

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

MONDAY, 23 OCTOBER 1876

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LEGISLATIVE ASSEMBLY.

Monday, 23 October, 1876.

Adjournment.—Suspension of Standing Orders.—Navigation Bill.—Insolvency Act Amendment Bill.—Stamp Duties Act Amendment Bill.

ADJOURNMENT.

Mr. BELL said he wished to move the adjournment of the House, in order to call attention to the remarks contained in a leading article in the *Brisbane Courier* of that morning's date, upon the debate which took place on Wednesday last, on the Settled Districts Pastoral Leases Bill. He found that he, amongst other members, was referred to as having in the course of the debate used arguments which were incompatible with the former declaration made by himself and the party to which he belonged, in connection with the subject of the public lands of the colony, and particularly with reference to the ten years' leases which were about to expire. The article argued from premises, the truth and accuracy of which he denied. He denied that there had been any change in the assertions or opinions of himself or other honorable members sitting on that side of the House upon the question. In the early part of the session they adopted a certain course of action upon the question, and there had been no difference made in their policy from that moment to this as to the resumption of leases of lands that had been held under the ten years' leases, and that had not been taken up by selection or purchase. He repeated that no difference in the principle as between the Opposition and the Government had taken place. It had, on either side of the House, been thought necessary that the lands should be re-leased whether to the present occupiers, or to some other occupiers. The only difference between the Government view of the question, and that held on his side of the House was, that the Government thought it best in the interests of the colony that land should be put up to auction, whereas members on that side of the House who took his view of the matter thought it better that they should be leased to the Crown lessees under a system of appraisement. There was no intention whatever that the lands should not be re-leased, and there had, therefore, been none of the breaking of faith to which the article referred. Speaking for himself, and he also believed for other members on that side of the House, he could say that what they understood by the non-renewal of the ten years' leases was, that they should not be renewed to the present holders unless they were first thrown open to selection; that was to say, that free selections should be made all over the runs, and that the portions which were not selected should be dealt with as the best interests of the colony required. It was upon that point only that the Opposition had differed from the Government; there was no difference of principle,

no repudiation; and no breach of faith had taken place on that side of the House upon the question.

THE MINISTER FOR LANDS said he was a little surprised at the sensitiveness of the honorable gentleman, as displayed in his quoting from an article in the *Courier* upon a subject which had been so much debated in the House, and he (the Minister for Lands) must confess it was a somewhat unusual course to adopt, but supposed the honorable gentleman felt bound to admit that the arguments in the article referred to demanded a reply from him. He doubted very much whether they did. He (the Minister for Lands) had not been in the habit of referring to newspaper articles, and could not see why the honorable member should have selected this occasion for noticing the comments which had been offered in the columns of the leading journal. He did not himself altogether agree with those comments, and thought the portion of the article to which attention had been drawn was not in some respects fair to honorable members opposite. In that sense, therefore, he agreed with the honorable member. He freely admitted that he had understood that the leading members of the Opposition did not claim any right to a renewal of the leases; he took it that their argument was not upon any abstract right for renewal. He understood the honorable member for Port Curtis to repudiate this. It could not be denied that honorable members opposite frankly admitted that the tenure of the ten years' leases terminated with the ten years, and in that respect he certainly did not agree with the line of argument adopted by the writer of the article; at the same time, he thought it was scarcely necessary to take notice of the article in the serious way in which it had been taken notice of. He gave credit to honorable members opposite for wishing to do what was for the benefit of the country and not of themselves, and it was quite true, as a matter of argument, they contended that it would be the best for the country on the whole to renew the leases under the system of appraisement. They on their (the Government) side of the House considered that, as all legal and equitable title to the land ceased, it was their duty to secure the best value they could for it, and that the best form of testing the value of the land in the market was by auction. The matter was fairly argued out, and there was not much feeling displayed during the debate; for himself, he never flinched from the principle of auction. He said, at the time, that if the honorable member for Rockhampton succeeded in carrying his amendment, the Government would be prepared for such a contingency by providing an amendment which would make the Bill run on all fours with the resolution the honorable member proposed. That in no way compromised him. The Government had originally, in the

Bill, identified themselves with the auction system as the best that could be adopted; and although they were perfectly willing to admit that honorable gentlemen opposite might have a contrary opinion, they never hesitated to express their own views; and he wished now to say, as he understood some remarks had been made in consequence of the fact that the Government assisted in framing a certain amendment which was handed round amongst honorable members after the Bill was recommitted, that it was assumed the honorable gentleman might carry his amendment, and in that case they considered it their duty to provide a clause enabling him to express his views in the best form possible, and in agreement with the rest of the Bill. He took this opportunity of stating this, because he found some exception had been taken to the course the Government had adopted. It was not in any way a matter for censure; it was a course which was quite consistent with fidelity to their own point of view, and not inconsistent with the courtesy they were bound to show to honorable members opposite.

