Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 8 JULY 1874

LEGISLATIVE COUNCIL.

Wednesday, 8 *July*, 1874.

Assent to Bills—Appointments to the Civil Service.—Crown Lands Sales Bill.—Gold Fields Bill.—Navigation Bill.—Crown Remedies Bill.

ASSENT TO BILLS.

Messages were received from His Excellency the Governor, informing the House that the following Bills had received the Royal Assent:—

Rockhampton Gas Company's Act;
Elections Act;
Insolvency Act.

APPOINTMENTS TO THE CIVIL SERVICE.

The Hon. H. B. FITZ said, as he was too late yesterday to give notice of motion, the Orders of the Day having been called on, he wished now, with the permission of the Council, to move without notice:—

1. In the opinion of this House, it is highly desirable that all appointments to vacancies in the Civil Service of this colony should be conferred upon Queensland colonists, provided their education and conduct qualify them for the position.

2. That the foregoing resolution be transmitted to the Legislative Assembly for their concurrence, and from thence to be forwarded to His Excellency the Governor.

The PRESIDENT: It was scarcely in order. The Council could not tell the Legislative Assembly what they should do—they could not direct the other House to forward the resolution to the Governor.

The Hon. H. B. FITZ: Then, of course, it ended—if they did not choose to forward it. He had worded resolutions in the same way before.

The PRESIDENT: He thought not.

The Hon. H. B. FITZ: Well, it was only for them not to comply. Of course, he was aware that he could not make the motion, now, if there was any opposition to it.

The PRESIDENT: Was there any objection?

The Hon. T. L. MURRAY-PRIOR: He thought it was inexpedient that a motion which involved a great deal of consideration should be brought forward without notice; and he for one, not being disposed to comply with it, should object to its being put.

The Hon. H. B. FITZ gave notice of the motion for to-morrow.

CROWN LANDS SALES BILL.

On the motion of the POSTMASTER-GENERAL, the House resolved into committee of the whole for the consideration of this Bill.

Clause 1—Interpretation of terms.

The Hon. F. T. GREGORY moved the following addition to the clause:—

"'Improvements'—Any head station homestead store stable hut woolshed sheep pen drafting yard barn stockyard fencing well dam reservoir tank trough fencing of sheep paddocks artificial watercourse or watering place garden clearing cultivation or plantation of trees shrubs or artificial grasses or any other building erection construction or appliance being a fixture for the working or management of a run farm grazing farm or plantation and of any sheep cattle or horses depastured thereon and for maintaining or increasing the pastoral or agricultural capabilities thereof Provided that such improvements be upon land belonging to the Crown."

The sub-section had been before the Legislature on a former occasion.

The POSTMASTER-GENERAL said he saw very little harm in the amendment, but he thought the "improvements" too elaborate. He urged that all the words after "watercourse" to "thereof" should be omitted.

The Hon L. HOPE considered the addition highly necessary, with the exception of the proviso as to the improvements being on Crown lands.

The Hon. E. I. C. BROWNE said the Postmaster-General need not be much afraid of the clause being too full, because squatters would not waste their money planting trees or shrubs for ornament merely.

The Hon. L. HOPE: Let it be trees for shade.

The amendment was agreed to.

The Hon. F. T. GREGORY moved, by way of further addition to the clause, another subsection to define "fencing":—

"'Fencing'—The enclosure with an effective fence of one or more portions of land either separately or conjointly such portions of land being in the holding of one person."

That would make clear to selectors the nature of the condition of fencing. It frequently occurred that the selector took up two, three, or four blocks, and they formed one block of country. If the clause did not state that he could fence in all in one paddock, it might be ruled by a Minister for Lands, who took the whim, that a man must fence in every scrap of country separately.

The POSTMASTER-GENERAL said he did not object. It was not a *sine qua non* under the Bill that every lot should be fenced.

Clause 9.—The lands in the leases for pastoral purposes shall be resumed from lease.

