the runs being left in the hands of the lessees, considerably the best halves had been taken; and he should explain the reason:—In the first instance, the Act provided that all lands within a certain distance of the railway must be in the resumed halves of the runs. Again, the pastoral lessees were well aware that if they attempted to retain, or to induce the commissioner to allow them to retain, the best portions of their runs, it would only result in dissatisfaction on the part of the public; whereas, by giving up the best halves, they were enabled, in compliance with the terms of the Act, to select the best lands of the resumed halves. Some honorable members might say that he was showing the hands of the lessees. Well, he was only doing so to prove the conclusion that he was now approaching in his argument, and to prove why the position of things was altered now. No sooner had the halves of the runs been thrown open—the best halves, he absolutely asserted—than the rapid influx of population to the settled districts very quickly absorbed the greater portion of the lands open for selection. And, again, as soon as the demand for land began to increase, the Homestead Areas Act of 1870 was passed, and under that Act an average of nearly ten square miles was taken from the remaining halves of the runs on Darling Downs. What was the result? The lands left in the hands of the lessees were not worth one-seventh part of what their runs were worth prior to the Act of 1868 coming into operation. That he asserted, without fear of contradiction. Yet, now, a measure was introduced to Parliament, taking the remaining lands away from the lessees, without any consideration or compensation whatever. It was a sweeping resumption, indeed. The Bill, as it stood, might have been tolerably well digested. It had undergone a very considerable alteration since it first appeared in another place. But the question was, were the terms of the Bill such as could be accepted by the Council; was it such a measure as, in common justice to the pastoral lessees, the House could assent to? For his own part, he certainly thought it desirable that a measure should pass throwing open to all classes the lands now remaining in the hands of the pastoral lessees in the settled districts; but more consideration might be fairly claimed for the lessees than was provided in the Bill. He should therefore propose, in committee, certain clauses which would do nothing more than justice to the lessees. He trusted that the amendments which he and other honorable members intended to propose would be received with attention and favor by the House. There was no occasion to introduce anything which would be materially at variance with the Bill, the general provisions of which could be carried out to enable all classes of selectors to obtain land on reasonable terms, with the amendments he proposed. He knew that any question of claim to money compensation by the pastoral lessees was not likely to meet with favor in Parliament; but something might be done by giving them extended pre-emptive rights within reasonable bounds. With regard to the provision under which a selector might be allowed to take up an extended selection of 3,840 acres, he saw great difficulty in the way of altering the area open in one district, as against another district, or portion of a district, where a selector could take up only 1,280 acres. That portion of the Bill must, he thought, be amended. Another defect of the Bill was, the placing of too much power in the hands of the Minister charged with administering the Bill. If the Bill passed intact, the Minister could coerce his foes in favor of his friends, to an extent far beyond that which he (Mr. Gregory) thought desirable. He was not now casting any sort of imputation against the honorable gentleman at the head of the Lands Department; he spoke on the broad principles of the Bill, as to what Ministers might do—for it was not known who might happen to administer the law. Another defect of the Bill was the small provision made for the utilisation of land orders. It had come to his knowledge, within the past twelve months, that a very large number of persons who had come out under certain Acts, were quite unable to make use of their land orders, or had great trouble, on account of all sorts of disabilities, in exchanging the warrants obtained at home for land orders. That was a thing which tended more to damage the colony in the eyes of the British public than anything else. It was repudiation again. If private persons were

guilty of such a breach of faith as the Government were implicated in, it would be called by no milder term than downright swindling.

The Hon. L. HOPE: Hear, hear.

