Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 18 JUNE 1874

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LEGISLATIVE ASSEMBLY.

Thursday, 18 *June*, 1874.

Crown Lands Sales Bill.—Deceased Wife's Sister Marriage Bill.

CROWN LANDS SALES BILL.

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

Clause 36—Conditional purchaser to make declaration before magistrate—was moved.

The SECRETARY FOR PUBLIC LANDS moved, that the words "twenty-one," on the third line of the clause, be omitted with the view of inserting "eighteen." He explained that this amendment was rendered necessary by a previous amendment, which allowed a person of the age of eighteen years to select land.

Amendment put and agreed to.

The SECRETARY FOR PUBLIC LANDS moved a further amendment, that the words "that such selection is the only one he holds under this Act or that it adjoins his previous selection," in lines 51, 52, and 53, be omitted. He said this was necessary in order to make the clause agree with a previous clause as amended.

The amendment was put and passed, as was also a further amendment omitting the words "a total of twelve hundred and eighty acres" in lines 53 and 54, and inserting in lieu thereof "the maximum area allowed by this Act for a conditional purchase."

Mr. BELL moved that the following words, at the end of the clause, be omitted:—

"And if he be also a holder of lands by conditional purchase under '*The Crown Lands Alienation Act of* 1868' that the total of such holding in addition to that for which he applies under this Act does not exceed."

He said his reason for moving this amendment was that he did not think the Bill should make any invidious distinction with respect to any class of persons in the community. He could not see what the man who had selected land under the Act of 1868 to the maximum area allowed by the Bill had done to prevent him from selecting under this pro-

posed law. He thought, if he had done anything, it was a service to the country. The great object of all land laws was to settle people on the lands, and if a selector had assisted in carrying that out he did not think they should sit on him, as was proposed to be done by this Bill.

The SECRETARY FOR PUBLIC LANDS said he must oppose the amendment. The latter part of the clause to which the honorable member for Dalby objected was inserted in order to provide for continuity with the present Act. As he stated on the second reading of the Bill, the forms of the Act of 1868 would be retained as far as possible, and it was intended that selections under that Act should be counted as under this proposed Act. There was a very small number indeed, of the selectors under the Act of 1868 who had selected the maximum area allowed, and the clause, as it stood, did not affect any selector who had not selected the maximum area proposed. About 200 out of 6,000 had done so, and he admitted that it excluded them, because they had already taken up land to the full extent, and, in some instances, to more than the full extent allowed by the Act. But the great bulk of the selectors would not be affected by it, and he hoped the committee would stand by him in passing the clause as it stood.

Mr. WIENHOLT was not surprised at the opposition to the amendment, because it was one which would allow those who were already in the colony a chance of having a fair pick of the lands. The policy of the honorable the Minister for Lands was to endeavor to prevent the old residents and other inhabitants of the country from taking up land, while he offered inducements to outsiders to come in and do so.

The SECRETARY FOR PUBLIC WORKS said the object of the Bill was not to distribute the lands of the colony amongst the people who had already settled in it, but to provide for further settlement.

Mr. PETTIGREW said those who had enormous areas of land in the colony were the people who were opposed to the old hands getting any of it. They had got land by auction, by pre-emption, and in other ways; they had picked the eyes out of the country in the shape of waterholes and choice land, and now they wanted to have another haul under this Bill. They held as much land as they could get under the present system, and they said, "Here is a fresh Land Bill, let us go in for another huge slice." And that was what they called settling the land! He would ask any man who went from Toowoomba to Warwick, or from Laidley to Gatton, and saw the beautiful plains there, which would yield thousands upon thousands of bushels of maize and other grain, occupied by only sheep and cattle, if that was the way to settle the country? He thought these people had had a good pick already, and it was quite time others had a chance. He would, therefore, support the Government, and he hoped they would stick to the clause as it stood.

Mr. J. SCOTT said the clause not only precluded those who had taken up the full area allowed by the Act of 1868 from making further selections, but it also restricted those who had not taken up the full area under that Act, to the very much smaller area of 1,280 acres. It was, therefore, extremely unfair, and instead of producing continuity with the Act of 1868, it cut it off completely, and did away with one of the best clauses of that Act. If only two hundred would be affected by it, why should they legislate against that number? It was class legislation of a very objectionable character.

The SECRETARY FOR PUBLIC WORKS thought the argument of the honorable member for Springsure a very extraordinary one. The effect of it was that a man who had taken up a certain area, but had not selected to the full extent, was more unjustly treated than the man who had not selected at all. How it was possible to say the man who had already selected was dealt with unfairly by this Bill, he could not conceive, because he had had first pick.

