

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 10 JULY 1884**

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## LEGISLATIVE ASSEMBLY.

Thursday, 10 July, 1884.

Presentation of the Address in Reply.—Answer to Address in Reply.—Questions.—Formal Motions.—Civil Servants' Fees.—Motion for Adjournment.—Crown Lands Bill.—Registrar of Titles Bill.—Marsupials Destruction Act Continuation Bill.—Officials in Parliament Bill.—Divisional Boards Endowment Bill.—Public Officers Fees Bill.—United Municipalities Act Amendment Bill.—Supply.—Adjournment.

The SPEAKER took the chair at twenty-five minutes past 3 o'clock.

### PRESENTATION OF THE ADDRESS IN REPLY.

The SPEAKER invited hon. members in attendance to proceed to Government House, there to present to His Excellency the Governor the Address in Reply to the Opening Speech delivered by His Excellency.

The Speaker, accompanied by the Clerk of the Legislative Assembly and honourable members, accordingly proceeded to Government House.

### ANSWER TO ADDRESS IN REPLY.

The SPEAKER, on returning, announced that, pursuant to order, the Assembly had been to Government House, and there presented their Reply to His Excellency's Opening Speech, to which His Excellency was pleased to make the following Reply:—

"MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"I receive with satisfaction your assurance of unabated loyalty and affection to the Throne and Person of our Most Gracious Queen, and your promise that all measures brought before you shall receive your careful attention and consideration.

"Government House,

"10th July, 1884."

### QUESTIONS.

Mr. NORTON asked the Minister for Works—

1. Has the survey of railway line from Gladstone to Bundaberg been completed?
2. If so, has the Minister any objection to lay report upon the table at an early date?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

The survey of railway line from Gladstone to Bundaberg has not yet been completed, nor has any report as yet been received in regard thereto.

Mr. NORTON asked the Minister for Works—

Has Mr. Rands, Government Geologist, been instructed to prepare his office at Gladstone in accordance with the wish of the Minister that he should do so, as expressed by him when at Gladstone?

The MINISTER FOR WORKS replied—

Mr. Rands has been instructed to prepare his office at Maryborough as being more central than Gladstone. The Minister for Works expressed no wish for the office to be at Gladstone.

### FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. MACFARLANE—

That there be laid on the table of the House, a Return showing—

1. Name of all railway stations and gate-houses between Brisbane and Ipswich, also between Brisbane and Sandgate.
2. Name of each station-master and gate-house keeper attending to same.
3. Number of hours on duty weekly.
4. Salary paid to each station-master and gate-house keeper at each station or gate-house.

By Mr. NORTON—

That there be laid upon the table of the House, all letters, reports, and other documents connected with Mr. John Newberry Menzies' selection on the Mount Larooin Run, Gladstone District, and particulars of claims made by Mr. Menzies against the Government in connection therewith.

By Mr. NORTON—

That there be laid upon the table of the House, a statement showing the additional clerks who have been appointed to Government offices since the 14th November, 1883; appointments in each office to be indicated therein.

By the PREMIER (Hon. S. W. Griffith)—

That this House will, at its next sitting, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to amend and consolidate the law relating to Patents for Inventions, and the Registration of Designs and Trade Marks.

By the PREMIER—

For leave to introduce a Bill to shorten the duration of Parliaments.

The Bill was presented, read a first time, and the second reading made an Order of the Day for Tuesday next.

### CIVIL SERVANTS' FEES.

Mr. BLACK moved—

That there be laid upon the table of the House, a Return showing the amount of fees received by the various officers of the Civil Service during the past twelve months—

and said that he understood it was necessary to give some reasons for making the motion. A promise was made last session that when the Blue Book was printed for the past year there should be a separate column showing the actual amount of salary received by each of the officers of the Civil Service. He had complained when the Estimates had passed the House that they had no means of arriving at the emoluments which the Civil servants really received; and a promise was given that in future Blue Books that omission should be rectified. Apart from that, he thought it was only right that the officers of the Civil Service should be paid a sum sufficient for the duties they had to perform, and should not be allowed at their discretion, as at present, to make demands on the public in the shape of fees. That was a most reasonable request, and he was therefore rather astonished when he found that the Premier was prepared, by calling out "not formal," to oppose the motion. He did not know what the object could be. He imagined that the Government did not wish to keep back from the House what the Civil servants were receiving, more especially as he found that the Premier, since he (Mr. Black) gave his notice of motion, had put on the paper a notice for the "consideration in committee of the desirableness of introducing a Bill to amend the law relating to the remuneration of officers of the Public Service by means of fees." He took it that very likely the Premier would do as he said he would, and abolish all fees; but if so, how was the House to be prepared to debate the subject without knowing what the fees really were? He thought his request was a reasonable one, and one that the

House should endorse; and that, as far as practicable, a return of the fees should be laid on the table. If they were given to understand that it was impossible to ascertain the amount of the fees, then he thought there was all the more reason why they should be abolished, and that Civil servants should be able to live without what he called levying blackmail on the public. There was a large section of the public who did not understand what the legitimate fees were to which clerks of petty sessions and other Government officers were entitled. The public were frequently told, when they tried to get certain information—certain work done by Government officers—that the fees depended on the amount of work, and where the legal amount of a fee was 3s. it was quite likely that the public had to pay half-a-sovereign. That system of levying blackmail on the public, as far as he could judge, was entirely beyond the control of the Government; therefore, he thought that, as far as they were able to give the information, they should be only too glad to do it. The House would then be able to discuss the subject on its merits, and when the Estimates came on they would be able to see what would be a reasonable salary to each Civil servant who was to be debarred from taking fees.

