

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 19 MAY 1875

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APPEAL FROM JUSTICES BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill to improve the administration of justice so far as respects summary proceedings before Justices of the Peace. Its first object, he said, was to allow of appeals from justices in petty sessions to the Supreme Court. At the present time, as most honorable members were aware, there was no authority for such appeal; though there was for an appeal to the District Court, in certain cases, but not if a case was dismissed by the justices. The Bill was not unlike an Act in force in the mother country, but it was adapted to the peculiar circumstances of this colony, and it was recommended by his Honor the Chief Justice. Honorable members would observe by one clause that should the justices make a mistake on a point of law, or give wrong judgment, the Supreme Court would be allowed to reverse the award. Where the justices refused to state a case, the Supreme Court could, by rule, order a case to be stated. The court could send back a case to be amended. The Bill was a very good one; and, without going into details—the third, fourth, fifth, and sixth clauses were the most important—he must say that he thought the House would approve of it.

The Hon. T. L. MURRAY-PRIOR suggested the advisableness of the House hearing the opinion of a legal member upon the principle of the Bill.

The Hon. A. H. BROWN said the Bill appeared to be a proper one, though, perhaps, the legal profession would reap some advantage from it, and it would put money into the pockets of the solicitors. He thought the Bill was very necessary, for the simple reason that it would relieve magistrates from the difficulties they were likely to get into. He must confess that the appointments recently made to the commission of the peace were in a great measure a disgrace to it. Men were appointed to be magistrates, not only lately, but in times past, who should never hold such an important position. Therefore he thought that the Bill would prove to be a more suitable measure than was originally intended, as it would enable persons who were dissatisfied with the decisions of such men as he referred to, to appeal to the Supreme Court without being put to the expense now entailed upon suitors.

The Hon. E. I. C. BROWNE said he understood that the Honorable Mr. Prior had called upon him to speak upon the Bill, as it was a legal matter. He should say a few words, but they would be in consequence of a statement made by his honorable friend and namesake who last addressed the House. He was ashamed to say that he had not seen the Bill until he entered the chamber, this afternoon. But as the honorable member had suggested the idea, he must say that if one-half of what he had heard was true of the late appoint-

LEGISLATIVE COUNCIL.

Wednesday, 19 May, 1875.

Leave of Absence.—Appeal from Justices Bill.—Resumption of Land.—Adjournment.

LEAVE OF ABSENCE

Was granted to the undermentioned honorable members, for three weeks:—

The Hon. Louis Hope, on the motion of the Hon. W. THORNTON.

The Hon. William Frederick Lambert, Esquire, on the motion of the Hon. A. B. BUCHANAN.

The Hon. William Long, Esquire, on the motion of the Hon. A. H. BROWN.

ments to the magistracy, the Bill would be found to be extremely necessary. He might have been misinformed, but he had been told of men who had been appointed to the commission of the peace who should never have been made magistrates, and who could hardly read or write. If that was the case, the Bill would be very useful, and honorable gentlemen might look forward to its being in active operation very soon.

Question put and passed.

RESUMPTION OF LAND.

The Hon. A. H. BROWN presented a petition from John Broadbent and Daniel Williams, graziers, in the settled district of Wide Bay and Burnett, praying that they might not be deprived of 102,200 acres of land proposed to be resumed from their run, Widgee Widgee, in contravention of a lease granted for ten years in the year 1869; and moved, that it be received.

Question put and passed.

The Hon. J. F. McDougall presented a petition from Henry Grosvenor Simpson and Alexander Dunbar Campbell, praying for compensation for such portions of their run, Wivenhoe, as they would be deprived of, if the proposed resumption was passed.

Petition received, and read by the Clerk.

The Hon. J. F. McDougall presented a petition from Edward Kendall Crace, of Franklyn Vale, praying for compensation for such portion of the run of Franklyn Vale as he would be deprived of, under the proposed resumption.

Petition received, and read by the Clerk.

The House resolved itself into a Committee of the Whole, for the consideration of the following message, which was received on the 6th May:—

"MR. PRESIDENT,

"The Legislative Assembly having this day agreed to the following resolution, viz:—

"That in order to encourage the settlement of population in the settled districts of the colony, and in pursuance of section 10 of 'Crown Lands Alienation Act of 1868,' this House resolves to resume from the leases of the undermentioned runs the areas hereinafter specified, as described in the schedule laid on the table of this House of the lands proposed to be resumed from the runs in the said districts:—

SETTLED DISTRICT OF MORETON.

Acres.	To be resumed from
6,720	Nindombah Run
6,240	Beaudesert Run
6,400	Bromelton Run
6,720	Telemon Run
7,680	Tamrookum Run
8,960	Melcombe Run
7,680	Coochin Coochin Run
25,000	Durundur Run
9,920	Mount Brisbane Run
13,440	Wivenhoe Run
12,160	Buaraba Run
15,360	Grantham Run

Acres.	To be resumed from
19,200	Helidon Run
10,240	Tenthill Run
24,480	Franklyn Vale Run
10,880	Fassifern Run.

