Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 16 JUNE 1874

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LEGISLATIVE ASSEMBLY.

Tuesday, 16 *June*, 1874.

New Member.--Crown Lands Sales Bill.

NEW MEMBER.

Mr. Jacob Low, having been introduced by the honorable the Colonial Secretary and Mr. Miles, took the oath and his seat as member for the Balonne.

CROWN LANDS SALES BILL.

The House having resolved itself into a Committee of the Whole, for the further consideration of this Bill in detail,

The SECRETARY FOR PUBLIC LANDS, in moving clause 19—land agents to be appointed—said, that in moving the second reading of the Bill, he stated that it was the intention of the Government to introduce a clause relating to the mode of dealing with disputed and forfeited selections in the land courts, and this would necessitate the appointment of land commissioners; and, as he believed a majority of the House were in favor of such appointments being made, he need not detain the committee long in moving an amendment to that effect in this clause. He would also point out that the additional expense—although it might look somewhat formidable when they appointed both land commissioners and land agents—would be comparatively trifling, because, as he explained on the second reading of the Bill, in East and West Moreton the same person acted as land agent and land commissioner, and in the Darling Downs, Wide Bay, and Port Curtis districts, the district surveyors acted as commissioners; and in other places where the clerk of petty sessions acted as land agent, the police magistrate performed the duties of commissioner. It would not, therefore, be necessary to appoint special officers in each case, and the additional expense would be very small. He moved that the words "land commissioners and" be inserted after the word "appoint" in first line of the clause.

Mr. BELL said he could not see exactly the object of the honorable the Secretary for Lands, because, on a previous occasion, when an amendment was proposed to alter "land agents" into "land commissioners," it was opposed by not a very large majority, but by the weight of the Government, and now the Government came down and asked the House to assent to the principle they then opposed. He was not aware that any alteration had taken place with regard to the principle between the former occasion to which he referred and the present time to account for that change. It appeared to him that the amendment would have the effect of creating a multiplicity of offices and officers without any object whatever, and he could see no necessity for appointing land agents at all. The commissioners appointed under the Act of 1868 were men in whom every confidence was placed, and he did not see that any improvement could be effected by appointing land agents. If the honorable the Secretary for Lands would strike out "land agent" and make the office of commissioner analagous to the position of those officers under the Act of 1868, he could see some force in the alteration; but at present there seemed to be some mystery about the matter. Were the present bailiffs to be the land agents, or was the proposal another way of getting the whole of the power of dealing with the lands of the colony in the hands of the Minister of the day? He thought they should endeavor to restrict that power as much as possible, and place it in the hands of the best officers who could be found for the purpose. No reason

had been given why they should provide for the appointment of double officers, and he could not assent to the amendment.

The SECRETARY FOR PUBLIC LANDS said the amendment he had proposed provided for the very thing the honorable member for Dalby said ought to be done—to leave the case as it now stood. Under the Act of 1868, there were land agents and land commissioners; and the duties of the land agent were, to be always in his office, to receive applications and moneys, and to do clerical work; while the commissioner, who was the higher officer, discharged the administrative duties which the honorable member for Dalby thought ought to be attended to by that officer. He thought they would fail to accomplish that, if they decided that the commissioner should also sit in the office and do mere clerical work; and the amendment merely carried out the present system.

Mr. BELL said the Bill repealed the Act of 1868, and provided for commissioners in a different way altogether to what was provided by that Act. It gave power, in a new form, to a new officer, and the Minister for Lands had supreme control. If the principle were made the same as it was under the Act of 1868, he would be satisfied.

The SECRETARY FOR PUBLIC LANDS: My amendment has that effect.

Mr. MILES thought it would be well if the Government would withdraw the Bill and reconsider it. They had an intimation from the honorable the Premier that the Government was one of progress, but this appeared to him to be rather a peculiar way of progressing—it was progressing backwards; and he really thought it was not worth while taking up the time of the House in discussing the Bill. He believed it would be much better that they should remain as they were than pass such a Bill.

The amendment was then put and passed, and, after some verbal amendments, the clause, as amended, was also put and passed.

Clause 21—Land agent to hold a court once in each month—moved.

Mr. WIENHOLT thought it would be advisable to leave out the latter part of the clause —"provided that no decision of such land agent shall be final until confirmed by the Secretary for Lands"—because it placed far too much power in the hands of that Minister. He was also of opinion that some provision should be inserted, by which the Secretary for Lands should give decision within a certain time, because he believed that, under the Act of 1868, there were cases in which selections had been taken up which had not been confirmed or rejected at all; and it was very unfair that selectors who paid their money into the Treasury, should be kept for months—and, in some cases, he believed, for years—without any further notice being taken of the matter.

Mr. GRIFFITH thought a distinction ought to be drawn between the judicial and the ministerial duties of the land agent or commissioner. He was of opinion that where his duties were judicial they ought not to be subject to confirmation by the Minister; but where they were merely ministerial, such as receiving and accepting selections, they ought to be subject to confirmation. If an amendment, of which he saw notice was given, were carried, the commissioner would be a judicial officer, who would give his decision upon evidence, after notice, in open court; and it appeared to him that the whole beneficial effect of having commissioners would be taken away if everything they did was subject to confirmation. He thought, if the application for a certificate, for instance, were considered in open court, after long notice, and decided upon evidence by the commissioner, that decision ought to be final, unless some good cause was shown for an appeal to the Minister. He objected to the omission of the proviso altogether.

Mr. DE SATGE thought it would be much better if the power of confirmation were placed in the hands of the Governor in Council, as it was under the Act of 1868, and not left solely in the hands of the Secretary for Lands.

The SECRETARY FOR PUBLIC LANDS said the Act would be totally unworkable without the proviso, because applications were sometimes approved by the commissioners which were of the vaguest possible description, and it was impossible to understand what they meant. Again, it would be impossible to give a selector an absolute decision until the survey was completed and the matter passed through the office, because they must provide against giving a selector land which another person had got, which would be very likely to occur if they were guided by the exceedingly vague applications that were received. The clause was an exact copy of the 5th section of the Act of 1868, so that he entirely denied any attempt to get more power than was gained by that Act.

Mr. GRIFFITH moved, as an amendment, that the words "except as hereinafter provided" be inserted after the word "shall." He said his object was to introduce a further amendment, to the effect that where judicial power was given to the commissioner, his decision should be final, and he meant it to apply more particularly to the performance of conditions. That was the present law; for, although the 5th section of the present Act was supposed to imply that the issue of a certificate by the commissioner was not final, he was of opinion that it was final; because, upon the issue of the certificate, the selector was entitled to apply for a deed of grant. The amendment would decide the question as to whether, in these matters, the decision of the commissioner should be subject to confirmation by the Minister.

The amendment was put and passed.

Mr. WIENHOLT would ask the honorable the Secretary for Lands if he was willing

that the time within which the decisions of the Minister should be given should be limited?

Mr. THOMPSON thought it would be extremely inconvenient if Ministers were hurried in giving decisions.

Mr. WIENHOLT said the inconvenience of delay to the public was far greater, and he would move, as an amendment—

Provided that such decision shall not take effect, unless given within thirty days.

The SECRETARY FOR PUBLIC LANDS said the amendment was quite unworkable. He was as much opposed as any honorable member could be to unnecessary delays, but he would point out that the result of such an amendment would be that in all doubtful cases the decision would be against the selector, and perhaps before the Minister had ascertained the whole facts of the case. It was, therefore, better to let it stand as it was.

Mr. WIENHOLT withdrew the amendment.

The clause, as amended, was then put and passed.

Mr. THOMPSON said he had a new clause to move, to follow clause 21, which he hoped would meet with the concurrence of the honorable the Minister for Lands, unless he intended to introduce one to the same effect himself. It was:—

"The land commissioner shall have power to hear and determine any question relating to the granting or refusal of any application to select raised at any land court and to inquire into any objection thereto, either on public or private grounds and to examine witnesses on oath in relation thereto and from time to time to postpone any application or the hearing or decision or any question or objection Every such inquiry shall be held and the decision thereon pronounced in open court."

It very often happened that objections were made upon public grounds, such as the residents in the neighborhood being opposed to a selection being granted, because it was wanted for a water reserve or some other public purpose; and in other instances applications were opposed because they trenched upon prior applications or existing rights, and by this clause the parties could go before the commissioner, ventilate the question in open court, and have it decided at once without the long delay which would otherwise occur.

Mr. MOREHEAD would like to see the amendments in print before he voted one way or the other.