The PREMIER said he met the motion with "not formal," not because he would not like to know what the Civil servants had received during the twelve months in the shape of fees, but because there were no means of finding that out. The Civil servants could, no doubt, give a conjectural amount of the fees received; but they were not called upon to keep any account of the fees, and there was no way of getting it. The only return they could give would be conjectural, and if the fees were to be abolished, and they had a claim for compensation for the abolition, he was afraid they would conjecture rather a high amount. Such a conjectural amount could of course be obtained. He thought it was far better to fix the salaries at an amount that would be fair remuneration for the work to be done. He had been endeavouring during the last two months to get some of the information asked for last session as to the fees Civil servants really were receiving, but he had found immense difficulty in doing so; and the result was that he came to the conclusion that it would be necessary to abolish remuneration by fees altogether. His opinion was that the salaries of Civil servants should be really known, and that if fees were received they should be paid into the Treasury. He had in his hand the notice of a Bill for that purpose when the hon. member for Mackay gave notice of his motion. As he had said, there was no way of getting an actual return of the fees which any particular Civil servant received. Some of them might keep a record of them, and a copy might be obtained; but probably most of them had not done so. Many of them put the fees in their pockets and never kept an account; and if they were called upon to send in a return it would be merely a conjectural amount, and liable to be fixed so as to increase their demand for compensation. That was the only objection he had to the motion being taken as a formal one, and he hoped the hon. member would now withdraw it.

Mr. MOREHEAD said he had to admit that he—in common, he thought, with many other members of the House—was rather astonished at what had fallen from the Premier as to no record being kept of the fees received by officers of the Government for particular services rendered by them. He took it that a receipt was given for every payment made to those officers.

The PREMIER: No, not at all.

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Mr. MOREHEAD: Then the sooner that state of affairs was remedied the better. So far as he understood the Premier, there was absolutely no record sent in to any department by officers receiving fees, which were fixed in many cases, if not all, by Act of Parliament. There must be some very great flaw in the statute. If, as represented by the Premier, the only means of obtaining the information was by reference to some memorandum kept by an officer, and which he was not required to keep, the returns could not possibly be given. He admitted that at once, but he thought that, after so many years of parliamentary government, some departmental arrangements would have been made to keep a record of fees received by various officers. If they themselves were the only ones who knew the amount, he agreed with the hon. the Premier that they would probably be tempted to place them on what he believed was known in law as "the higher scale."

Mr. SCOTT said that when the Estimates were passed last year they were promised a statement of all the money the various Civil servants received, on any account. He thought they should have, at all events, a list of what officers were entitled to receive fees, and the amounts they were entitled to receive, for any particular service. He thought that would meet the views of the hon. member for Mackay. An approximate statement he was afraid could not be depended upon, and there was a great deal in what the Premier said, that if a man had to make a statement of what he would lose in the event of fees being abolished, he was likely to give a very exaggerated estimate.

Mr. FOXTON said he might possibly be able to throw some light on the matter, as his occupation threw him a good deal in the way of clerks of petty sessions, who perhaps were in the habit of receiving more fees from the public than any other officers in the Civil Service. He knew that the practice was that clerks of petty sessions, who were usually commissioners for affidavits, simply pocketed the fees and gave no receipts. The usual remark was, if it were half-a-crown, "That's five drinks," and in it went into the pocket.

Mr. MOREHEAD: Not very complimentary to the clerks of petty sessions.

Mr. FOXTON said he was not going to twist what he had to say, so as to make things complimentary or uncomplimentary to anyone. If that was the habit of the hon. member for Balonne, he was not going to follow the excellent example. No doubt the return could be partially made; but it could only be correct in part, and so he thought it would be better not to have it at all.

The COLONIAL TREASURER (Hon. J. R. Dickson) said there was no doubt that the system which had hitherto prevailed was open to grave abuse, and he thought it should be done away with. The fees should go into the Consolidated Revenue, and each officer should receive a fixed salary. For some time past he had been endeavouring to obtain information with regard to these fees, and circulars had been sent round to different departments with a view to ascertaining as far as possible the amount received by each officer. That information would be available to the House when the Estimates came on. He intended to have a schedule prepared, showing the aggregate amount received by each officer. The total amount of fees it would be impossible to give, but the amount of fees accompanying each transaction would be shown; and that, he thought, was all the hon. member could expect in the return which would have been rendered in compliance with his motion. He hoped the Bill the Premier

had alluded to would meet with the support of the House, as he was confident it would help to purify the Service. Each officer would then know what he was to receive for his services, and a second salary in the way of fees would not enter into his consideration. The present plan worked very disadvantageously indeed. When an officer was transferred from one town to another, it was not the mere salary that had to be considered, but the amount of fees which he would receive in each place. When the Estimates came before the House, he thought the schedules accompanying it would give all the information the hon. member for Mackay desired to possess.

Mr. NORTON said that the returns showing the services for which each officer was entitled to receive fees, and the amount he was authorised to charge in each case, might with advantage be published separately instead of being distributed in different places through the Estimates.

The PREMIER: I mean to lay a return of that kind on the table in connection with the Bill.

Mr. NORTON said that if the hon. member did that it would no doubt meet the wishes of the hon. member for Mackay. For his own part he thought the hon. the Premier was decidedly taking a step in the right direction. These fees ought to be abolished, and the sooner they were abolished the better, as they worked very inequitably, not only to those who had to pay them, but also to those who had to receive them, seeing that they were never certain what their income would be. He hoped that the officials who received these fees were not all like the gentlemen the hon. member for Carnarvon had described, who looked upon the fees as representing so many glasses of grog. Whatever the hon. member's colonial experience might be, he could say without the slightest hesitation that he knew Civil servants in receipt of fees who never took that view of the matter into consideration at all.

Mr. FOXTON: I did not say it applied to all.