The Hon. F. C. GREGORY: Out of the various amendments which he intended to propose, there was one which would not only be concurred in by a large majority of the Council, but he did not fear any opposition when it should come under discussion in the other House of Parliament; that was the extension of consideration to widows and orphans. In clause 49, it was provided that in case of the death of a homestead selector his children should have the full benefit of his operations on the homestead; but it did not extend to the widow. It would be but right, regarding the real position of a widow in the class that generally became occupants of homestead selections, that there should be no hesitation in making the amendment he suggested. Honorable members might easily imagine that a homestead selector was a man of limited means, who probably put every sixpence he could acquire by his industry into his little block of land; if he died before obtaining his title, there was no provision for his widow; she must remain on the land and fulfil the conditions—a lone widow must remain there to fulfil the conditions of residence, or forfeit the land. Honorable members would, he (Mr. Gregory) was quite sure, consent to an amendment which would enable the land with its improvements to be sold by the executors, or trustees, or guardians, if it seemed best, for the benefit of the family, without complying with any conditions whatever. There was nothing in such an alteration which would allow speculators, or land sharks, as they were commonly termed, to avail themselves of it; or, if they could take advantage of it, it would be to such an infinitesimal degree, that it would not be worth having. He should not detain the House longer, as the numerous amendments which he had to propose in the Bill were such as would properly come before the committee; and he should vote for the second reading.

The Hon. W. WILSON said the Bill was the most important measure brought before Parliament since the passing of the Act of 1868; and it was of a very different character from what it had been described by the Postmaster-General. It was altogether a very mischievous, unnecessary, and unconstitutional measure. It was mischievous in so far as it repealed the Act of 1868, under which the Government had disposed of a large quantity of land in a very satisfactory manner. That Act, with perhaps, a little improvement, would suffice for the colony: a few new clauses to amend slight defects which had been discovered in its operation were all that was required. The Bill was unnecessary because what it proposed to do could be done without the repeal of the Act of 1868, in the manner he suggested; and because the little that Act could not do which the Bill proposed to do had best be left undone. It was unconstitutional in the way it proposed to carry out the resumption of the lands remaining in the hands of the pastoral lessees. There was something very unfair in "tacking" the resumption to the Crown Lands Sale Bill. The interests of the lessees would be considered, as they ought to be, by Parliament, if a distinct measure for the resumption of the runs had been introduced by the Government, instead of the resumption being proposed according to a plan that had been adopted in other colonies, but never before in Queensland, to get a measure passed about which there was a little difficulty. Because odium would attach to the Council, if they rejected the Bill; and to reject, now, the unjust resumption, they would be obliged to reject the whole Bill with it. The Government had acted improperly. It struck him that the resumption, or, rather, the case of the Crown lessees, had not been properly put before either House. The resumption clause in the Act of 1868 was distinct:—

> "No land within the part so leased to any pastoral tenants shall be resumable during the term of the lease except by a resolution of both Houses of Parliament when it shall be lawful for the Governor in Council to resume any tracts of land not less than eight square miles," &c.

The land was to be resumed in "tracts" of eight square miles, and upon a resolution passed by both Houses of Parliament, which were thus made a sort of court of appeal between the landlord and the tenant. If it was the intention of the Legislature, in passing the Act of 1868, to allow the Executive of the day to resume the runs as they thought fit, the Act would have stated so; but by that provision such a power was kept out of the hands of the Executive. The Crown lessees were entitled to have the matter brought before both Houses of Parliament in a better manner than it had been presented to them in the Bill. The Parliament should take into consideration whether the resumption was required; and also, if required, whether it was an extraordinary resumption, for which compensation for the unexpired part of the leases should not be given. As the Bill put it before the House, the whole of the lands under lease were to be resumed, and no compensation whatever was to be given for the old leases not yet run out; but a new one was proposed to be given which was perfectly worthless as compared with that which the lessees held. It must be evident that a lease which was subject to free selection over every part of the land held under it could be of very little value to the holder. Was it a good point in it, that it might be considered as in some sort a compensation for the withdrawal of the remainder of the existing lease? The Minister who introduced the Bill had certainly the straightforwardness to say that those new leases