Mr. GRAHAM said if he had been in time he would have moved an amendment abolishing declarations before justices of the peace. He did hope that the Government would have arrived at the conclusion that he had arrived at long ago, that these declarations had a very bad effect on the colony, inasmuch as they had led people to look upon them as so much waste paper. He thought that instead of signing a declaration it would be quite sufficient if the selector merely signed the application. With regard to the clause, he thought, if honorable members would look at it carefully, they would see that it would not affect wealthy monopolists, as they were called, in the slightest degree; because, at the expiration of two years, on fulfilling the conditions and paying the amount, they could obtain their deeds, and then start *de novo* and take up other selections under this Act. They could go on repeating that every two years as long as they thought proper, because it was of very little consequence to them whether they paid a few thousand pounds at once or by annual instalments. Those who would suffer by it were the men for whose especial benefit the measure was supposed to be brought forward—*bona fide* settlers who had taken up land, and were residing on it, and working it, and endeavoring to improve their position in the colony. These men were the very best colonists they could have; but, under this Bill, where they had taken up 1,280 acres they would not be able to take up more, although a larger area might be absolutely necessary in order to enable them to carry on their operations with success. He maintained that these men were entitled to consideration, and he would, therefore, support the amendment of the honorable member for Dalby.

Mr. WIENHOLT was not surprised at the remarks of the honorable member for Stanley, because he, like others, looked upon the carrying on of grazing as a sin—that to carry on one of the great and necessary industries of the colony was a crime. He maintained that grazing had been the foundation of the prosperity of the colony, and that if they desired to see it advance still further they should offer every inducement to large capitalists to develop its resources in that as well as in other respects.

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

Ayes, 23.	Noes, 13.
Mr. Macalister	Mr. Walsh
„ Stephens	„ Bell
„ Hemmant	„ Thompson
„ McIlwraith	„ Graham
„ MacDevitt	„ Buzacott
„ Miles	„ MacDonald
„ Bailey	„ J. Scott
„ Dickson	„ Royds
„ Griffith	„ Morehead
„ Moreton	„ Wienholt
„ Beattie	„ J. Thorn
„ Hodgkinson	„ W. Scott
„ Macrossan	„ Ivory.
„ Nind	
„ Pettigrew	
„ Pechy	
„ Low	
„ Edmondstone	
„ Fraser	
„ Foote	
„ Stewart	
„ Fryar	
„ Groom.	

The Hon. B. B. MORETON wished to know whether, if the clause was passed with the amendments, no man would be allowed to take up another selection under the Act after having fulfilled his conditions and received his grant. If so, he should be bound to vote against the whole clause, for the purpose of having it amended.

Mr. GRIFFITH was afraid the honorable member had stated what was too true, and what was undoubtedly the effect of the clause, namely, that if a man had once taken up a selection, he could not take up another. The words were "conjointly with any prior selection," and if a man had made one selection, it was made to all time. It was too late to alter the clause, but a proviso might be added which should be as plain as possible.

Mr. IVORY thought it would be desirable to add a proviso, as that appeared to be the rule with every clause, to counteract mistakes which had been made. He certainly thought that the legal interpretation of the clause should be given by the learned Attorney-General, who appeared, however, to take no interest whatever in the Bill.

The SECRETARY FOR PUBLIC LANDS said he was quite satisfied that the clause was correct as it stood, and he meant to stand by it.

The Hon. B. B. MORETON pointed out that, as a conditional purchaser had to make a declaration before a justice of the peace, a very conscientious person who was the holder of a Crown grant might say that he could not make a declaration, thinking that he had a previous selection.

The SECRETARY FOR PUBLIC LANDS maintained that unless a man was a conditional purchaser the clause would not affect him. So long as he had not obtained a certificate of the fulfilment of his conditions, he could not take up another selection; the moment, however, he obtained his Crown grant he ceased to be a conditional purchaser and to be affected by the clause.

Some discussion here ensued, honorable members of the Opposition insisting that it was the duty of the Attorney-General to give his interpretation of the clause.

The ATTORNEY-GENERAL (who had just entered the Chamber) said that it was perfectly right, no doubt, that the Attorney-General should give all the assistance in his power during the passage of any Bill, and he had just been informed that the committee were anxious to have his opinion of the interpretation of the clause under discussion, about which some difficulty appeared to have arisen. He must admit that the words "prior selection" created the difficulty in the clause which had been pointed out by the honorable member for Oxley.

The SECRETARY FOR PUBLIC LANDS said that, after the opinions which had been given by two legal members of the committee, he thought it would be better to withdraw the clause, and re-commit the Bill for the purpose of introducing another clause.

Mr. WALSH pointed out that it would be necessary to have the clause negatived.

The question—That the clause, as read, stand part of the Bill—was put and negatived.

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

"Every person applying to select land as a conditional purchase shall make a declaration before a justice of the peace that he selects the land for his own use and occupation and not as agent or trustee for any other person and that such selection conjointly with any lands then held by him as a conditional purchase under this Act does not exceed the maximum area allowed under this Act and if he be a conditional purchaser under the Act of 1868 that the total of such holding in addition to that which he applies for under this Act does not exceed the maximum area allowed under this Act."