After some discussion respecting the inconvenience arising from so many amendments,

Mr. THOMPSON said he must apologise to the committee for not having the amendment printed, but he had understood the honorable Minister for Lands to say that he intended to bring forward an amendment of a similar form. It was an extremely simple amendment, as it merely proposed that instead of an application being sent backwards and forwards between the commissioner and the Surveyor-General, the commissioner should have power to take evidence in open court, and, if necessary, postpone any application.

Mr. IVORY could see that a good many of the amendments were due to the vacillating policy of the honorable Minister for Lands, who, on moving the second reading of the Bill, actually courted them, and said that he would be willing to receive them. The consequence was, that honorable members were now flooded with them. If the honorable member had stood upon the principles of his Bill, as he should have done, there would not be the present complaint of the number of amendments which had been put into the hands of honorable members.

The question was then put and agreed to.

The SECRETARY FOR PUBLIC LANDS said that on the occasion of the second reading of the Bill he had stated that it was his intention to bring forward an amendment for providing that applications for certificates of the performance of their conditions by selectors should be heard in open court, and that the decision of the commissioner should not have effect until confirmed by the Minister for Lands. At present the practice was somewhat irregular, as it was not unfrequently the case that a man got two of his neighbors to certify that he had fulfilled the conditions, and that certificate was sent to the land commissioner privately, and no one heard anything about it. He thought, therefore, it would lead to greater confidence on the part of the public in the administration of the land laws, if more daylight was let in upon the applications which were made. He wished also to provide that ten clear days' notice should be given to the commissioner of every application to be made, which notice would be posted conspicuously in the land agent's office a week prior to the sitting of the court. By those means every person who took an interest in an application would have an opportunity of objecting, if he wished to do so. He would move the clause, as follows:—

"Applications for certificates of performance of conditions shall be made to the land commissioner of the district or other officer appointed in that behalf who shall in open court hear the same and the evidence adduced in support thereof and all objections thereto and shall in open court give his decision as to the granting or withholding the issue of the certificate which decision shall not have effect until after confirmation by the Secretary for Public Lands Notice of every such application shall be given to such land commissioner or other officer at least ten clear days before the court sitting at which the application is to be made and notification of every such intended

application shall be posted conspicuously in the land agent's office at least a week prior to such court sitting."

Mr. JOHN SCOTT would like to know where the applications were to be put in, and how? Were they to be put in personally, or in writing? That was a matter of great consequence, for, although it might not be inconvenient to a selector in the Moreton districts to attend personally, in some districts, where a man had to ride fifty miles, or more, to put in his application for a certificate, it would be attended with great hardship. It was not stated, also, what proof was to be put in, and there was nothing to show what evidence the selector would have to bring forward—whether written evidence would be received, or whether it would be necessary for him to bring witnesses, perhaps from a great distance.

Mr. GRAHAM said he had an amendment to propose, which was, that in lieu of the words "evidence adduced in support thereof of all objections" there should be inserted the following words: "any evidence adduced on oath in support thereof."

The amendment was agreed to.

Mr. GRIFFITH said that the present was the clause to which he proposed to raise an objection, as he wished to make the decision of the commissioner final, unless the Governor in Council should, within a certain time afterwards, declare such decision to be void. He could not see any objection to the commissioner's decision being made final under such circumstances, and he would, therefore, move the omission of all words after "shall" down to "lands," with the view of inserting the words "be final, unless the Governor in Council shall, within three months after the making of such decision, and after hearing the selector declare the same to be void." Under the Act of 1868 the commissioner's decision was final.

The SECRETARY FOR PUBLIC LANDS hoped the honorable member would withdraw his amendment, as, under the clause, as it at present stood, the Minister would decide upon the application in less than three months, when the whole thing would be definitely settled; whereas, by the amendment, only a further delay would be caused. As the clause stood, the commissioner would, at the end of the month, send down a schedule of the applications made at each court, and they would at once receive the attention of the Minister, who would immediately give his decision. But, by the amendment, the Government would have no power to reject, unless the selector was heard. It was one-sided altogether.

Mr. BELL said he quite agreed with the honorable Secretary for Lands that the amendment was not a desirable one, as it would cause greater delay than at present. With regard to the commissioner's decision being final, under the Act of 1868, that might be so; but when once applications got to the office of the Minister for Lands, there they were likely to remain for some time. He could not support the amendment as it was, but would recommend the honorable member to withdraw it, and merely word it so as to make the commissioner's decision final. That would be an improvement, and perhaps the honorable Minister for Lands would agree to it.

The SECRETARY FOR PUBLIC LANDS said he objected to the amendment in any form, and should adhere to the words as they were in the clause, as he believed they were an improvement upon those in the Act of 1868; for, although the decisions under that Act might or might not be final, if the amendment was carried it would have the effect of hanging-up the applications altogether. He must press the committee to take the words as they stood, for he believed it would be a great deal better for the selector, and would save great delay. At present it was supposed that the decision of the commissioner was final, but it was only so to a certain extent, as he had not the power to issue deeds; and, therefore, such decision was practically valueless. But the object of the present clause was, that when once the commissioner's certificate was given, the selector could, with justice, demand a title. In many instances, during the last two years, he knew as a fact that the Government had taken no notice of the commissioners' certificates.

Mr. BELL trusted the honorable member for Oxley would agree to his suggestion, so that the matter might be fairly decided on a division. He differed altogether from what had fallen from the honorable the Minister for Lands, as then the selector would have no means of redressing a grievance.

Mr. GRIFFITH said that, if the amendment was put that the words be omitted, the honorable member for Dalby could then move that the decision be final. If the clause remained as it was at present, no certificate would be of value until it was confirmed by the Minister; and, as to hanging-up, he thought, under the clause, it might be hung up for ever.

The SECRETARY FOR PUBLIC LANDS said he had compared the clause as he had moved it with the clause in the present Act, and he would point out again that under the present Act, if the commissioner's decisions were final, the Government had for two years taken no notice of them, so that they were valueless; whereas, by his clause, if the commissioner was satisfied that the conditions had been fulfilled, he would issue his certificate, which would have a value attached to it, as, at the end of the month, it would be sent down for the confirmation of the Minister. He believed the clause would give the public, as well as the selector, every satisfaction.

Mr. BELL could not understand how a selector would be in a better position by having a certificate granted which would not give him his title until it was confirmed by the Minister, than by making the commissioner's decision final. The object of the committee should be to improve the position of the selector, and not leave him in the same unfortunate position in which he was at present. He thought the decision should be left entirely in the hands of the commissioner, instead of being clogged with a number of provisions.

Mr. GRAHAM thought that instead of the Bill being an improvement upon the present Act, as it purported to be, it was now proposed by the honorable Minister for Lands that it should contain the same defects which had been so palpable in that Act. If there was one thing more than another which was objectionable, it was an uncertainty in regard to the issue of titles to land; and if they were to pass a clause now which left it equally in the hands of the Minister for Lands for the time being to say whether the title should be granted or not, all their work would be in vain. If the granting of the certificate was to be in the hands of the Minister, let that be stated plainly at once, instead of saying that the commissioner, after hearing evidence, should give a decision. What would that decision be, but a mere farce? It was using words which any Minister could reverse if he thought proper, and did not lead the public to suppose that if they fulfilled every condition that was sufficient, as practically they might have to satisfy a man who might be a thousand miles away, and who could do as he pleased about confirming the commissioner's decision. He thought that not only should the word "final" be inserted, but it should also be provided that in all cases where the certificate was issued the title should follow. He should oppose the clause most certainly.

Mr. GRIFFITH would point out that under the present Act the decision of the commissioner was absolutely final, and was subject only to the physical power of the Government. He thought that the proposed clause would have the effect of making that which now was uncertain, doubly uncertain, notwithstanding all the forms which it was proposed the selector should go through. He had no objection to agree to the objectionable words in the clause being struck out, so that it could be amended as the committee pleased.

Mr. BELL said the committee should recollect that the Government possessed great powers in the appointment of commissioners, who could give certificates or not, according to the policy of the Minister for the time being; so that, after all, it was not putting so much power into the hands of the commissioners, as the power of dismissal remained with the Government.

The question was put—That the words proposed to be omitted stand part of the question, and the committee divided with the following result:—

Ayes, 18.	Noes, 17.
Mr. Macalister	Mr. Bell
„ Stephens	„ Thompson
„ Hemmant	„ Buzacott
„ Mellwraith	„ Graham
„ MacDevitt	„ Morehead
„ Low	„ Wienholt
„ Dickson	„ De Satgé
„ Edmondstone	„ Griffith
„ Pettigrew	„ W. Scott
„ Fryar	„ Ivory
„ Foote	„ Moreton
„ Beattie	„ Walsh
„ Macrossan	„ Nind
„ Groom	„ Miles
„ Pechey	„ Lord
„ Fraser	„ Royds
„ Stewart	„ J. Scott.
„ J. Thorn.	