Mr. WALSH said the explanation would have come with much better grace from any other member of the Government than the Minister for Lands, for the honorable member was supposed to be a chief contributor and great ornament of the *Moreton Bay Courier*. The honorable member was supposed to write those divine articles—the articles that claimed inspiration; and he thought not only the honorable member for Dalby, but the public at large, when they saw such an extraordinary production, must attribute it to the honorable gentleman himself, or to even a higher personage in the Assembly. It was all very well for the honorable member to try and divert the feelings of honorable members from the real question, but the article to which reference had been made, and which they had been compelled to read that morning, was something amazing. On reading the first few lines he began to think that the honorable Minister for Lands was the author of the article; then, when he had read a few lines further, he thought another honorable member had a finger in the pie; and at last he came to the conclusion that it was a kind of conspiracy to restore the old anti-squatting feeling in the country again, notwithstanding that they (the Opposition) had used their best endeavors this session to allay that feeling. It appeared that the Minister for Lands, with the influence he possessed at the *Courier* office, and another honorable member, with the influence he possessed over the Minister for Lands, had now, at the close of the session, determined to restore this old antagonistic, nasty, detrimental spirit which had long prevailed in the country for certain objects. He could not for the life of him discover what the honorable the Minister for Lands was aiming

at in his argument, except to endeavor to cloak the real object of the article in the *Courier*, and to apologise in an indirect way for it. He tried to soap leading members of the Opposition by telling them that they had all been agreed upon the subject, and that they were willing that the Crown lands should be thrown open in most places. The fact was, they wished to go even further than the Government. But no. The Government having passed a Bill which was virtually shutting up the Crown lands of the colony for five years, when they were found out, in order to throw the odium upon honorable members on the Opposition side of the House, changed their tactics. It behaved those honorable members, therefore, to be watchful to see that they were not ensnared by the guile, and to a certain extent wisdom—worldly wisdom (he liked to apply that term to the honorable gentleman)—the worldly wisdom of the honorable the Minister for Lands. The Government had created a smoke, and then they got up and innocently protested against it. But they had not half the innocence they pretended to have, and he believed all the misrepresentations to the public respecting the representatives of the pastoral interests of the colony, who were the representatives of justice as against injustice in the House, were instigated by the other side.

Mr. MACROSSAN rose to express his regret that the honorable member for Dalby should have considered the matter of sufficient importance to move the adjournment of the House upon it. The action he had taken was likely to give the article commented upon an importance it did not deserve. If the honorable member looked at it in the light in which most members viewed it, he would have come to the conclusion that it was an ephemeral affair which would probably be entirely forgotten to-morrow. He (Mr. Macrossan) did not believe the writer of that article was the Minister for Lands; however much that honorable member might have been in the habit of writing articles for the *Brisbane Courier*, he was sure he would never have written an article like this, teeming with misrepresentations and inaccuracies. The writer of the article had clearly kept out of view the fact that on the evening on which the Bill was debated there was no question raised as between the squatters and the people: the question was as between squatter and squatter—between the struggling squatter and the capitalist squatter, and he had kept out of view altogether that the question of free selection was not the question under debate. He had also kept out of sight the fact that the tenant had a certain right to the value of his improvements upon the land. All this had been kept out of view; and although he believed the writer of the article was not the Minister for Lands, if he was a member of the House he was a most mendacious one, and if he was not a member of the House, and had not the advantage of

listening to the debate, he was both unscrupulous and mendacious.

Mr. MORGAN said the time of the House was not properly occupied in dealing with any article of this description. As to the authorship, he never believed half of what he heard, but during the morning he had heard the article attributed to no less than three members of the Opposition.

HONORABLE MEMBERS: Name.

Mr. MORGAN said he had no objection to give the names. They were the honorable members for Kennedy and Rockhampton, and the honorable member for Warrego himself. Whoever the author of the article was, he had certainly written things that were, perhaps, offensively true, and there was one good thing which the publication of the article had brought about, namely, a distinct denial from the honorable member for Dalby, who had spoken both for himself and party, and in a manner that did him great credit, to a certain feeling which got abroad, and that was quite in accordance with the representations of the article. But it was a waste of time to attribute the authorship of a newspaper article to any member of the House. It was a piece of impertinence to begin with, and it did not concern the House who was the author of an article.

Mr. PALMER said he should be glad if the Minister for Lands would deny that he really was the author. The honorable member for Dalby, he believed, would not have alluded to the article if it had not been for reports as to who the author was. The honorable member for Warwick seemed to know a good deal about it. He (Mr. Palmer) had been told that the author was either the Minister for Lands or the member for Ravenswood. Those were the reports in circulation, and he must say, in contradiction to the honorable member for Warwick, that the explanation of the honorable member for Dalby had not been a whit more explicit than his speeches all through the debate. The opinions expressed by the honorable member for Dalby from the first had been in the same vein, and so had those of every member of the Opposition, namely, that no claim whatever was made as to the right of the renewal of the leases, and that the simple difference between the Government and the Opposition was whether there should be auction or appraisement, the run being the whole of the time open to free selection. The man who wrote the article in the *Brisbane Courier* knew nothing about the subject of which he was writing, and he laughed at the idea of the Minister for Lands, or anyone who understood the subject, or the debates that took place, writing it. He admitted that it was not the rule generally to take notice of any article in a newspaper, but when an issue was stated as falsely as any issue could be, it was necessary to call the attention of the House and country to it.