Mr. WIENHOLT wished to know whether a man ceased to be a holder of a conditional purchase when he had paid up his rents in full, or whether he continued to be a conditional purchaser until he obtained his Crown grant.

The SECRETARY FOR PUBLIC LANDS said that he had stated over and over again that a man was a holder under conditional purchase so long as any conditions were unfulfilled; but if he had paid up all his rents, and had his Crown grant, then he was no longer a conditional purchaser.

Mr. WIENHOLT maintained that if that was the case, a man might be a conditional pur

chaser for ever, simply because a Minister did not choose to give him his grant. He thought the definition of those different terms should be distinctly stated, so that people might understand the meaning of the words in the Bill.

Mr. GRAHAM moved the omission of the words "make a declaration before a justice of the peace," with the view of inserting the words "apply for the same in writing and in his application state." He was opposed to the statutory declarations in regard to taking up land.

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, 22.	Noes, 11.
Mr. Macalister	Mr. Ivory
„ Hemmant	„ Walsh
„ Stephens	„ Bell
„ MacIlwraith	„ Thompson
„ MacDevttt	„ MacDonald
„ Low	„ J. Scott
„ Foote	„ Royds
„ Stewart	„ Morehead
„ Pechey	„ Wienholt
„ Miles	„ Buzacott
„ Fraser	„ Graham.
„ Pettigrew	
„ Hodgkinson	
„ Griffith	
„ Nind	
„ Moreton	
„ J. Thorn	
„ Groom	
„ Fryar	
„ Macrossan	
„ Dickson	
„ Beattie.	

Mr. J. SCOTT said he could not understand what was meant by "held by him as a conditional purchaser." He would ask the honorable the Attorney-General if, when a man fulfilled the conditions attached to his holding, it could be said that he held it any longer under conditions? He maintained that if a man performed all the conditions, he ought to be placed in a position to enjoy all the benefits accruing to him from their fulfilment, without any delay.

The ATTORNEY-GENERAL said he had no hesitation in saying that when a man fulfilled the conditions, he was entitled to that which accrued to him from the fulfilment of those conditions.

Mr. J. SCOTT said, to make the matter more clear, he would move that the following words be inserted at the end of the clause:—

"Provided that any person who has fulfilled all the conditions shall no longer be considered as holding land as a conditional purchaser under this Act."

Mr. GRIFFITH said this clause only dealt with declarations, and it would be better if the amendment—which was a substantive statement of the law, not dealt with in any part of the Bill—were moved as a substantive motion in some other place.

The SECRETARY FOR PUBLIC LANDS said he could not accept the amendment, and, under any circumstances, it had nothing to do with the clause under discussion.

Mr. MOREHEAD was of opinion that the issuing of a deed of grant after the fulfilment of conditions, was in something the same position as the coronation ceremony in relation to the Sovereign. The Sovereign existed whether the coronation ceremony took place or not; and he held that when a man performed the conditions attached to his holding, he became the owner of the land, whether the deeds were issued to him or not. But, at the same time, the Minister could prevent him from taking up more land by refusing to issue the deeds; and this, he thought, was a very improper power to place in the hands of any Minister.

Mr. J. SCOTT thought that was the proper place to insert the amendment, but if the honorable the Minister for Lands would allow it to be inserted in another place, he would withdraw it with that view.

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

Ayes, 6.	Noes, 27.
Mr. Royds	Mr. Macalister
„ Ivory	„ Stephens
„ Bell	„ Hemmant
„ MacDonald	„ Pettigrew
„ J. Scott	„ Fraser
„ Morehead.	„ Thompson
	„ McIlwraith
	„ Dickson
	„ Bailey
	„ Low
	„ MacDevitt
	„ Groom
	„ Pechey
	„ Edmondstone
	„ Stewart
	„ Griffiths
	„ W. Scott
	„ Foote
	„ Fryar
	„ Macrossan
	„ Buzacott
	„ Nind
	„ Miles
	„ J. Thorn
	„ Moreton
	„ Graham
	„ Beattie.

The new clause was then put and passed.

Clause 37—limits to conditional purchases by conditional purchasers under previous Acts—having been amended so as to agree with previous clauses as amended, was put and passed.

Clause 38—annual payment of one shilling per acre for ten years—moved.

Mr. W. SCOTT moved that the words "one shilling" in line 8 be omitted, with the view of inserting "sixpence."

Mr. FRYAR said he had an amendment to move, which he thought would meet the views of the honorable member for Mulgrave. It was that after the word "purchaser," in line 7, the following words be inserted:—

"of lands in the settled districts of Moreton and Wide Bay which have been open for selection under '*The Crown Lands Alienation Act of* 1868' shall for the period of ten years make an annual payment at the rate of sixpence for each acre or fraction of an acre and every other conditional purchaser under this Act."