SETTLED DISTRICT OF DARLING DOWNS.

5,120	Goomburra Run
11,520	Jimbour Run
8,320	Pilton Run
5,440	Gladfield Run
6,400	Irvingdale Run
6,720	Canning Downs Run
15,000	Canning Downs South Run
7,040	Felton Run
7,680	Rosenthal Run
5,440	Rosalie Plains Run
9,280	Westbrook Run
5,280	Ellangowan Run
8,640	Eton Vale Run
6,400	Clifton Run.

SETTLED DISTRICT OF PORT CURTIS.

17,600	Cawarral Run
14,400	Riverstone Run
26,240	Meadow Flats Run
9,920	Carrara Run
33,920	Mount Larcombe Nos. 1 and 2 Runs
34,560	Glenmore Run
13,440	Waverley Run.

SETTLED DISTRICT OF WIDE BAY AND BURNETT.

18,406	Miva Run
15,900	Gutchie Run
15,500	Gin Gin Run
64,922	Widgee Run
15,000	Kilkivan Run
12,000	Wonbah Run.

SETTLED DISTRICT OF KENNEDY.

49,920	Lannercost Run
20,920	Homebush (consolidated) Run
32,000	Greenmount Run.

beg now to present the same to the Legislative Council for their concurrence.

"WM. HENRY WALSH,

"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 5th May, 1875."

The POSTMASTER-GENERAL said, in asking the House to concur in the resolution sent up from another place, where it had been carried almost unanimously, seeing that the resumption proposed was so moderate, and that all the land on the runs named had been recommended by the commissioners of the several districts, and seeing likewise that honorable members of the Council did, on a former occasion, say they would agree to it if the commissioners recommended a moderate resumption, he apprehended that there was not likely to be any opposition to the motion he had to make on the present occasion. He thought that honorable members who had read the reports of the commissioners could come to no other conclusion than that land of a suitable character was wanted for selection for settlement in every district of the colony. He could vouch that the land recommended for resumption was

the best that could be obtained under the circumstances. Here he might for a moment depart from the immediate question to answer the allegations in the petition presented from Mr. Crace. The land in question formed part of the old West Moreton Reserve, proclaimed in 1867. He could further inform the House that that 25,000 acres would be all gone within forty-eight hours after the proclamation of its being open for selection. Mr. Crace was wonderfully fortunate in not having the whole of his run resumed. If there was one bit of land in the two Moretons better than another, and suitable for settlement, it was the land held by Messrs. Mort and Crace. Then, again, with regard to Messrs. Campbell and Simpson, and Wivenhoe Run, he found that considerably more than the half of it was already gone under the Homestead Act of 1872. In fact, all the water frontage was taken. He stood to be contradicted, but he must say he understood that the commissioner did not propose to resume so much of Wivenhoe Run as was put down; but, when he made his recommendation, the owner of that run said, "You might as well take the remainder, and make the resumption 16,000 acres instead of 6,000." That was the reason why the resumption from that run appeared to be so large. It was the wish of the proprietors themselves that the area should be extended. Now, going back to the question before the committee, he thought honorable members would have very little difficulty in arriving at a conclusion upon the resumptions in the Moreton and Darling Downs districts. It was known to himself that, with one or two exceptions, there was no land—proper agricultural land—open for selection; he alluded more especially to Darling Downs. On Darling Downs all the land resumed from the runs under the Homestead Act of 1872, and from which runs it was proposed again to resume, was gone, except a little bit here and there, not sufficient, as the commissioner informed him in the document before him, for one person to settle upon. That being the case, it was necessary to resume additional land; and if honorable members would look through the schedule, they would see that the areas were very small, indeed—a mere flash in the pan—and the pastoral lessees would hardly notice them. He thought he knew most of the runs. The same would apply to the northern districts, with one or two exceptions; and in those the land was very good, and would be settled upon immediately. As he stated before, the resumptions were very moderate, indeed; and such as honorable members had formerly expressed their willingness to agree to, if recommended by the commissioners. Some honorable members might say, "Why, if you take this run, should you not take that run?" and so on. But they were all aware that the Government did not wish to act harshly towards any of the pastoral

