

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 30 SEPTEMBER 1881**

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## LEGISLATIVE ASSEMBLY.

*Friday, 30 September, 1881.*

Case of Messrs. Wildash and Hutchison.—Selectors Relief Bill.—Opening of the Museum on Sundays.

The SPEAKER took the chair at half-past 10 o'clock.

## CASE OF MESSRS. WILDASH AND HUTCHISON.

Mr. O'SULLIVAN said the motion standing in his name was founded upon a petition that was presented to the House about two years ago by Mr. Macdonald-Paterson, the hon. member for Rockhampton. It was presented on the 9th of September, 1879, but that gentleman was so busy that all that could be done was to present it. The next year a great deal of work fell on the shoulders of the hon. member for Rockhampton, and he left the petition in the hands of the hon. member for Rosewood (Mr. Meston), who applied on the 23rd September for a committee of the House to report upon the petition of Messrs. Wildash and Hutchison. The committee was granted on the 23rd of September, and brought up its report on the 5th November, and during the present session Mr. Meston founded a motion on it; but before the motion came on that hon. gentleman had to leave the House for Cooktown. It appeared as if some misfortune had attended the petition from the very day it was presented, which was over two years ago. It was a very old saying that it was better to be born lucky than rich; and bad luck had followed the petitioner from the day he came into the colony. He thought it was hardly possible to find in the history of any of the colonies such a run of bad luck as Mr. Wildash had had since he came into the colony. It was through those circumstances that the affair had fallen into his (Mr. O'Sullivan's) hands; and, to make the ill-luck still worse, it had fallen into the hands of the man least able to do it justice; and, also, it had now come up on a Friday morning. So that all the circumstances being put together, the petitioner had had as long a run of bad luck as any person could have. The matter had been so long before the country that he took it for granted that hon. members knew all about it, and the petition had been laid on the table so long a time, and had been so often referred to by the Press, that

it was pretty generally known throughout the colony how the matter really stood. At a short, early sitting like the present, he was not aware that he would be able to go into the matter very fully. At the best of times he could do it very little justice, but for all that, it was a very easy case when it was understood. The circumstances were briefly these: Mr. Wildash came to purchase Canning Downs Run, which was held by a lessee under the old Orders-in-Council of March 1847. That lease was very nearly out, and before Mr. Wildash completed the purchase he applied to the Minister of the day to know if the lease would be renewed; otherwise, of course, he should not purchase it. It was that gentleman's intention, if the lease was not renewed, to leave the colony and go home to England or somewhere else. A five years' renewal was promised to Mr. Wildash—guaranteed to him—in fact, an emphatic promise was given to him, and on the strength of that promise he purchased the property. No man in the world would be so mad as to purchase such an immense property or go to such an immense outlay on it without a lease. At any rate, the lease was accordingly promised in 1865. The fourteen years' lease, under the old Orders-in-Council, expired on the 31st December, 1865. It was before the expiration of that lease that this sale and purchase was effected, and, as he had already stated, a promise was given that the lease should be renewed. On the strength of that promise the property was purchased; otherwise it would never have been purchased. Now, he took it that the whole case, and all the hardship and misery that followed, depended upon the fulfilment of that promise; and, carried away by that promise, and relying confidently upon it, Mr. Wildash purchased Canning Downs. But, so far from the Government carrying out that promise, after the purchase had been made—in the following year—the whole of the Darling Downs was proclaimed an agricultural reserve, and the value of the property was destroyed in a moment. Shortly after, in 1867, a proclamation was made under the Leasing Act of 1866 that the country might be taken up before survey, so that, in reality, all the grazing property of the petitioner was destroyed. He might say that the Government first gave Mr. Wildash, at the purchase of Canning Downs, a large amount of about 27,000 acres of freehold and about 250 square miles of country. The whole of the 250 miles of country was, however, destroyed by the proclamation that the leasehold land was thrown open for selection. If that promise had not been made to Mr. Wildash it would be impossible for the proclamation to have done him a great deal of injury, as that gentleman would have been prepared to purchase the land to secure himself against selection. Seeing that his property was swallowed up in that way, of course, to secure himself, those transactions took place afterwards in the buying up of lands and selections, called, in fact, "dummying." That was done on the station of Canning Downs in common with all the other stations on the Darling Downs to which leases had not been given or renewed. He might say that, although Mr. Wildash's lease was not renewed for Canning Downs, similar leases for five years were granted to other leaseholders on the Darling Downs, although he was actually promised that the lease would be renewed. It was clearly proved by the evidence of two of the highest State officers in the colony that those leases were actually made out by order of Executive minute, and that some of them had actually been handed over to the owners of runs who held under the old Orders-in-Council as soon as their leases had run out. When the Canning Downs Run was thrown open for selection it was taken up by a great many selectors. Mr. Wildash

and his firm, to secure themselves, purchased a lot of those selections, and did so with the knowledge and consent of the Government; and their transfers were not private transfers, but public transfers authorised and recorded by the Government in their own office. Still, when those purchases were made, the Government refused to give the title deeds, under the plea that sufficient improvements were not made. And that was done, although there was no instance on record in the colony where forfeitures had ever taken place for the non-fulfilment of conditions as to improvements, although there were records in the colony of forfeitures being made for non-payment of rent; so they might see that all the Government wanted was the rent, and they got it. In purchasing those selections the firm of Wildash and Hutchison paid every shilling of the purchase-money for the selections and in improvements, something over £3,000 more than was required by the Government; so that in every step he took Mr. Wildash found himself outwitted and cheated by the Government of the day. He believed that really was the whole case as described in the report, and as supported by the evidence given before the Select Committee. He believed the whole sum and substance of it was contained in that much. When the estate became of less value than it was when first bought, of course immense exertions were made to keep its value up and to keep the mortgagees from foreclosing upon Mr. Wildash and his firm, which they would never have done if the promise made by the Government was carried out, because in that case the value of the property would be kept up. To purchase these selections, and make the property still valuable in the eyes of the trustees, more money had to be found, and about £29,000 was spent in improvements. And to do that, and keep up appearances, and save the property, his two stepsons threw the whole of their fortunes into the concern, with an amount of filial affection that perhaps deserved a greater reward; but it only resulted in their fortunes being swallowed up with the rest. When the mortgagees found that the title deeds were not to be given to Mr. Wildash and his firm, although they were given to others at the same time, they foreclosed, and the property was sold for about £90,000. When it became known that the property was to be sold two firms each offered a large amount of money for it. One firm offered £120,000 for it; and Messrs. Simms and Chapman offered £124,000, and the petitioner and many others concerned in the case felt and said that even that would have been a forced sale, because if they had got their deeds from the Government the property would have been worth £150,000, and they considered they would have been able to realise that sum. In a straggling way he (Mr. O Sullivan) had told almost the whole tale, and there was evidence to show that ruin was brought upon the Wildash family through the recklessness of the Government of the day. Hon. members should remember that what was Mr. Wildash's case then might be any other gentleman's case to-morrow. He considered private individuals had rights as well as Governments, and a promise of that kind of granting a magnificent estate—and that where the estate was exhibited to the view of the person, and he was by that exhibition and in view of that promise induced to invest an immense amount of money, the Government should not be allowed by recklessness, misadministration, or revenge, to play in that kind of style with a man's family and leave him and them penniless in the world. He had said when he began that the Press of the colony had taken the matter up, and certainly he had read some very able leading articles on the matter, in which the whole question was comprehensively grasped. He was

looking at one of those lately, and, though he knew he was but a poor reader, if he did not detain the House too long he would read a paragraph or two from a leader which appeared in the *Courier* of the 11th November last, and which very ably grasped the whole thing. He was sorry the morning was so short, because he would like to read the whole article. This was one part of it:—

"It may fairly be contended that the public interest is, or ought to be, the paramount consideration in the making of our laws. It may with equal justice be maintained that the public interest is concerned in the administration of justice to any individual in the community. The case before us shows what confusion may be caused by the irresolute manner in which the public estate has been administered, and the injury inflicted on individuals by the manner in which those entrusted with its administration have allowed themselves to be influenced by the political exigencies of the moment."