Mr. BLACK said, after the explanations that the Premier and the Colonial Treasurer had given, he was quite prepared to withdraw his motion. He was very glad to find that the feeling of the House appeared to be strongly against perpetuating this unsatisfactory state of affairs. It would appear that a certain class of the community were turned adrift to levy blackmail on the general public, and there seemed to be no record kept of the fees that were charged. He hoped that the Colonial Treasurer would be able to give the House the return he had promised, as soon as possible after the Estimates came on. He understood that the clerks of petty sessions were obliged to endorse upon their monthly returns the amount of fees they received, but that did not appear to have been done. He thought the new system would be very much more satisfactory to the country than the present very vague system which was in force. The fee system especially applied to those cases mentioned by the Treasurer, where a Civil servant on being removed thought not so much of the amount of the salary connected with his new office as of the fees he would receive. He considered it was perfectly right that any Government should have it in their power to remove officers of the Civil Service from any one district to another without having to take into consideration either the loss or gain of fees to the individual concerned.

Motion, by leave, withdrawn.

#### MOTION FOR ADJOURNMENT.

Mr. STEVENSON said he promised last night that he would again refer to what the Minister for Lands had said in reference to the

Cook runs, and he hoped that the hon. gentleman was in a better temper to-day than he was last night. He was inclined to excuse the little temper the hon. member got into yesterday, because he had suffered rather severely of late; in fact, he (Mr. Stevenson) believed the hon. gentleman had been in labour over his first baby, the new Land Bill; but when this first child of the hon. gentleman's had been presented to the House, perhaps the hon. member would recover. He (Mr. Stevenson) in referring yesterday to the Cook runs mentioned that the Minister for Lands had sent round a circular giving notice that those runs were forfeited, and giving as the reason that they had been acquired by misrepresentation. In reply to that, the Minister for Lands said that he (Mr. Stevenson) knew that the reason he had given for those lands being forfeited was absolutely false. The following were the exact words of the hon. gentleman:—

"Then there is the important question alluded to by the last speaker, in the matter of the Cook runs. I have a very different version to give to what the hon. gentleman has given the House; and he must have known perfectly well that the reason he gave was absolutely false."

The Speaker very properly called the hon. member to order, and he had to withdraw his words unconditionally. He (Mr. Stevenson) held in his hand a document from the Lands Department signed by the Minister for Lands, and it was to the following effect:—

"Department of Public Lands,

"Pastoral Occupation Branch,

"Brisbane, 22nd May, 1884.

"SIR,—It having been proved that the runs as per margin\* have not been stocked as provided by the Pastoral Leases Act of 1869, and that the licenses to occupy the same were acquired by means of misrepresentation, the Government have determined to refuse the applications for leases of the runs in question. You are accordingly informed of such intention, and that the runs will be offered for sale by auction as forfeited or vacated runs.—I have the honour to be, sir, your obedient servant,

"C. B. DUTTON,

"Secretary for Lands.

"Sydney Grandison Watson, Esq.,

"Melbourne, Victoria.

"\* Walwa Plains No. 1; Walwa Plains No. 2; Walwa Plains No. 3; Walwa Plains No. 4; Walwa Plains No. 5; Mount Hope; Zenophon No. 1; Zenophon No. 2; Bymore No. 1; Bymore No. 2."

He wanted to know whether the Minister for Lands could get up in the face of that, and say that what he had said was "absolutely false." He (Mr. Stevenson) had told the House that the reason the Minister for Lands gave for the forfeiture of those runs was that they had been acquired by misrepresentation, and yet the hon. gentleman had the hardihood to get up and tell the House that what he (Mr. Stevenson) said was "absolutely false," and that he had only sent out a circular to the occupiers of those lands to show cause why the runs should not be forfeited. The circular he had read was not only received by the gentleman named, but by dozens of others in the Cook district. He would not refer to any other circulars that went from the Lands Office, at the present time. The Minister for Lands said last night that he had not gone on Mr. Morisset's report. That, he (Mr. Stevenson) had nothing to do with. He did not care what the Minister for Lands did, but he knew that the gentleman he had mentioned last night, and many others in the Cook district, had stocked their runs in a legitimate manner, as required by the Act, and that those gentlemen had got notice of the forfeiture of their runs, the reason given being that which he had already stated, and which the Minister for Lands had told him was untrue. He thought that he

had produced sufficient evidence to prove that what he had said was true; and he advised the Minister for Lands to be more guarded in his statements in the future. The Minister for Lands was to blame for not having had Mr. Morisset's report printed and issued to members, and let them judge whether it was worth anything. He knew a great deal about Mr. Morisset, and he was sure that he was a gentleman who would be likely to send in a very valuable report, as he had had a great amount of experience, knew all about the land laws, was a thorough bushman, and had been sent out for a specific purpose. The Minister for Lands also said that those lands were taken up because the late Ministry winked at their being taken up under false pretences. He (Mr. Stevenson) said that it was simply on account of the reports that were abroad that these lands were being acquired illegally that caused the late Government to take a great deal of trouble to find a good man to send up and inspect the country. They chose Mr. Morisset, for the very reason that they thought there might be something in those rumours. Therefore, how was it possible that the Minister for Lands could say that the late Ministry winked at land being taken up by misrepresentation? He should say no more on that subject until he heard what the Minister for Lands had to say; but at the same time he would say this: He did not know whether the hon. the Minister for Lands, in saying that what he said was absolutely false, meant further that he (Mr. Stevenson) was not in a position to substantiate what Mr. Watson told him about his runs; but, if so, he could say that he had documents with him by which he could prove that Mr. Watson took up and stocked the country in the way he had described. He held in his hand a telegram which he was not going to put upon the table of the House, but which he was prepared to show to the Premier, the Minister for Lands, or any hon. member on the other side of the House. It was from Mr. Edkins, of Mount Cornish, stating that 1,500 heifers were sold to Mr. Watson; and he had also a letter confirming that telegram, and stating that the cattle were started for the Cook district and put on the country in question. Mr. Watson had also given him his word that he could prove that he had spent the money he (Mr. Stevenson) stated yesterday—that was, in cattle and improvements together, between £9,000 and £10,000. Therefore, he could not see how in any way the Minister for Lands was justified in saying that the statement he (Mr. Stevenson) made last night in regard to this matter was absolutely false. Another matter he wished to refer to before he sat down was the Clermont case. Yesterday, when he spoke upon the subject, he did not know all the circumstances connected with it, and was perfectly satisfied with the explanation of the Minister for Lands, that he had made a mistake and regretted it, and that such a thing was not likely to occur again. But, on inquiring into the matter, he found that the statement of the Minister for Lands and that made by Mr. Higson did not agree at all. The Minister for Lands told them last night that when he gave his consent to Mr. Higson's improvements being protected he was distinctly told that they consisted of only a small kitchen which had been put up on the allotment, and therefore he gave his consent. But let them see what Mr. Higson said about the matter. He (Mr. Stevenson) was quite prepared to accept the explanation of the Minister for Lands, until his attention was called to a letter signed by Mr. Higson, which appeared in the *Telegraph* of the 28th June, and which had been previously pub-