The COLONIAL SECRETARY said that if the false issues published in the leading articles of newspapers were to be taken notice of in the House, the Government would have been justified in taking exception to most of the articles that had appeared in the newspaper mentioned. Numerous articles had appeared in that publication which had a very small element of truth in them, articles assuming positions and attributing motives to the Ministry which were not true, but the Ministry took no notice of the misrepresentations. He remembered that the honorable member for Port Curtis not only denied that it was his notion that the lessee had a right to the soil and should remain on it, but the honorable member took exception to some of the speakers on his own side, who said they were born on the soil and had an inherent right to it. The honorable member said he did not agree with members of his own side who held those views. He remembered perfectly well that was the case with respect to more than one honorable member on that side of the House.

Mr. PALMER: Who?

The COLONIAL SECRETARY said the honorable member for Warrego was one of the number, and he spoke of men who were born on the soil, and had an inherent right to it. He (the Colonial Secretary) admitted that the member for Port Curtis, and the member for Dalby, repudiated these ideas when they spoke, and said the Government would get more rent from appraisement than by selling the leases by auction.

Motion for adjournment withdrawn.

SUSPENSION OF STANDING ORDERS.

THE COLONIAL TREASURER moved:—

That so much of the Standing Orders be suspended as will admit of the passing of the Navigation Bill and Stamp Duties Bill through their several stages in one day.

He had hoped that the motion would have passed at once, but, as the honorable member for Warrego had called out, "Not formal," he presumed that honorable member objected to it. It would save considerable time at an important part of the session to pass the resolution. The Bills, as honorable members were aware, were the same as were introduced on a previous occasion, with the exception of certain amendments which were made in another place; and as they had been pretty fully discussed already on their respective merits, he did not suppose the time of the House was likely to be occupied with any discussion on the general principles. It was no doubt undesirable that Bills should be hurried through the chamber by several stages in one day. This might to a certain extent be termed hasty legislation, but he might explain that the course he was now pursuing was pursued with one of these Bills in 1874, when the Navigation Bill, introduced

from the Upper House, came down to the Assembly.

Mr. WALSH: The honorable member is out of order; he is discussing the merits of the Bill.

The SPEAKER: He is merely assigning reasons why the Standing Orders should be suspended.

Mr. WALSH said it was most unusual on the introduction of a motion like this to go into the merits of a Bill which was in the Orders of the Day. The honorable gentleman was actually discussing a notice of motion which followed upon a previous motion. These irregularities would lead to endless delays and endless debates.

The COLONIAL TREASURER said he had no wish to introduce into his remarks any matter beyond what was necessary to his explaining to the House why he desired that the Standing Orders should be suspended. He had merely to state that the precedent he had mentioned as to the suspension of the Standing Orders was in the session of 1874. When the Navigation Bill came down from the Upper House and passed through committee, it was then discovered that it should have been rejected in the Assembly, and his predecessor at the Treasury got the Standing Orders suspended during one day for the express purpose of proceeding with the Bill. If honorable members would assent to this motion, he hoped they might get through these two Bills by six o'clock, and after that, he understood that his honorable colleague the Attorney-General would introduce the Insolvency Act Amendment Bill, after which Supply might be taken.

Mr. WALSH said the objection he had was, that while introducing the motion, the honorable member was discussing the merits of the measure, and the necessity for passing it.

The COLONIAL TREASURER: I must correct the honorable member. I have not discussed the merits of the Bill, but only quoted a precedent for the suspension of the Standing Orders.

Mr. WALSH said the honorable gentleman not only discussed the merits of the measure, but spoke of a substantive measure to be brought on during the evening. The honorable member evidently did not know how to conduct the business of the country. He could not see why, because he simply called out "not formal," there was any necessity for introducing his name at all; it was his duty to call out "not formal," and should be a craven member of the House if he refrained from that duty. A Minister of the Crown should be the very last one in the House to endeavor to rush through the business by intimidating honorable members on that side of the House. What he (Mr. Walsh) wished to do was to take exception to the motion *ab initio*; he maintained that it could not be put. The question, he further held, without going into any lengthened argument,

could not be put during the present session. He would raise the point for the consideration of the House, whether, the question having been decided by the voice of the House, and by the voice of the honorable the Speaker, in the most emphatic manner, it could be introduced during the present session? He appealed to the Standing Orders in justification of his position.