He scarcely knew what part to leave out, because the whole article should appear. It went on:—

"When wealthier men tested the law, it was in reality decided that all persons similarly situated were entitled to their grants. He and his family had the sorry consolation of knowing this when the knowledge came too late. The property, with all the rights connected with it, was sold, and they have the unfortunate ability to contemplate the loss of years of work, of large outlay and great perseverance, and a magnificent property taken out of their hands—taken because the very deeds handed over to the fortunate purchaser, when further delay became impossible, had been continually refused to them. If the Government of the colony had been responsible for the loss incurred by Mr. Wildash only to the extent caused by the delay in the issue of his deeds, he would have a claim on the country. His case, even then, would have been rather a hard one, because he alone, of all who had acquired land in defiance of the spirit of the law, would have suffered, while his more fortunate fellows benefited by the blunder—the worse than blunder—which the Government of the day committed in continuing to receive these rents. But seeing that he was originally driven to a desperate strait by a breach of faith on the part of the Government, that under the pressure thus brought to bear upon him he followed what was then the general practice of the Darling Downs in order to protect himself, and that all such offences were condoned by those entrusted with the administration of the law—we conceive that he has a very good case for some such compensation as has been suggested by the Select Committee appointed to examine into his case."

The Select Committee had examined two of the ablest officers of the Government—the former and present Surveyors-General, Mr. Gregory and Mr. Tully—and there was no doubt at all in the minds of those two gentlemen that a breach of promise was committed, and that that breach of promise was the cause of the ruin of Mr. Wildash. Under the circumstances the Committee had no hesitation in coming to the conclusion that a grant of land should be made to the firm, but the blank in the recommendation was left open. There was, however, an agreement or understanding come to on the part of a majority of the Committee, that at the very least the quantity of land should be equal in value to the amount invested by the two young men—that was to say, 30,000 acres at 10s. an acre, which would be equal to £15,000. He would read the concluding paragraph of the report:—

"A large sum of money was paid for the property upon an assumption, which seems to have been justifiable, that the tenure would be continued, and then, within a few months, without notice, and without power of appeal from the Act, the whole of the run properly so called was left open to all who chose to select from it; and the security, and therefore the value of the property, was seriously depreciated. There can be no doubt now that legally the petitioners were entitled to grants after receipt of the full rent from them. Actually they state their expenditure on the land to have been much more in bulk than could have been required from them, or from anyone in detail; and they claim that the action taken to acquire the freehold—which they might have got easily in the first instance had they thought the lease of the run would not have been renewed—was forced upon them by non-renewal; that

their procedure was within the limits imposed by law and that they substantially complied with the conditions imposed. If the House should, upon consideration, determine that this contention is upheld by the evidence, there will remain the consideration of the redress to be accorded. In that case, your Committee think that the damage sustained would justify a grant of thousand acres of agricultural land to the petitioners, under conditions as to locality and area to be hereafter decided upon, and that an Act, to be primarily approved by the Government, should be passed to confer the necessary authority and embody the necessary provisions."

He could not conclude without saying this much. When the decision in the case of Davenport became known to the colony he was positive the Minister for Lands in that case acted in the most straightforward manner in handing over the deeds to the owner. Whatever suspicion there might have been about it, he thought that was what an honourable man should do, and there was no other alternative. It was exactly the same in this case; the deeds should have been handed over to Mr. Wildash. However, he (Mr. O'Sullivan) was in the hands of the House, and would not take up any further time. He was sorry that the hon. member, Mr. Meston, was not present to take charge of this motion, for he could have given it a better colouring and a more poetic turn. He (Mr. O'Sullivan) had done his best, and trusted to the sense of fair play of the House to do justice to those two young men who had sunk their all in the interests of their parents. They had not stood at the corner of the streets begging for a job, but after losing everything had gone honestly to work to still further help their parents if they could. With the permission of the House he wished to add the words "thirty thousand acres" after the word "land," on the 4th line. The motion would then read:—

1. That, in view of the circumstances disclosed by the evidence taken before the Select Committee, which sat last session on the Petition of Messrs. Wildash and Hutchison, and in terms of the recommendation embodied in the Report of that Committee, the House is of opinion that a Grant of Land, 30,000 acres, should be given to the Petitioners.

2. That an Address be presented to the Governor, praying that His Excellency will be pleased to take the necessary measures to give effect to the foregoing resolution.

The PREMIER said the hon. member who moved the motion had no necessity to disclaim so modestly his want of ability to put the case properly before the House; for the colouring he had given to the case had made it appear much better than it appeared in the report. In what he (the Premier) was about to say he should simply give utterance to his own private opinions, for the matter was not one that had been under the consideration of the Government. It seemed from the report that the claim made on behalf of Messrs. Wildash and Hutchison was founded on two things. First, that, before Mr. Wildash purchased Canning Downs Station in 1865, he received certain information from the Lands Office which turned out to be misleading information. He was informed that when the lease fell in it would be renewed. That, however, was not done, for shortly after he had purchased the run it was thrown open as an agricultural reserve. The natural consequence was that the land was taken up by selectors, although, by some means or other, a large portion of it fell into the hands of Mr. Wildash. Through the action of the Government of the day, however, when the purchase money had been paid the deeds were not given to Mr. Wildash, and the property was consequently very much depreciated, and the money that he had borrowed on mortgage accumulated until it swamped the property and he was obliged to let it go. As soon as the next