The question was then put—That the clause, as amended, stand part of the Bill, and the committee divided as follows:—

Ayes, 21.	Noes, 15.
Mr. Macalister	Mr. Walsh
„ Stephens	„ Bell
„ Hemmant	„ Thompson
„ Mellwraith	„ Buzacott
„ MacDevitt	„ Graham
„ Low	„ W. Scott
„ Edmondstone	„ Lord
„ Dickson	„ Ivory
„ Griffith	„ De Satgé
„ Moreton	„ Wienholt
„ MacDonald	„ Morehead
„ Macrossan	„ Royds
„ Groom	„ J. Scott
„ Pechey	„ Nind
„ Beattie	„ Miles.
„ Fraser	
„ Stewart	
„ J. Thorn	
„ Foote	
„ Pettigrew	
„ Fryar.	

The SECRETARY FOR PUBLIC LANDS moved the following new clause:—

"No forfeiture of any conditional purchase or homestead selection for any cause other than the non-payment of rent shall be declared until after notice in writing of the intention of the Governor in Council to declare such forfeiture shall have been served upon the conditional purchaser or homestead selector either personally or by posting the same addressed to him at his usual place of residence Every such notice shall specify the cause of forfeiture and shall call upon the conditional purchaser or homestead selector to show cause against it at the next court sitting held after the expiration of thirty days from the service of the notice And the land commissioner or other officer appointed in that behalf shall at such court sitting hear in open court such evidence as shall be adduced by the conditional purchaser or homestead selector by way of showing cause against the declaration of forfeiture and shall report thereon in writing to the Secretary for Public Lands Provided also that notice of the intention to declare such forfeiture as aforesaid unless satisfactory cause is shown shall be published in the *Government Gazette* and the nearest local newspaper three weeks at the least before the sitting of the court at which cause is to be shown."

Mr. WIENHOLT thought the clause would be very much improved if provision was made in the case of the absence of any selector on whom a notice of forfeiture was to be served. As the clause stood, it would enable the

Minister for Lands to do whatever he liked —in fact, it would give him a most despotic power in dealing with the lands of the colony.

Mr. THOMPSON said that he noticed power was given to take evidence, but it was not stated whether a selector could be heard by his attorney or agent. Perhaps the honorable Secretary for Lands would not object to make some such provision as that.

Mr. WIENHOLT said it was proposed that the selector should show cause why his selection should not be forfeited; but supposing that man happened to be from home, how would such a case be met? He had understood that it was the intention of the honorable Secretary for Lands to propose that a selector should be allowed to leave his selection for a certain period; and supposing that was so, and a man who was a carrier, for instance, happened to be absent when a notice was served upon his residence for him to show cause, was that man to have his selection forfeited?

Mr. IVORY moved, as an amendment, that the words "shall report thereon" be struck out, with the view of inserting the words, "shall give his decision in open court, and thereon report the same." It was now proposed that the commissioner should report privately; but he thought that, first of all, his decision should be given in open court.

Mr. MOREHEAD objected to the clause, as it pre-supposed a man guilty, which was a doctrine entirely opposed to English law.

Mr. NIND took exception to selectors being required to appear personally in the land court, and proposed that the clause should be so amended as to allow him to appear by his agents to show cause against the forfeiture. As stated by the honorable member for Darling Downs, a man might be absent from home, either engaged in carrying, or on the tin mines or gold fields, when the notice was served, and on returning might find that his selection had been forfeited. He would move, that after the word "selector" the words "or his agents" be inserted.

The amendment was put and agreed to.

Mr. IVORY moved as an amendment—

That the words "shall report," in the 13th line, be omitted, with a view of inserting "give his decision in open court and report the same."

The SECRETARY FOR PUBLIC LANDS said he could not accept the amendment, which seemed to him to be an ingenious way of allowing the Government of the day to shirk their responsibility. Under the clause, before forfeiture could take place evidence would have to be taken in open court, and the selector would have an opportunity of producing any evidence he thought proper in order to prevent forfeiture; but at present, if a commissioner reported that a selection was abandoned, it was forfeited, which was to some extent a private course of proceeding, while that proposed was open and public. The amendment would simply enable the Government to shirk their duty by transferring it to the shoulders of commissioners, who were in no way responsible to that House, and he must ask the committee to support him in maintaining the clause as it stood.

Mr. IVORY said his intention in introducing the amendment was not to leave the decision entirely in the hands of the commissioner, but principally for the purpose that some decision should be arrived at by the commissioner in open court, and that that decision should, if necessary, be subject to review by the Secretary for Lands. He thought the amendment might be so far acceded to, and if the honorable the Minister for Lands chose, he could modify it by a further amendment.

The SECRETARY FOR PUBLIC LANDS said the amendment would have the effect of handing the whole thing over to the commissioner, and on that particular point he must adhere to the clause as it stood.

Mr. WIENHOLT said if the clause passed as it stood he did not see the use of commissioners at all; and it would be a perfect farce to appoint them. He thought it would be better to say at once that the Minister for Lands should have the whole and sole control of the lands of the colony—that he should be a perfect despot so far as carrying out the laws of the country with regard to the alienation of land was concerned.

The amendment was put and negatived on the following division:—

Ayes, 24.	Noes, 11.
Mr. Macalister	Mr. Thompson
„ Stephens	„ Bell
„ Hemmant	„ Morehead
„ Mellwraith	„ Wienholt
„ MacDevitt	„ Ivory
„ W. Scott	„ De Satgé
„ Low	„ MacDonald
„ Griffith	„ Miles
„ Buzacott	„ Nind
„ Moreton	„ Royds
„ Pettigrew	„ J. Scott.
„ Fryar	
„ Lord	
„ Beattie	
„ Macrossan	
„ Hodgkinson	
„ Groom	
„ Edmondstone	
„ Dickson	
„ Stewart	
„ Fraser	
„ Pechey	
„ J. Thorn	
„ Foote.	

The new clause, as amended, was then put and passed.

Clause 22—all lands open under previous Acts to be open to selection under this Act—moved.

Mr. FRYAR said he had an amendment to propose, which would bring homestead areas under the provisions of the Act without reference to conditional purchase selections. He moved—

That after the words "Act of 1868" on the 21st line, the words "and all Crown lands which have been proclaimed as homestead areas under the provisions of "*The Homestead Areas Act of* 1872," be inserted, with a view to the omission of all the words after the word "Act" on the 24th line.

Mr. WALSH thought the first portion of the clause required some explanation. He desired to know whether it would enable the Governor in Council to deal with the whole of the lands of the colony. It seemed to him to be another effort of the honorable the Minister for Lands to make the Bill apply to the whole colony.

The SECRETARY FOR PUBLIC WORKS said this clause could by no means be made to apply in any shape or form to the whole colony. It provided that all lands which were now open to selection should remain open to selection, and also all those lands in the pastoral leases to be issued under section 10 of the Act, or, in other words, the lands held under the ten years' leases. These two together included the whole of the lands in the settled districts.

Mr. WALSH pointed out that there were no such words as "now open" in the clause; and it seemed to him that before the commencement of the Act the Secretary for Lands might take such steps as would throw the whole of the lands of the colony, or a very large portion of them, open to selection. He thought the clause required some further explanation.

Mr. PECHEY said, if the honorable member would turn to clause 29 he would see that the matter was fully explained; this clause was made to fit into the 29th. In the first instance the whole of these lands would be open to selection by conditional purchase until the Governor in Council should otherwise provide; and the 29th clause provided that the Governor in Council might set apart any of these lands which were open to selection as conditional purchases as homestead areas, which could only be taken up as homesteads.

Mr. WALSH was of opinion that clause 29 did not refer to the matter in any way; and he thought they ought to have some distinct assurance from the honorable Minister for Lands that the clause did not apply to the whole colony.

The SECRETARY FOR PUBLIC LANDS said this Act repealed the Act of 1868, and unless they made some provision of that kind there would be no land open for selection. The clause merely provided for continuity—that the lands open under the Act of 1868 should remain open together with the lands in the ten years' leases; it did not go beyond that.

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

Mr. MACDONALD moved, as an amendment—

That the words "except as hereinbefore provided in section 10 of this Act" be inserted after the word "Act" in line 22.

He said, under one of the sub-sections of clause 10 power was given to the Government to resume or withdraw lands for particular purposes, and he thought unless these words were inserted there would be great danger of clashing.

The SECRETARY FOR PUBLIC LANDS thought the shortest way would be to accept the amendment, which would make the clause agree with a previous alteration.