He said the effect of this amendment would be, to throw the lands in those districts open

for selection at the price of second class pastoral. He thought that as the best lands in those places had been thoroughly picked out during the last six years, that would be enough to pay for them.

The SECRETARY FOR PUBLIC LANDS said this was another specimen of the "Dutch auction system," which had already been rejected by the committee, and he must oppose it.

The Hon. B. B. MORETON said, that as the committee had rejected classification, they must carry out the principle that had been asserted, and, as there was to be no classification, there should be only one price for land throughout the colony. He could not see any reason why the Wide Bay district should be brought into the amendment, because he knew that there was a great deal of very good land in that district, which had been thrown open under the present Act, but which had not been taken up, simply through population being rather distant from it; and, no doubt, when the railway—which they hoped to have there some day—was made, these lands would be of great value.

Mr. BAILEY said he was thoroughly well acquainted with the Wide Bay District, and he was not aware where these large areas of good land, that had been mentioned by the honorable member for Maryborough, were; and if he did, he could get fifty men to go on them at once The fact was, that the whole district had been picked over to such an extent that people were almost glad to take up even very middling land. There were thousands of acres there which were perfectly valueless, and, perhaps for that reason, the amendment ought to be agreed to.

Mr. W. SCOTT said he would support the amendment. They had now about 35,000,000 acres of land thrown open under the Act of 1868, which they had not been able to dispose of at 5s. an acre, and it was absurd to expect that people would be gulled into paying 10s. per acre for it under the Bill. He would suggest that those lands should be thrown open at 2s. 6d. per acre, in order to encourage settlement. It was now proposed to throw open 12,000,000 acres more, which was held under the ten years' leases; and he did not object to 10s. an acre being charged for the greater portion of that, but he most decidedly objected to raising the price of land which had been open at 5s. an acre for the last six years to 10s. an acre.

Mr. GROOM was surprised to hear the honorable member say that there was no good land open to selection in the Wide Bay district; for he found, on reference to a handbook published by the Agent-General for Emigration in England, that there were 276,979 acres of land open for selection in that district.

The amendment was put and negatived.

Mr. W. SCOTT moved, as an amendment, that the words "one shilling" be omitted, with the view of inserting in lieu thereof "sixpence."

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, 25.	Noes, 5.
Mr. Macalister	Mr. J. Scott
„ Stephens	„ Ivory
„ Hemmant	„ W. Scott
„ McIlwraith	„ Lord
„ Pettigrew	„ Bailey.
„ Morehead	
„ Low	
„ Dickson	
„ Buzacott	
„ Griffith	
„ Moreton	
„ Beattie	
„ Groom	
„ Macrossan	
„ Pechey	
„ Bell	
„ Thompson	
„ Royds	
„ Edmondstone	
„ Fraser	
„ Foote	
„ MacDevitt	
„ Stewart	
„ J. Thorn	
„ Fryar.	

The clause was then passed.

Clause 39—Residence necessary.

The SECRETARY FOR PUBLIC LANDS moved the insertion in line 1, after the word "purchaser," of the following words:—"Except as hereinbefore provided." That was necessary in consequence of one of the principal amendments made by the committee on the previous evening.

The amendment was put and passed.

The SECRETARY FOR PUBLIC LANDS said he would move, as an amendment, that the word "three" be omitted, with the view of inserting the word "six." That would be increasing by three months the period for which a selector might be absent from his land. He also would propose the addition of the following words to the clause:—"Residence shall be taken to mean the home or usual place of abode of the selector or his family."

Mr. IVORY thought that, according to the clause, the present Government were really the friends of the capitalist instead of the poor man, whose interests they professed to protect; for, under it, a man would have to reside on his land for ten years before he could call it his own, and during that time would have to continue to pay his quarterly quota into the Treasury. If he was a poor man struggling on his farm, he would never be able to fulfil the conditions if he was to be tied to the land as proposed. On the other hand, the capitalist could perform his conditions, pay up his rent, and get his grant in two years, and then, if he chose, take up another selection.

Mr. PETTIGREW thought that the clause, if amended as proposed, would be particularly applicable to the case of the working man, and would suit his views, whatever it might do the views of the honorable member for the Burnett. An absence of six months would allow a man struggling as a farmer to go and

take a job of shearing or fencing, or to go to the diggings, and yet be back on his selection in time to fulfil his conditions.

Mr. BAILEY said that the honorable Minister for Lands had already put it out of the power of the poor man to settle on the land, by doubling the price. If men could not afford to pay 5s., they certainly could not afford to pay 10s.

Mr. GRIFFITH thought that the committee might just as well decide the question of personal residence at once. He would therefore propose, by way of amendment,—

That all the words after "shall" be omitted, with the view of inserting the words "shall occupy his selection continuously and *bona fide* during the term of such conditional holding and such occupation shall be by the continuous and *bona fide* residence of the selector or his family or of some member of his family being of the age of seventeen years at least or of some person being in the *bona fide* employment of the selector and of no other person.