were to be given to keep the rents going, in case the Government should find that they had made a mistake by resuming the runs, and to prevent a very considerable loss to the revenue. In fact, a sort of shuffle was made with the leases, which reminded him (Mr. Wilson) of what was seen often on the racecourse, in the "three-card trick," where the victim, believing he had secured one particular card, found another substituted for it to his loss. The Minister had also stated that the new leases would prevent a large claim being made for compensation for improvements. It was the duty of the Council to see that justice was done to the lessees, and that the juggling trick was not allowed to be played; in fact, to see that the existing leases were not taken away without full and proper compensation being given for the unexpired portion of the term. The new leases, he considered, would be of no value to the great number of the pastoral tenants. He was aware that there was a demand for land in the colony, and he never was opposed to the resumption and throwing open of the lands for occupation by population. He could not, however, understand why the Ministry had not adopted the course that was laid down in the Act of 1868, so that land in the distant parts of the settled districts should not be resumed until it was required, or until the leases had expired. There would be this advantage from the adoption of that course, that compensation would have to be given for those lands only which were resumed. He objected to the Bill because the Act of 1868 was superior to it. Its great principles, it had been said, were resumption, doing away with the classification of the land, altering the price of the land, and changing the area of selection. The doing away with the classification was a very great mistake, because it was virtually lowering the price of the best lands of the colony, in Darling Downs and Moreton districts, to 10s. an acre. Twenty years ago the upset price of land was £1 an acre, and the area to be selected 640 acres. Those lucky individuals who would be able to get their applications in early, if this Bill passed, would be able to take up 1,280 acres of the best land at 10s. an acre. The price of the best land ought to be raised to £1 an acre. The Bill virtually threw out of the market altogether what was now taken up as second-class pastoral land. Remarks had been made as to low classification increasing as the area of selection increased. How that arose could be seen very easily. After the best land was taken up, which was agricultural, the classification of the remainder must be lower than the best selections, or first-class pastoral; and when that was selected, the selectors had the second-class pastoral. It had been further remarked that large areas were classed lower than small selections. It was not likely a man would get some thousands of acres of land unless he would take first or second class pastoral; and if what he selected was not classified as it ought to be, that was the fault of the administration, not the fault of the Act. No one knew better than the late Premier that what the colony wanted was, not legislation, but administration. If the Act of 1868 was properly administered, it would suit the wants of the country better than the Bill. One reason for doing away with classification, as Parliament had been told, was certain scandals which had occurred in the taking up of large quantities of land by certain individuals. It was lucky that the Minister for Lands had stated that: if nothing else showed it, that proved that the Act was not properly carried out. There had been a great deal of dummying, it was said; but the leading journal, he observed, the other day, called it a bugbear; and he thought that, when an investigation was made, it would be found truly to be a bogy, which, however, had not yet induced the country to believe that much was going on wrong which was the fault of the Act itself. There was no point in any of the arguments in favor of the Bill. The tenants who now had possession of the leases had had nothing to do with the Act of 1868; a great many of them had become proprietors of runs, since, by purchase, and had, of course, give a money consideration for the leases. No doubt the present state of the land laws was very damaging to the colony, and the sooner some settlement was come to, for better or worse, would be satisfactory for nearly all parties. It was a great disappointment to the country that such a Bill as the one before the House was introduced by the present Ministry. However, he supposed the House must make the best of it; and perhaps it was best to let it get into committee and then amend it, though there was reason enough to move the second reading for this day six months. Looking upon the compensation for the resumption of the leases as a commercial transaction, he thought it ought to be in cash; or, if the Government preferred it, in land—land that would be paid for, of course, by the lessees, so that the Government would actually lose nothing by the transaction. The Government might take care that a lessee should not select the very best land under his lease; and that it should be apportioned fairly. In many cases, it would be to the interest of the lessee to take land that would be valuable to himself only, as adjoining other land that he possessed, though not fitted for agriculture at all.