The Hon. W. WILSON held that the resumption proposed was illegal, being contrary to the form prescribed by the Act of 1868. The resumption ought to be a matter quite separate from the Bill; because the Act said distinctly that no land "shall be resumable during the currency of the lease," while the Bill provided that it "shall be resumed." That was very unfair to the pastoral lessees, who were entitled to have the resumption decided in a different manner. The two Houses of Parliament were under the existing law a sort of court of appeal between the lessees and the Executive. If a resolution was framed under that law, it would do away with the necessity for the leases which the Minister for Lands proposed to substitute for the current leases; and Parliament would take into consideration, first, the necessity for the resumption; and, secondly, what compensation should be given for the land taken from the lessees. He moved that the clause be expunged.

The POSTMASTER-GENERAL: The honorable member was not serious in his amendment?

The Hon. E. I. C. BROWNE suggested that the amendment should be withdrawn, and the Honorable Mr. Wilson might see if he could not amend the clause. The Honorable Mr. Gregory had an amendment to move, which, perhaps, would put the matter in a shape agreeable to the House. The amendment of the Honorable Mr. Wilson went against the principle of the Bill, which, seeing that the House had read the Bill a second time, they were committed to.

The POSTMASTER-GENERAL: The honorable gentleman should have moved such an amendment on the second clause, if at all; as that clause repealed the Act of 1868. The pastoral lessees had great favors conferred on them by the Bill, and particularly by the ninth clause.

The Hon. W. WILSON, in deference to the wish of the committee, withdrew his motion.

Motion, by leave, withdrawn.

The Hon. F. T. GREGORY wished to move an amendment in the clause, so that it should recite that under the existing law, lands held under lease were resumable in "tracts of not less than eight square miles area in one block," so that it should appear permanently to what extent the pastoral lessees had suffered.

The POSTMASTER-GENERAL said he could not see the necessity for the amendment.

Withdrawn.

The Hon. F. T. GREGORY moved the following addition at the end of clause 9:—

"Provided that in addition to the right of pre-emption which may be exercised under the provisions of '*The Crown Lands Alienation Act of* 1868' the lessee may make further selection under pre-emption to the extent of one-tenth part of the area held under lease at the passing of this Act in compensation for such resumption and such pre-emptive selection shall not be in more than one block except with the approval of the commissioner with the object of consolidating previous selections and shall in respect to the annual payments thereon be subject to the same conditions as would apply to any other pre-emptive selection under the said Act of 1868."

That would be a compensation, in some sort, for the amount of hardship which the lessees would sustain by the resumption of their leases so long before their expiration. There might be a few instances in which the lessees would be able to acquire a considerable area of land. There might be a run of two hundred square miles resumed: the lessee would get 20,000 acres of land. That, however, would be an extreme case. The lessees would only be able to exercise the right of pre-emption in proportion to the land leased. The objection might be advanced that the provision gave an undue advantage to the lessees over the ordinary conditional selector. But he (Mr. Gregory) could not see that. The lessee would not have very exclusive privileges, as any one else could go in on his run and select. It was not a matter of importance to the country whether the land was held by the original lessee or some stranger; and the lessee would pay for what he would take up under his pre-emptive right just the same as if a party from Melbourne took it up.

The POSTMASTER-GENERAL pointed out that the pastoral lessees had enjoyed pre-emptive rights from the old Orders in Council up to the Act of 1868, and he had no doubt that they had exercised their privileges under the latter Act. To give them now an additional tenth of their runs would be handing over the whole country to them. He knew one case where a gentleman would, under such a clause, take up 18,000 acres of land, and

thereby render all the neighboring country useless, because he would include every drop of water on it. The Council would surely not adopt such an amendment; but, if they did, he knew the other House would never entertain such a monstrous proposition.

The Hon. L. HOPE: The Council would take their own view of the injury that was done to the Crown tenants, and not be guided by the representative of the Government, or by what would be thought fitting by the other House. The position of the Crown tenants was a hard one. For giving up half their runs, they got their ten years' leases, on the clear understanding that they would not be interfered with until their land was required for public purposes. They did that, in order to have some security in their runs, and they continued to pay the same rent for half that they had been paying for the whole of their runs. The security of their present tenure by Act of Parliament should be respected.

The POSTMASTER-GENERAL: Under the tenth section of the Act of 1868, any part of a run could be resumed.