He could not see the liberality of a measure which would throw open the right of selection to only a very limited class of the community. The effect of the clause would be simply to throw open the lands to those persons who had no homes at present; every person who had a home would be debarred from availing himself of it. He could not see, for instance, why he should be debarred from having an estate. Again, he represented a constituency consisting principally of farmers, where there was not even a township, and, as a matter of fact, not one of those men, who had been settled in the district for years, would be able to select an acre under the Bill. He would like to know why those men, who were really useful colonists, should be debarred from improving their own condition, if they were in a position to do so, or of making provision for their families. If a man waited until some member of his family was eighteen years of age, the land around him might all be gone. It was all very well to say that residence should be personal; but why should not a man who had been for years a good honest settler, be allowed to make provision for his family? In addition to that class, there were those persons who lived in towns—in fact, it amounted to this, that any man who had a home could not select. As to that insane cry of dummying—he called it insane because the Government did not take steps to prevent it—he undertook to say that, under the amendment he proposed, such a thing would be impossible under the Act; because, by that very clause, the Minister for Lands of the day had the power of forfeiture in any cases where a selector could not prove in open court that he had complied with all conditions. It would be necessary, for the purpose of perpetrating a fraud, for witnesses in open court to commit perjury. He thought the clause was one of the most important parts of the whole Bill, and, if it were passed, he would sooner see the present Act left as it was, and no Bill passed. He was satisfied that his amendment would do no harm, but, on the contrary, would largely increase the advantages of the Bill.

Mr. THOMPSON said the amendment of the honorable member for Oxley exactly met the views he had enunciated on the occasion of the second reading. It appeared to him that it would be an extremely bad thing that employers of labor should be excluded from taking up land, and that no one should take it up except those who could personally reside upon it. It was a question with him whether the man who paid others to go on the land and work for him, was not doing just as good service to the country as if he resided upon it himself, if not more. That was also the view held by the majority of the small selectors. Personal residence was all very well as regarded the homestead clauses, but he certainly objected to its being applied to the conditional purchaser. It was found by many persons that their holdings were too small, and they wished to take up land somewhere, on which to run their cattle. The amendment would meet the case of that class; whereas, if the clause remained as it was, it would be a great hardship to them.

The SECRETARY FOR PUBLIC LANDS said that his object in inserting the clause was that there should be no misunderstanding upon the matter, as he did not know that the proviso would have been necessary had not some confusion sprung up regarding the word "residence." He believed that in extending the period of absence the Bill would give quite as much liberty as was required, and the selector would know that he could leave home for a certain time. The only argument in favor of allowing servants to occupy instead of the selector himself was, that there were a great number of farmers who would like to take up selections under the Act in addition to those they already had. But he would point out, in reference to those persons, that they were fully provided for by clause 30, under which a man could take up a selection within fifteen miles of his first holding without fulfilling the condition of residence. He ventured to say, as a general rule, that if a man was thriving, and wished to increase his cattle, he would want to take up land within three miles of his holding. He believed that the amendment he had proposed, to increase the period of absence from three to six months, together with the proviso at the end of the clause which he intended to add, would sufficiently provide for the objections which had been raised; at the same time they would be a guard against dummying. He was most anxious that the lands which would be thrown open under the Bill should be taken up by *bonâ fide* selectors, and he thought they would be letting in the biggest dummy if they agreed to accept the amendment. It had been stated that the clause was only applicable to those persons who had no homes; but that was absurd, as it would

be found that many persons who had taken up land under the Act of 1868 had homes, and were working in other places only until they could make their own homes. They were provided for by the 30th clause.

Mr. THOMPSON said he would state his own case. He had purchased a selection from a man, but did not reside on it himself; lately they had been growing sugar in that district, and there was now a mill there;—why then should he not be able to send a servant to grow sugar on his land, and thus enjoy the same advantages as the other persons?

Mr. LORD said he should most certainly support the amendment of the honorable member for Oxley, as he thought it was very hard that a man who followed another pursuit should not be allowed to invest his savings in the land of the colony; it would be especially hard as regarded persons engaged in mining. Again, why should not officers in the Civil Service and others residing in towns be allowed to take up land?

Mr. STEWART said he should oppose the amendment, for, although the clause as it stood might possibly be a hardship in many cases, yet it would in other respects have a very beneficial effect, as they must grant that there had been some dummying carried on. By the clause, if the time was extended to six months, a shepherd would be able to occupy four different selections. A man could take up 4,000 acres, fence it in, allow a shepherd to remain on it for six months of the year, and in two years the condition of residence would be complied with, and he would get his title.