The SPEAKER: I beg to remind the honorable member for Warrego that the point of order was raised on Wednesday last, and the following result was given in "Votes and Proceedings":—

"Mr. Palmer invited the ruling of the Speaker as to whether this question was not in contravention of the 56th Standing Order. The Speaker gave it as his opinion that a Bill must be considered to be pending, until it has been either passed or rejected; and this Bill could not be held to have been 'resolved in the affirmative or negative,' the judgment of both Houses not having been completely passed upon it. He therefore ruled that the motion was in order.

"Question put and passed."

Mr. PALMER said, of course he bowed to the honorable the Speaker's ruling, though if there had been a chance of carrying a resolution he should have moved one. But while submitting to the ruling, he would say again that it was most cowardly for the Government to get out of their difficulty with the Upper House in this way. The Council either had the right to introduce amendments on the money Bills of the Assembly, or they had not, and the sooner the question was fought the better. This getting rid of a difficulty by a side-wind, by a back door, was simply shirking the question, and he did think the House had more dignity than to assent to it. He himself held that the other House, not being a representative chamber, had no right to interfere with the taxation of the people, and he did not intend to get out of the difficulty by a side door like the Government. Not only was their course cowardly, but it was not settling the question at all, and the result would be, that whenever the Legislative Council wanted to interfere with taxation, unless they were bigger fools than he took them to be, they would do the same again as they had done. All they had to do was to send back their amendments, knowing they would be embodied, and then the taxation of the colony would be virtually in their hands. Having got in the thin edge of the wedge, there was nothing to prevent them following the same system as long as they liked. It was a very simple system; the other House passed their amendments, and the Government being afraid to quarrel, introduced another Bill adopting the amendments. Where was this to end? As he had said before, the other House had or had not the right of interfering with the taxation of the people; if they had not, it was the duty of the House to stand against the system and prevent it;

and if they had, there was no necessity for the Bill.

The MINISTER FOR LANDS said he was rather astonished at the new rôle of the honorable member for Port Curtis. What would be the effect of doing what the honorable member proposed? The honorable member stigmatised the conduct of the Government as cowardly, and wanted to have a row with the Upper House.

Mr. PALMER: I do not; you want to let them rule you.

The MINISTER FOR LANDS said this was an illustration of the tactics adopted the other day by the Opposition when they wanted to bring about a dead-lock. It was a new style of legislation altogether, and not in accordance with the honorable member's ordinary moderate tone. He (the Minister for Lands) did not think it was desirable at the present juncture to have a row with the Upper House, especially if, as the Attorney-General had pointed out, the difficulty could be got over by a form which was strictly in accordance with Parliamentary usage. It was a form which had been adopted over and over again, and was the least offensive to the Upper House. He perfectly agreed with the position taken up by the honorable member for Port Curtis, that the representatives of the people, and they alone, had to do with taxation. But there were certain things connected with the writ of constitution in the colony, which rendered it possible that unless forbearance was shown, the Upper House had a standing-point in law for their position, and he did not think it was desirable at this time to bring about a rupture with the other House. The course proposed by the Government was most likely to be productive of good results, and the Bill was more likely to pass, as it might, without any compromise of position, and in accordance with Parliamentary precedents.

Mr. WALSH: The motion cannot be put in this way—in the plural.

The SPEAKER: The honorable member has already spoken.

Mr. WALSH: Yes, sir; but I rise to a point of order. There is something wrong here. I only wish to see the business done properly, and I think, sir, you will find that the motion cannot be put in this way.

The SPEAKER: It is a single motion, and is framed to suit the purposes for which it is made. It has always been the custom at the end of a session to allow Bills to pass in this way, and it is quite proper to suspend the Standing Orders for a particular purpose, and we have already had them suspended to allow the passing of a particular measure.

Mr. WALSH: But here are two particular measures.

The SPEAKER: That does not matter. The Standing Orders may be suspended for a particular purpose.

Question put and passed.

NAVIGATION BILL.

The COLONIAL TREASURER moved—

That the Bill be read a second time.

Mr. WALSH thought he was justified in asking the honorable member whether the Government intended to press this Bill in its present form. Was this their Bill, and did they mean to insist upon it?

The COLONIAL TREASURER: Yes.

Mr. WALSH said that, in that case, if the amendments of the Council were to be adopted as proposed, they might as well have been accepted at the first. He believed there was spirit enough in honorable members to resent these amendments, considering who were the instigators of it. The fact was the Government would accept anything that was insisted upon, whether from the Opposition side of the House or from another chamber; but if the Government wished to create a wholesome feeling between the two chambers, they would have accepted the amendments at first.

The COLONIAL TREASURER said the only two amendments upon which the Council insisted were embodied in the Bill. The first was in subsection 2, clause 115, requiring that vessels departing to or arriving from sea, laden with coal, should pay half pilotage. The Government themselves were in favor of the introduction of that amendment, and voted for it when it was last year under discussion, and it was only when it was pointed out that it was in violation of the rights of the House that it was objected to. The second amendment was clause 166, requiring that gunpowder or other explosive substances should be landed at an authorised magazine at the expense of masters of vessels. Upon inquiry he found that this course was at present virtually adopted; although it was not in accordance with the present law, masters of vessels were in the habit of discharging explosive materials at their own expense.