Amendment put and passed.

Mr. FRYAR then moved, that all the words after "Act," in the 24th line, be omitted—which was agreed to.

The SECRETARY FOR PUBLIC LANDS said, on the second reading of the Bill he stated that it was not intended to make any change in the unsettled districts; and, in order to set any doubts upon the subject at rest, he would now, as he stated when the Bill was last in committee, propose an amendment dealing distinctly with the question. It was in the exact words of the 39th section of the Act of 1868, and the effect of it was, to leave things in those districts exactly as they were. It would follow the clause as amended, and was as follows:—

Provided that the power of selection given under this Act shall not apply to any lands now held under lease issued in pursuance of "*The Pastoral Leases Act of* 1869" unless by proclamation of the Governor in conformity with resolutions to that effect passed by both Houses of Parliament or by proclamation of township or railway reserves.

Mr. THOMPSON said the proviso was part of the Act of 1868, and it was, therefore, quite natural that it should be perfectly unintelligible. If honorable members read it they would see that the power of selection should not apply to lands now held under lease issued in pursuance of the Act of 1869, unless by proclamation; and he supposed it was intended to mean, unless made to apply by proclamation. Then again it said, "in conformity with resolutions to that effect," but it did not say what effect. It was totally illogical and ungrammatical, and perfectly unnecessary. All the mischief had been done by passing clause 4, and, as this would not remedy it in any way, he would certainly oppose it. He was, however, of opinion that great good would result from the abolition of the distinction between the settled and the unsettled districts; and he thought the honorable the Secretary for Lands, who appeared to hold the same opinion, ought to be glad to have the proviso thrown out.

Mr. GRIFFITH said he would oppose the proviso to the utmost of his power, but not for the reasons given by the honorable member for the Bremer. He was never more surprised in his life than when he saw a proposition of that kind emanating from the present Government—from a Government of which he was a supporter; for he ventured to say that no squatting Government that had held the reins of power since the passing of the Pastoral Leases Act of 1869 would have dared to bring such a proposition before the House. He was sorry to be obliged to use such strong language, but the effect of this provision, if carried, would be to lock up all the lands in the unsettled districts of the colony from set-

tlement until the expiration of the twenty-one years' leases. He expected to hear his views dissented from by some honorable members opposite, but very few words would suffice to show that he was right. The mistake was in supposing that the Act of 1868 did not apply to the unsettled districts; it was as great a delusion as to suppose the present Bill did not do so. The Act of 1868 applied to the whole colony, and made provision for settlement under certain restrictions. The 42nd clause provided that all lands within the settled districts should be divided into three classes—agricultural, and first and second class pastoral—so that in those districts there were three kinds of land with three prices, and with that exception the Act was general, and applied to the whole colony. In proof of that he would refer to the 16th section, which provided that country lands in the unsettled districts should be open to selection as second-class pastoral land; and the 18th clause gave a general power to the Governor in Council to set apart sites for cities, towns, and villages throughout the colony. The 32nd clause, relating to mining purchases, also applied to the whole colony, and sections 85, 96, and 100 applied alike to the settled and the unsettled districts; so that the only portion of the Act that applied to the settled districts only was the 42nd clause, providing for classification. At that time the leased lands were held under a different tenure, and a compromise was made giving the lessees leases for ten years, with the right of resumption. In 1869 the Pastoral Leases Act was passed by a Liberal Government, of which the present Premier was Minister for Lands. The 55th clause of that Act provided that leases should be granted for twenty-one years in the unsettled districts, subject to resumption by the Government, by six months' notice and confirmation by both Houses; unless both Houses concurred, the notice would have no effect. He took the trouble, the other day, to look through the debates on the Act, and he found that that clause was strongly denounced; and in committee it was proposed by the other side of the House that instead of the resumption being made by six months' notice, subject to confirmation by the House, it should be resumption by resolutions of both Houses; but on being told by the Government that they would oppose it, they wisely refrained from pressing the amendment to a division. That, he thought, was one of the wisest acts of that Government, to provide for settlement, and he had never heard that the pastoral tenants in the unsettled districts were dissatisfied with the tenure they held. But it was now proposed by the honorable the Minister for Lands to give them a better tenure. Before proceeding to comment on the effect of the proviso, he would point out that the Homestead Areas Act applied to the unsettled districts in section 1, which gave power to proclaim homestead areas all over the colony—that any land not held under lease in the unsettled districts might be thrown open as homestead areas; and by clause 3 the Governor in Council might cancel any homestead area, or withdraw any portion of it from the operation of the Act. Then, under section 11, lands resumed from runs under lease for pastoral purposes should not be open to selection until they were proclaimed under the provisions of section 41 of the Act of 1868, or section 1 of the Act of 1872; and he would ask, what did the Government of the day mean by that section? If there were any doubts about the matter, they were removed by the 13th section, which provided—

> "It shall be lawful for the pastoral lessee of any run in the settled or unsettled districts to depasture stock over any portion of land resumed from such run until the same is required for public purposes or selected or sold by auction or otherwise disposed of according to law."

There was a distinct recognition by the legislature that lands in the unsettled districts were liable to be resumed from lease and thrown open for selection or sale by auction. He considered the 55th section was the safeguard of the Act of 1869, and that the intention of the Legislature was that lands should be resumed in any part of the colony whenever they were required for selection. If the fifty-fifth section was read in conjunction with the proviso, the result would simply be, that the lessees in the unsettled districts should, after the passing of the Bill, hold their leases on exactly the same terms as the lessees of runs in the settled districts now held them under the Act of 1868. He thought they could see what was likely to be a difficulty for the next twenty years; for immediately after the passing of the Act of 1868, the House saw what difficulties might be placed in the way of resumption in the unsettled districts, and passed the Act of 1869 — that lands could be resumed by proclamation. Yet, in the face of that —in the face of what was done by the Act of 1869, only five years ago—the committee was now asked to affirm what would not then be affirmed, namely, that the squatters should hold their runs until dispossessed by Parliament. Now that was a most dangerous step backwards, and was certainly one which he had not expected to see introduced by any party. He certainly had never heard of a Liberal government proposing to go backwards. It sometimes happened that a Conservative party might propose a more liberal measure than was approved of by some of its members; but he never heard of a Liberal party proposing to go backwards. In fact the only question now-a-days seemed to be who would go forward the fastest; and it was always supposed that the Liberal party would keep in advance, and that the Conservatives would follow as fast as they thought circumstances would permit them to do. It had really distressed him to see such a proposition as that put

forward before the committee by the honorable Minister for Lands, as, if it were carried, there would be continual heart-burnings and dissatisfaction for the next twenty-one years. In the face of such a proposition, he did not know whether it would not be better to lock up the lands in the settled districts for the next four or five years that the present leases had to run, rather than accept the certain result of having the lands in the unsettled districts locked up for twenty-one years; because he maintained that the proviso would be a distinct new condition that the pastoral tenants held those leases until both Houses decided to take them from them. They had been told by the honorable Minister for Lands that that would be leaving things exactly as they were; but if that was the case, he, for one, would be quite willing to support it. But it was nothing of the kind—it was a distinct new condition for all parts of the country, except those eastward of that arbitrary line drawn by the Act of 1868. The proviso which had been referred to by the honorable Secretary for Lands was to be found in the 39th clause of the Act of 1868, and when he (Mr. Griffith) spoke on the occasion of the second reading, he did not see what he had since had time to find out, how it affected the vital interests of the colony. He would ask honorable members, before voting for the proviso, to satisfy themselves that the conclusion he had drawn from the present law was not wrong; and that the result would not be as he had stated, namely, to lock up the lands in the unsettled districts for the next twenty-one years. He had no doubt that there were honorable members opposite who were in favor of the proviso, and who would support it; he hoped, however, it would not be supported by many on his side of the committee, unless they were convinced—as he certainly was not—that it would not have an injurious effect. He might mention that, since the last debate, he had taken the trouble to go very carefully through the various Acts, and he had satisfied himself that the conclusions at which he had arrived were perfectly correct, that the proviso would give to the lessees in the unsettled districts the tenure which they cried out for in 1869, but dared not press; because they knew then that if they did so, the whole Bill would be gone and they would have lost their twenty-one years' leases. There was only one other thing, namely, that that Act entitled them not only to twenty-one years' lease, but also a renewal of the fourteen years' lease. But if there was any doubt, he would rather make them a present of what they had than look forward to the next twenty years, during which there would be no land thrown open for selection in the unsettled districts. After all it was a most arbitrary line which divided the settled from the unsettled districts. Why, Stanthorpe was in the unsettled districts, and he was told that even some parts of the Darling Downs, and of important districts in the North, were not included in the settled districts, for they only extended thirty miles from the coast line. There were no lands in those places which would not be required. He hoped he had not been led away by the strong opinions he entertained into making any unkind remarks about the present Government, whom he intended to support; but he thought that they must be under some misapprehension as to the effect of the proviso. He would repeat that it would not only make a great alteration in the present law, but would be a retrogressive step, and he therefore trusted that the Government would withdraw it. If they persisted in it, however, he must say that he thought it would be wiser to let the whole thing rest as it was, than see such a proposition carried.