Mr. GROOM said he could not vote for the amendment, for it would just be perpetuating what had been carried on to such a great extent on the Darling Downs. The honorable member for Oxley had asked, why he and others living in the towns should not be able to select land under the Bill? but he (Mr. Groom) contended that they were not legislating for that particular class, or for speculators and monopolists, but for the *bonâ fide* settlement of the colony. One glance at the maps which had been published in connection with the exchanges on the Darling Downs, would show how the land there had been monopolized and wired in through the Act of 1868 allowing residence by bailiffs, and he ventured to say that if the amendment was carried, and eventually became the law of the land, the Act of 1874 would be evaded in the same way. It would be sent down to Victoria and there submitted, as the Act of 1868 had been, to eminent counsel in order to find out the most ingenious way of evading it. The only thing that would prevent a repetition of those pernicious practices on the Darling Downs would be to insist upon personal residence. He quite agreed with the extension of time proposed by the honorable Minister for Lands, as there were many men who were carrying on business as carriers from Dalby to the western districts, who, in wet weather, would be detained three months on the road; it would also allow men who went shearing to go from one shed to another, as shearing was not carried on at all places at the same time.

Mr. DICKSON said that he had purposely refrained from adding his quota to the general discussion which had taken place on the Bill; but where a principle of the character of that under consideration was involved, he felt it was necessary for him to say a few words. He considered, and he might say that he had derived information from persons interested in settling upon the land, that if personal residence was enforced, it would do away with many of the advantages of the Bill. There were many persons who were anxious to settle upon the land in the strictest sense that the honorable Minister for Lands could require, but at the same time they had other pursuits which would not allow them to reside continuously upon it. He would ask, why those men, many of whom had been instrumental in promoting the progress of the colony to a considerable extent, should be precluded from the advantages which were held out to new comers—to untried men? It appeared to him that in legislating on the land question, they were always asked to legislate for the Darling Downs, and he strongly deprecated their constantly being told about that district. They had at first been told, when discussing the question of area, that it would be sufficient for the Darling Downs, and he was glad to see that that had been altered, for it should be borne in mind that they were not legislating for one particular district, but for the whole of the colony. He thought that under the Bill, with all the powers given to him, the Minister for Lands should be able to check dummying, although he was of opinion that the more stringent the conditions, the greater would be the attempts to evade them. He believed that if they allowed reasonable settlement, without imposing too many restrictive conditions, they would be doing all that was necessary, and evasions would be fewer. If they did not give fair facilities to persons who wished to settle on the land, they would be doing a grievous injury to a very important class of the community who were entitled to receive fair and reasonable consideration. He should support the amendment of the honorable member for Oxley.

Mr. MILES said he should support the amendment, and should do so solely for the purpose of giving every facility for settlement on the land. He believed that with all the safeguards there were in the Bill there need not be the least fear of dummying.

Mr. GRIFFITH said the honorable member appeared to be alarmed on the ground that the servant might be made a dummy of; but, if this were carried, it would follow as a necessary corollary that the period of three months should be left out. If it were proved that the selector had failed in his continuous

bona fide occupation—not with a gap of three months—but if it were proved to the satisfaction of the Minister for Lands that there had been desertion for any period at all, the land would be forfeited. Of course it would be impossible for a selector to have one man on more than one selection; he could only have one block, unless he himself resided on it, and it would not, therefore, interfere with clause 30. Of course the great object was to remedy the evil which at present existed, and as it was not advisable to rush into the opposite extreme for the purpose of doing so, he thought this exactly met the case.

Mr. FRYAR was surprised to hear the argument of the honorable member for Oxley, that this amendment was necessary to allow children to select land; it was a very strange idea, that in order to keep land for children, they should exclude grown men, and prevent them from taking it up; and he thought that was one of the best arguments against the amendment. He was of opinion that the Bill provided for extending the best features of the Act of 1868, and for getting rid of those features which had been productive of nothing but mischief, both to pastoral tenants and selectors. If the amendment were carried, he could see no alternative for the Minister for Lands but to withdraw the Bill.

Mr. STEWART thought the words "some other person" were rather ambiguous—they might mean an infant or a blackfellow. He maintained that the certificate of title being granted would open the door to a large amount of land being acquired, if not by dummying, at any rate, without complying with the conditions.

Mr. GRIFFITH thought the suggestion of the honorable member for Brisbane a good one, and he would therefore insert the words "being himself entitled to become a conditional purchaser under this Act."

Mr. WIENHOLT hoped the honorable the Minister for Lands would not accept the amendment, but that he would adhere to the clause as printed. There was, however, one portion of the clause to which he had a very strong objection—that the *bona fides* of the residence should be proved to the satisfaction of the Minister for Lands. He believed that granting power of that sort to a Minister was bad; and he held that if it were proved that the selector had complied with the conditions he should obtain all the benefits arising from such compliance, and it should not be left to the decision of any Minister to say whether he had done so or not. He certainly preferred the clause as it stood to the amendment, because he did not see why the runs should be taken away, as it was proposed, from the pastoral tenants, in order that the people of the towns should be able to select upon them. Let those people keep to their own occupations. What business had people in towns, who had nothing to do with country pursuits, to take up selections which they could not use, at any rate, as well as the people in whose hands the country was now being worked? Let the *bona fide* settler who could devote his attention to the cultivation of the land, take it up; but the residents of towns, who had their own occupations, should not be permitted to dispossess the graziers of the colony.