The Hon. T. L. MURRAY-PRIOR observed that he was expected to say something on the Bill, having had the unpleasant task of bringing in, himself, and piloting through the Council, the Act of 1868. On that occasion, he must say, that he divided with his opponents against many of his friends, and he encountered more opposition from those who called themselves his friends than from those who were his avowed

opponents. That measure was not the one he would have supported had not necessity forced it upon the Government; he should have gone in for a much more simple one, that he always believed in, and should believe in. Such a measure as he meant, properly administered, would have suited the colony, and have continued on to the present day, to the avoidance of that perpetual tinkering with the land laws which was so detrimental to the colony. From his experience, the best measure was simply one to alienate the public lands by auction, which was the only true system of finding their proper value; high or low upset price, it did not alter the principle. The honorable Mr. Gregory—and no one in Queensland was so well able to give details—had shown the House that the average price of land per acre under the Act of 1868 was about six shillings. The Bill proposed that the price should be ten shillings. The consequence would be that some portions of the lands of the colony would go far under their value, and other portions would remain unsold at the price fixed. He was very glad to hear the expressions of opinion of honorable gentlemen on the Act of 1868. That measure was upon his conscience, as he had gone very much against the party to which he belonged in pushing it through the House. But he had an object in doing so, and under circumstances very different from those of the present time. The colony was in a state of adversity; many people were leaving Queensland, only because of the maladministration of the existing land law; and he was aware that many were waiting for a new Act to pass that would enable them to settle on the land. At that time, a person might ride many miles without seeing any settlement whatever; but, now, anyone could ride or drive—and there were good average roads to travel over—in East and West Moreton, and see farms in almost every direction occupied by a contented, prosperous, and happy people. He thought, therefore, that his having had a great deal to do with the Land Act of 1868 need give him no pain. He regretted that the present Government, instead of attempting to amend a few clauses of that Act, should have thought it necessary to introduce the Bill now before the House. Of course, he was well aware of the intentions of Parliament in passing the Act, and he thought it ought to be administered in accordance with those intentions. If that had been done, there would have arisen no necessity for the Bill. He must say a few words on the Homestead Areas Act of 1872, which also he had had to conduct through the Council. It was considered by the Ministry of that day necessary to open up more lands, and they took the parliamentary course of bringing in resolutions for the resumption of eight square miles from the run of every lessee. Those resumptions were an injustice to many persons; in instances of which he was aware, the very eyes of the runs were picked out, and the mere area of eight square miles did not represent the lowered value of a run so treated. The Honorable Mr. Gregory said that the runs on Darling Downs were now worth only one-seventh of what they were worth formerly. What was applicable to that district was still more applicable to East and West Moreton. On Darling Downs, a squatter might still have a large extent of country; in East Moreton, on the coast, he could have only narrow tracts, and it was almost impossible to take up any large area by going into the mountains of West Moreton. There, where selectors took up small selections, the improvements which the pastoral lessees erected for working their runs were all thrown away. The Ministry should have taken all those matters into consideration. If they thought it necessary that all the runs should be resumed, they should, at the same time, have offered some compensation for the time of the leases yet to run. However, he hoped that would be done before the Bill was passed into law. Referring to the feeling of the squatters towards selectors coming on to the lands near them, he confessed that settlers in the bush had strong objections against persons coming on their runs, and they were even suspicious that cattle-stealers would be amongst their neighbors. But now a new era had dawned. The free selector was no more opposed to the owner of the run, and their relations were quite altered. He knew it was now generally the case—certainly in the district in which he resided—that selectors who had taken perhaps the best part of the run—much against the lessee's will, of course—were now proving to the lessee very useful, indeed. In the late scarcity of labor, the selectors proved themselves to be the very best class of workmen for the squatter. They performed nearly all the work that was required on the stations, at the same time that they fulfilled the conditions of their selections under the Act. The selectors were in many cases gaining their living from the large run-holders, and were thus enabled to do what they could not otherwise do to secure their selections. Without the assistance, in that way, of the large lessee, who was usually a man of some character, many of the selectors would starve, and be driven from their farms. So that the two classes of settlers on the lands of the colony mutually afforded one another assistance, and they got on very well together. When the runs of the lessees were to be taken, by the Bill, at one fell swoop, if the lessees did not happen to have selected land, he did not know what was to become of their stock. In many cases, their improvements would be useless to them; and, certainly, for those improvements so lost, they ought to be well compensated. If the land was so valuable to the country, that it must suddenly be taken from its present use, surely some small compensation could be given to the present holders.