The Hon. A. H. BROWN said he trusted the committee would adopt the amendment. If, as the Postmaster-General said, it was such a monstrous proposition, a monstrous injury had been done to the pastoral tenants. They had been told that under the ten years' leases they would have a pre-emptive right to 2,500 acres of land. That had not been wholly availed of. Now, they were asked to relinquish the ten years' leases; and they were entitled to a further pre-emption. If honorable gentlemen considered the position that the pastoral lessees in the settled districts were placed in, they would not say that too much was asked for. Squatters, whose runs were fully stocked, were put in a very inconvenient position by the resumption; the security of the runs being interfered with, the value was affected, as persons would hesitate to invest in squatting property. Even a tenth of the land they held would not compensate many of them for such wholesale spoliation as they were subjected to.

The Hon. G. SANDEMAN: No honorable member would deny that the Bill proposed spoliation; and that the least the Government could be asked to do was to grant compensation for that spoliation. He cordially approved of the amendment. The pre-emption under the Act of 1868 had nothing to do with the present Bill. That was one Act of spoliation. The Bill was another—another aggression on the Crown tenants, whose leases would be interfered with by it.

The Hon. W. WILSON: The resumption would be irregular: that was one ground for compensation. The lessees would be deprived of the best years of their leases: that was another. When the lessees agreed to pay double rent for their runs under the current leases, they calculated that as land became scarcer their runs would be more valuable as the leases ran on.

The Hon. L. HOPE: Improvements had been made on many runs in the belief that they were secure under the ten years' leases, so that half the country might carry the stock for which the whole was formerly used.

The Hon. J. F. MCDOUGALL: The amendment was a reasonable one. Still he might say that it was inadequate to the loss that the Crown lessee suffered by the resumption of their runs. The lessees would pay for the land at the ordinary rates. The land was not to be given to them. It was only proposed that they should have first choice. The public would sustain no injury by their exercising the pre-emptive right, which was simply an act of justice.

The POSTMASTER-GENERAL: The leases were never indefeasible. The Bill allowed the lessees to take away their improvements or to be paid for them.

The Hon. E. I. C. BROWNE did not think it at all unreasonable that the Crown tenants should ask for compensation. He should be prepared to support the amendment; but, as he was desirous of seeing that compensation carried in another place, he was inclined to move that one-fifteenth should be the proportion to be taken up under pre-emption.

The Hon. F. T. GREGORY said there was no need for a compromise, seeing that the lessees would pay for the land. To his certain knowledge, some gentlemen had been under the impression that by the last Act passed they would get the land for nothing. All that was asked for was, what might otherwise be taken up by Mr. Smith, or Mr Jones, from Victoria. The land would be put to the most profitable use by those who should take it up: it would be cultivated, doubtless, when the proper time arrived.

The Hon. J. TAYLOR would give twenty per cent. of the runs to the present lessees. After all, what was the proposition? That the lessees should give the upset price of ten shillings an acre for not the best lands of the colony! They were to have the first pick—to make a choice, before Jack, Tom, Dick, or Harry selected on their runs. The lessees were astounded when they found that, under a little clause introduced into the Act of 1868, by a clever dodger, they had to pay for the lands which they were allowed to pre-empt. But they had paid for their lands, and they were willing to do the same again. If the other House threw out the amendment, and the Bill, let them do so.

The POSTMASTER-GENERAL assured the House that the Government did not intend that the pastoral lessees should be displaced by another set of pastoral occupants. If they put the Bill into the same shape as when it was introduced in the other House, with a few little amendments, they would do well. The pastoral tenants had up to 1879 to secure their pre-emptive rights under the Act

of 1868, if they chose to do so. The amendment would not stand in the other House.

The Hon. H. G. SIMPSON commented on the difference between the Act of 1868, which made the runs partly resumable, and the Bill, by which the runs would be resumed absolutely. There was no repudiation under the arrangement by which the option of the Executive as to lands resumable was exercised; where the Ministry had a real responsibility, and the two Houses of Parliament had the question put fairly before them. The Ministry should have the power to resume when they thought proper; but they should not be placed under the shelter of an Act of Parliament by the wholesale resumption, at once, of the lands held by the Crown tenants. The lessees had a fair claim to compensation under the Bill, and he should support the amendment.