Mr. BAILEY said this was an ingenious amendment, by which they would substitute town dummiers for country dummiers, and he did not think it would be allowed to pass. In some districts this Bill would effectually debar settlers from taking up land at all, and perhaps it would be a good thing for the revenue if they allowed the town dummiers to take it up. The land ought to yield a revenue from some source, and he thought the amendment was not a bad one on that score.

The COLONIAL TREASURER said they derived a very nice revenue from the land at present; but unless selections were constantly made, year after year, to take the place of selections which were gradually expiring, they would find themselves in a few years deprived of a large amount of revenue. He could not understand the argument of the honorable member for Oxley, that if they did not keep land for their children there would be none for their use when it was required; and he thought, looking at the enormous extent of the country, that the statement was rather absurd. The object of the Bill was to alter the Act of 1868, which had been found to work badly, and there could be no doubt that one of its worst features was allowing residence by bailiffs. It was possible a few cases of hardship might arise under the clause to people in towns, who desired to take up land; but in the great majority of cases the auction clauses would meet their requirements. He believed that during the six years the Act had been in operation scarcely a single person in town had taken advantage of it; and, further than that, he had never heard of a *bona fide* settler, who wished to take up and utilise land, complained of being compelled to live on it; and certainly, if a man wanted a farm, it was the most natural thing that he should reside where he carried on his occupation.

Mr. NIND said it seemed to him that the amendment, like a great many others that had been moved by the honorable member for Oxley, was a very good one. He did not think the residential clauses were applicable to the present circumstances of the colony; if they were legislating *de novo*, it might be different, but such restrictions were not desirable at this time. It appeared to him that the cry about dummying had been raised to such an extent that they were liable to go into another extreme, and prevent people from settling on the land and expending money, which would be beneficial to the country. He maintained that if people in towns had a *bona fide* intention of occupying land by an agent, they had a perfect right to do so; their money was as good as other

peoples', and, perhaps, they were anxious to make provision for their families by that means. He knew there were a great many practical men on the land who were in favor of this amendment; and he thought, if they could stop dummying—which he was as much opposed to as anybody could be—and at the same time give facilities for settling people on the land, it would be highly beneficial to the country. He thought the amendment met all the requirements of the case, and he should support it; and as he had consulted his constituents on most parts of the Bill, he was convinced that in doing so he would be carrying out their sentiments on the subject.

Mr. FRASER said he was quite as anxious as the honorable Minister for Lands to prevent dummying, and he believed there were ample powers in the Bill, apart from this clause, to enable the Minister to effect that. Crown bailiffs had been appointed; and with that and the other circumstances surrounding such cases, he thought there would be no great difficulty in checking it. He had told the honorable the Minister for Lands that he did not see his way to support him on this clause; and, in addition to that, he had been requested by a number of his constituents, who were farmers, to state that many of them were anxious to be allowed to take up more land under this Act, and they would not find it convenient to have it occupied by themselves or by members of their family, but they would have it occupied by *bona fide* settlers and cultivators. It had been said that they could take advantage of the auction clauses, but he did not see why they should be driven to that; and he would support the amendment because he believed that if it were faithfully carried out there need not be the slightest fear of dummying to any extent, if at all.

Mr. BELL said he would give his vote on this occasion under circumstances rather unusual with him. He had made up his mind as to how he intended to vote, but he was not certain whether he would be voting in the right way. He believed the honorable member who had moved the amendment had not fully seen the effect of it when he said there would be no dummying under it, because it seemed to him that it opened the door to dummying; and, if he were in a perfectly independent position at that moment with regard to his constituents, he would unhesitatingly vote with the Government. But he was sent to that House by a constituency who took a peculiar and especial interest in this matter, and he would give the benefit of his doubts in favor of his constituents, who, he knew, would prefer that he should vote in favor of the amendment. His individual opinion was that, if the position taken up by the honorable the Minister for Lands were carried into effect, the country would suffer no great loss by that particular legislation;—in fact, he felt that so little advantage would be given to the Bill by his single vote, and so much had been done in contradiction and opposition to his view of the spirit of the legislation on the whole question, that he would throw himself entirely in the hands of his constituents. When everything else failed him he would fall back on his constituents, and, knowing that their opinion was that he ought to vote for the amendment, he would do so.