lished in the *Northern Argus*. He should read the letter to show that Mr. Higson's version of the affair did not at all tally with that given by the Minister for Lands:—

"To the Editor.

"Sir,—Having found space in your issue of the 16th instant to publish a most malicious and untruthful attack upon me for some alleged wrong-doing in connection with the purchase of certain allotments at the land sale held at Clermont on the 27th ultimo, I trust you will also find space for my reply thereto. You say Mr. Dutton gave me a promise that my improvements would be protected, and that I 'thereupon proceeded to erect such very extensive improvements as would practically shut out all competition.' Now, sir, this statement is utterly false, as I will prove by quoting the telegram I sent to the honourable the Minister for Lands, and the reply I received from his Under Secretary, dated 21st May, 1884:—'From William Kay Higson to Minister for Lands. Kindly inform me can valuation be placed on hotel I have erected at Clermont, or on land to be sold on Tuesday—value £700.'"

Did that look like "a little kitchen"?

"Dated 21st May, 1881—From Under Secretary for Lands to W. K. Higson: Government auctioneer instructed to protect improvements—communicate with him. Upset price will be double. Collect.—This is all that ever passed between the Minister and myself, directly or indirectly, with reference to the 'protection of improvements' on the allotments in question, and you must yourself own I must have been possessed of 'Aladdin's lamp' to have been enabled to erect such costly and extensive improvements in the short space of six days—that is, between the 21st May, the date of the telegram, and the 27th idem, the date of the sale. But I have yet other proof: the hotel was erected, tenanted, and licensed on the 12th May, nine days before I ever thought of asking—or rather, I should say, before I was advised by several of my friends to ask—whether my improvements could be protected. These facts speak for themselves, and should prove to any reasonable being that it was not my intention to—as you so elegantly express it—'have' the Minister for Lands. Had you had the courtesy to communicate with me before publishing your (mis)leading article, the above facts would have been placed at your disposal, and the annoyance I have sustained through your unwarrantable aspersions avoided.

"Yours, etc.,

"WILLIAM KAY HIGSON.

"Rockhampton, 24th June."

He should not have referred to the matter again had it not been for the discrepancy between the statement of the Minister for Lands and that of Mr. Higson, and he thought some explanation was due to the House with regard to the matter. He moved the adjournment of the House.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said, when he charged the hon. member for Normanby with making a false statement, what he alluded to was the hon. gentleman's assertion that he (Mr. Dutton) had issued a circular letter indiscriminately to the lessees or holders of Crown lands in the Cook district. That statement was not true. He had selected those men who, from the evidence he had before him, had not stocked their runs. To those he did issue a circular in a decided and peremptory manner. In the case to which the hon. member referred—Mr. Watson's—the returns by Mr. Watson himself showed that on the 30th of last December he had 2,120 head of stock—2,100 cattle and 20 horses—and that he held 640 square miles of country. Now, according to the Act of 1869, he was required to have 3,200 head of cattle on that extent of country. Those were the simple, absolute facts. Mr. Watson, or his manager, made that return on oath, and he clearly held country which by the law he was not entitled to hold, and of which he could only have got possession by making a false declaration, either under the Brands Act or the Act of 1869. The case was perfectly clear; and he again asserted that circulars were not sent to everyone, but only to

those respecting whom they had information similar to that they had in the case referred to; and he thought he was therefore amply justified under the circumstances in the statement he had made. With reference to the case of Mr. Higson and the land at Clermont, Mr. Higson's statement in the letter that had been read by the hon. member was distinctly wrong, as he (Mr. Dutton) could verify, if necessary, by reference to the Under Secretary of his department, whose word he was sure no one would doubt. The only claim he had from Mr. Higson was in his own office, by word of mouth. He had no other communication, not even a telegram, except the one that Mr. Higson sent to the Under Secretary just before the sale, stating what the improvements were. When Mr. Higson came to his office and made application for the land to be put up, he also asked that his improvements, which he described as a kitchen, and some timber lying on the allotment, might be protected; and he (Mr. Dutton) consented after inquiring what the practice of the department had been in similar cases. No other communication passed between Mr. Higson and himself, except, as he had said, the telegrams to the Under Secretary stating what the improvements were. He did not know whether Mr. Higson intended to "have him," or whether it was a misconception. He might have intended to do so; if he did he succeeded. That was a simple statement of the facts, so far as he knew, up to the time of the sale coming off. He did not know what improvements Mr. Higson had on the land except those to which he had referred and those he saw himself when he was at Clermont; they were pointed out to him as he went past.