lessees, and that, as a fact, they wished to take such land only as was wanted for settlement, and where they were satisfied settlement would at once take place. That was the reason why the Government did not take land from every one. The total amount to be resumed was only 700,980 acres, in all the districts. He knew that settlers would locate themselves on all that land as soon as the resolution had passed the two Houses of Parliament. On Darling Downs it was contemplated to throw open something like 110,000 acres on thirteen runs, under the Homestead Act of 1872; all, in fact, with the exception of three runs—Goomburra, Gladfield, and Pilton; and honorable members would, he thought, agree with him that all of it would be gone in two or three months. If one was to judge from the great rush that took place at Toowoomba for a single forfeited selection on Westbrook Run, where there were something like thirty-two applicants for a piece of land, and in view of the fact that all the land to be thrown open was well adapted for agricultural purposes, with the exception of that on the three runs just mentioned, one need have no hesitation in stating, as he now stated, that within a few weeks, or months, the whole would be selected. Honorable members had stated, and he knew they would act up to their words, that they would not interfere in any way with the commissioners' recommendations. In Moreton district, East and West, about 200,000 acres would be resumed from sixteen runs, and that land, as recommended by Commissioners Coxen and Smith, was the best that could be procured in the district. Moreover, if honorable members would take the trouble to look at the commissioners' reports, they would find that selections had lately fallen off, owing in fact to the inferior land that was left open—in consequence of there being no land of a suitable description open for selection at this time. He had no hesitation in saying that those representations were correct; and the Government had acted mainly at the instance of the commissioners in proposing the present resumptions. The bulk of the land in Moreton, or three-fourths of the whole, would be thrown open for selection under the Homestead Act of 1872; about one-eighth would be surveyed and offered at auction; and about the other eighth would be thrown open to selection for conditional purchase. That would supply the demand for about twelve months. He questioned whether the small resumption on Darling Downs would supply the demand for that time;—at all events, he did not think the Government contemplated asking Parliament for any more, this session, though he had no doubt in his own mind they would ask for a further resumption next session. Land on two runs in East Moreton, Melcombe and Tamrookum, it was contemplated to bring under the 46th section of the Land Act of 1868; and on two or three others, in West Moreton,

including Laidley Plains and Franklyn Vale, it was contemplated to have land surveyed and offered at auction, and the resumptions on those runs would very soon be settled upon for pastoral purposes by *bonâ fide* selectors. In Wide Bay and Burnett District, the Government proposed to resume 141,728 acres. Within the six runs named in the schedule, with the exception of Gin Gin, the Government proposed to throw all the land open under the conditional clauses of the Land Act of 1868; at the same time, it would be open to selectors to take up homestead areas. Gin Gin would be thrown open entirely for homestead selections; it was all land of excellent quality, especially that bordering the Burnett River. The Honorable Mr. A. H. Brown would be able to tell the House about that. If the House were to judge by the report of the commissioners of that district, the land would be soon taken up. The report of the commissioner for Port Curtis District was, that there was not a very great demand for agricultural land, but for pastoral land there was a demand. In view of that, the Government resumed 150,080 acres from seven runs, which was all to be thrown open under the Homestead Act of 1872, with the exception of Riverstone, which would be surveyed and offered in small lots at auction. In Kennedy District, the Government would resume 102,840 acres from three runs, one of which was in the extreme north, Lannercost. The report of the commissioner at Cardwell was that pastoral land was scarce, and that if land on the run named was thrown open it would be settled by small pastoral proprietors. The other two runs, Greenmount and Homebush, reported upon by the commissioner at Mackay, contained land of excellent quality; and the Government would throw them open under the Homestead Act of 1872 until the best of it was gone, and the remainder would come under 31 Vic., section 46, for conditional purchase. He (the Postmaster-General) hoped the committee would not go in the teeth of the people's representatives on the subject of land resumption. The resumption proposed was very moderate, and, if he was not greatly mistaken, honorable members would not set themselves in opposition to it, but would agree to the resolution, and send it back with their concurrence to the other House. He moved—

That the resolution be now agreed to.

The Hon. T. L. MURRAY-PRIOR said, as the honorable gentleman representing the Government had remarked, the Council would be always ready, whenever land was required for settlement, to throw it open. At the same time, the House must feel that the land should be justly acquired. He should not oppose the resolution, because he intended to bring a motion before the committee to postpone the adoption of the resolution for a time. After the actions which

had taken place on the part of the Government against certain individuals, for wrongful acquisition of land, and after large sums of money had been spent in trying them, it was patent to the community that some better administration of the land law was required. No one would deny that the Act of 1868 had been improperly administered, and in contravention of the spirit in which it was passed. He saw that the Government had a Land Bill to bring forward this session; he had read the Bill, as printed, and he did not see anything in it that would remove the doubts which all landholders under the Act of 1868 had as to their titles under that Act; and he thought it was very necessary, before additional land was thrown open for selection under existing conditions, that the House should know something of what the Government intended to do. That being the case, he for one, though ready to assist the Postmaster-General in every way, and to pass the resolution, yet thought that the Bill should be brought forward in the House before the land was touched, and that therefore the resolution could stand over for a short time. There were several issues to be tried in connection with the land question. Although he was satisfied that the House would accede to any reasonable request or resolution of the Government, yet he thought that time should be allowed to examine into them. He entertained very great doubts of the Government. He should like to see the land question settled definitely, as he thought the country required it. The Postmaster-General knew that in West Moreton there was the greatest dissatisfaction with the present state of affairs. There was hardly a settler, however small, who knew whether he should get his deeds for his land. Too much power was in the hands of the Minister for Lands, who could give or not, as he pleased, a title to a selector who had complied with the spirit, but not, perhaps, fulfilled the letter, of the law. For himself (Mr. Prior), he knew that in East Moreton there were very few persons on the land who had not complied with the spirit of the law, and expended large sums of money on their selections, in an endeavor to comply with the conditions of the Act. But, as things had gone, it was the duty of the House to see that the existing doubts were removed or set at rest. The honorable gentleman who represented the Government knew that this statement was correct; he was too much amongst the free selectors not to know it; he knew their ways, and he knew what a hard-working class they were; and he must admit that it would be a very dishonorable action, it would bring the colony into disrepute, to refuse any of those men their titles. He (Mr. Prior) did not say it was the intention of the Government to refuse them; but he thought that when these men were not at all sure that they would get their titles or not, there was a great object to be attained in setting them at ease. He should