Mr. MACDONALD said that if the proviso was carried it would give the pastoral tenants in the unsettled districts exactly the same tenure that the squatters in the settled districts had had since the passing of the Act of 1868, and consequently the Government could easily resume those lands by a resolution of both Houses of Parliament.

Mr. MILES said that the moment the proviso was put into his hands that evening he had taken the first opportunity he could to ask the Government to withdraw the Bill. He had been perfectly astonished that such an amendment should have been proposed by the honorable Minister for Lands, who was a member of a Government which had professed time after time their anxiety to throw open the public lands. Why, the proviso of the honorable member would have the effect, as stated by the honorable member for Oxley, of locking up land in the unsettled districts for twenty-one years. They had heard a great deal about the peaceable clauses, but the proviso would give the pastoral tenants in those districts a peaceable lease for twenty-one years. He was astounded at the conduct of the Government, he must say. They knew that the arbitrary line drawn by schedule B came within a short distance of Brisbane, and yet by their proviso they would actually lock up lands within that distance for twenty-one years. He would a hundred times sooner allow the pastoral lessees on the Darling Downs to occupy their runs for the next ten years than pass such a proviso. There was the township of Stanthorpe, where there was a very large population, and yet there was not a single acre there open for selection; and if the proviso was carried, there would not be any, as it would all be locked up. He would like to know why the country should be put to such an enormous expense every year in introducing shiploads of immigrants, if those lands were to be locked up? If the proviso was carried, they might at once stop immigration, or otherwise ruin must follow—nothing could prevent it.

Mr. GRAHAM said that he believed the proviso was entirely in accordance with the

views of the Government on the land question, which were to confine settlement as much as possible along the coast, and to small areas. That, he believed, was the policy the Government really believed in—small settlers near to the towns, to the centres of population. Those views were, however, very contrary to his views on the land question, and, he believed, contrary to the views of the majority of honorable members of the committee. If they put that aside for one moment, and that the Government did not wish to lock up the lands in the unsettled districts, then all he could say was, that the honorable Minister for Lands had been endeavoring to throw dust in the eyes of honorable members on both sides of the committee. When he had first taken the Bill into his hands, and read it over in the general way that honorable members read Bills at first, it struck him that in repealing the Act of 1868 they were repealing a provision for throwing open land in the unsettled districts, and were putting nothing in its place; but when the Bill came on for discussion, he examined it more closely, and saw that it did provide for that, he was then perfectly satisfied with it. The real exercise of power was resuming land from lease; and it was preposterous that, after it was resumed, the Government should have no power to deal with it. What an extraordinary thing it would be to find a Government resuming land, and then finding that they had an Act by which they could not throw it open for selection. The Act of 1868 simply required that the Government should give a name, proclaim a certain place a township, and then throw open land as a township reserve. That Act required that there should be a township proclaimed, and then in that particular locality all the land for fifty miles round could be declared township reserves and be open for selection, but with this proviso, that although it was a township it was in the unsettled districts, where land was not so valuable as in the settled districts; yet it was to be sold at ten shillings an acre. He never could understand how it was, if the Parliament wished that land to be taken up, they should not have provided that the highest price should be five shillings an acre instead of the lowest price being ten shillings an acre; land was thrown open for selection, but at a minimum high price. But under the Bill a different state of things was proposed: it was proposed to have one price, and to do away with classification, so that the provision applying to town reserves was taken away. With regard to the resolutions to be carried by both Houses of Parliament before any leases could be resumed, he could easily understand that it was throwing dust in the eyes of those gentlemen who were supposed to take extreme views on the question, and who were always careful to secure to the present lessees the best tenure that the Legislature could give: they said, "It is all right; instead of allowing the Government to act, they must get resolutions passed by both Houses." If, however, those gentlemen had looked into the Act of 1869, they would find that all the Government had to do was to proclaim a township reserve; and if they could proclaim a township reserve, what was there to prevent any Minister of Lands exercising those powers of resumption which they thus possessed, and resuming the whole of the runs in the unsettled districts by simply calling them township reserves? That would be quite in accordance with the action taken by the honorable Premier, who proclaimed the whole of the Darling Downs an agricultural reserve. So that, whatever way they looked at the matter, it appeared to be that the proviso now under discussion was simply intended to throw dust in the eyes of the committee. He thought the best thing the Government could do would be to withdraw it; and, in giving that advice, it must not be supposed that he was acting from any spirit of antagonism to the people in the unsettled districts. He thought it was ridiculous for them to ask for safeguards when what was in the proviso was really contained in the powers of resumption contained in the Pastoral Leases Act of 1869. It was now proposed to give the lessee no greater security, but actually to take from him the security he already possessed.

The COLONIAL TREASURER said he would not attempt to deal with the legal aspect of the case which had been given to it by the honorable member for Oxley, but to treat it only from a layman's point of view. He would like to call attention to two or three remarks which had been made by his honorable colleagues on the subject of the Lands. The honorable the Premier, in his Ministerial explanation, stated:—

> "I now come to the question of the leased halves of runs, for it is with that portion of the lands that the Government contemplate dealing."

Now, if there had been one thing more frequently stated by the Government than another, it was their intention to deal with the leased halves of the runs; and although it was quite possible that a lawyer could make the Bill, as printed, apply to the whole of the colony, it was most plainly stated by his honorable colleague, the Premier, that it was with the leased halves of the runs only that the Government intended to deal. They had proposed, under clause 10, to grant further leases for five years to pastoral lessees; and it could not, therefore, be supposed that the lessees in the unsettled districts—many of whom had fifteen years' leases to run—should be placed in the same position as those who had only four or five years. The honorable member said that there was nothing to prevent the whole colony being proclaimed township reserves; but the only thing that could prevent such a thing would be the good sense of the Government, and their responsi-

bility to that House. He thought that by throwing open the settled districts the public wants of the colony would be supplied for many years to come, and he did not himself believe in having agricultural settlements scattered throughout the colony. He thought it was far better to confine them to where population existed, than that there should be indiscriminate free selection all over the country; for, he would ask, what could a man do with 1,280 acres, 300 miles up the country, in the interior? It was quite plain that he could not follow agriculture, as he would have no market for his produce, and therefore he would have to starve upon his land. The whole Bill was intended to apply to the leased halves of the runs, and that was the question which was fully discussed on the occasion of its second reading. If he remembered rightly, the honorable member for Carnarvon then said that he should propose an amendment, which would have the effect of condemning what that honorable gentleman now wished to have done. The clause might be ambiguous in its wording, but the meaning of it was distinct enough; and he thought the people all over the colony would be fairly protected, as the Government had ample power, whenever and wherever the necessity for settlement existed, to proclaim township reserves, which would be available for settlement under the provisions of the present Bill. He thought that the Government were doing wisely in not asking for larger powers, and he did not think there was any demand for free selection all over the colony. He believed that the wants of settlement would be amply met by free selection on the resumed halves of runs in the settled districts, and by the powers that the Government had under the Bill. If it was intended to apply the same principle to the unsettled as the settled districts, the Bill would require to be re-drafted.

Mr. THOMPSON said that he denied *in toto* that the Bill would have to be re-drafted, as stated by the honorable member who had just spoken, if it was made to apply to the unsettled districts; all that would have to be done would be to leave the Bill as it was. He quite agreed with the honorable member for Clermont, that the Government did not wish to touch the unsettled districts; that was borne out by what had been said by the Honorable Colonial Treasurer. He believed that if the committee passed the proviso, they would be in a worse position than they were in under the Act of 1868, and additional doubts would be created as to the unsettled districts. It had been stated that if the proviso was left out the whole colony would be thrown open to free selection, but it would be nothing of the sort. The honorable Colonial Treasurer had stated on a previous occasion, that the Bill was so applicable to the whole colony that he was surprised honorable members had not discovered it——

The COLONIAL TREASURER: I said nothing of the kind.