The Postmaster-General was very fond of twitting the House with what the public outside would do: a revolution would be raised! It was a great pity that the honorable gentleman could not hold his tongue. His colleagues would not like to hear him going on in that way. The Council could support their own dignity; and while they did what was right, as they were bound to do, they ought to be prepared to stand the consequences of their acts. Under the Act of 1868, the Crown lessees were allowed pre-emptive rights, which enabled them partly to secure their improvements; and those rights were exercised to a great extent. But one very great injustice was perpetrated which was never contemplated by the Act: any person having erected a line of fence on his run, which could not be included in his improvements, if he selected the land on which the fence stood, the Government charged him for the fence—in fact, they took from him his own property—and, if any one else selected the land, they took the value of the fence from the selector, but they did not give the lessee the money; they took from him the fence as well as the land.

The POSTMASTER-GENERAL: Was that the aw?

The Hon. T. L. MURRAY-PRIOR: No; it was the practice. There were many other things of the same sort which might be altered by the Bill. He did not, however, like the Bill, which was not as good a measure as the Act of 1868. Both, however, were compromises; and it might be better for the country if, instead of doing as some honorable members had recommended, put off the second reading for six months, the House took the trouble to look into its provisions, and to alter them in such a manner that the measure would be as good as it could possibly be made. For that reason he should vote for the second reading. There was no need to go further into the details of the Bill, as the committee would afford him the proper opportunity for so doing.

The Hon. A. H. BROWN said he wished he could express an opinion in favor of the Bill, but he regretted that he could not. He did not intend, with other honorable gentlemen who had spoken, to raise any immediate obstruction to the Bill; he should do all he could to assist in improving it, though he could not regard it as a measure suited for the colony, or needed at the present time. What could have induced the Government to introduce a measure which was not required? The Act of 1868 was sufficient for all requirements. Its operation for some time had been accompanied by satisfactory results—satisfactory by evidence of the general prosperity, and by the manifest desire of capitalists to invest in this colony. But would this prosperity continue if the Government attempted a course of repudiation? Clause 9 he looked upon as an act of gross repudiation of contract by the Government of the day. In the Act of 1868, clause 10, he found that tracts of country from the leased halves of the runs should be resumed by consent of the two Houses of Parliament. That, he considered, implied that the resumption was to be limited to a part of the run; it was not to be a sweeping away of the whole of the run. The consent of the two Houses, also, was virtually an Act of Parliament. In committee he should certainly propose a clause to provide compensation to the Crown lessee for the loss of his lease. He could not say that he approved of the Bill, even then, as there were many clauses objectionable and important amendments needed. The line dividing the settled from the unsettled districts was an accidental boundary, and he should point out one feature in the character of the country which he would desire honorable members to notice. Nearly all the lands within the line of the settled districts were unfit for the pasturage of sheep. Sheep would not thrive in such country; therefore, as that animal was almost a necessity for the success of selectors, he considered that a portion of the sheep pastures of the colony could be beneficially thrown open for selection. Some of the residents on the boundary, just within the unsettled district, had expressed an opinion that the resumption of a run was beneficial to the lessee; therefore, there could be no objection to such a course. He believed in the proposition being made. He had confidence in the auction system, and should do what he could to support clauses tending to that system, in committee. He was also of opinion that there should be as few conditions as possible; they were most objectionable, and deterred selectors very seriously. Nothing would benefit this colony so much as a good and liberal land measure—a comprehensive one—a measure which would settle the question for years; and, though the Postmaster-General had said he believed the Bill would settle the question for twenty years, yet he (Mr. Brown) might be permitted to doubt if he really meant what he said. With his experience, the honorable gentleman could not believe it. Referring to the Act of 1868, he must speak of its operation and of the efforts of Mr. Daintree, the Agent-General for Queensland in England. He had seen his book, describing this colony. That gentleman appeared to have taken much trouble in pointing out to the people of England, and of the Continent of Europe, the advantages offered by Queensland. The book contained photographs showing the various descriptions of land—agricultural and first and second class pastoral; and, without doubt, people would be coming hither to select land thus described, in accordance with the Act of 1868. What would people think when they heard that the Queensland Government had broken faith with the immigrants they had invited; and that the Government now proposed to repeal, or rather to ignore, their promises made in that