Question put and passed.

INSOLVENCY ACT AMENDMENT BILL.

The ATTORNEY-GENERAL said, that in moving the second reading of the Bill to amend the present Insolvency Act, it would not be necessary for him to detain the House for long. It would be remembered that a few days since, the honorable member for the Bremer asked if it was the intention of the Government during the present session to introduce such a measure, and that he had then replied that the matter was one which had been under the consideration of the Government for some time past, and that it was their intention to bring in a Bill. Those honorable members who were members of that House in 1874 would recollect that by the Insolvency Act then passed, it was provided that whilst the Supreme Court should be the Court of Insolvency, still all matters which

could be disposed of in connection with insolencies in the country districts should be disposed of in those districts as much as possible, in order that there should be no more centralization than was necessary, and that the expenses should be made as small as possible to the people concerned. But it was not supposed by the Legislature that in making that provision for the convenience of parties, they were endeavoring to provide that inferior tribunals should take the place of superior tribunals. By the ninth section of the Act, the Governor in Council had power to appoint all District Courts, except that in Brisbane, Courts of Insolvency; and it was also provided that numerous proceedings for the examination of persons might be conducted where those persons lived, before a police magistrate; in fact, it was intended as nearly as possible to follow out the practice in England, which was, that whilst the country county courts did bankruptcy business, the county courts in London had no bankruptcy jurisdiction. That that was the intention was sufficiently indicated by the proclamation that was issued shortly after the Act was passed. It had, however, become the invariable practice, or if not the invariable practice, at any rate one of very frequent recurrence, to remit all examinations in insolvency to the police magistrate at Brisbane. That gentleman received nothing for that work, and at the present time he actually had more than he could do; in fact, if the present system was continued, it would be necessary to appoint a special police magistrate for the purpose. He did not think it was necessary to go to the expense of appointing another officer, but that the intention of the Act would be best met by devolving that work on the Judges of the Supreme Court; and he thought that without any inconvenience it should remain in that court. With that view, he concurred with the honorable member for the Bremer that it was desirable to deal with the matter during the present session, and he had therefore introduced the present Bill. That Bill explained itself, namely, that notwithstanding anything said in sections 73, 114, and 165 of the existing Act, it should not be lawful for the court to summon or order any person to attend before the police magistrates of Brisbane or Bowen for the purposes mentioned in those sections, or to order the last examination of any insolvent before those police magistrates, but that such matters should be dealt with by the Supreme Court. He would now move—

That the Bill be read a second time.

Mr. PALMER said he did not pretend to be a lawyer, but to his limited intelligence it seemed that it would have been better to have stated in the Bill, before whom the parties were to appear. The Bill said that they were not to appear before the police magistrates of Brisbane or Bowen; but it

did not say before whom else, so that it did not go far enough. He thought it should say that the examination of insolvents should, at Brisbane or Bowen, be before a judge of the Supreme Court. He had heard a great deal lately about the Insolvency Act, and the matter referred to in the Bill did not appear to be the only weak spot in it. He had heard it mentioned that an insolvent could leave the colony whenever he chose—

The ATTORNEY-GENERAL: That is not the fault of the Act, for there is full power to arrest him.

Mr. PALMER said that there was no use in mincing matters; he was alluding to a case not very long ago before the magistrates which was afterwards taken to the Supreme Court, where, owing to some informality, the proceedings were quashed, and the insolvent had since left the colony. He did not think all police magistrates sufficiently understood the Insolvency Act, and therefore it was all the more necessary that an amending Act should be perfectly clear, and that it should be stated in it who were the persons who were to do the work—either the Judges in the Supreme Court—

The ATTORNEY-GENERAL: Yes.

Mr. PALMER thought if that was the case that the Bill should say so. If it was not stated in the Bill who was to do the work, there would be another weak spot; one would say, "I will not do it," and another "I will not," and thus there would be nothing done.

Mr. WALSH said he had heard a great many complaints about the working of the Insolvency Act; in fact, he hardly ever walked through Queen street without hearing some fault found with it; it appeared to be the most ambiguous Act that was ever passed. With regard to the Bill before the House, which was intended to remedy some defect in the existing Act, the first clause said:—

1. "Notwithstanding anything in the said recited sections contained it shall not be lawful for the Court to summon or order any person to attend before the police magistrate at Brisbane or Bowen for any of the purposes in the said sections mentioned or to order the last examination of any insolvent to be held before the said police magistrates or either of them."

What course, then, were they to take—the whole thing was full of ambiguities from beginning to end. Apart from that, he had understood the honorable Attorney-General to say that the Bill was to supply a want where the police magistrate could not do the work; but where did the Bill supply that want? According to the present Act it was supposed that the judges of the Supreme Court were to do some of the work; but it was evident that they shirked it, and it was thrown upon the police magistrate, who appeared to be backed up by the honorable Attorney-General. The Bill said something to the effect that the judges of the Supreme Court could not do the work, but he was quite sure that if there

was a horse race going on, he knew one judge who would say that he could not do the work.