purchaser came in the Government granted the deeds, very much to the profit of the purchaser. That was the case as far as he understood it, and so far as it was disclosed by the report. He did not think that anybody would claim, on behalf of Mr. Wildash, that if an intending purchaser of land went to the Commissioner of Lands and obtained information given in good faith which afterwards turned out to be wrong, therefore the Government should be made responsible. Mr. Wildash wished to buy the Canning Downs Station, and before doing so he went to the Commissioner of Lands, who told him that it was the intention of the Government to renew the lease. Afterwards, however, that intention was changed; a necessity arose for an agricultural reserve there, and the Government proclaimed it as such. Not the slightest attempt was made to prove that the Government of the day did not act perfectly right in making that reserve. That they acted legally in doing so was never questioned; and, if that were so, how could they be bound in consequence of information that happened to be wrongly given by the Commissioner? The information was not wrong when it was given, for it really was the original intention of the Government to give a renewal. In cases of that kind the purchaser had to chance a great deal. If the Commissioner said to an intending purchaser that it was the intention of the Government to renew a lease, was it to be taken for granted that the Government assumed any responsibility, and was therefore bound to issue it? There was nothing to show that the Government did not act with perfect good faith to Mr. Wildash up to that time. To make the claim valid against the Government the whole of the evidence ought to be directed to prove that the action of the Government of the day was wrong. It was not proved that the Government were not perfectly right in withholding the deeds, and there was not a single word of evidence to prove that they were wrong in doing so. If that was proved it would materially alter the case, but there was no evidence directed to that point, and that was the point. The question was, were the Government justified, under the circumstances, in withholding the deeds? And there was no evidence to show that they were not perfectly justified. He did not assume that they were; he simply said that the reverse had not been proved, and that was the point that ought to be established. The entire case lay in the sympathy they all felt for the misfortunes of Mr. Wildash and his family. They all knew that Mr. Wildash had been a most unfortunate man, and it was more unfortunate that his family had suffered also. But how, without violating all the principles of legislation, they would grant land to him on the facts shown in the report was a thing he could not understand. Was it to be said that a Government had no right to resume land for the purpose of throwing it open for agriculture or any other purpose under the Act? They all knew perfectly well that that was done every day. Let hon. members consider for a moment what a number of claims this, if granted, would throw the Government open to. The lessees of all Crown land that had been resumed would have an equitable claim against the Government. Far crueller things were done under the Railway Reserves Act, for not only were the leases taken away, but the whole of the land was sold by auction right under the lessees without the slightest compensation being given. It was impossible to say how many claims would be made against the Government, if claims of that kind were to be listened to by the House. In what he had said, he had gone entirely on the facts as he knew them, and as they were disclosed by the evidence; and he did not think that any case

whatever had been made out why the Government should grant land to Messrs. Wildash and Hutchison. On the other hand, if the principle was allowed, the House would be deluged with claims of the kind; and he knew plenty of cases where the claims were a great deal better in principle, and where a good deal more harm had been done to the squatter than by the establishment of an agricultural reserve. The only thing that gave point to the claim were the misfortunes of Mr. Wildash and his family. He felt sorry that it was his duty to oppose the claim, but he could not conscientiously do anything else. Mr. Wildash had been a most enterprising colonist, and no one would rejoice more than himself to see him in a better position; but he could not assist him to get into a better position by voting for a resolution of that sort. He would again say that he had spoken entirely for himself, and not for the Government, who had never had the matter under their consideration.

Mr. McLEAN said the hon. member (Mr. O'Sullivan) had not done himself justice in regretting that the resolution had been placed in his hands, for there was not an hon. member in the House more competent to deal with a matter of that kind, or whose eloquence was more persuasive. The hon. member alluded to the hon. member who had charge of it last year; but he (Mr. McLean) believed that had it on that occasion been in the hands of the hon. member for Stanley, it would not have been here this year. As to the motion being brought forward on a Friday morning, that was the hon. gentleman's own choice, and he had also secured that it should be the first business on the paper. He (Mr. McLean) was one of those who sat on the Select Committee last year, and at one time his sympathies were to a considerable extent with Mr. Wildash; but the information he subsequently obtained led him to somewhat change his views on the question. He wished to call attention to a paragraph in the case prepared by Mr. Malbon Thompson, who was Minister for Lands at the time. It was far better to deal with the facts as they took place than to let their sympathies lead them away from the justice of the case. The Premier had been very lenient in his remarks. He said that a large quantity of the land fell into the hands of Mr. Wildash. The process by which that land fell into his hands was very briefly summed up by Mr. Thompson in his statement as follows:—

"It is submitted that the facts disclose a scheme or conspiracy to obtain country in excess of the quantity allowed by law; and as such each and every selection so made is a fraud, and as such void."

He believed that was one of the reasons why the deeds were not issued. The Government of the day acted with all *bona fides*, and if Mr. Wildash parted with his property before the case of Davenport & the Queen was settled, he did not think the House should be made responsible. He (Mr. McLean) was at one time in favour of some recompense being made to those two young men, for it was plainly shown in the evidence that they were misled, and lost their money, but he did not think the House should grant them the full amount they had invested in the property. They went into it as a matter of speculation, and to make a profit out of it, and even if the claim was made out, it was hardly likely the House would grant the number of acres asked for. The hon. member for Rosewood, in submitting the report last year, left the number of acres blank, and it was probable that if the report had been considered by the House the blank would have been filled up, though not with the number of acres now proposed. After the conclusive speech of the Premier there was little need for him to say

much more on the subject. That it was a hard case, nobody would deny; but there were hundreds of hard cases in the colony of men who had been deprived of their runs through the action of the Government. There was no doubt that the Government of the day acted in perfect good faith towards Mr. Wildash. That Mr. Wildash was promised a renewal of his lease he fully believed; but there was a change of Government, and it was found necessary to proclaim Canning Downs an agricultural reserve. Mr. Wildash was not a young man when he went into the speculation, and he ought to have seen that everything was secure before investing his money. Had he done so the case would never have come before the House. If he had waited a little longer, instead of acting on the mere statement of the Commissioner that the lease would be renewed, he would have acted more like a business man. A great injustice had, perhaps, been done; but, if so, it had been done in the interests of the community. The exigencies of the State demanded that land should be thrown open, and the Canning Downs Run was accordingly thrown open to selection; a great part of it, which had been dummied, falling, according to the statement of Mr. Malbon Thompson, into the hands of the lessee. Under the circumstances, he thought that a greater injustice would be committed against the colony if Messrs. Wildash and Hutchison were compensated for the money they had invested in the Canning Downs estate.

Mr. SCOTT said a great deal had been said that he did not wish to repeat, and he should content himself with a few remarks. It appeared that Mr. Wildash, on the faith of the Government, purchased the Canning Downs estate, and on the faith of a promise that his lease would be renewed he did not exercise his pre-emptive right as he might have done. Suddenly, without notice, the land was thrown open to selection, and he was deprived of the pre-emptive rights which he had previously possessed. He did not know whether the Government were very much to blame for that, if, as had been urged, the land was thrown open in the interests of the community. But after that land had been thrown open a great deal of it—by what process he did not know and did not care—came into the hands of Wildash and Hutchison; and the Government of the day refused to issue grants for that land, though at the same time and under similar circumstances they were issuing deeds of grant to other people. If hon. members would turn to the evidence of Mr. Gregory, the ex-Surveyor-General of the colony, they would see that that gentleman stated that at the time these deeds were being refused to Messrs. Wildash and Hutchison, others under similar circumstances in the Moreton district and a few in the Darling Downs district were being issued. The great point urged by the Premier was that the Government had not acted unfairly in refusing those deeds.

The PREMIER: I said there was no evidence here to show that the Government did not act fairly.

Mr. SCOTT said he differed from the hon. gentleman there, because he thought there was evidence to show distinctly that the Government did act unfairly, because they issued grants to one class of men and refused them to another. That was the whole gist of the matter, and for that reason he thought these gentlemen were entitled to compensation.

Mr. DE SATGE said he differed from both the Premier and the hon. member for the Logan, who stated that the consequence of this grant being allowed would be that the House would be flooded with similar requests. This appeared to him to be a very exceptional case,

and he hoped, for the credit of the colony and the administration of the land laws, that such a case would never appear on the records of the House again. The evidence savoured very much of the washing of family linen, which should be done at home; and no good could result from the publication of such evidence outside the colony. No doubt unfortunate mistakes had been made in the past, and this case appeared to him to be founded upon a gross breach of faith on the part of a Minister.