Mr. MACROSSAN said he was in quite an independent position on this question, and he would vote according to his conscience, and he thought it would be better if every honorable member did the same. He was convinced that if the amendments were carried, the charge of dummying, about which they had heard so much, would no longer have to be made against the squatters of the Darling Downs alone, but against that class throughout the colony. Although the squatters of the Darling Downs had been blamed for the extent to which dummying had been carried on, he believed a great deal of it had been done in self-defence—in the protection of their own interests; and he was sure that the squatters, whose runs would be resumed by this Bill, would do the same for the same reason, and he did not think they would be to blame for doing so. A maximum area of 4,000 acres had been allowed, and as every squatter had not less than from eight to ten men in his employment, the result would be that these men would be spread all over the run, each having 4,000 acres. They would be *bonâ fide* servants for that purpose, and on the conditions being fulfilled and the price of the land paid, the squatter would become the freeholder, and the people for whose benefit the Bill was intended would receive no advantage. He would vote against the amendment, and if it were carried, he was of opinion that the Government had better withdraw the Bill altogether.

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

Ayes, 17.	Noes, 20.
Mr. Macalister	Mr. Walsh
„ Hemmant	„ Bell
„ Stephens	„ Thompson
„ McIlwraith	„ W. Scott
„ Low	„ Graham
„ Stewart	„ Bazacott
„ Foote	„ Fraser
„ Edmondstone	„ J. Scott
„ Pettigrew	„ Royds
„ Pechey	„ Morehead
„ Groom	„ Miles
„ J. Thorn	„ Griffith
„ Macrossan	„ Bailey
„ Hodgkinson	„ MacDonald
„ MacDevitt	„ Dickson
„ Fryar	„ Nind
„ Beattie.	„ Moreton
	„ Ivory
	„ Wienholt
	„ Lord.

The COLONIAL SECRETARY moved—

That the Chairman leave the chair, report progress, and ask leave to sit again.

Mr. GRIFFITH thought, before this step was taken, the words proposed to be inserted

ought to be inserted. As the majority of the committee were clearly in favor of the amendment, the words ought to be inserted before progress was reported, because, when the matter came on again, there might be a majority the other way through the absence of two or three members; and it might be defeated by a side wind in that way. He was sure the Government would understand that he was only anxious to assist them in the matter, and he hoped they would not adjourn until the question was disposed of.

The COLONIAL SECRETARY said the honorable member for Oxley should remember that this was a Government measure, and it was for them to consider the effect of any proviso that was introduced into it. A proviso had been adopted, and they should have time to consider what effect it would have on the Bill.

Mr. BELL said if the result of the last division was that the honorable member for Oxley would be sent for to attend Government House for any particular purpose, the course pursued by the honorable gentleman at the head of the Government, in moving the Chairman out of the chair, was perfectly correct; but, if that were not the case, he certainly thought that the committee should have the amendment completed and confirmed before the Chairman left the chair. That was the proper course to adopt, and the Government would then be in as good, if not a better, position than they were now to consider the matter.

The COLONIAL SECRETARY said the honorable member for Dalby seemed very anxious that he should be sent for; but he could assure that honorable member that he had not the slightest intention of allowing him or any other person to be sent for. But he said that, as a Government, they were entitled to consider every step in a Bill introduced by themselves. The Government were very anxious to get the Bill through to-night—there were reasons why it should be got through as soon as possible; but they looked upon the amendment that had been made as of so much importance that they were entitled to consider what their position would be in regard to the Bill.

The Hon. B. B. MORETON suggested that, if there would be any lengthened time before the question would come before the House again, the amendments should be printed, so that honorable members, as well as the Ministry, would be able to see what had been done.

The motion was then put and passed; and the Chairman having left the chair and reported progress, obtained leave to sit again on Tuesday next.

DECEASED WIFE'S SISTER MARRIAGE BILL.

Mr. PECHEY moved—

That this Bill be now read a third time.

Mr. MOREHEAD said he would not detain the House with any remarks, except to place on record his utter detestation of the Bill, and his regret that there was not sufficient voting power in that House to reject it. He trusted, however, it would meet with a different fate in another place.

Mr. PETTIGREW thought the honorable member had no right to refer to the other branch of the Legislature. That body had done too much already; and unless they did a little less, they would require some—well, constitutional reform.

Mr. W. SCOTT rose to express the same views as those given by the honorable member for the Mitchell in regard to the Bill, and hoped it would never become law.

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

Ayes, 15.	Noes, 11.
Mr. Macalister	Mr. Royds
„ Stephens	„ MacDevitt
„ Morgan	„ Hodgkinson
„ Beattie	„ MacDonald
„ Foote	„ Low
„ Thompson	„ Wienholt
„ Pechey	„ J. Thorn
„ Groom	„ W. Scott
„ J. Scott	„ Macrossan
„ Bell	„ Dickson
„ Fryar	„ Morehead.
„ Bailey	
„ Miles	
„ Buzacott	
„ Griffith.	