Mr. PALMER: I know of two, I think.

Mr. WALSH said he should like to know whether the Attorney-General thought that the judges could shirk the work.

The ATTORNEY-GENERAL: No.

Mr. WALSH said that the Bill should say where the judges could not do the work. But what part of the colony was there, he would ask, that was exempted from the visits of the judges—they visited all the principal towns in it. He had always had a conviction that the Insolvency Act of 1874 was hurried through the Legislature—that honorable members did not understand it, and that it would lead to some such patchwork as the Bill before them; and he was equally certain that that Bill would only make confusion worse confounded. He should like to know why on earth Brisbane and Bowen were to be singled out as the only places to be exempt from the three sections of the Act mentioned in the Bill—why Rockhampton, Toowoomba, Warwick, and other places were not included. Honorable members who were not supposed to understand the law, required some information on the subject, but they had had none; and he supposed that the next thing that would be done would be for the Government next session to bring forward some explanatory or amending Bill. He should like to know why the Bill should apply to the police magistrates of Brisbane and Bowen only. Bowen, he looked upon as being a most insignificant place; and although he might be told that a judge resided there, yet that gentleman visited other places, and therefore why should they not be exempted?

The question was put, and the House divided with the following result:—

AYES, 16.

Messrs. G. Thorn, Dickson, Douglas, Griffith, Stewart, Thompson, Beattie, Tyrel, J. Thorn, Low, Pechey, Edmondstone, Morgan, Kingsford, Foote, and Fraser.

NOES, 6.

Messrs. Palmer, J. Scott, Walsh, O'Sullivan, De Satgé, and Macrossan.

STAMP DUTIES ACT AMENDMENT BILL.

The COLONIAL TREASURER, in moving

That this Bill be now read a second time,

said that the Bill was now in the shape in which it was originally introduced by the Government, and contained no exemptions either on crops or wool.

Mr. J. SCOTT said he had understood that the Bill was to be re-introduced in the form in which it had come down from the other chamber.

The COLONIAL TREASURER: No.

Mr. J. SCOTT said he had certainly understood that the Bill before them and the

Navigation Bill were both to be reintroduced in the same form as that in which they came down from the Legislative Council, but he noticed that the Bill now proposed to be read a second time was a different Bill altogether.

The COLONIAL TREASURER said the Bill was introduced in its original form at the suggestion of the honorable member for the Bremer who had warmly interested himself in the matter. When the Bill came down from the other chamber he had stated that the Government would not reintroduce it in that form; and in order that the Bill might be passed during the present session he had accepted the suggestion of the honorable member for the Bremer.

Mr. WALSH thought the Government were taking up a most hostile position towards the agriculturists and free selectors of the colony in the Bill they had now reintroduced. It seemed to him a most extraordinary thing that the Government should be willing to abandon their Bill altogether rather than give that class to which he referred any assistance. Was it because it was proposed in another place that the squatters should be exempted, and the Government did not approve of it, that they now said that the farmers and small selectors were not to be assisted in any way? He thought it was most extraordinary conduct on the part of the Government that they should be willing to sacrifice their best supporters in such a manner. Why had they not fought for the principle laid down in their Bill? Where, he would ask, was the honorable member for Bandanba, that he had not got up to support the interests of his agricultural constituents? and where was the honorable member for West Moreton? He should like to know how it was that those honorable members, who were supposed to represent the liberal and farming interests of the colony, did not stand by that precious Bill, which was intended to relieve those people of certain burdens. He was surprised to find that the Government, because the other chamber had insisted upon their amendments, should abandon the great liberal interest, and those interests they should specially protect, merely that they might pass the Bill during the present session. It was a very serious matter indeed, and he was prepared to speak for hours on it in behalf of the small settlers and the agriculturists, seeing how their interests were being neglected by the Government. Occasionally honorable members opposite made the most outrageous attacks on his side of the House, and assumed to themselves the custodianship of all that was liberal in the colony; but by trying to get rid of the amendments made by the Legislative Council in the way in which they were doing, they were striking a direct blow at the agricultural interest. He believed that the farmers and small selectors owed more to the members of the Opposition than to their quondam supporters on the Govern-

ment side, who were now perfectly prepared to sacrifice their interests in order to support a facile Government. After having by a majority of that House declared that the farming interest should be freed from a certain obnoxious tax, they were now prepared at the instigation of the other branch of the Legislature to let that great relief to their supporters, the agriculturists, slide. He thought such conduct was disgraceful. He, for one, was not going to persecute the agricultural class simply because he could not get justice done to those interests which were supposed to be represented on that side of the House on which he sat. Why, if there was an election the next day, the country would be told through the wires that the squatters were trying to oppress the agricultural class; but he contended that all the liberal legislation had come from his side of the House. There was at present a Government, which having gained by a majority certain concessions in favor of the farmers, were now coming in with a new Bill to abandon the interests of their supporters and their pets, the agricultural class. He did not think there was a member on his side of the House who would have done such a mean—such a wretched act; for if they could not get justice done to themselves, they would not do injustice to others.