Who was the individual whom an investor coming to this colony should consult but the Minister for Lands for the time being—a gentleman who was bound to give the straightest and truest information with regard to the land laws of the colony? Mr. Wildash appeared to have gone to the Minister for Lands to obtain from him, in his capacity as Minister, information with regard to a proposed investment by him of a considerable sum of money. Mr. Wildash asked whether he would be granted a renewal of the lease about to expire under the Act of 1863, and he received the assurance of the Minister that he would. The circumstances of the case were exceptional in the fact that this lease comprised 250 square miles, or the entire leasehold portion of the Canning Downs Run, and that the whole of it was thrown open at the same time as an agricultural reserve; so that the lessee had not the slightest chance of making any profit by the lease which he had so recently purchased. The very worst feature in the case, as showing the bad administration at the time, was that the whole 250 square miles being thrown open in that way, the lessee was driven, in order to protect himself, to apply for and get the land by fraud. The evidence of Mr. Gregory on this point was as follows:—

“How long did the majority of those selectors remain on their selections? They did not go on the selections because residence was not required.

“Do you know whether most of those selections were purchased by Mr. Wildash? I think he purchased the greater part of the selections that were taken up on Canning Downs; but not all, because I know others were held by different parties.

“Had the conditions been complied with at the time that he purchased them? No; they had not.

“Did he fulfil the conditions? No.

“Then, after he became the purchaser, he had no more claim upon the deeds than the previous owner? No. He simply became the transferee of the original parties; but the transfers were made with the sanction and approval of the Minister in the required form;—not private transfers; but they were officially recorded transfers, and subject to the approval of the Minister, and were so approved.

“By Mr. Macalister? By the Minister for the time being, as the transfers took place.

“Yet the Minister refused to issue the deeds of lands, the transfer from one owner to another of which he had previously sanctioned? Yes; sanctioned.

“Then he actually sanctioned the transfer of land to which there was no title? To which he had refused to admit a title.”

That was, he believed, the worst piece of evidence extant on the records of the colony. The effect of the proclamation was to force this land by fraud into the large estate held by those who had been so lucky as to purchase from the mortgagees of Messrs. Wildash and Hutchison. The decision of the Committee should have some weight with the House. The House had assented to the formation of that Committee, the excellence of which could not be disputed; and if they appointed a Committee they must go to some extent by its deliberate report. To refuse the claim, as suggested by the Premier and some other hon. members, would be to go directly against the report. The decision of the Committee was distinct without wavering or doubt, and the hon. member who introduced the motion had shown that from first to last a claim was established by Mr.

Wildash, at all events, for the amount of cash invested by his sons on the distinct promise of the Minister for Lands. There should be in all Governments a certain amount of *esprit de corps* which should lead them to give to the word of their predecessors as much weight as they possibly could. A Minister of the Crown did not give an opinion or a promise except after consideration of some sort, and in this case the promise had been most deliberately given. The investment was made on the strength of that promise, and the House ought to back up the Acts of the Government, especially in a case so perfectly exceptional. No other case had occurred in which a whole run had been suddenly resumed and disposed of as that was. The land ought to have been resumed gradually, and not forced into one channel for the benefit of the capitalists as that was. The whole thing was monstrous; the Minister for Lands seemed to have been acting under a sudden fright, or to have had some political pressure put upon him to induce him to resume the whole land at once instead of selling gradually to great advantage. Both the country and the lessees had been very badly served indeed. He should vote for the motion.

Mr. GRIMES said he could not promise the hon. member his vote. This House appeared to be fast becoming a poor relief board. Nearly every session since he had sat in the House three or four or more motions for grants for the relief of persons under supposed injury or grievance had come before the House. This session there were no less than six such motions on the business paper. The hon. member for Stanley (Mr. O'Sullivan) had this one, the hon. member for Gympie had another, the hon. member for Fassifern (Mr. Persse) had one for the general relief of selectors, there was another in the name of the hon. member for South Brisbane (Mr. Kingsford), and another in the name of the hon. member for Toowoomba (Mr. Groom). Where was to be the end of that kind of thing? If it was not checked the whole revenue almost would presently have to be paid in compensation for the losses of individuals through bad legislation in the past. In his opinion no good claim had been made out by the hon. member. The Government of the day, he thought, were quite right in refusing to grant these deeds; as there was no doubt that Mr. Wildash dummed those lands, and had no intention of fulfilling the conditions required by the Act. What could be said with reference to such evidence as was contained in the statement of Mr. J. M. Thompson, who said

“It is submitted that the facts disclose a scheme or conspiracy to obtain country in excess of the quantity allowed by law; and, as such, each and every selection so made is a fraud, and, as usual, void.”

And he went on to say—

“The dealings of the plaintiff, and those from whom he derives title, are a conspiracy in fraud of the provisions of the Act in regard to quantity, and the rules of the Surveyor-General's office in regard to frontage.”

And the statement further said that no cultivation whatever had been carried on. The person who made this claim did not deny that he had dummed the land, but he maintained that it was not wrong to dummy. This was shown by a letter written by Mr. Wildash to one of the newspapers, and contained in appendix D of the report, in which Mr. Wildash said—

“I have yet to learn that there is anything morally wrong in a person having the means of acquiring land doing so, notwithstanding laws passed hedging around the mode of acquisition with all sorts of obstacles and restrictions.”

Mr. Wildash, therefore, not only dummed a lot of land, but he had the barefacedness to publicly avow that he could not see there was any harm in doing so. The Government would certainly

be doing very wrong if they granted 30,000 acres of land to a person who, in his great greed to obtain a large estate, had over-stepped the mark and become insolvent. Why should the Government give this land twice over? The deeds were issued afterwards to those who had a right to them—the creditors in the estate; and now the House was called upon to issue deeds for a further 30,000 acres, because Mr. Wildash felt he ought to have a portion of that land as well as his creditors. The hon. member for Mitchell supported the claim on the ground of the information given by the Minister; but if that were to be regarded as sufficient ground, numbers of other persons could come forward and make out as good a case. A number of persons anxious to invest money in the selection of lands in the North had recently come up from the other colonies, but in the meantime the Minister for Lands had withdrawn all those lands from selection. Those people might come forward with a very good tale of how much money they might have made if the Minister had not withdrawn those lands from selection; and if such claims were allowed in one case they would have to be allowed in others. The hon. the Premier stated that there was no proof that the Government had acted wrongly; but, on the contrary, there was evidence to prove that they acted quite right in refusing these deeds, and they would have betrayed the trust placed in their hands as the Government of the day if they had granted the deeds when they knew that the lands had been dummied and that the conditions imposed had not been fulfilled. He should vote against the motion.

Mr. KELLETT said that the hon. member opposite had commenced by stating that he considered that the matter was one for a poor relief board.

Mr. GRIMES: No; I did not.

Mr. KELLETT took it that it was nothing of the kind.

Mr. GRIMES: I said that the House had become a poor relief board.

Mr. KELLETT said that was the statement of the hon. member; but he took it that Messrs. Wildash and Hutchison had sent their case before the House because they considered it the great equity court of the colony, and that this was one of those cases which could only be considered and relief granted in an equity court. His reason for stating this was better than a mere statement of his own. In the appendix to the report of this inquiry there was a statement with the signature "James Cockle, Chief Justice," attached to it, in which he stated:—

"In pursuance of the third section of the Act 29 Vic., No. 23, I hereby certify that the statements contained in the within written petition disclose a *prima facie* case for inquiry in a court of equity."