Mr. THOMPSON: At any rate, the remark proceeded from an honorable member on the Government benches; of that he had not the slightest doubt. There was now a distinct issue before them: those who voted for the proviso would vote for a Bill which would touch only the halves of the leased runs in the settled districts; whilst those who voted against it, would vote in favor of applying the Bill to the unsettled districts as well. In his opinion, the Bill would lose one of its good features if it did not have universal application. He had been surprised to hear the honorable the Colonial Treasurer ask, what a man would do with 1,280 acres of agricultural land 300 miles in the interior; because that was a matter the committee had nothing to do with: it was a man's own business if he chose to take it up. The proviso would not have the effect of giving free selection all over the colony, but it would have the effect of throwing open lands in the unsettled districts in the same way as in the settled districts, because schedule B in the Act of 1869 was so clumsily drawn, that any Government could define it as they thought proper; but under the Bill all that artificial line was withdrawn, and there was the true solution of the difficulty, that there should be no other line but that of a demand for settlement. The question, however, was whether the Bill was to apply to the unsettled districts or not; it had been distinctly stated by the honorable the Colonial Treasurer that it was not. He hoped the committee would not be led away by the statement that it was all a question of law, for it was nothing of the kind; as all that the honorable member for Oxley had done, was to give a very careful and able *résumé* of the various Lands Acts which had been passed. He would repeat that the result of passing the proviso would be, that they would be in a worse position than they were in under the Act of 1868.

Mr. DE SATGE said that there was no doubt a feeling with many honorable members in favor of having free selection all over the colony.

Mr. GRIFFITH: No.

Mr. DE SATGE believed that if there were no Land Acts at all, it would be the best thing, as they could all start fair. However, he thought that if the Government were right in any one principle, it was that principle which made the Bill apply to only the settled districts in the North and South. The honorable member for Oxley had endeavored to make the committee believe that the lands were locked up for twenty-one years under the Pastoral Leases Act of 1869; but he (Mr. De Satgé) had had sufficient proof in his own neighborhood, by the resumption of a considerable portion of his run, that that Act was no safeguard. He had had the very choicest part of his run taken away, and had given up another portion; and any leaseholder who

saw settlement taking place around him, would commit the greatest folly if he attempted to stem it. He believed the best thing a squatter could do was to anticipate settlement, and he could safely say that he had given up land without being asked to do so. And what was the consequence? Why, that he was now being offered right and left, half the selections that were first taken up in his neighborhood for only the price paid for the land, all the improvements being given in. He did not anticipate any evil effect from any Land Bill, provided it was a fair one, for he was quite prepared to give up anything that could be fairly asked. As far as the proviso was concerned, he thought it had been misunderstood, as it was merely to put on a legal footing the resumption of lands around townships. Half of the resumptions of those lands had hitherto been strained, and the object of the clause, as he took it, was to make them legal for all time to come. With regard to the fears of the honorable member that the lands would be locked up for twenty-one years, he should consider him to be a man with a great deal of hope in him who imagined that he could hold his run for twenty-one years: they were all prepared to give them up before then, so long as it was distinctly understood what their tenure was to be.

Mr. PECHEY said that the remarks of the honorable member for Oxley were, no doubt, correct; but since they were made, the committee had been told by other honorable members that the proviso really meant nothing; it was one of those beautiful lawyers' clauses, which gave and took away. He thought that honorable members were hardly treating the Government fairly in their remarks in regard to the application of the Bill, for it was clearly understood when the Bill was introduced that it was to apply to the settled districts; at the same time it must have been equally clearly understood that the Government would never introduce a measure that would take away one jot or tittle of the power they now possessed of resuming land in the unsettled districts. The Bill repealed the Act of 1868, the greater part of which referred to lands in the settled districts; but that Act, also, in certain parts, referred to the unsettled districts, and the Government now asked for nothing more than they had already got. He thought that, generally, the Bill might be said to apply to the settled districts only, and it was rather unfair to say that reference was made in it to the unsettled districts, as it left them in *statu quo*. He was not going to vote for the proviso, although he did not think there was much in it; in fact, it might just as well be left out altogether. Not only that, but the whole Bill, like many others, could have been condensed into a much less number of clauses.

Mr. GROOM said he must vote against the proviso, as he was pledged to obtain an extension of the settled districts, on the Darling Downs especially. It had been stated that the Government had power under the Act of 1869 to extend those districts, and that they intended to do so whenever it was required. That it was required in the districts of Goondiwindi and Stanthorpe was evident from correspondence he had seen in the newspapers, and from letters he had received on the subject; and he was at a loss to understand why there had been such delay on the part of the Government in availing themselves of the powers given to them, especially as the honorable Minister for Lands had paid a visit to Stanthorpe for the purpose of ascertaining the wishes of the people there on that very matter. He agreed with the honorable member for Oxley, that there was very great danger in the proviso; and after the very clear manner in which that honorable member had pointed out the evil effects it might have, he should feel himself compelled to vote against it. It had been said that the Bill expressly dealt with the lands included within the ten years' leases; but he considered that they were doing a monstrous injustice to the gentlemen holding those leases, if they allowed those who held twenty years' leases to get off scot-free. It seemed absurd to him that on one side of the Condamine River, for instance, the land should be resumed, whilst on the other side, the country, which now was under twenty years' leases, should not be touched.

Mr. GRAHAM said he quite agreed with the honorable member for Aubigny, that the proviso would have no effect at all. He noticed that some honorable members thought it might be a safeguard; but he did not believe in pretending to give a safeguard if one was not given. He believed that, so far as the powers of the Government were concerned, the rights of lessees, and the facility by which lands to be thrown open for selection might be resumed, it mattered very little whether the proviso was passed or not; but he thought that the Bill should not be cumbered with provisoes which had no meaning whatever.

Mr. GRIFFITH expressed a hope that honorable members who intended to vote for the proviso would not do so under the impression that it would have no effect.

The COLONIAL SECRETARY said he thought the honorable member for Oxley had made a great mistake with regard to the effect the proviso would have, and no doubt the honorable member for Clermont was correct when he said that it would not prevent the Government resuming land in the unsettled districts. He was not prepared to give up any portion of the powers which the Government already possessed under the Pastoral Leases Act of 1869, and the object of his honorable colleague was to preserve those powers intact. He understood the honorable member for Clermont to say that the proviso would not have the effect of preventing the Government from resuming lands under the Pastoral

Leases Act and proclaiming them as township reserves; but the Government never intended to give up those powers, which, he maintained, were quite sufficient to provide for the requirements of settlement in the unsettled districts. There were ample powers already in the hands of the Government to throw open sufficient land in the unsettled districts wherever population wished to settle. There was really no demand for land in those districts, except, perhaps, by speculators who wished to pick out the eyes of the country. There was no doubt that there was a great difference existing between the two Acts as regarded that point, namely, the Pastoral Leases Act of 1869, and the Crown Lands Act of 1868. The latter Act provided that the settled districts should not be extended except upon resolution of both Houses of Parliament; but the Pastoral Leases Act was somewhat inconsistent with that, as it laid down that land might be resumed by proclamation without going to Parliament at all. As had been stated by his honorable colleague, the present clause only intended to deal with the lands they were entitled to resume under the Pastoral Leases Act; that, at any rate, was the meaning he attached to it. He thought, as the proviso could do no damage, honorable members ought to allow it to pass. The only object the Government had in view was to fulfil what might be deemed to be an undoubted pledge, not to interfere with the Act of 1869.

Mr. THOMPSON said, the reason given by the honorable the Premier for asking the House to pass this proviso, was simply because it would have no effect; but he preferred to take the view of the honorable member for Oxley, who had shown from reference to the existing Acts, that if they passed it they would lose power. He did not believe that the clause at all affected the tenure of any runs in the unsettled districts, because they could only be resumed under the Act of 1869; but it did affect the mode of dealing with them after resumption. He had been charged with acting illegally under the Act of 1868, by stretching that Act so as to proclaim township reserves: but he was proud of that action, because it had led to a great deal of settlement; and why previous Governments did not act upon it, he could never find out. But at the same time he did not wish to see any other Minister for Lands charged, as he had been, with illegal action; and he would vote against the proviso.

The SECRETARY FOR PUBLIC LANDS said he could not allow the statement that the honorable member for the Bremer exceeded his powers as Minister for Lands in the action he had referred to, to pass without making a few remarks upon it. He was satisfied that that was the object of inserting the provision for proclaiming township reserves, and it had been acted upon during the last three or four years. He denied that the proviso would have the effect of stopping or even checking the Government from throwing such land as might be required for settlement open after it had been resumed. This Act could not touch any land until it was resumed under the Act of 1869, and it would scarcely be possible for any Government to resume a whole squatting district and throw it open as township reserves; and it would not be advisable to do so. It would be quite sufficient to resume land in those places where a demand for land was known to exist; and it was possible, under the proviso, whenever resumptions were made, to proclaim township reserves, and throw open whatever quantity of land might be required for settlement. He undertook to say that if any honorable member would vote for the proviso under the impression that it would shut up the lands in the unsettled districts from settlement, they would be greatly mistaken. The land could not be thrown open until it was first resumed under the Act of 1869, and the clause, therefore, in no way affected a single acre now held under lease in the unsettled districts; but it would be absurd to say that after the land was resumed it should not be thrown open for selection. He thought the honorable member for Oxley was taking a very extreme view, saying that the proviso would shut up the lands in those districts; because it would have no such effect.