not speak to the resolution, but reserve any remarks he had to make for a future time; and he should now move—

That the Chairman leave the chair, report progress, and ask leave to sit again on the 2nd June.

The Hon. F. T. GREGORY supported the amendment. He might, he said, at once tell the House that he was as strongly in favor of the resolution for resumption as any honorable member of the House. He had watched the progress of settlement as closely as most persons in the country, and he was quite satisfied that the time had come when more land was wanted to meet the requirements of settlers. He should be very sorry to see the resolution ultimately thrown out; but he most thoroughly concurred in the remarks of the Honorable Mr. Prior, that it would be very injudicious for the House to assent to it, at once, without having some inquiry into the real requirements of particular localities. While thoroughly affirming the principle, he should like to have some opportunity of going into details, with the view of increasing the areas. As far as he was personally concerned, he should rather enlarge them; but after the way in which the land of the colony had been administered during the last two or three years, there was much ground to make the House very cautious of what they did to throw large areas of land recklessly into the hands of the Government to dispose of as they might think fit. He thought it was but too evident from the way in which the land had been administered for party purposes; and from the tenor of what had been stated in public, outside of Parliament, by various members of the Government, and from the speeches that had been made in another place—to which honorable gentlemen of the Council had listened with very great respect—that the present resumption was not in compliance with the requirements of the country at the present moment for agricultural or pastoral land, but for class purposes especially. No man could be more anxious to see the enlargement of the homestead areas, and for every facility to be given to the people who took them up, than he was. The homestead selectors were a very useful class. Whatever objections there might be to them, on certain points, they were such as would be made, more or less, to any class that settled on the land; but they were not sufficient in any way to justify an objection to them altogether. Under the circumstances, he fully concurred in the amendment, which, if carried, would afford honorable members the opportunity of looking closely into the subject; and, meanwhile, the Government would make some progress with their Land Bill. That Bill in its present form was very unsatisfactory. If it should pass without alteration in another place, he was quite sure that in the Council it would undergo large modifications, which would necessitate a very great alteration of the areas to be resumed,

very likely a great enlargement of them; if not, at any rate, a more equitable distribution amongst the different holders of runs throughout the country.

The POSTMASTER-GENERAL expressed his hope that the Council would not agree to the proposal for delay. He did not see what the Land Bill had to do with the present question. It was not likely to be before the Council by the end of June or July. When it came up from another place, it would be in the power of the House to amend it; but why they should stave off the resumption until they saw it, he was at a loss to conceive. The Land Bill was not read the second time in the Assembly yet; and the Council should pause before committing themselves to unnecessary delay of the present question for that Bill. The country was calling out for land, and the resumption of the runs was a necessity imposed upon the Government and the Parliament at the present time. To delay the throwing open of land would be for the Council to kick against the pricks. They should not refuse the moderate resumption proposed. If the supply of land should be found too small, it would be optional with the Honorable Mr. Gregory to move for a larger resumption on Darling Downs; and he (the Postmaster-General) should be very happy to support him in getting all the land in that district thrown open. The postponement of the resolution would do no good; but it would give cause for great dissatisfaction outside. Judging from the way that business was conducted in the other House, the Land Bill might not come up to the Council before two months; and he pressed upon the committee to agree to the resolution. He should divide the House against any postponement.

The Hon. H. G. SIMPSON said if he could see any object to be gained by the postponement, he should, as he had told the Honorable Mr. Prior privately, be most happy to support his motion. He was sure that a majority of the Council to whom he had spoken were prepared to vote for the resolution; that being so, what was the use of putting it off for a fortnight, with the probability of putting it off again, and of adopting the resolution in the end, and of seeming to do with a bad grace what they might do now?

HONORABLE MEMBERS: No, no.

The Hon. H. G. SIMPSON: That was the view of the case that he took. He should be glad to defer to general opinion. He took the report of the speech of the leader of the Opposition in another place. That honorable gentleman had appealed for only one day, with a view to the resolution coming up with the unanimous opinion of the Assembly. Unless he was greatly mistaken, all honorable members of the Council had made up their minds to pass the resolution at some time; delay was useless for any good; and he should support the resumption at once.