That was what he (Mr. Kellett) based his statement on, and he considered that Mr. Wildash had sent his case before the true equity court of the colony. In listening to the statement made by Mr. McIlwraith, the Premier, they could see that the hon. gentleman's heart was not thoroughly in the matter. If the hon. gentleman had to argue the case on the other side, he (Mr. Kellett) would have listened to him with great satisfaction; but they knew that, as the Treasurer of the colony, he had to look upon such matters in a different light from other members of the House. He had no doubt that the hon. gentleman was arguing conscientiously from a Treasury point of view, but there were some cases in which they must go a little apart from those strict rules. As had been pointed out by the hon. member, Mr. Scott, there was abundant evidence in the report that the Government had done wrong, for at the very time the deeds were refused they had at the same time

been granted to other parties. He held that the Government did a wrong and a great injustice to one man when they treated another in an entirely different manner to him. As to the promise made, it was not made by the Commissioner, as had been stated there several times during the morning, but by the Minister of the day to Mr. Wildash. That was a higher authority altogether than a commissioner. The Minister of the day made a promise that such and such a thing would take place. He (Mr. Kellett) did not say for one moment that such a promise was binding for ever, but he asserted that it tended to show that there was the greater grievance. The real grievance was that the deeds were refused to Mr. Wildash after the transfers to other persons had been approved of by the then Minister for Lands. The transfers were approved of, and everything was done satisfactorily; but when it came to the granting of the deeds to Mr. Wildash the stopper was put on and he was refused. There was where the real grievance came in. He held that the Government of the country occupied such a position that if in any case they could see and consider that a wrong had been done by any previous Ministry—and a great wrong had been done here—it was their duty as a Ministry to see that the wrong was in some way rectified, if it was possible to do so. He did not think it was a question of sympathy at all. He was not asking for sympathy for Mr. Wildash, who, though an old man, was still active and able to get his own living. But he believed that a great wrong and injustice had been done to the man, and that a special case was made out in his favour. The hon. member for Logan had made a good deal out of the statement of Mr. Thompson—the Minister for Lands. Now, Mr. Thompson might have been a very able Minister. Some thought that he was, and others differed from that opinion; but a higher authority and much abler parties had given a contrary opinion to his, and that was the Privy Council of England. Able as Mr. Thompson might be in the estimation of the hon. member for Logan, it threw him entirely in the shade when they considered the parties it had been put before afterwards, and the contrary decision which was given to his. He (Mr. Kellett) had very little more to say, except that he hoped that the Government and the House would consider that this was a question which had been talked about all over the Australian colonies, and which had been written about in all the papers. The feeling of surprise was very strong that in such a young colony as Queensland such a thing should have happened and that no redress had been allowed afterwards. There was no Minister who was not liable to make some mistakes, and it was to be hoped that in this colony—where men were coming in from all sides, and which was supposed to be the rising colony of the group—a grievance like this would be redressed immediately, to let capitalists know that, if by chance any wrong was done, the Government of the colony and members of that House were always ready when the wrong was pointed out to them to try and alter it and to redress the grievance. The creation of such an impression would, he supposed, be of more advantage to them and to the country than the mere granting of 30,000 acres of land to Messrs. Wildash and Hutchison. In alluding to this matter from a Treasury point of view as the Colonial Treasurer had done, he would say that he thought the grant could be very easily made in the very outside part of the colony—as far as the Gulf of Carpentaria—and land in that neighbourhood would be very willingly accepted by the petitioners if the grant was made there, and to send such a man and his two stepsons to that part of the country would be a benefit to the

country. So he (Mr. Kellett) thought that even from the Treasury point of view the matter was easily settled.

The MINISTER FOR LANDS (Mr. Perkins) said that the hon. gentleman seemed to attach a good deal of importance to the promise made by the Minister for Lands, Mr. Macalister; but he must also consider that a man going to buy a run would form his own opinion and calculations, apart altogether from any statement made by a Minister. He did not think, therefore, that Mr. Wildash was at all misled by anything that was said to him. He would assume, in self-defence, that Mr. Wildash proposed, in every way properly, to obey the law in securing this land. Now, it was notorious that there was no necessity for throwing open such a vast quantity of land in the neighbourhood of Warwick, because there were not enough persons there to occupy it. What followed was the inevitable result of such a course of conduct. In his opinion, the case was narrowed down to this: Suppose that at the present day the Lands Department were well aware that a selector had evaded the law, and the department intended to forfeit his selection and to drive the man off the land, but nevertheless this selector had transactions of a monetary nature with other persons who were willing to take the lease of his selection as security, that transfer should not be passed through with the sanction of the department. If the Minister for Lands were well aware that the selection was obtained by fraud, and consented to the transfer, what would be thought of it by the members of the House and by the country? The transaction would not hold water, and would simply encourage the repetition of the same thing in other instances. He had stated before in the House that he did not think that in such cases the balance of money should be taken from the selector. Where the intention was to withhold the deeds, the department had no right to accept the balance of the purchase money. He did not think that such a transaction would hold good between private persons, and he did not see at all why it should be any better between the State and a private individual. Supposing a private individual sold a property to another under certain conditions with regard to improvements. Supposing also that the purchaser neglected to fulfil the conditions, and the vendor was aware of that and said nothing. Supposing the vendor made no complaint, but allowed the purchaser to come and pay the last instalment of the purchase money, and then turned round suddenly and said that as he had not put up the required stable and other conditional improvements he—the vendor—would stick to the property and also to the money. Surely such a man would be pronounced a rascal of the first water. It was not necessary to go into the legal aspect of the affair. That had been decided by another tribunal. He believed, however, that Mr. Wildash could have sold the property at the time but for the risk there was connected with it, and he had no doubt that he had lost by the transaction. He did not like to do anything that would cause every person who was unfortunate to come to the House for help; but he could not help arriving at the conclusion that if a wrong had been done by the State there was no other tribunal to appeal to. As to the amount of compensation he had not made up his mind, or as to whether it should be land or cash. If the mover of this resolution would alter it to a lesser sum—he (Mr. Perkins) was only giving his own opinion, as the matter had not been discussed by the Cabinet—or if the hon. gentleman would reduce the number of acres, he should have his (Mr. Perkins') support.