Mr. MOREHEAD said, in reference to that portion of the hon. gentleman's speech relating to the transaction with Mr. Higson, he did not for one moment doubt the statement the Minister for Lands had made to that House. It was to be regretted that the hon. member who, to use the phraseology of the Minister, had so completely "had" the hon. gentleman, was a strong Ministerial supporter. With reference to the letter read by the hon. member for Normanby, he did not think the explanation given by the Minister for Lands, as to the threatened forfeiture of the runs in question, was in any way satisfactory. The letter, or rather circular as it was called—and he believed the word "circular" was not inappropriate, as it was sent to a large number of the holders of runs in the Cook district—was to the effect that, it having been proved that the runs as per margin had not been stocked as provided by the Pastoral Leases Act of 1869, the Government had determined to refuse the applications for lease of the runs in question. The hon. Minister for Lands said that to properly stock a run of 640 square miles there should be over 3,000 head of cattle on it, whereas the return made under the Brands Act showed that there were only 2,100 head, which was not sufficient to comply with the Act. The whole of those blocks were then arbitrarily and illegally swept into the same basket. As far as he remembered, the Act stated that each separate block—

The MINISTER FOR WORKS: You know it.

Mr. MOREHEAD said he knew it, and the hon. Minister for Works knew it as well as any member in that House. He dared say he had dodged it himself.

The MINISTER FOR WORKS: You will hear all about it by-and-by.

Mr. MOREHEAD said he repeated that the action of the Minister was most unjust, arbitrary, and illegal. The hon. gentleman must prove that each individual block was not stocked within the

meaning of the Act before he could declare the runs forfeited. He (Mr. Morehead) would be one of the very last to say that it was a good thing for the colony that large areas of country should be held for a small amount of stock; but he thought that when men went out, as they did in the Cook district, with their lives in their hands, and took up country that would otherwise have been waste land, they should be allowed some extension of the provisions of the Act. Such an extension had been granted to lessees in the outside districts. And now he would say a word or two as to the action of the late Government in regard to that matter. The attention of the late Government was directed by the unfortunate death of the young man Clarke, who was done to death, or at any rate was left to perish by his mate in the bush—an episode in colonial history which had not often occurred—the attention of the late Government was, he said, directed by this circumstance to the fact that large areas in the Cook district were improperly taken up. So soon as that was known and it was brought before the Government, and notwithstanding what the Minister for Lands might say, he (Mr. Morehead) took a very prominent part in the matter;—the late Minister for Lands decided on his representations—but of course he did not require to bring very much pressure to bear on that gentleman, as he was fully alive to the urgency of the case;—and the Minister decided to appoint a commissioner to report upon the country. A gentleman was accordingly appointed, who was a capital bushman and a man of sterling integrity and honesty; a man in whom there was no shadow of turning, who would act according to his own lights and do what he considered to be his duty. He was sent to discover the truth or otherwise of the allegations which had been made. He (Mr. Morehead) had not read his report and was not prepared to say whether it was a good one. But he was perfectly certain of this: that the word "worthless" would not apply to it. He was perfectly certain that it was an honest and truthful report. After it had been laid on the table they would be able to judge as to its merits. He made those remarks to show the House that the Minister for Lands was utterly mistaken in the remark he made last night, that the late Government had winked at the country being taken up in that way, and that the statement was therefore unfair, the hon. gentleman being, as he must be, in possession of the facts of Mr. Morisset's report. He (Mr. Morehead) would now say a word or two on a subject not connected with that discussion—a matter of personal explanation. As he did not believe in incessant adjournments of the House, he took the present opportunity of saying that during the debate last session on the appointments to the Commission of the Peace, in the course of his remarks, he stated that Mr. Trebeck's name should not be retained on the Commission, on the ground that he had been convicted of illegally branding, or rather defacing a brand. He had thoroughly investigated the case since and was perfectly satisfied that Mr. Trebeck was perfectly innocent of the charge brought against him, and he thought he would be doing wrong in not making this explanation. He thought he was only doing what any honourable man in that House would do, in undoing a wrong done unintentionally.

The MINISTER FOR WORKS said he was exceedingly glad to hear the hon. the leader of the Opposition make the statement he had made. With reference to the charge brought against the Minister for Lands in connection with Clermont lands, he extremely regretted it. But, applying the principle

acted upon by the leader of the Opposition, the Minister for Lands came forward last night and admitted honestly and fairly that he had made a mistake, and said if he was placed in a similar position again he would act differently. He (Mr. Miles) thought it might fairly be taken for granted that the Minister for Lands, in protecting the improvements of Mr. Higson, had been imposed upon. He was perfectly satisfied that it would never occur again. Everyone who knew the Minister for Lands would be satisfied that he did it unintentionally. His hon. colleague had not been long enough in politics to be able to know how all the wires were pulled. The hon. gentleman certainly deserved the credit of the community of Queensland for taking the stand he had done, in endeavouring to protect the country against those land-sharks and speculators who went prowling about, taking up land contrary to law, and shutting out *bond fide* occupiers. He knew that in 1877 certain individuals—he could give their names if necessary—went out with twenty quiet cattle and a number of pack-horses, and travelled over some of the best country at the head of the Flinders, camping here to-night and there the next night. They knew that there were two other *bond fide* occupiers in the locality with large mobs of cattle; so they sent one of their number, an extremely good bushman, to take a short cut to Normanton. On arriving there, the man made the necessary application, swearing that the country was stocked; and, on the strength of those twenty quiet cattle, took up 1,000 square miles of land; and just as he was leaving the Land Commissioner's office the *bond fide* occupiers arrived for the same purpose, but of course they were too late.

Mr. ARCHER: We know all about that.

The MINISTER FOR WORKS said it was the intention of his hon. colleague to put a stop to swindles of that kind. According to the Act, no man could take up country until it was stocked, and until he had made a declaration to that effect—which was certainly not true in the case to which he referred; and the Minister for Lands deserved great credit for the stand he had taken in putting a stop to those frauds. He (Mr. Miles) knew what was going on in 1877, and called the attention of Mr. Douglas, who was then Minister for Lands, to it, suggesting that a commissioner should be sent out to report upon the manner in which the land had been taken up. One man and another was proposed, but he did not think they were competent; and he (Mr. Miles) was very doubtful whether the gentleman sent out by the late Government was the right man to report as to whether that country was properly stocked or not. He had no wish to say anything disparaging of that gentleman, but such was his opinion. If action had been taken, as he advised in 1877 or 1878, it would have been thousands and thousands of pounds to the benefit of the revenue of the colony, for the country would have been taken up by *bond fide* occupiers, instead of by speculators who had left it unstocked. It was all very well for the hon. member for Normanby to get up and denounce the Minister for Lands, for they all knew that he was a traitor to his party.