The Hon. T. L. MURRAY-PRIOR, in reply to his honorable and gallant friend, said one

reason for delay was that he firmly believed if the Council passed the resolution, there would be no Land Bill. What had dropped from the Postmaster-General made him suspicious. The resolution would put great power in the hands of the Ministry, to which he was averse. His object was to protect the present selectors, and to prevent the colony being dishonored by what he might term repudiation. There were so many doubts of the law, now, that no one would select land. If he was sure the selectors would be protected, he should have no objection to the resolution passing. Having carried resolutions for resumption through the House, he could not be supposed to object to the resumption of land in itself; it would ill become him, now, to vote against it. When the tide of population swept over a place, the land ought to be open to the people to settle on it. From his own experience he believed that all run-holders who had large selections were benefited by the proximity of the small selectors; the latter took employment which the former, wanting labor, could remunerate; and they benefited each other mutually. He wanted a short delay; it would do no harm, and might do an incalculable amount of good.

The Hon. W. WILSON said he had only one reason to object to the resolution, and that was, that the Government had made no provision for the compensation of the lessees for the resumption of their leased runs. However, he did not see that there was any reason for postponing the resolution; and he thought the House might as well go into it at once. The time had come when all agreed that the resumption of land was necessary in every part of the colony. He stated last session, as he did now, that he only opposed resumption because compensation was not given; but on that ground there was nothing to be gained, now, by a postponement.

The Hon. E. I. C. BROWNE said, he entered the chamber fully impressed with the idea that the resumption was absolutely necessary. If he had had any doubt, of course it was completely removed by what had fallen from honorable members, whose sympathies could not naturally be with the resumption, but rather against it. The House had the full admission from those honorable gentlemen, that the resumption was called for by the country. He failed to discover, from what had fallen from the Honorable Mr. Prior, that any benefit would be gained by postponing the resolution; that the House had to look forward to future legislation was not a reason why they should delay the passing of the resolutions, for what all admitted to be necessary; and, therefore, he should vote for going into the consideration of it immediately. He had not heard from the honorable gentleman who represented the Government any reason why the resolutions which had been introduced by him on the last day of last session were not now introduced. If the lands pro-

posed to be resumed were necessary then, leaving no margin to the squatters; how was it that an area so much smaller was found to be now sufficient? Honorable members might, he thought, come to the conclusion—which was certainly strongly felt last session—that the resolutions then introduced were framed, not as being necessary to meet the wants of the country, but simply with the hope of putting the Council in a wrong position, and of making it appear that they were preventing the settlement of the country by denying land to the people. He hoped that they should never again see what he must characterise as such an unstatesmanlike proceeding on the part of the Government. The Postmaster-General should give some explanation why only 700,000 acres of land was required now, as against the large area asked for last year.

The POSTMASTER-GENERAL stated that last session the Government contemplated throwing open all the country to conditional purchasers. At the present time, the Government saw that it would be false policy to do so; and they wisely thought fit to throw open lands to homestead selectors mainly, under the Act of 1872. On those runs that had not been settled upon, the Government purposely avoided taking any land. Honorable members were aware that under the Homestead Act of 1872, several square miles of land had been resumed on which not a single acre had yet been selected. This being the case, the Government did not think it wise to take any more on the runs from which that land had been resumed. At the same time, they were not willing that the whole colony should be thrown open to conditional selectors; for they had discovered that that did not promote settlement, as the whole country might be held by a few individuals. Now, the Government asked for land for *bona fide* settlers only—land to be occupied by persons who would live on the land. That was the reason why the Government did not propose such a sweeping resumption on the present occasion as they did last session.

The Hon. A. H. BROWN said the Postmaster-General had given a very poor reply, and a very unsatisfactory one. There was, he believed, very little difference of opinion in the House with regard to the proposed resumption; the subject came before them this session in quite a different aspect from that it bore last year. At that time the resumption proposed was so sweeping, that it appeared to the House to be injurious to the best interests of the colony, that the land was not required, and it was not passed. Had it been passed, he believed that a very small proportion of the land would have been selected. The Postmaster-General had explained that the present resumption was a kind of class arrangement; it was made for the homestead selectors only—

The POSTMASTER-GENERAL: Mostly.

The Hon. A. H. BROWN: He was confirmed in his opinion by the reports of the commissioners, who appeared to have been instructed particularly to point out all the land fit for homestead selection. Certainly, Mr. Coxen pointed out only land that was suitable for homesteads. Were the House to suppose that one peculiar class of selectors was to be considered? Under the Act of 1868 there was a variety of people who were offered land under conditional purchase; but they, it appeared, were not now to be considered in any way. He thought the resolution should be considered concurrently with the Land Bill, which was on the table in another place. If the Postmaster-General could say when there was a probability of the Council receiving that Bill, honorable members could the better judge whether the resumption now proposed should be considered, or whether it would be best to wait for the Bill. There was a good deal in the argument that the resolution would bear intimately upon certain clauses of the Bill; as he believed that its provisions set forth how selectors were to be dealt with, how selections were to be paid for, and how the titles of selectors were to be completed. If more land was to be resumed, it would be good policy for the Council to see that the Bill was properly considered before the land was thrown open. He should be sorry to imagine that an impression should get abroad that there was any disposition on the part of the Council to prevent the passing of the resolution. He did not know an exception to the favor with which the resolution was regarded by honorable members. The resumption now proposed was brought before them in a far more reasonable and palatable manner than on the previous occasion. He should support the proposal of the Honorable Mr. Prior; because he thought it was for the benefit of the homestead selectors themselves that the intentions of the Government should be explained fully. The homestead selectors were a very estimable class; but the House should take into consideration the selectors of another class, the conditional purchasers.