Mr. GROOM said that he had an intimate acquaintance with all the facts of this case, having been in the House in 1870 when the matter was brought very prominently under the notice of the Legislature. Now, after an interval of eleven years, they could look at these things more calmly than they could do in those days, and they would be able to give a better opinion upon the subject. He stated a few evenings previously what he now repeated. Had they known in 1865—when the Ministry of the day, of which he believed the present Colonial Secretary (Sir Arthur Palmer) was a member—the Minister for Lands being Mr. Lamb—proclaimed the Darling Downs one vast agricultural reserve, in which anyone could go and take up any area up to 640 acres;—had they then known the extent of the Western country they would not have resorted to such means. It was not confined to one particular locality, but the whole of the Darling Downs—from one end of it to the other—was proclaimed an agricultural reserve, and parties went in wholesale to take up what they could get. It was a sort of scramble; and it was perfectly notorious that at that time some of the proprietors went out, accompanied by a magistrate, to shepherds and hut-keepers with blank forms which they got these people to sign, leaving the body to be filled up afterwards by themselves as occasion might require. That had been adduced in evidence before a select committee of the House. What happened sixteen years ago could not, of course, affect legislation that might take place now. Such things were not likely to occur again in the altered condition of the colony. There was not likely to be such a scramble again on the Darling Downs to get water frontages. He (Mr. Groom) could very well understand that Mr. Wildash was misled by the gentleman he said he was misled by when he contemplated the purchase of the Canning Downs. The evidence stated that Mr. Wildash called on Mr. Macalister, who was then the Minister for Lands, and he (Mr. Groom) could very well understand how any person could be misled by that gentleman, who, as was well known, unfortunately could not say "No." It had become historical that deputations waited upon him, and went out of his presence just as wise as they entered it, so far as any information he could give them was concerned. He could quite understand how Mr. Wildash could be misled by such a man. The question, however, was whether the House was to give compensation for mistakes which might have arisen at that time. He was inclined to take this view of the case. There could be no doubt about the decisions of the Privy Council in the cases of Davenport and Smith being founded entirely on the evidence of the Hon. James Taylor, the Minister for Lands who received the rents; and when he was called on to say why he did so he stated that he received them because the exigencies of the Treasury demanded that he should do so, and for no other reason. The late Mr. Davenport told him (Mr. Groom) that when Mr. Taylor's evidence was read out before the Privy Council their lawyers were staggered, and turned round to Mr. Benjamin, who appeared for Mr. Davenport, and said, "You don't mean to tell us that the Government absolutely took the man's money, and then refused the land?" Mr. Benjamin replied, "Yes, that is precisely my case." So that the facts relating to Mr. Davenport's case were parallel to those of Mr. Wildash's case—he paid the rents regularly, and they were received. It was true that a case was prepared by the Hon. J. M. Thompson; and hon. members who knew anything about that period knew perfectly well how it was prepared. Mr. J. M. Thompson was a conscientious man, enjoying a very high opinion;



and his words would be entitled to respect in any part of the colony. But it was an understood thing with Mr. Wildash, when he made the application, that there should be entered a friendly suit. The suit of Macdonnell *v.* Tully was on the records of the House and of the Supreme Court. It was supposed to be a test case, and was prepared by the then Minister for Lands (Mr. Thompson) and the late Attorney-General (Mr. John Bramston). After the case of Macdonnell *v.* Tully was brought on, the Attorney-General was called on to file his pleas in rejoinder; and they were simply that he had opposed the issuing of the deeds to Macdonnell and Smith as the mortgagees of F. J. C. Wildash, because they had been obtained by fraud and perjury. By some means or other a letter was produced by a late member for East Moreton, in which the solicitors of the plaintiff Macdonnell told him what were the pleas filed, and recommended him not to make further application; and no further application in that suit was made. As far as Mr. Thompson's case was concerned, it was borne out by the Attorney-General of the day, and all further action was stayed. Looking back on those events, and considering that the parties in connection with dummyming had received their deeds in every instance, this unfortunate man, Mr. Wildash, stood out prominently as a man absolutely ruined because the deeds were not granted. That was the strongest point in Mr. Wildash's case on which he had a claim on the consideration of the House. No doubt, as the hon. member for Logan said, if this case were considered favourably, others might come forward. But each case would have to be decided on its merits, and they should not reject a case simply because others would follow. There was another fact which influenced him in this case. There could be no doubt that Mr. Wildash induced his two stepsons to invest a large amount of money in the station, with a tacit understanding that the deeds for 20,000 acres would be obtained. Under that representation, and the belief that the property would ultimately be of great value, they invested the money. They were foreclosed on not long afterwards, and the property passed out of their hands. It came to this: if they took the balance-sheet appended to the report and contrasted the amount of debt owed by Mr. Wildash with the amount which could be realised on 20,000 acres at £2 5s. an acre, they would find that he would have been in a position, could he have secured the deeds, to go to any bank in the colony and obtain a sufficient advance to enable him to retain the whole of the property. That was the position Mr. Wildash would have been in, and he (Mr. Groom) repeated, looking at the fact in a calm manner—not by the light of the passions which used to influence them fifteen or sixteen years ago, when dummyming was rampant—and considering that all the parties who took up land on the Darling Downs similar to the way in which Mr. Wildash took up his had obtained their deeds and were now wealthy men, Mr. Wildash certainly had a claim for consideration. He was acquainted with Mr. Wildash's stepsons, and knew them to be persevering, energetic young men. The means of living had been taken away from them and given to men living in Sydney. At the same time he would not say that 30,000 acres should be given as compensation, because that was a very large area. He presumed the mover would have to put another amendment to his motion. The grant proposed could not be made without a special Act of Parliament.

Mr. O'SULLIVAN: Yes; by the 6th clause of the Crown Lands Alienation Act.

Mr. GROOM said he understood the grant would be like the 2,000 acres granted for opening 1881—3 D

up the sugar industry, but he was glad to hear that it could be done without a special Act. The hon. member, however, must moderate his opinions a little. He (Mr. Groom) had read the document on which the motion was founded very carefully through, and he considered that the claim was just, because it was clear that the Crown, having received the rents, were compelled, according to the decision of the Privy Council, to give the deeds when the payments were completed. It might appear somewhat strange in him, having been such a determined opponent of dummymism, to speak as he was now speaking; but he could not shut his eyes to the fact that others had got their deeds while Mr. Wildash had been refused. He had no personal interest in the matter; he was no friend of Mr. Wildash, nor was Mr. Wildash a friend of his; but he was quite prepared, considering the circumstances of the case, and the fact that others had come in and reaped where that gentleman had sown, to vote for a moderate grant in satisfaction of this claim.

The MINISTER FOR WORKS (Mr. Macrossan) said he had no sympathy whatever with the case before them, and no sympathy whatever with the class which this Mr. Wildash represented. Mr. Wildash was simply suffering the consequences of having evaded the law, and having robbed the State of the very best portion of its lands in the neighbourhood of Warwick. Hutchison and Wildash had actually strangled the town of Warwick; and from their action in regard to those lands had resulted the greatest injury of the squatters. Mr. Wildash and a dozen more like him on the Darling Downs had brought more discredit on the name of squatting than all the squatters outside the Darling Downs put together. What was the claim based on? On the fact that Mr. Wildash had been unfortunate. But the misfortune arose because Mr. Wildash was in debt, and because he did not possess any money. It was no use arguing that because other men in the same position got their deeds because the Privy Council had declared they should;—had Mr. Wildash retained his estate, which he could and would have done had he not been in debt, he would have got his deeds also;—therefore they should pay Mr. Wildash for having the misfortune to be in debt. That was the claim as it came before the House; and it was preposterous. If only one acre were asked for, instead of 30,000 acres, he would not vote for it; for if they voted one acre they admitted the principle, and it was as bad as voting 30,000 acres, being only a question of degree. He hoped the House would not consent to the claim of Wildash and Hutchison; and he agreed with the Premier that if a claim of the sort was once admitted they would be inundated with them. There was a case quoted by the hon. member for Oxley, which happened only a few weeks ago. By proclamation certain lands were thrown open for selection at a certain price; and he (Mr. Macrossan), from his own knowledge, knew people were actually on their way from the different parts of the colony to select lands under the proclamation. They incurred the expense of going, and when they got there the land was withdrawn; and those people had just as much claim as Mr. Wildash, and far more.

Mr. HORWITZ said that he would support the motion. Though it was well known that the way in which these lands had been taken up had done a great deal of injury to the Darling Downs, yet the Government had no right to receive any rent on account of dummied lands—except under protest—and then refuse the deeds. If Wildash and Hutchison had got their deeds, they could have raised money to pay off their

mortgage, and would not have been ruined. For these reasons he should support the motion.