Mr. STEVENSON: I have never turned my coat, as you have.

The MINISTER FOR WORKS said that he previously was looked upon as a renegade, because he happened to be a squatter, and had been denounced and denounced; but they had given him up at last. The Minister for Lands, being also a squatter, would have to run the same gauntlet, but he believed him to be made of that material that he would stand the test. No matter how

often the hon. member for Normanby might attack him, he believed he would never show the white feather. His opinion, and that of his hon. colleague, was that squatters might fairly and justly use the land until it was required for some other purpose; and when that time came they should be prepared to go further afield. That brought to his recollection the admirable way in which the hon. member for Mackay, yesterday, worked in the squatter with the sugar planter; and they certainly got a dose of black labour on that occasion which would satisfy him for the remainder of the session. The Minister for Lands was not one of those grasping squatters who were always saying, "This is mine; you shall not approach it." He was prepared to encourage settlement, and that was his offence in the eyes of the hon. member for Normanby and those who thought with him. He hoped his hon. colleague would stick to the line he had marked out for himself, and as long as he (Mr. Miles) was there he should give him his hearty support.

Mr. NORTON said for his part he did not intend for one moment to deny what the hon. member who had just sat down had spoken of. He believed that it was a fact that a great deal of fraud had been used in the acquisition of those runs; that was the general opinion of those who had the best opportunities of judging, and he had not the slightest hesitation in accepting the statement as a fact. He was quite prepared to give the hon. Minister for Lands every credit for trying to get at those who had committed those frauds. What he said last night in connection with that matter he would repeat, that the steps the Minister for Lands had taken were not calculated to lead to any good whatever. They were not calculated to dispossess those who held the runs, and were bound to lead the country into any amount of Supreme Court cases the costs of which the taxpayers would have to pay, without deriving any benefit. That was the position in which they were placed. The hon. gentleman said in that circular—

"It having been proved that the runs mentioned in the margin have not been stocked as provided by the Pastoral Leases Act of 1869."

But how had it been proved? The hon. gentleman told them that it had been proved by returns which had been sent in under the Brands Act, and which had been declared by those who sent it in to be correct: were they true? Or could the hon. gentleman prove, if the case went into court, that they were not? That document would not prove that they were not. He had to prove, in the next instance, if the document were admitted as evidence at all, that it was correct, and he could only prove that by sending men on to the runs to see whether the stock was there or not. Let them for one moment refer to the Act itself, and they would see as clearly as possible that the onus of proof lay entirely with the Government. Before the hon. gentleman could oust anybody from the runs, he must prove that such persons at that time held them illegally. In the first instance, when a license was applied for, a declaration had to be made by the applicant to the effect that he had occupied the said run and stocked it equal to one-quarter of the number of sheep, or an equivalent of cattle, that "such runs shall be deemed by this Act to be capable of carrying." The commissioner was not bound to accept the declaration; he accepted it on the condition that he was satisfied. The Government officer must be satisfied that the conditions were complied with—

"And if the said commissioner shall be satisfied that the provisions of this Act have been complied with, and that the land is open for license, he shall grant to the applicant a license in the form mentioned in Schedule C of this Act."

The whole responsibility devolved upon the commissioner—it did not matter whether the applicant had made a false declaration or not, so far as the license was concerned. If the commissioner was satisfied that the conditions had been complied with, and issued the license, then the applicant was entitled to hold it. He might be got at afterwards for making a false declaration, and he ought to be punished for that. The remedy lay in prosecuting them for having made false declarations, and not in attempting to oust them from the runs when they could not be dispossessed. The 23rd section of the Act defined that—

“Every run shall be deemed to be capable of carrying at least 100 sheep or 20 head of cattle per square mile.”

And the next section provided that if a lessee wished to consolidate his runs he might do so upon application, and that, in the event of the runs being consolidated, the number of stock which were on the whole of the runs should be accepted as the number required for the consolidated run, so that it should not be necessary to keep so many on each particular block—if the aggregate number were there it should be sufficient to stock the consolidated run. That condition was perfectly plain. He wished the hon. members on the other side would not interrupt him.

Mr. FOOTE rose to a point of order. He thought that when the adjournment of the House was moved it was generally to call attention to some incorrect statement that had been made in a previous debate; instead of that being the case, hon. members were simply resuming last night's debate.

The SPEAKER: It is scarcely a point of order. I have said before that for many years past it has been the custom that upon a motion for the adjournment of the House almost every possible ground may be traversed.

Mr. NORTON said the aggregate might be taken as the number with which the whole of the runs were to be stocked when they were consolidated; whether they ran upon one run or not was immaterial. But it remained with the Minister for Lands to prove, before he could interfere with those lessees, that the required number of stock were not upon that consolidated run, or upon those individual runs, as the case might be. Under the 30th section of the Act they were told that—

“If the purchaser of the remainder of a lease shall fail to stock the run within six months from the day of sale, to the extent of one-fourth part of its grazing capabilities, as defined in the 23rd section of this Act, or shall not hereafter maintain that amount of stock thereon, unless prevented by unavoidable natural causes, the lease may be cancelled.”