statute? But that was not all. He (Mr. Brown) was lately in communication with a retired merchant of Sydney, an old resident there, who said he had become anxious about his investments in Queensland; and he expressed his disappointment and dissatisfaction at the constant interference with the land laws; he said he could never, now, feel secure; he had such dread, that for him the better course would be to withdraw all his capital from a colony where the security was so unsatisfactory, and where he could not feel that the land laws were inviolate. That was not a singular instance. Following so many speakers, he (Mr. Brown) did not see that he could escape a repetition of what they had said in reference to the question. He added, that he believed in the auction system without conditions as the best means of settling a population in an effective and permanent manner on the lands of the colony. Before concluding, he must express a hope that he should be able to suggest to the committee some mode by which the issue of deeds of grant could be made to those who were entitled to them, by having fulfilled the legitimate conditions, and who were otherwise eligible for the grant. At present, that part of the administration was most unsatisfactory. Referring to a remark of the Honorable Mr. Murray-Prior, that many of the holders of the runs under lease were recent purchasers, and that they would not get compensation for the lands resumed, he held that such a course, as was proposed in the Bill, was dishonest to the vendor and a misfortune to the purchaser. In committee, he should support in any way that seemed advisable the providing of compensation in as extensive a manner as possible. He should endeavor that the conditions of purchase should be as few as possible, and that the means of obtaining possession of the land should be as simple, and direct, and expeditious as it could be made.

The Hon. J. TAYLOR wished to say a very few words on the Bill, seeing that honorable gentlemen present were anxious to get to the next order of the day—Marriage with a Deceased Wife's Sister Bill; but he could hardly allow such an important question to pass without a few words. There must be a great deal of vitality in the Bill, for, in the debate this evening, he had observed that the dumb spoke, the deaf heard, and the dead rose!—speeches were made by those who never opened their lips before, and very excellent speeches too. He trusted that those who made them would follow up their efforts. The Bill was brought in, to do what? To ruin a certain class of colonists who had been the mainstay of the country; who paid more to the revenue than any other class or set of men in Queensland; who, likewise, employed more labor, who raised more exports, than any other class. That he said without hesitation. Yet, in spite of all their exertions, after the toil of years, they were to be crushed by a simple Bill; because they appeared to be a little prosperous. The Bill was certainly a crushing Bill to them, as those gentlemen who were engaged in towns, in commerce, and shipping, would find out before two years had passed over. Had there been any cry for the Bill? Had any public meetings been held, or petitions presented, to demand more land? Where was the outcry against the existing law? He maintained that there was as much land now open for selection as would be required for the next three years and nine months, the period that the leases had to run. There was not, he maintained, the slightest occasion for the Bill. More than that, he thought it was bad policy to bring in a Bill to sweep away the leases. In the first place, they had three years and nine months to run. At the end of that time, no squatter would have the slightest claim on account of those leases; and nothing more could be said about them. The lands would be 33 per cent. more valuable on the expiration of the leases than they were now. What was the policy of the Government? According to the leader of the Government in the Council, it was simply to take away the lands from the lessees. What was to be done with them? He (Mr. Taylor) ventured to say their value would not be increased. However, if the Bill passed, they must go. He trusted that every honorable member would exercise his own judgment upon the Bill; and if he had any common sense he would vote for throwing the Bill out without the slightest hesitation. He was very sorry to find that the representative of the Government threatened the House actually; and he did it upon nearly every Bill he brought forward. The honorable gentleman might shake his head, but he had stated deliberately that if the House did not pass a Land Bill, the public would raise a clamor. As a young, foolish boy, years ago, he (Mr. Taylor) used to listen to threats of that sort; but he did not now care a fig for them. The more the House were influenced by threats, the more foolish would be their action. He did not mean to give way now; he should hold out. If he had held out long ago, as his friends had done, he should have taken a much better and wiser course than he had followed. But he should be deterred no more from doing what his conscience informed him was right. If the House passed the Bill under threats, they would do wrong; and he, for one, should be no party to it. If so much land was required, why not go out further west? Why not extend the settled districts?—why not take the Burnett?—why not go out to Callandoon? Why crush one section of the community only? The honorable gentleman representing the Government would not answer. He (Mr. Taylor) would answer for him—because certain of the supporters of the Government lived there. He saw certain gentlemen in another place advocating the Bill most warmly, to crush others in cer-