The POSTMASTER-GENERAL said he could not give the honorable gentleman any information with regard to the Land Bill. It was in honorable gentlemen's hands. No doubt it would take a considerable time to go through committee, after the second reading, which stage it had not passed yet. It might never pass. He had seen Land Bills go through the Assembly, and he knew of none that took less than a month to be advanced through committee. He should be very sorry to see the resumption delayed. How the Land Bill affected the present resolution, he could not see.

The Hon. F. T. GREGORY: Could the honorable member inform the House about what date the resolution, if it passed, would come into effect?—what period would elapse before

the lands resumed under it would be open for selection?

The POSTMASTER-GENERAL: Suppose the resolution passed at once, it would be necessary to give one month's publicity of the resumption in the *Government Gazette* and the newspapers circulating in the different districts of the colony. At the same time, he did not think the Government contemplated throwing open all the land at once, or on the same day. That, however, was a purely departmental matter. In those places where the land was likely to be settled on, he thought the Government would immediately, or in a reasonable time, throw it open to selectors. Honorable members would remember that on a former occasion, the Government threw open only the Darling Downs land; they knew that that would be taken up at once;—on other runs, in other districts, the land was not thrown open for two years, and some of it was thrown open by the present Government.

The Hon. J. F. McDougall said, at the outset, it was not his intention to oppose the resumption. He was quite aware of the necessity which existed for land in certain localities; but, at the same time, he thought honorable members were bound to consider that they were dealing with a very large and important section of the community, and that the resumption which was proposed to be made would do a very serious injury to that section of the community. He had the honor, to-day, of presenting two petitions to the House, and he believed that, if the motion of his honorable friend, Mr. Prior, should be carried, petitions would be presented to the Council in endless numbers against the resumption, showing the particular hardship with which it would bear in certain cases. He did not deny that the Government had acted as fairly as they could upon the representations that had been laid before them by the commissioners. He had gone very carefully over the runs proposed for resumption, and in many cases of which he had very considerable knowledge, he must agree with them. But there were individual cases that were very hard, indeed. The House had the power to make, they were not debarred from making, certain amendments in the schedule, or from considering the resolution with a view thereto. The fortnight's delay asked for by the Honorable Mr. Prior would enable the parties affected to set forth the hardships they endured. The resolution was passed in another place on the 6th May, and sent up to the Council.

The POSTMASTER-GENERAL: Lots of time.

The Hon. J. F. McDougall: Many of the pastoral lessees, who would be dealt with by the resolution, were perhaps hardly aware that the resumption of their runs was proposed to be made. At all events, they had not had the opportunity to petition against it. In answer to the Postmaster-General's statement that the Land Bill in another place had nothing to do with the resumption, he

said that in his opinion the Bill had a great deal to do with the present question; as it proposed to alter the areas of selection, and otherwise to deal with the land now proposed to be resumed. For that reason, he asked him to delay the resolution until the House should know what progress the Bill made in another place. If, as the honorable member told them, there might be no Land Bill at all, they should know that. But, at present, there was a Land Bill before the Legislative Assembly, which was likely to come before the Council, and they might fairly ask for a postponement of the resolution until that Bill came up, or was otherwise disposed of. He had no intention of obstructing the resolution, but he thought that time might be given for some cases to be modified where peculiar hardships would ensue from the resumption of land. He should not go into details; but as no injury could result from the short delay asked for, the postponement should be granted on the grounds set forth. The Postmaster-General was assured that there was no factious opposition, and he should concede what was asked for. Though offering no opposition to the resumption, yet he (Mr. McDougall) had not changed his opinion one iota as to the rights of the pastoral lessees to compensation for the resumption of their land held under lease. But as that right had been disputed, the point was now given up.

The Hon. H. G. SIMPSON said his honorable friend who had spoken last had opened up a new question, as to the propriety of dealing with the resumptions upon their merits. That, he confessed, had occurred to himself; but upon speaking to several honorable members he found that it was the prevailing opinion that the Council were not called upon to take the responsibility of deciding what the resumptions should be. He could quite understand the benefit of postponing the consideration of the resolution if the resumptions were in the meantime referred to a committee, to take evidence, and to decide which were hard cases and which were not. But, most certainly, if the House were not prepared to take upon themselves that responsibility, he could see no object in postponement. As to the Land Bill; suppose that measure came up in a form displeasing to the Council, and that it should not be carried, would the Honorable Mr. Prior then propose the rejection of the resumptions which he and the other honorable members admitted to be necessary? That would be sacrificing the great for the little; and the selectors would thank him very little for his care of their interests.