In the first place, the hon. member would have to prove that the number of stock was not on the run; and, if he could prove that, he would have to prove that no unavoidable causes had prevented the stock from being on the run. That was as he read the Act, and he thought it was pretty plain. Those runs which had been specially referred to had been stocked for a considerable time, therefore the number of stock ought to be upon them at present; but a declaration made under a different Act, as to the number of stock, did not count for the paper it was written on, as a matter of law. If the hon. gentleman asked his own colleagues they could tell him that; it did not need a lawyer to tell them so. The action the hon. gentleman had taken in the matter might lead to any amount of court cases and entail any amount of costs on the country without the slightest prospect of any benefit whatever being derived from it. The only way he could get at those men who made false declarations under the Brands Act was to

charge them with so doing. He did not wish to lead the hon. gentleman to change his mind without knowing that what he said was perfectly correct; but he was satisfied that the result would be that every one of those cases which were taken into the court would go against the Government, and a lot of expense would be incurred which the colony would have to pay—the same as it had in the Macdonald case. For his own part he thought the hon. member was quite right in trying to punish those men for what they had done; but he was making a great mistake in the way he was attempting to do it. He would do no good by the action he was now taking, but for his (Mr. Norton's) part he was ready to back him up in any action he might take if it would lead to a good result.

The PREMIER said he was not going to take part in the debate, but he rose to call attention—and he had occasion to do the same thing last session—to the fact that it was not only inconvenient but entirely contrary to the rules of Parliament to allow a debate, concluded on one day, to be resumed on the next. He had called attention to the matter before and the Speaker had supported him. An exception was always made in the case of a personal matter, but when the matter went beyond that it was always deemed irregular: that at all events was the practice in the House of Commons, and in New South Wales the rule on the subject was rigidly enforced.

An HONOURABLE MEMBER: Too rigidly enforced.

The PREMIER said the hon. member could surely distinguish between removing a member by force out of the House, and saying that he must not revive a previous debate. The hon. member for Normanby wanted to say something to the Minister for Lands, and there was no reason why he should not do so, but the previous day's debate should not be revived.

The SPEAKER: I wish to call the attention of the House to the rule laid down in the latest edition of “May” with regard to this question:—

“It is a wholesome restraint upon members to prevent them from reviving a debate already considered, for otherwise a debate might be interminable; and there would be little use in preventing the same question or Bill being offered twice in the same session, if, without being offered, its merits might be discussed again and again. The rule, however, is not always strictly enforced; peculiar circumstances may seem to justify a member in alluding to a past debate or to entitle him to indulgence, and the House and the Speaker will judge in each case how far the rule may be fairly relaxed.”

The House of Commons has not always considered this an arbitrary rule, and they have on occasions given latitude to members making a personal statement to the House:—

“On the 30th August, 1841, for instance, an objection was taken that a member was referring to a preceding debate, and that it was contrary to one of the rules of the House. The Speaker said, ‘That rule applied in all cases; but where a member had a personal complaint to make it was usual to grant him the indulgence of making it.’”

The hon. member for Normanby considered he had a complaint to make in connection with a statement made by the Minister for Lands last evening, and he was justified in coming to-day to show that he had reasonable grounds for saying what he did say yesterday, and that was my reason for not then calling the attention of the House to the practice of the House of Commons. While upon this subject, I will, with the permission of the House, call the attention of hon. members to another irregularity. It is laid down in “May”—and the Speaker of the Legislative Assembly of New South Wales, Mr. Barton, has rigidly adhered to the rule—that a member may not read any portion of a speech made in the same session from a printed book or newspaper.



The custom has been here to read extracts from speeches made during the same session, and on the previous day. This practice, as laid down in "May," is irregular and contrary to the rules of the House. The practice has been relaxed, in so far as relates to the reading of speeches made in former sessions, but it has been considered irregular to refer to debates in the same session. On this subject, Sir Erskine May says :—

"A member may not read any portion of a speech made, in the same session, from a printed book or newspaper. This rule, indeed, applies strictly to all debates whatsoever, the publication of them being a breach of privilege; but of late years it has been relaxed, by general acquiescence, in favour of speeches delivered in former sessions. It is also irregular to read extracts from newspapers, letters, or other documents referring to debates in the House in the same session. Indeed, until 1840, the reading of any extracts from a newspaper, whether referring to debates or not, had been restrained as irregular."

A case in point is given :—

"On the 9th March, 1840, the Speaker having called a member to order, who was reading from a newspaper, as part of his speech, Sir Robert Peel said it would be drawing the rule too tight if members were restrained from reading relevant extracts from newspapers; and, after a debate, the member proceeded to read from the newspaper with the acquiescence."

So far, therefore, as reading from a debate of the present session is concerned the practice is clearly irregular. The hon. member for Normanby read an extract this afternoon from a speech made by the Minister for Lands yesterday, and it was my intention, before putting the question from the Chair, to call the attention of the House to the fact in order that the rule may be strictly enforced in future.

Mr. ARCHER said that, speaking to the adjournment of the House, he considered that the discussion which had taken place that day was one of those cases in which exceptional latitude should be allowed. A simple error of judgment on the part of the Minister for Lands had evidently been exaggerated into something very much worse. He must say he knew that hon. gentleman for too long to believe that the rumour spoken of could have the effect of injuring his character in any way. He did not believe the hon. gentleman capable of doing wrong in that way. He believed there had only been an error of judgment. The Minister for Lands would perfectly understand now that the objection they took to his action in connection with the Cook district was not because they were not anxious to support him in preventing frauds committed under the Land Act of 1869; but they thought he had taken the wrong method of carrying it out. He might be certain that the Opposition side of the House would support him in enforcing the provisions of the Land Act. He believed the debate on those matters had done a great deal of good, and for his own part he was very glad that the Minister for Lands had had such an easy task in explaining those things; and to his mind the hon. member's explanation was perfectly satisfactory. Even the leader of the Government would admit that he had sometimes made errors of judgment quite as grave as the Minister for Lands.