tain districts. He did not say who they were, or whether they occupied country inside or outside Schedule B; but he told the House that if they found a warm patriot, he was outside Schedule B, and it was the interest of such men not to extend the settled districts. Why not proclaim free selection all over the colony? Then the Government would have plenty of land. Then all would be on one footing. No. That would not suit. There was one small nest in the colony, where the Crown lessees were to be ruined. But he warned the outside squatters that their day was coming! He heard a little whisper, to-day. It was not long that they would escape. They would be brought into the same position as the Darling Downs men before very many years had passed. The Darling men were to be done away with—swept off the face of the earth. If they were wise, the outside men who supported the Bill would not be so hot upon it as they were; it would not save them. Many of the Darling Downs squatters had put their all upon the land they held; that land was to be taken away from them, and they were not to get a single sixpence in return. He had put thousands on the land, and so had other honorable members of the Council, and they were not to get a groat for the land that was now to be taken away from them, nothing for their improvements. They wanted the value of their improvements; but the Government meant to take it. The Bill was a one-sided measure. He hoped that the House would not be intimidated by the representative of the Government and his supporters into voting contrary to what was necessary for the welfare of the country. The Postmaster-General said there would be an enormous outcry if the Bill should be thrown out. A few political agitators would make a noise, very likely; but would they take up the land, if it was thrown open? In a few towns, Dalby, Toowoomba, and others, the land question was a good political cry; but, if it was done away with, he did not know what the agitators would do at all. Things would go on too calmly then. There was no clamor for land. The reserves for agriculture resumed some time ago were, some of them, not touched yet: 10,000 acres on one, 12,000 on his own run—not one acre had been touched since it was proclaimed, two years ago—and the same in other parts were still open. On Jimbour, not an acre had been taken up. The land was taken away just to injure the securities of the pastoral lessees, and to damn the colony in the money market. And that sort of thing did more injury than honorable members could imagine. He did not hesitate to say that the Government were very much divided on the Bill; and they wished that the Minister for Lands had never brought it forward. It had had three principles: how many were retained? One. That for crushing the Crown lessees. The residence clause was lost; and the limitation of area was lost. Thus, the two best principles of the Bill were lost. The first cry for land was, that the squatters must give way to the agriculturists. He (Mr. Taylor) never knew a squatter who was not ready to do so. Then, the agitation crept up like a snake, and the cry was for small pastoral properties—a cry which was never heard in the early years of the agitation. Now, the cry was for large pastoral properties. What right had the Government to take away the land from one set of pastoral occupants to give it to another set of pastoral occupants? His opinion was, that the existing leases should be allowed to run out their full term of ten years—three years and nine months more, from the 1st instant. Then the squatters would have no claim whatever upon the land; and the land would be very much more valuable than now. There could then be no question of compensation. The Government should adopt that wise and clear course. Capitalists would not come here when they knew what they had to expect. He should not care to invest capital in squatting stations in Queensland; and he should no more think of doing so, now, than of flying. He hoped the unfortunate men who had been induced to purchase at extravagant prices would feel themselves safe; they would never realise again what they had laid out on their possessions. Perhaps it was for the benefit of those who had sold; but it was not for the benefit of those who had bought. He should move an amendment on the motion for the second reading of the Bill; because he thought it would relieve the Government and the Assembly, if the Bill should not get into committee. He had heard some of the greatest opponents of the squatters, in another place, say that they would not care two pins if the Bill should not pass. His amendment would be the best way of settling the matter. He moved—

That the word "now" be omitted, with a view to adding, at the end of the question, the words "this day six months."

Question—That the word proposed to be omitted—put, and negatived; original motion put and affirmed, and Bill read a second time.