Mr. WIENHOLT said the proviso did not prevent the Government from opening up land in the unsettled districts, or in any way interfere with the Pastoral Leases Act of 1869; and as they would not have one iota more power under the Bill with the proviso than they had at present, he could not understand what the honorable member for the Bremer was aiming at, unless his desire was to throw the whole of the country open to free selection. If that were his desire, or if he could show how land could not be resumed in the unsettled districts, he could understand his opposition to the proviso, but not otherwise.

Mr. THOMPSON said his desire was to see no artificial barriers placed in the way of Ministers for Lands throwing land open. The effect of the proviso, if passed, would be simply to throw difficulties, in some shape or other, in the way of land being resumed for the purposes of settlement; and if it did not do so, what was it wanted for? They could only resume lands held under lease in the unsettled districts under the Act of 1869 in a particular way, and once it was resumed it did not matter to the holder whether it was taken up by the Government under clause 4 of the Bill or not. The measure would not have a resuming effect except so far as the settled districts were concerned; and he did not think the honorable member for Darling Downs had seen clearly the effect of the

proviso; because, after all, the Government of the day could, if they thought fit, use the powers they had under the present Act.

Mr. De Satge pointed out that ambiguities in the land laws of the colony had the effect of preventing capitalists from investing capital in interests which were of enormous value; and he warned honorable members that if by any ambiguity they admitted the unsettled districts into the Act—if they did not clearly define the barrier between the settled and the unsettled districts—they would commit a serious injury by shutting out capital which would otherwise be invested in developing the resources of the colony. He would support the proviso.

Mr. J. Scott could not see what the proviso was intended to bring about, for, as far as he could make out, its effect would be to hamper the Government in dealing with the lands after they were resumed. He could not see that it protected the outside squatter in any shape or form; it only dealt with the land after it was resumed.

Mr. Morehead thought the insertion of the proviso would result in great benefit to the country, inasmuch as it would, to a certain extent, set at rest doubts which might arise from the introduction of this Bill as to the security of the tenure of lands held in the unsettled districts, which he felt sure the honorable member for Oxley had no desire to see upset. He believed that was the object with which the proviso was introduced—that it was neither more nor less than to show clearly that the leases under the Act of 1869 should be left as they were; and he would, therefore, support it.

Mr. Bell said, in order to assist the Government out of the legal difficulties which appeared to have arisen out of the confusion of amendments and this proviso, by giving them time to consider the matter, he would move—

That the Chairman leave the chair, and report progress.

The Colonial Secretary would oppose any adjournment, because he thought the sooner they got through the Bill, the better. The proviso was simply intended to make plain and distinct what had been designated an ambiguity; and if the honorable member was not satisfied that it did so, he could vote against it. It was very important that the Bill should be passed this session, and he hoped the honorable member would not persist in his opposition to it.

Mr. Walsh said the speech of the honorable member for Normanby was one of the most selfish he had ever heard; the gist of it was, do not touch our land, but take the runs of our neighbors. He had no hesitation in saying that the whole intention of the Bill was to set squatter against squatter, and it was by such selfish speeches as the one he had alluded to, and by such selfish legislation as had been proposed that evening, that not only would the squatters in the settled districts be annihilated, but the squatters in the unsettled districts also. He maintained that they should not legislate for one class of squatters or the other, but they should endeavor to legislate for the prosperity of the whole colony. He had always deprecated this continual tinkering with their land laws, which deterred people from coming to the colony, and made the land question, year after year, nothing but a party question. He thought the sooner they dropped that course of proceeding, and endeavored to legislate for the whole colony, the sooner they would arrive at the position of statesmen.

Mr. De Satge said he opposed the Bill, on the ground that it amounted to repudiation without compensation; and he could not see in what way his speech was selfish, because his remarks were confined to the clause now under consideration.

Motion—That the Chairman leave the chair, and report progress—put and negatived.

Question—That the words proposed to be added be so added—put and negatived on division:—

Ayes, 16.	Noes, 22.
Mr. Macalister	Mr. Walsh
„ Stephens	„ Bell
„ McIlwraith	„ Thompson
„ J. Scott	„ Graham
„ W. Scott	„ Moreton
„ MacDevitt	„ Dickson
„ Low	„ Lord
„ Hemmant	„ Beattie
„ J. Thorn	„ Griffith
„ Morehead	„ Buzacott
„ De Satgé	„ Groom
„ Royds	„ Fryar
„ Wienholt	„ Bailey
„ MacDonald	„ Foote
„ Pettigrew	„ Stewart
„ Ivory.	„ Edmondstone
	„ Fraser
	„ Pechey
	„ Macrossan
	„ Hodgkinson
	„ Miles
	„ Nind.

Mr. Bell moved—

That the Chairman leave the chair, and report progress.

He said he did so for two reasons—first, because he thought the committee had given sufficient attention to the discussion of the Bill that evening; and also for the purpose of enabling the Government to consider what course they would pursue, after the serious defeat they had sustained.

The Colonial Secretary: The honorable member was anxious to know the intention of the Government after the defeat they had sustained; and he could only say, that they were very sorry, indeed, at having been defeated, and also that they had been defeated by their own supporters; but still, they could take defeat from them when they could not

take it from the other side. The present intention of the Government was to proceed with clause 23 of the Bill.

Motion—That the Chairman leave the chair, and report progress—put and negatived.

Clause 22, as amended, was then put and passed.

Clause 23—

"Selections to be lodged by the applicant personally and shall pay first annual payment and cost of survey Priority of applications at the same time to be divided by lot."

Mr. BELL moved, as an amendment, that the words "or his agent" be inserted after the word "selector" in line 30. He said it would be very inconvenient in many cases for applicants to attend personally and sign the book.

Mr. WIENHOLT asked the honorable the Secretary for Lands if he would consent to an amendment by which homestead selectors could take up areas of 160 acres without any conditions, except the payment of the survey fees and residence? He considered these selectors were a very desirable class to settle on the lands of the colony; and that by agreeing to an amendment to that effect, they would do more to attract immigrants to the colony than by any forced scheme of immigration.

The SECRETARY FOR PUBLIC LANDS said he intended to move, when they arrived at clause 44, that the annual amount to be paid by homestead selectors should be sixpence per acre for five years instead of ninepence, so that the total sum they would have to pay would be only two-and-sixpence per acre. He thought that was almost making a present of the land, and he was prepared to stand by that.

Question—That the words "or his agent" be inserted—put and passed.

The SECRETARY FOR PUBLIC LANDS moved—

That the word "agent" in the 41st line be omitted, with the view of inserting "commissioner."

The amendment was agreed to, and the clause, as amended, was then put and passed.

Clause 24—Proportion of frontages in respect to such boundaries.

The SECRETARY FOR PUBLIC LANDS said it was his intention to move the addition of the following words to the clause:—

"And such general regulations containing surveys roads or the prevention of the monopoly of permanent water as may be made pursuant to the provisions of this Act."

Mr. BELL said he should oppose the amendment, as there was no necessity for it, and he believed it was not to be found in any other Land Act.

The SECRETARY FOR PUBLIC LANDS thought the object of the amendment could be seen on the face of it; it was to take care that in the event of a selector putting in an application for land which would give him command over water near which there was no more, the Land Commissioner should have sufficient power to say that he would not grant it. The Government had quite enough power at present, but he thought it was a great deal wiser to put that power in the form proposed, which he had taken from the Act of 1868.

Mr. BELL said he would not oppose the amendment, but still he thought it was not in accordance with the free selection principles of the Government.

Mr. NIND said he thought that the large water frontage a man was allowed to take up was an evil in the existing Act, and, therefore, should be amended in the present Bill. He thought that the frontage should be properly defined in some future clause, and that the present clause should be amended by the insertion, in lieu of the words "having frontage to any watercourse," of the words "having natural features."

The SECRETARY FOR PUBLIC LANDS could not see his way clear to accept the amendment, as it would have the effect of getting the Survey Office into a muddle, if they were asked to define what "natural features" were.