The Hon. W. YALDWIN said the honorable gentleman who moved the amendment was divided in his mind as to the manner in which the resumption ought to be dealt with; he was very much in love with the proposal, but he did not wish it to be carried out too rapidly. It was evident that every

honorable member had thoroughly grappled with the question long ago. It was not before the House for the first time, to-day. They had had it under consideration for some time, and every one had made up his mind; every one was of opinion that the resumption was necessary, and he did not see why the House should put off their decision for a day. Nothing had been advanced to convince him that delay was necessary. The Land Bill had nothing to do with the resolution. Therefore, he should support the original motion.

The Hon. T. L. MURRAY-PRIOR, in answer to the honorable member who spoke last, denied that he was so much in love with the resumption that he did not wish to see the resolution pass. Every honorable member would give him credit for doing what he firmly believed was for the good of the country. If honorable gentlemen could not see his reasons, if they were not now apparent to them—he was not gifted with great powers of speech, and could not impress the minds of his hearers—all he could say was, that the day would come when those honorable gentlemen who should now vote against him would see that he was right in the conclusions he formed with reference to the present question. He should feel it to be his duty to divide the committee. He was not opposed to the resolution; he wanted merely time to consider further its bearings. He might mention to the Postmaster-General that one name appeared in the list of runs resumed of a gentleman not long from England, who, settled on a run in East Moreton, was engaged in virtue of his ten years' lease, building, and improving his land, and employing a large amount of labor, so as to be enabled to take up his pre-emption. But out of 9,589 acres, 6,240 were to be resumed. The honorable member was understood to give several particulars of the case, but his words were almost inaudible;—it was a case of gross injustice to an individual, and would not result in any advantage to the country. Delay would do no harm and a great deal of good might accrue.

The Hon. A. H. BROWN: It would be very invidious of the House to go into details as to the resumption of land from the respective runs. The House must deal with them as a whole. The Honorable Mr. Prior had named one or two cases of individual hardship; but they were not the only cases of that kind. If the House entered upon the task of rectifying errors, they would have very heavy work indeed before them; and their determination would, in the end, prove very unsatisfactory to every one. They could not, with the best intentions, do justice to all; and they should take upon themselves the functions that appertained to the Ministry. He said this, not because he did not think the subject was in very bad hands; because some different plan might be proposed, a commission, say, for dealing with it.

The POSTMASTER-GENERAL: The Honorable Mr. Prior had referred to a hard case, that of Mr. Robertson, of Beaudesert. It never came under the notice of the Government. He (the Postmaster-General) did not think any Minister for Lands had refused a pre-emptive right, under the circumstances, provided the gentleman effected improvements. He hoped it was not an imaginary case.

The Hon. T. L. MURRAY-PRIOR: He begged the honorable gentleman's pardon;—it was a case *de facto*.

The POSTMASTER-GENERAL: He was informed that it never came before the Lands Department.

The Hon. T. L. MURRAY-PRIOR: It had been urged properly that this was not the time to go into such matters; but he had put the case forward as one reason why the House should delay passing the resolution.

The Hon. J. F. McDougall said the Postmaster-General had not shown that any harm would come of the delay.

The POSTMASTER-GENERAL: It would do no good.

The Hon. J. F. McDougall: If there were sufferers under the resolution, that was a reason why it should not be rushed through the House. A fortnight would not be long to wait before the Government seized the land which rightly belonged to the persons who held the ten years' leases.

The POSTMASTER-GENERAL: He did not see what earthly good could be done by the adjournment. It was about a month since the resolution was introduced, and it was before honorable gentlemen a fortnight. They should not allow it to go to the country that the Council were obstructing legislation. The resolution would have passed the Assembly unanimously if only one day's delay had been given. If any changes were to be made let them be made in committee; or pass the resumption *in globo*.

The Hon. W. THORNTON said if he could see any good likely to result from the amendment he should support it. Would any honorable gentleman's opinion upon the resolution be altered a fortnight hence? As to there being some cases of hardship, that was very possible; but he did not see how they could be amended by the House. The resumptions had been recommended by the commissioners; and the Government had no alternative but to see that the land recommended should be resumed. If the commissioners should prove to have been mistaken, and the land should not be selected, he could not see what great harm would be done; the lessees would have the use of it still, by paying rent. If, on the other hand, the commissioners were correct, and the land was taken up by selectors, it was quite right that it should be resumed. He could not make out what would be the good of postponing the resolution to the 2nd June, or what connection the Land Bill before the Assembly had with it; and he recommended the Honor-

able Mr. Prior to withdraw the amendment. The House had evidently given enough time to the consideration of the resolution, and let the question be put at once.