Mr. STEVENSON, in reply, said that if the hon. the Premier, instead of lecturing the House and the Speaker upon his ruling as to the form which debates should take, would lead his own side of the House and his own colleagues a little better, there would be less necessity for such motions as the one at present before the House. He hoped the hon. gentleman—who had said at Rockhampton that he had had his eye on the Minister for Lands for years as a possible colleague—would still

keep his eye on that gentleman, and get him to keep his temper a little better, it would lead to fewer motions for adjournment. When he moved the adjournment he did not want to raise a debate on the Cook lands, but he did want to get an explanation from the Minister for Lands why he said yesterday that what he (Mr. Stevenson) had said was false. The hon. gentleman, however, had given no explanation at all, and the debate had drifted into a discussion on his action in regard to the lands in the Cook district. He (Mr. Stevenson) distinctly stated that he would prove, by documentary evidence, that the reason given in the circular by the Minister for Lands was what he stated and not what the hon. gentleman stated. He had proved what he said he would prove, but the Minister for Lands, instead of admitting that he was wrong, shuffled out of it by replying to his (Mr. Stevenson's) objection, that the action of the Minister was indiscriminate. It was not only indiscriminate, it was also badly timed. The hon. gentleman should have honestly and straightforwardly admitted that he was in a bad temper when referring to him last night; that would have been more handsome than shuffling out of the difficulty in the miserable way he had done. The hon. gentleman said last night that he sent two circulars, and that he asked the licensees to show cause why their runs should not be forfeited. Those circulars were sent to the lessees of the Burke district; but he (Mr. Stevenson) never mentioned that district, nor did he know that circulars had been sent to the lessees or licensees there at all. The hon. gentleman tried to shuffle out of the question by bringing in the Burke instead of the Cook district; but he knew he was wrong in the circulars he sent round, and he had admitted his error, in sending other circulars, a copy of which he held in his hand. The Minister for Lands had not stuck to his colours as the Minister for Works hoped he would, but had said that the runs would not be forfeited after all on the grounds originally intended; and if he had made a clean breast of it, and admitted his mistake, he would have occupied a far better position, and perhaps would have restored the confidence in regard to the country which his action had tended to destroy. The explanation with regard to Mr. Higson he accepted without reserve, but he thought it only right that Mr. Higson should be asked to explain in the House why he made the statement he had made. He did not intend to take much notice of the remarks which fell from the Minister for Works, who had accused him of being a renegade. Perhaps the hon. gentleman was thinking of his colleague the Minister for Lands at the time. He (Mr. Stevenson) had never turned his coat, but had always stuck to his party. He looked upon himself now as a squatter, and he had been nothing else for the last twenty years. The squatters had to thank him for the position they were in to-day a great deal more than they had to thank the Minister for Works, and that hon. gentleman ought to be ashamed of what he said last night when he boasted that he admired the Minister for Lands for having hunted capital out of the colony. That was a sorry position to occupy, and before the Minister for Lands and the Minister for Works were much older they would regret the speeches they had made in that House. If the Minister for Lands ever hoped to get his Land Bill through pleasantly, even in a mutilated shape, he would have to adopt different tactics to those he had hitherto displayed, and it would be as well for the Premier to advise the hon. gentleman on that subject. He begged to withdraw the motion.

Motion, by leave, withdrawn.

## CROWN LANDS BILL.

On the motion of the MINISTER FOR LANDS, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to make better provision for the occupation and use of Crown Lands.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday, 5th August.

## REGISTRAR OF TITLES BILL.

On the motion of the PREMIER, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to provide for the appointment of a Registrar of Titles, and for transferring to that officer the duties now performed by the Registrar-General under the Real Property Act of 1861, the Real Property Act of 1877, and the Acts relating to the Registration of Deeds, and for other purposes.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

MARSUPIALS DESTRUCTION ACT  
CONTINUATION BILL.

On the motion of the PREMIER, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to continue the operations of the Marsupials Destruction Act of 1881.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

## OFFICIALS IN PARLIAMENT BILL.

On the motion of the PREMIER, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to amend the law relating to persons holding office under the Crown who may sit and vote in the Legislative Assembly, and to fix the salaries payable to Ministers of the Crown.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

DIVISIONAL BOARDS ENDOWMENT  
BILL.

On the motion of the MINISTER FOR WORKS, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to amend the law relating to endowments to divisional boards.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

## PUBLIC OFFICERS FEES BILL.

On the motion of the PREMIER, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to amend the law relating to the remuneration of officers of the Public Service by means of fees.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

UNITED MUNICIPALITIES ACT  
AMENDMENT BILL.

On the motion of the PREMIER, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to amend the United Municipalities Act of 1881.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

## SUPPLY.

On the Order of the Day for the consideration of the Opening Speech of His Excellency the Governor being read,

The SPEAKER read the following extract from His Excellency's Speech :—

"GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"Notwithstanding the long and disastrous drought which has affected many portions of the colony, but which has now happily come to an end in many districts, the Revenue Returns for the last twelve months indicate a continuous and increasing prosperity. The manner in which the loan recently offered in London was taken up affords ample proof of the opinion held in Great Britain of our wealth and stability.

"The Estimates for the current year have been framed with a due regard to economy and efficiency. They will be laid before you as speedily as possible."

The COLONIAL TREASURER moved that on Tuesday next the House resolve itself into a Committee of the Whole, to consider the Supply to be granted to Her Majesty.

Question put and passed.

## ADJOURNMENT.

The PREMIER, in moving that the House adjourn until Tuesday next, said that on that day those Bills, the first stages of which had been gone through to-day, would be proceeded with. He wished to take that opportunity of denying the statement which had several times been made, that copies of the Land Bill had been sent to the other colonies. It was quite true that the Government had sent drafts of Bills to the other colonies, but the only ones they had sent were the Bill to deal with foreign criminals and the Bill providing for a contribution towards the exercise of Her Majesty's jurisdiction in New Guinea.

The House adjourned at a-quarter to 6 o'clock until the usual hour on Tuesday next.