Mr. NIND said that "natural features" was a larger term than watercourse, as that might mean a course which was dry during the greater part of the year, except during heavy rains; he had seen a great deal of difficulty arise through surveyors defining as a watercourse such a place as he described. He moved the amendment in connection with other clauses which he hoped would be introduced, to properly define what "natural features" really were.

Mr. FRYAR objected to the term "natural features," and thought that the Act of 1868 had worked very fairly in respect to water frontages.

The question, That the words "natural features" be inserted, was put and negatived.

The amendment proposed by the honorable Secretary for Lands was agreed to, and the clause, as amended, was passed.

Clause 26.—Notice of confirmation by Secretary for Lands to be given to selector.

Mr. J. SCOTT objected to the clause, on the ground that it appeared to leave everything in the hands of the Minister for Lands. The clause said, "if he sees no objection," but the Minister might take objection to any little thing; in fact, it was too wide a power, and should be defined in some way—for instance, by inserting the word "reasonable." He would move as an amendment—

That in lieu of the words "if he sees no" the words "if there be no reasonable" be inserted.

The question was put, that the words proposed to be omitted stand part of the question, and was carried.

Mr. THOMPSON said he had an amendment to add to the clause, which, if passed, would amount to the introduction of a new principle of detail, and would necessitate some further alterations in the Bill. The effect of his amendment would be that when a man got his selection confirmed, he should be without his title for three years, but should have a license to occupy for that period, at the end of which, if he had performed all the conditions necessary by the Act, he should have a title to a lease. That would give to the Government the additional power of refusing a lease, unless the selector had complied with the conditions. That was a principle he had borrowed from the Victorian Act, and he believed it had been found to work very well. It would do away with the difficulty of getting rid of a man who was a tenant—and he believed there would yet be found some difficulty in dispossessing lessees—as he would only be a licensee for three years. He would move as an amendment—

That the clause be amended by the addition of the following words, namely :—"Who shall thereupon be entitled to receive a license to occupy the lands so selected for three years subject to the provisions of this Act."

The SECRETARY FOR PUBLIC LANDS said that he had read the amendments very carefully, and could not see his way clear to accept them. They embodied a new principle which, in one sense, might be said to be an improvement, which was, that if a selector had not fulfilled his conditions within three years his lease ran out; but he thought that, as the amendments stood, they would almost put a stop to selections, as it must be borne in mind that selectors, in this colony at all events, were alive to the fact that they were not bound to go upon the land immediately. He thought it would be far better to continue the system already in operation.

Mr. THOMPSON said he was not aware that generally there was any laxity in taking possession: he thought that after they received confirmation of their application selectors took possession immediately; at any rate, he proposed to give six months after survey to go upon the land; that was mentioned in one of his amendments.

The COLONIAL SECRETARY pointed out that a selector could at present occupy without a license, so that the amendment was unnecessary.

Mr. GRAHAM said he must confess that he was opposed to all conditions, as, whatever they were, they could be got over by simply a question of payment. If he supported the amendment at all it would be because then they would sooner arrive at the result that the Bill was a fallacy. He was anxious that it should have a trial, so as to show to the world that an Act of Parliament, however much surrounded with conditions, could be evaded; he looked with horror at the racket a selector would have to run through before he could call the land his own.

The question was put, That the words proposed to be added be so added, and the committee divided with the following result:—

Ayes, 5.	Noes, 30.
Mr. Griffith	Mr. MacDevitt
„ Thompson	„ Macalister
„ Moreton	„ Graham
„ Buzacott	„ Bell
„ Bailey.	„ Stephens
	„ McIlwraith
	„ Low
	„ Beattie
	„ Dickson
	„ Pechey
	„ Macrossan
	„ Fraser
	„ W. Scott
	„ Groom
	„ Pettigrew
	„ Hemmant
	„ Fryar
	„ J. Thorn
	„ Hodgkinson
	„ Edmondstone
	„ De Satgé
	„ Lord
	„ Wienholt
	„ Ivory
	„ Foote
	„ Royds
	„ J. Scott
	„ Stewart
	„ Miles
	„ Nind.

On clause 27—no minor or married woman to be lessee.

Mr. GRIFFITH said the clause was a copy of that in the Act of 1868, which was so confused as to be unintelligible. He had several amendments to move, the first of which was—

That after the word "shall," in the first line, the following words be inserted: "except by operation of law and by way of devolution of title."

Mr. WALSH thought they would inflict great injury on the colony if they allowed this clause to become law. He would ask, why should they legislate to prevent the offspring of the people of this colony from becoming possessors of land, while at the same time they were doing all in their power to hand it over to strangers and aliens? He thought there was no wisdom or patriotism in the proposition, but that there was something grossly unnatural in it; and he maintained that parents and trustees should be placed in a position to be able to take up land, and by that means provide for the children under their charge.

The SECRETARY FOR PUBLIC LANDS was of opinion that no trustee who had money to invest would be justified in investing it in land under a system of deferred payments extending over ten years; and if he desired to secure land he must avail himself of the auction clauses, or by selection after the land had been offered at auction, which would enable him to obtain the fee simple without any conditions at all.

Mr. WALSH contended that the reply of the honorable the Minister for Lands did not meet the question. He maintained that the land should be thrown open for purchase by

those who desired to buy it—that any man, whether he was a parent or a trustee or not, should be able, on paying his money, to get the fee-simple of the land he required.

The COLONIAL SECRETARY said there could not be the slightest difficulty in investing money in land for minors, but he did not think any trustee would invest money in conditional purchase selections, because any breach of the conditions would result in the forfeiture of the land. As for children being allowed to take up land, it was not only opposed to the land laws of the colony, but it would lead to a very dangerous system if they were allowed to do so. How could they perform the conditions? And even if they could, the land would be tied up for years. The only way in which money could be invested for minors was, under the auction clauses. He thought the honorable member ought not to oppose the clause, which would have the effect of preventing dummying, which had actually resulted from land being thrown open in the way he suggested.

Mr. MACDONALD disclaimed any intention to encourage dummying, and pointed out that all he asked was merely that those who had arrived at the age of eighteen, and who were qualified in every other respect, should be allowed to select. Honorable members should recollect that a selector, at the age of eighteen years, would be twenty-one before he could, under any circumstances, claim his title deeds. It was, he believed, generally admitted that Australians at that age would naturally have acquired a full share of that practical knowledge which was deemed essential to ensure success in the early settlement of a colony; and yet, hitherto, they had not met with any encouragement, but had, in fact, been prevented from settling on the lands and making homes. The result of this was, that they were frequently compelled to seek investments in doubtful speculations, such as mining, horse-racing, and the like; and he believed such a clause as he had proposed would be gratifying to all, and would enable many young men to settle on the land who would be otherwise unable to do so.

The SECRETARY FOR PUBLIC LANDS said he could not accept the honorable member's amendment in the form in which he proposed it, but he would move an amendment which would probably meet his views, namely, by omitting the word "infant," and inserting "under the age of eighteen years."

The amendment was put and agreed to.

Mr. J. SCOTT thought a married woman had quite as much right to select land as a lad of eighteen years of age.

The COLONIAL SECRETARY: How could she fulfil the conditions?

Mr. J. SCOTT: By residing on the land. He thought there could not be the least objection to it, and that there were many cases in which a married woman could perform the conditions by residing on the land, while her husband, who might be a carrier, for instance, was engaged in his usual avocation. He, therefore, moved that the words

"or a married woman not having obtained a decree for judicial separation or an order protecting her separate property binding in Queensland"

be omitted. He thought that by adopting this amendment they would do well, inasmuch as it would enable a married woman to make a home for herself and her family.

The SECRETARY FOR LANDS thought the amendment would be perfectly useless, because the property would still be the husband's, and would be liable for his debts; and, therefore, it might as well stand in his name.

Mr. J. SCOTT said the land would not be liable for debt.

Mr. THOMPSON said that would be one of the advantages—that the land would be settled on the wife for herself and her family.

Question—That the words proposed to be omitted stand part of the question—put and carried on division:—

Ayes, 22.	Noes, 8.
Mr. Macalister	Mr. Walsh
„ Stephens	„ Thompson
„ Hemmant	„ Graham
„ MacDevitt	„ J. Scott
„ Groom	„ J. Thorn
„ Pettigrew	„ MacDonald
„ Wienholt	„ Moreton
„ Low	„ Bailey.
„ Royds	
„ Dickson	
„ Griffith	
„ Bell	
„ Miles	
„ Edmondstone	
„ Fryar	
„ Beattie	
„ Macrossan	
„ W. Scott	
„ Pechey	
„ Foote	
„ Fraser	
„ Stewart.	

After some further amendments, of a verbal nature, the clause, as amended, was put and passed.