The Hon. F. T. GREGORY had one question to ask. Honorable members would remember most likely that when the resumption of runs was proposed, last year, twelve months' notice was to be given to the lessees. No doubt, at that time, there was reason for extending the notice. He hardly supposed that any honorable member would on the present occasion claim so long a period; but he must say that one month was not sufficient notice. Having some practical experience of the difficulties of removing stock, and putting up fences, in connection with one run in which he was deeply interested, in order that the lessees should not obstruct the homestead selectors, and *vice versa*, he had found that the change could not be carried out satisfactorily in less than three months, with every facility given; and the work was done as fast as most pastoral lessees could do it. Therefore, if the resolution should be passed, it ought not to take effect until the lessees had had time to remove their stock.

The Hon. A. H. BROWN asked if the Postmaster-General would give the House some guarantee that the lessees should have some time, as suggested by the Honorable Mr. Gregory, to remove their stock. There were some very large resumptions which would involve an extensive removal of cattle especially. They could not be removed in one month, or six months. When such sweeping resumptions were made, the Government should have some consideration for the lessees. He had thought of an amendment. In cases where the whole available country was taken, the lessees were outcasts. The resumptions were in many cases sudden and unexpected. If the honorable gentleman who represented the Government would give the House some guarantee that sufficient time should be given for the removing of stock, it would be satisfactory. The statement of the honorable gentleman implying that the House were obstructing legislation, he (Mr. Brown) denied; there was no obstruction intended. He suggested to the Honorable Mr. Prior, that as the feeling of the House seemed to be against the amendment he should withdraw it.

The POSTMASTER-GENERAL pointed out that it would not be to the interest of the Government to throw open all the land at once, but to give every man an opportunity of applying for the fine agricultural land on Darling Downs, and in East and West Moreton. But to the large pastoral lessees in those districts, the resumption was a mere flash in the pan. In the North, where the whole would be taken at once, the lessees might feel some inconvenience from being interfered with. He might say that those lands that were likely to be taken up at once, and occupied by a settled population, would be thrown open as soon as possible.

The Hon. E. I. C. BROWNE observed that a good practical reason had been given, that stock could not be removed in a month; and if the Honorable Mr. Prior would withdraw his amendment, an amendment to the effect that three months' notice should be given to the lessees would be accepted.

The POSTMASTER-GENERAL: Hear, hear.

The Hon. A. H. BROWN: That would be an improvement; but as the honorable gentleman opposite was not so practically acquainted with stock as he was himself, he should like to move that the period be six months. The longer time was not too much. On Darling Downs, with enclosures on the runs, three months might be enough; but in other districts, at Widgee, for instance, and another run from which he presented a petition, it would not be enough. Widgee was fully stocked, and 64,000 acres was the area to be resumed from it. The owners must either sell their stock at a loss, or purchase another station, which he thought would be difficult at the present moment.

The POSTMASTER-GENERAL said he had no objection to three months. It was not to the interest of the Government to rush the land, or to throw it all open together. Some of the runs might not be proclaimed for six or nine months; but to specify six months for all lands in the resolution was too long.

The Hon. A. H. BROWN thanked the Postmaster-General for his concession so far; but it was not satisfactory. Those gentlemen whose runs were to be resumed should not be left at the caprice of the Ministry, upon whom pressure might be brought. If a man was to be moved he should have proper notice.

The Hon. T. L. MURRAY-PRIOR said, in deference to the opinion of the House, he should withdraw his amendment; not because of what had been said by the honorable Mr. Thornton, and not with the intention of making a bargain with the Government. What he had done was for the good of the country; and he regretted that the House did not see fit to go with him. He should stand the test of time, and he was sure that the time would come when some honorable member of the highest intentions would say that it was a pity they did not act with him.

Amendment, by leave, withdrawn.

The Hon. E. I. C. BROWNE said, that to meet the objections of honorable members, who took it for granted that there would be great difficulties and hardship in removing stock off the land without notice, he should move the addition of a rider to the resolution, as follows:—

Provided that no proclamation of the resumption of any of the lands contained in the schedule shall be issued until after three months shall have elapsed from the passing of this resolution.

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

The resolution, as amended, was then agreed to.

The House resumed, and the Chairman reported that the committee had agreed to the resolution with an amendment. The report was then adopted, and the resolution was ordered to be returned to the Assembly, by message in the usual form.

ADJOURNMENT.

The POSTMASTER-GENERAL moved the adjournment of the House until Wednesday next.

The Hon. T. L. MURRAY-PRIOR moved, by way of amendment, that the House adjourn until the 2nd June.

The POSTMASTER-GENERAL urged, that business was now coming up to the Council. If the House did not meet to dispose of it, it would be crowding the paper late in the session, and he should have to ask for an extra sitting day. An adjournment for a fortnight was unwise. There would be four Bills on the paper for the next sitting day; and, owing to the Standing Orders, unlike those of the Assembly, not allowing a Bill to be advanced more than a single stage in one day, their progress would be very much retarded by the proceedings of the honorable gentlemen.

Question put, and the amendment was affirmed. The House accordingly adjourned until the 2nd June.