Mr. WALSH said that after the Speaker's ruling, he should not have thought the Bill would be introduced in such an unconstitutional manner. If the Government intended to adopt the amendment of the Council, they should have done so in a manly way; that would have been the most straightforward course. They should have adopted the amendments rather than put the House to the trouble of passing a new Bill, and set themselves above the other chamber. The time had passed when it was probable that the Legislative Council would arrogate to itself the power which would prevent a conference being held; but if the House passed the Bill as proposed, they would be virtually insulting the other chamber, and by a method which was unnecessary, and, though not exactly unconstitutional, discourteous. He deeply regretted that the honorable the Speaker's ruling had justified the Government in introducing the Bill in its present form during the session. He dared say the honorable the Speaker was right, but he regretted it. The Bill endeavored to do a modicum of justice to a few sufferers, and he objected to it because it did not do justice to all sufferers. Now that the other chamber had resolved that there should be no justice to one party without another, they found the Government were abandoning the whole of their supporters—the electors who sent them to the House. Notwithstanding the calumnies that were levelled against him, the principle he had always professed was that he would rather do good to one party than not do it, because he could not do good to both. The

position of the Government was that they were prepared to injure their best supporters, simply because the other chamber had declared that another class of colonists should be put upon the same footing as the supporters, of the Government. There must be an opinion expressed in the House whether, because the Government could not accede to the determination of the other chamber and do justice to both classes of the community, they were justified in abandoning that class whom they quoted and took under their patronage. He should, therefore, move an amendment, but he would first ask the Government whether they intended to support the Bill, which was a withdrawal of the support they promised to give to the farmers of the colony. He opposed the second reading of the Bill to give the Government an opportunity to retrace their steps, and come to some kind of conference with the other House, so that the agriculturists of the colony should not be set aside.

Mr. DE SATGE thought the House were entering into what might be called very low class legislation; and that if this Bill was re-introduced and passed now, it would bring the business of the House into ignominy. Two of the principal mortgages entered into by certain sections of the community were, on the one side, liens on wool, and, on the other side, liens on crops. In his opinion, it would have been far more honest if this Bill had not been brought in at all; but, if they did pass it, instead of imposing stamp duties on liens on wool, they should have imposed them upon all classes, and not have specially singled out liens on crops from exemption. The Bill having been sent to the other House, the Council rejected both, on the grounds that if liens on crops were exempted, liens on wool should also be exempted.

The COLONIAL TREASURER: No, both liens are inserted.

Mr. DE SATGE said, what he looked at was the general principle of the thing. It was well known that one class of mortgage more than any other taken in the colony was in the form of liens on wool. If they exempted any duty of this kind, let it be a general measure for all classes, and not half a Bill that was made to serve a legal purpose; for, no doubt there would be a much larger class of mortgages drawn upon all classes of property when the Bill became law, and the House was at the present moment yielding to a legal pressure to bring grist to the lawyer's mill. It was anything but a measure of even-handed justice. If they could not afford to remit duties on liens on wool, they could not afford to remit them on anything else. He was not aware whether this Bill would press very hard upon farmers, because he did not suppose mortgages on crops were a very serious description of mortgage, while liens on wool were; and he maintained therefore, that the honorable the Treasurer could not afford to part with the receipts which came into the Treasury. If

anything was to be exempt from stamp duty, let it be every kind of mortgage; otherwise, the House would be perpetrating low class legislation.

Mr. THOMPSON said he was scarcely sure whether he ought to take any notice of what the honorable member for Normanby had said, but he had suggested that the legal members of the Houses supported a certain measure for the sake of creating business. That was extremely insulting, but it was not worthy of further notice.

Mr. FRASER said this was to all intents and purposes the Bill that was originally introduced. The honorable member for Warrego, who had raised the present discussion, laid great stress upon the deep interest he felt in the agriculturists, the poor man, the poor farmer.

Mr. WALSH: I said nothing about the poor farmer.

Mr. FRASER said the honorable member had, at any rate, spoken about the poor agriculturist, and that implied the same thing. Stress was also laid upon the fact that the question at issue was not so much a matter of sentiment as a matter of principle. Sentiment, he admitted, was a doubtful thing in these matters, but when they knew that the extent to which the agricultural interest throughout the whole colony, so far as liens on crops went, would be involved, amounted to something like £100.—

Mr. WALSH: How do you know that?