The SPEAKER said that he had overlooked the fact that the question could not be put. The motion was for a grant of land, and that was the same as a motion for a grant of money, which should be considered in Committee of the Whole House. The motion should be to go into committee to consider the advisability of making the grant. He was sorry he did not notice this before so much time had been taken up, but the objection was fatal.

Mr. O'SULLIVAN asked for leave to amend the motion, with a view to bringing it forward in committee on the 7th October.

The SPEAKER asked if the House consented to the amendment of the resolution?

Mr. GRIFFITH said he objected to the House affirming the principle that 30,000 acres should be granted.

Mr. O'SULLIVAN said he would withdraw the 30,000 acres from the resolution. Would the hon. member object to it then?

Mr. GRIFFITH said this resolution asked the House to affirm the desirability of making a grant of land to Mr. Wildash. The question as to whether that gentleman was entitled to any land should be discussed in committee. He would object to the amendment of the resolution in the way proposed.

The SPEAKER said the amendment of the resolution should be that the House should resolve itself into a Committee of the Whole, to consider the resolution. If the House consented to the amendment of the resolution he would take the amendment, but if it was objected to it could not be put. Did the House consent to the question being amended?

Mr. O'SULLIVAN said it was a remarkable thing that the hon. member for North Brisbane had thrown himself in the way to prevent the resolution being brought before the House. He believed he (Mr. O'Sullivan) had a right to bring it, but, seeing that there was no other course open to him, he would withdraw it.

Mr. GRIFFITH said that he objected to the House affirming the desirability of granting land to Mr. Wildash. If the hon. member really wished to go on with the motion he (Mr. Griffith) had no objection to his amending it in such a way that the House would not be asked to affirm the desirability of granting that land.

Motion withdrawn.

#### SELECTORS RELIEF BILL.

Mr. PERSSE moved for leave to bring in a Bill for the relief of selectors.

Mr. McLEAN said, if the hon. member wished to introduce a Bill of that kind to the House he ought to explain to the House the nature of the Bill.

The COLONIAL SECRETARY said it was almost impossible to satisfy hon. members opposite. When he introduced a Bill, and explained it on its first reading, they said it was wrong. The hon. member for Fassifern was moving for leave to introduce a Bill, and a private member was always allowed to do that as a matter of courtesy.

Mr. PERSSE said he did not know whether there was any necessity for him to speak now as to the nature of the Bill itself. It was similar to the Bill he brought in last year.

Mr. GRIFFITH said the hon. member was bringing in a Bill dealing with a large quantity of public land, at the very end of the session. It was a matter the Government should deal with.

The MINISTER FOR LANDS: Why did you not think of that three years ago?

Mr. GRIFFITH said, if the Minister for Lands wanted to bring in a Bill to amend the land law, why did he not do so?

Mr. PERSSE said that, as there appeared to be so much opposition to the Bill, he would withdraw it.

The COLONIAL SECRETARY said it was an act of courtesy to allow a private member to introduce any Bill he liked. They had allowed the hon. member for Logan to introduce a Bill which they never had the slightest intention of carrying, year after year; and it was very bad taste of that hon. member to object to the introduction of this Bill.

Mr. McLEAN said he did not object to the introduction of the Bill; he simply wanted to know what the nature of it was. He had no intention of obstructing the hon. member, but a few words from him would have put the matter right and would have removed his objections.

The COLONIAL SECRETARY: This is the second time the hon. member has spoken on the motion.

The SPEAKER: The House has not decided yet whether the motion shall be withdrawn. There being no objection, the motion is withdrawn.

Mr. KELLETT said he had objected to the withdrawal of the motion.

The SPEAKER: I did not hear the hon. member say so.

Mr. KELLETT said the hon. member sitting next to him heard him. He had stood up two or three times, but sat down in deference to the Chair. He did not speak in very a mild tone of voice, but the business seemed to be going on in a very strange way. Some members were not heard, and some members were.

The SPEAKER said that when the motion for withdrawal was put, if any hon. member wished to object, he should have done so at the time. He put the question very plainly, and he did not hear any hon. member object.

#### OPENING OF THE MUSEUM ON SUNDAYS.

Mr. KINGSFORD, in moving—

That, in the opinion of the House, it is desirable to throw open to the public the Brisbane Museum on Sundays, between the hours of 1 o'clock p.m. and 6 o'clock p.m.—

said it would be pretty plain, to all who had taken the trouble to observe, that there were great numbers of people in Brisbane, as well as elsewhere—perhaps he would not be very far wide of the mark if he said the larger proportion of the population—for whom no provision was made on what was termed by those who were the opponents of this motion the Lord's Day, or what was more popularly termed Sunday, in regard to religious education. Anyone going round the city on Sunday would see great numbers of people of all ages and of all classes who were evidently without occupation or anything to improve their minds; and he thought it was the duty of the House, if not to provide the instruction itself, at least to remove all the obstacles standing in the way of such people obtaining necessary knowledge. He did not intend to cast reflections upon those whose especial business it was to attend to the higher instruction of the people on Sunday; but he stated plainly that the appliances that were used by the various religious bodies on Sunday were altogether inadequate to meet the necessities of the people.

Either there was an unwillingness or an inability to cope with the needs of the people; but in either case it was a fact that the means employed for the instruction of the people in religious matters were altogether insufficient to meet the requirements of the people. He did not know whether it was known that the places of worship were utterly insufficient to accommodate the people; and it was a well-known fact, also, that those who did not frequent places open for religious instruction on Sunday were unwilling to do so. He believed it was altogether contrary to the principles of religious truth to withhold any instruction which the people might get if they were afforded an opportunity. And although it might be said that museums and institutions of a kindred kind were not of a distinctly religious character, yet they were so far promotive of the moral and intellectual and mental advantages of the people that it was a sin, in his humble opinion, to restrict the advantages that were to be derived from the Museum to six days only in the week. It appeared to him that not only would the opening of the Museum on Sunday be non-productive of evil, but that it would result in a very considerable amount of good. It would supplement the efforts put forth by the various religious bodies in their attempt to elevate the people and raise them in the moral and intellectual scale. The opening of the Museum on Sunday would not lessen in the smallest degree the attendance at the various religious services in the city. It would place no obstruction in the way of any. But if the Museum was opened it would induce people to attend, and by the study of the various objects there presented to them would, perhaps, fill up a void in some minds, and keep out mischievous thoughts and intentions from other minds. He begged to differ from those who were taking interest in this matter, and had sent in petitions to that House to the effect that the opening of the Museum on Sunday would lead to a profanation of that day—would in the slightest degree lessen the interest and concern that the people from habit felt towards what was termed the "Sacred Day." He was sorry to find that the attempt to throw open the Museum to the people on Sunday should be classed as among those things which tended to the demoralisation of the people, and to the profanation of the Sunday. For his own part, he thought that that view of the matter was altogether too conservative and too morbid. The necessities of the people would never be met until every legitimate and right appliance was made use of for raising them from ignorance and from superstition. He was sorry that the sitting was so far advanced that he was not able to deal with the matter more fully; but he was thoroughly convinced that as the Sunday was the people's inalienable, indisputable right—their time of rest from the labour and toils of the business days of the week—their season of leisure; and as the Museum was the people's, bought, paid for, and maintained by them with their own money, the Government had no right, practically, to say to the people, "You may go to church if you will, for religious instruction on the Sunday, but you shall not go to the Museum—your own place, which belongs to you, and for which you have paid." The Government had no right to keep the doors of the Museum closed on Sunday; and no synod, council, or conference, and no ecclesiastical from the highest to the lowest, no authority either human or Divine, could be advanced for condemning those whose object was to benefit themselves and others by placing at the disposal of the people educational institutions of this character. He was afraid he should trespass upon the time of the House, but he should just avow his own opinion upon the matter in regard to the ecclesiastical view.