DECEASED WIFE'S SISTER MARRIAGE BILL.

On the Order of the Day being read, the POSTMASTER-GENERAL moved—

That this Bill be now read a third time.

Question put, and the House divided:—

Contents, 11.	Not-Contents, 12.
Hon. T. L. Murray-Prior	Hon. L. Hope
„ E. I. C. Browne	„ H. B. Fitz
„ W. Thornton	„ G. Harris
„ A. B. Buchanan	„ J. Taylor
„ A. H Brown	„ W. D. White
„ W. Hobbs	„ G. Sandeman
„ F. T. Gregory	„ W. D. Box
„ J. Gibbon	„ J. Mullen
„ F. H. Hart	„ D. F. Roberts
„ W. Wilson	„ H. G. Simpson
„ G. Thorn.	„ J. F. McDougall
	„ W. H. Long.

Resolved in the negative.

The Hon. H. B. Fitz rose to move—

That the second reading of this Bill stand an order of the day for this day six months.

The PRESIDENT: The honorable member is out of order. There is now no question before the House.

BRANDS ACT AMENDMENT BILL

The Hon. H. G. SIMPSON moved the second reading of a Bill to amend the Brands Act of 1872. The main object of the Bill was to enable justices of the peace, if they thought proper, to issue summonses instead of warrants against persons charged with offences under the twenty-first section of the Act now in force. He was informed that there were some trifling discrepancies in the wording of the Act, which the provision now proposed would cure. The second clause of the Bill was a very useful provision, to enable the first brander to imprint stud or herd-hook numbers under his registered brand. The Bill had the approbation of the Chief Inspector of Cattle, and the majority of honorable members of the other House.

The Hon. J. TAYLOR approved of the two clauses mentioned by the honorable gentleman in charge of the Bill; but he should move an amendment in the third clause to the effect that six, instead of twelve, hours' notice should be given by the person in charge of travelling stock, of his intention to enter or cross a run. To give twelve hours' notice would take a man two or three stages away from his stock.

Question put and passed.

WARWICK CHAPEL LAND BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to allow the trustees of certain lands in the town of Warwick, belonging to the Methodist body, to dispose of the same and to devote the proceeds to the building of a chapel on another piece of land

Question put and passed.

GOLD FIELDS BILL.

The House resolved into Committee of the Whole for the consideration of this Bill.

The Hon. F. T. GREGORY condemned the Bill absolutely, and urged that it should be thrown out. Its title was utterly at variance with its provisions, which, so far as gold-mining was concerned, were for regulations to be hereafter framed for the management of the gold fields. The Bill contained nothing to guide the practical digger, except as to going to law; for out of 99 clauses, no less than 60 were directed to the carrying on of the wardens' courts. It did not define what the miner's right entitled the holder to, what area of land he could hold, the form or arrangement of boundaries, whether he was to follow the line of reef, what were alluvial workings, the powers of the wardens to lay down or how they were to lay down a base line, and various other necessary matters; but it was full enough of legal technicalities, which would be fruitful of litigation.

The POSTMASTER-GENERAL described certain provisions of the Bill, and held that gold fields were so various that regulations specially adapted for the management of each must be framed under the Bill by the wardens.

The Hon. F. T. GREGORY contended that a code of regulations should have been brought in with the Bill.

The Hon. G. SANDEMAN agreed with the Honorable Mr. Gregory; but they were discussing what should have been discussed on the second reading. He moved the resumption of the House, and that the Chairman report no progress.

The motion was subsequently withdrawn, and the Bill was proceeded with.

Clause 21—Expired right or license renewable—was struck out on the motion of Mr. GREGORY.

Clause 25—Provisional proclamation of gold fields—was amended, on the motion of Mr. GREGORY, by the substitution of words to make the size of a new gold field four miles instead of sixteen miles square.

Clause 30—Holders of miners' rights and business licenses may depasture cattle—was omitted, on the motion of the PRESIDENT.

Clauses 61 and 86 were verbally amended.

The House resumed, and the Bill was reported with amendments.