Mr. FRASER said it had been stated in the House that the duty did not amount to quite £100 upon liens on crops, and if that was the extent to which the agriculturists of the colony were to be relieved, it could not press very heavily upon the "poor agriculturist." The other item, which might be removed with due regard to the interests of the colony, was a considerable one—over £2,000, and there was a marked distinction between the two. The remarks of the honorable member for Normanby led him to observe, from some knowledge of the facts, that the present Bill did not affect the interests of the legal profession in any way; the only item it modified was this: it proposed a stamp duty of 2s. 6d. upon the release of mortgages generally, without any reference to amount. When the Bill first came in, he objected to the stamp on the release of mortgages. It was no doubt necessary that a small stamp of this kind should be imposed for the purposes of registration, and that was the only way in which it affected the legal aspect of the matter. He did not suppose it would place a single additional mortgage in the hands of any legal professional gentleman in the colony. At any rate, the House might rest assured that the interests of the agriculturists were not affected to any perceptible extent.

Mr. FOOTE said he should not have risen to make any remarks at this time, the Bill being a very unimportant one, so far as his con-

stitutents were concerned, had not the honorable member for Warrego continually put himself forward this session as the champion of the poor man.

Mr. WALSH: The injured man.

Mr. FOOTE said it came pretty much to the same thing—the injured man. He was always anxious to give the honorable member's remarks correctly, because some day, no doubt, they would see him the leader of a great and strong party in the State. However, the honorable member had alluded to him as the representative of an agricultural constituency, and he would now inform them that this Bill would not affect them one iota. He believed there was not a registered lien during the whole of last year from any person in his district. They would not be bothered with them. The Liens Act had, nevertheless, been tried; he had tried it himself on one occasion, and it was found that so far as liens on crops were concerned, the Act was by no means workable, and from that day to this, he believed, it had scarcely brought any remedy at all. So far as the Act referred to his constituents, it hardly applied to them. He was sorry to hear the honorable member for Normanby impute motives to the honorable member for Bremer, for he was satisfied that everyone would credit that honorable member with honest intentions, and with being one of the most useful members in the House for initiating measures, and suggesting improvements in them.

Mr. PALMER said he did not exactly understand the action of the Government in bringing in the Bill without the amendment of the Upper House, and reintroducing the Navigation Bill in a different way. He supposed it would be left to another place to decide whether they should take the one Bill back with the amendments and the other without; but the Government would have to explain what they meant by the course they had adopted, for they had not only left out the amendments of the other House, but had left out a part of the Bill as it left the Assembly. If they thought by leaving out the liens on agricultural crops they were currying favor with any party in the House to induce them to vote for their amended Bill, they were making a very great mistake: it did not at all follow because they could not get justice for one section, they would refuse to do justice to another section of the community. The Government would have shown greater consistency if they had served both Bills alike; but what was their action? When they moved that the Stamp Duties Bill be laid aside on the same evening that they moved that the Navigation Bill be laid aside, the Colonial Treasurer stated, with regard to the latter, that he intended to reintroduce the same Bill. Why had he not done so? Did he think he might not have got the Navigation Bill through committee? And when asked by himself (Mr. Palmer) whether he intended to reintroduce the

Stamp Duties Bill, he replied "No," most distinctly—that he did not intend to do so. He (Mr. Palmer) should like to know why he had reintroduced it. Was it because he thought if he did not, he would not get the Navigation Bill through committee, or was it for some purpose they had not yet heard of? Was it because the Government had come to the determination that the Upper House should not have everything their own way? He was at a loss to imagine the object of reintroducing it, after the positive assertion of the honorable the Treasurer that he would not introduce it; and instead of reintroducing it in the shape it had come from the Upper House, in a similar way to the Navigation Bill, in which they swallowed the whole of the amendments, he had introduced it with the amendment of the other House left out; and not only was that amendment left out, but part of the Bill as it went up from that House had been omitted. The honorable gentleman might be able to explain it to his own conscience, but he had made no attempt to explain it to the House, or through the House to the country. He maintained that there should be equal-handed justice to all, and that if they could not get it for all, they should not punish one section of the community in order to punish another. When the Bill was going through committee, he should test the sense of the committee by reintroducing the amendment made before the Bill left that House, and he could not see how the Government or their supporters could refuse to vote for that amendment. He had no intention of opposing the Bill by going to a division, but he should take that course in committee. He confessed that he could not understand the speech of the honorable member for Normanby. He did not know what legal part of the House the Bill could be pandering to. Its object was to repeal a duty, not to impose one, and it was what the honorable member for Bremer had been agitating for for the last three years, and it had been brought in at the repeated request of that honorable member. It was repealing duties to a certain extent, and how it could be brought in to serve any particular party he was at a loss to imagine. The mistake in the Bill was that in its present form it did not give the full relief which was intended; and he could not see any connection whatever between it and pandering to any legal members of the House. The honorable the Treasurer might in committee be able to explain why he had not introduced the Bill in a different form from the one that had just gone through, and he supposed they should hear a little more about it later. He should be very much astonished if in another place they were willing to take one of their Bills back with their amendments, and the other without, and it would be a case he should look forward to with a great deal of interest, just to see how they would take it. The Government had submitted to the dictation of the other House in every possible

way, and he believed if they sent back this Bill with their former amendment, the Government would agree to it.

The question was then put and passed, and the House went into committee.