He said that there was no authority whatever for confining the service of the Sunday solely and exclusively to places of religious worship. The opening of the Museum on Sunday would contravene no Divine law, it would not break any commandment; it would only be in accordance with the universal practice of the strictest of the Sabbatarians—he did not use the term offensively—themselves;—and before these individuals, be they prelates or whatever position they might hold, before they took upon themselves to condemn others, who attempted to be useful in their way according to their lights, he would recommend them to take the beam out of their own eye, and keep the Sabbath as they maintained it ought to be kept. He had no conscientious scruples in the matter, although he had no doubt he should bring down a storm of ecclesiastical and pious wrath upon his head. In fact, he had already done so; but yet he felt that he had done his duty, and he should be pleased, if the House saw fit, as he hoped it would, to pass his motion, so that the Museum should be opened on Sunday next for the good of the public.

The PREMIER thought this matter was more one for the consideration of the trustees of the Museum than for Parliament. It was not absolutely necessary that it should have the sanction of that House. In fact, had he known that there had been a recommendation of the trustees to open the Museum on Sundays, he had no doubt that the Government would have taken action before. On the 18th of April, 1878, the Secretary, on behalf of the Trustees, wrote to the late Government as follows:—

"I am now directed to convey to you the wish of the trustees, that the collections in the present building may be made available to the public on Sunday afternoons.

"In both these recommendations the trustees are actuated by a desire to afford the most frequent opportunities to those most likely to be availed of for visiting the Museum, by hundreds of people whose avocations, whether as clerks, mechanics, or in other capacities, do not permit study or recreation during the ordinary business hours of the day; and the trustees are impressed with the belief that Sunday afternoon is a time when many hundreds of intelligent visitors, who otherwise could derive no benefit from the institution, would be found examining its varied contents with pleasure and profit.

"The trustees holding this opinion, desire me to express the hope that the Government will concur in the action which they propose to take to give their views practical effect."

That recommendation of the trustees to get the sanction of the Government to open the Museum on Sundays was, on the action of the Minister to whom it was addressed, brought before the Cabinet, and the result was "no action." That was, he presumed, that the Government were not agreed as to what course they should take with regard to it. The same recommendation would, of course, be brought before the present Government, and there was no doubt about the action they would take. They would open the Museum on Sunday. He was sorry that they had not had an opportunity of having the matter discussed; but, at this time of the session, he did not think there was the slightest chance of it, and therefore it was better to intimate to the House the course the Government intended to pursue. If they remembered the privileges which they gave others, and which were enjoyed by them at the present time, he did not think there would be the slightest objection to opening the Museum on Sundays. It was on his motion that the library of the House was opened for the use of members on Sundays, and he considered the Museum quite as much an educational institution as their library. Members still enjoyed the use of the library on Sunday, and certainly what they were prepared to give to themselves they could not for a moment

think of denying to the people of Brisbane. If there was the slightest chance of the motion going to a division, he should be glad to support it, with the approval of the Government.

The MINISTER FOR WORKS said it was for him, as Minister for Mines, to give some explanation of the letter which had been quoted by the Premier. He was not aware until yesterday that any recommendation of the kind which the Premier had just read existed in the Mines Office, and then he became aware of it simply from an accident by asking the Under Secretary if there was anything that could be produced in connection with Mr. Kingsford's motion. That officer himself, it seemed, was not aware of this letter being in existence, and he was told of it by one of the clerks in the office. Of course he could hardly be expected to be as fully aware of it as his predecessor, having only recently undertaken the duties of Under Secretary. He (Mr. Macrossan) might tell the House this: that had he been aware at any time since he had been in office as Minister for Mines of the existence of the recommendation of the trustees to open the Museum on Sunday, he should have brought the matter before his colleagues with a recommendation to open it. He believed in opening the Museum and all similar institutions, for the use of the working classes, on Sunday. If they chose to go to church, let them do so; but he thought those in authority had no right to prevent them exercising the intelligence God had given them in examining into His works in a museum and everywhere else. They must not attempt in any way, at this time of day, with the intelligence that was now abroad, to prevent men from acquiring knowledge in every shape and form, and by every legal means which they could adopt. Therefore, he should have great pleasure in bringing the matter before his colleagues with the very strongest recommendation that he could give to open the Museum on Sunday. He did not think it was a matter for legislation, but one purely of administration. The Government, if they accepted his recommendation, as he hoped they would, would be responsible for their action, and it would be then for the House, if they thought fit to censure the Government for having done so, to bring in a motion to that effect.

Mr. GRIFFITH: What is the date of the recommendation?

The MINISTER FOR WORKS: The recommendation was made on the 18th April, 1878, just previous to the time when the new Museum was opened. It was made at the time the hon. member for Moreton was Minister for Lands and Mines, and the memorandum which he wrote—he believed it was in that gentleman's handwriting—was this:—

“The Government will not take any action upon the recommendation of the trustees that the Museum should be open to the public on Sundays.”

He presumed the hon. gentleman brought the matter before his colleagues, because “Cabinet” was written on the letter in red pencil; and that it was considered by the then Government. But they did not condemn the recommendation of the trustees; they had not in any way in this document committed themselves to the opinion that they thought it was wrong to open the Museum on Sundays, or that it would in any way injure the morals of the people or be in any way to the detriment of other people who wished to exercise their right in using Sunday in the way they thought best. They simply said that they would not take action. They did what he believed was very often done at that time—the matter was “pigeon-holed.” It was by the merest accident the matter came to his knowledge yesterday, and he was extremely sorry and rather

annoyed that he had not known of it before, because he had several times made up his mind to consult the trustees upon this very matter; and he did not do so because he was afraid that some of the trustees might have very strong Sabbatarian notions, and he did not wish to bring himself into conflict with any of them; but, if he had thought that a majority of the trustees were in favour of the course proposed, he should certainly have acted either upon this recommendation or one sent direct to himself, in the way he had informed the House he would have done if he had the opportunity. This document he found did bear evidence that it was brought before the Cabinet, because he found that a minute had been written on it, which he thought was written yesterday, and which was to this effect—it was marked, “immediate action.”—

“Proposal to open Museum on Sunday afternoons.

“The Secretary for Mines submits for the consideration of Ministers a proposal by the trustees of the Queensland Museum to make that institution available to the public on Sunday afternoons.

“The Mines Department to be authorised to take the necessary action.”

He could see from this that the hon. gentleman who was then in charge of the Mines Department was at that time in favour of opening the Museum on Sunday; and he believed he had done that gentleman wrong in thinking he was not in favour of it.

Mr. GRIFFITH: What order was made?

The MINISTER FOR WORKS: “No action.” “Immediate action” was written in red ink at the top of the document, and “no action” in pencil at the bottom, so that the hon. gentleman's good intentions must have been frustrated by some Sabbatarian members of the then Government.

The SPEAKER said that, it being now 1 o'clock, the House stood adjourned until the usual hour on Monday next.