The Hon. J. TAYLOR urged honorable members to make a stand.

The question was put, and the amendment was affirmed, on a division :—

Contents, 17.	Not-Contents, 3.
Hon. H. G. Simpson	Hon. W. Thornton
„ J. F. McDougall	„ J. Gibbon
„ W. H. Long	„ G. Thorn.
„ H. B. Fitz	
„ Sir M. C. O'Connell	
„ A. B. Buchanan	
„ W. F. Lambert	
„ J. Taylor	
„ W. Wilson	
„ F. H. Hart	
„ G. Sandeman	
„ T. L. Murray-Prior	
„ W. D. White	
„ A. H. Brown	
„ F. T. Gregory	
„ L. Hope	
„ E. I. C. Browne.	

The clause, as amended, was then passed.

Clause 10—Governor in Council may issue leases on certain terms.

[The breviate was proposed to be put in the margin by the Chairman.]

The Hon. F. T. GREGORY moved the omission of the words "in Council," in the first line of the clause. The issue of a lease was not a matter of deliberation, but a matter simply for the Governor to perform. The words were superfluous, and must have got into the clause accidentally.

The POSTMASTER-GENERAL did not agree that the words were superfluous, unless in the interpretation clause it was stated that "Governor" meant "Governor in Council."

The PRESIDENT: It was possible that the words, if read strictly, might create mischief. It would be necessary that all the leases to be issued should be brought before the Executive Council—that had not been the practice hitherto—and that a minute of Council should be made on each lease. He did not think that the action of the Minister for Lands, who was responsible for such documents, would be strengthened by such a course; on the contrary, it would be rather interfered with and made difficult: and the duty of the Executive Council would be increased greatly if the consideration of every lease was to go before it, before being issued.

The POSTMASTER-GENERAL withdrew his opposition.

Agreed to.

The Hon. F. T. GREGORY proposed an amendment in the first sub-section of clause 10, to make the term of the lease date from the "first day of July, 1875," instead of from "the commencement of this Act." As the Bill, under one of its provisions, was not to come into operation until the 1st January, 1875, and as, under another provision, six months' notice was to be given to the lessees of the resumption, the amendment was to make the Bill harmonious.

Agreed to.

A verbal amendment was made in the second sub-section, to make the rent payable equal to that paid in 1874.

The seventh sub-section was amended by the addition of the words :—

"And no selector shall occupy the land until such notice [of resumption] shall have been duly given."

Sub-section eight was amended by the substitution of "pre-emptive selector" for "conditional purchaser;" and from sub-section nine the following words were omitted :—"In respect of which no pre-emptive right has been exercised."

The POSTMASTER-GENERAL opposed the omission of the words from sub-section nine. Under the Act of 1868, the lessees got their pre-emptives in consideration of certain improvements, and the improvements reverted to the Crown, whether they were in the pre-emptive selection or not.

The Hon. T. L. MURRAY-PRIOR: What the Postmaster-General said was not in accordance with the spirit of the Act, though it was with the interpretation put upon the Act by lawyers. He always held this opinion, and had declared it as a Minister of the Crown.

The Hon. A. H. BROWN: The Act of 1868 had run its full course. What was sought now was for improvements, of the use of which for three or four years lessees would be deprived under the Bill. The Postmaster-General was misleading the House—perhaps not intentionally.

The POSTMASTER-GENERAL: It was extraordinary that the Government of which the Honorable Mr. Murray-Prior had been a member put that illiberal interpretation on the 13th clause of the Act of 1868.

The Hon. W. WILSON: He was aware the Government acted as if they had a right to the improvements; but the lessees had a right to complain of such action.

The Hon. T. L. MURRAY-PRIOR: The late Premier was of the same opinion as he.

The POSTMASTER-GENERAL: Then, why did he act so? He had no objection to the amendment, so long as all were treated in the same way. Nine-tenths of the pastoral lessees in the settled districts had paid for their improvements; but, if the clause was amended

as proposed, one firm that had not paid would benefit to the extent of £1,500.

The Hon. J. TAYLOR: There were several interested. But those who did not pay did not get their leases. He had paid some hundreds of pounds for his improvements, but he did not, therefore, choose that the clause should go as it was printed, and he supported the amendment.

The Hon. F. T. GREGORY contended that the settlement of the question affected the future welfare of the colony, by encouraging the improvement of the runs and the increase of their carrying capabilities. He referred to the improvements made on Darling Downs, beginning seven years ago.

The POSTMASTER-GENERAL: The pastoral lessees made the improvements in order to benefit themselves. They had put up fences to economise labor.

The Hon. J. TAYLOR: The style of argument of the Postmaster-General was, that if he grew five hundred bales of wool, the country benefited; but, if he grew five thousand, it did not—only the squatter benefited.

The clause, as amended, was agreed to.

Clause 11—Transfer of leases—was amended by making the fee £1 instead of a guinea.

Clause 12 was amended by the insertion of a direction that the rectangular boundary lines of town and suburban lands should be "directed to the four cardinal points."

Clause 14 was amended so as to enable the "agent" of an applicant for a conditional purchase or homestead selection to sign the register of applications.

Clause 21—Land Commissioner to hold a court once a month.

The Hon. F. T. GREGORY moved the addition of the following words at the end of the clause, so that though the decision of the commissioner would not be final until confirmed by the Secretary for Lands, yet that the Minister—

"shall within six months notify his confirmation or disallowance thereof and if such notification be not given within such period it shall be taken that the decision of the commissioner has been confirmed."

Inconvenience was experienced by selectors under the Act of 1868, because of the time allowed to elapse before the confirmation of their applications. The undue delays utterly neutralised the benefit conferred by the Act. He knew the difficulties in the way of a Minister hurrying through a lot of applications, and that in some districts it was difficult to get surveys carried out. If the Minister could not get a surveyor, that was an excuse that could be readily taken; and it was optional with a selector to get a surveyor himself. The amendment would bring about some definite decision. It would be better to reject an application than to delay the decision for months.

The POSTMASTER-GENERAL: If the amendment was carried, it would make the law inoperative. Surveyors were very scarce in other colonies as well as in this colony, and it took a long time to prepare maps. The commissioner could not report without a survey was made.

The Hon. A. H. BROWN: It was desirable that some pressure should be put upon the department to induce it to be more prompt.

The Hon. W. WILSON: Surveyors were to be had, if the Government would pay for them.

The Hon. T. L. MURRAY-PRIOR said he knew of selections having been abandoned because of the delay in confirming the applications.

The Hon. J. TAYLOR: There were hundreds of applications the confirmation of which had been delayed for years. Some clause was necessary to compel the Minister for Lands to confirm or reject them, and not to delay the confirmation from some whim of his own. The Postmaster-General had lots of selections: perhaps they were confirmed, as he was now connected with the Ministry.

Amendment agreed to.

Clause 23—Applications for certificates of performance of conditions.

On the motion of Mr. GREGORY, the following words were inserted—"either under this Act or the Crown Lands Alienation Act of 1868;" the words empowering another officer to act for the commissioner, were struck out; and evidence was made admissible on oath "or otherwise." On the question for the omission of the words that the Commissioner's "decision shall not have effect until after confirmation by the Secretary for Public Lands," the honorable gentleman urged that they were non-essential, and only embarrassed the commissioner on a small matter of detail, by causing delay, and that the clause would be simplified by their being left out.

The POSTMASTER-GENERAL did not agree that the omission of the words would simplify the clause. The amendment affected the principle of the Bill, and its effect was not to facilitate business in the Lands Department, but to lead selectors astray.

The Hon. G. SANDEMAN: The principle of the Bill was gone long ago. The House were trying to bring it back to a principle.

The Hon. H. G. SIMPSON said he had a remark to make, not with reference to the Bill, but with regard to government in the colonies generally. The amendment was correct in principle and would turn out a great improvement in practice. What the colony wanted was not the constant petty interference of the Executive or Ministry of the day, nor the augmentation of their powers; but the making more comprehensive the functions of the permanent heads of the public departments to deal with the business of the country. If an officer did not do his work, the Minister, who was responsible to Parliament, had his remedy—though, as to responsibility, it was

only to the political opinion of the party strongest at the time that he was really responsible. The increase of Ministerial powers of interference with departmental details was becoming a perfect nuisance in all the colonies, and it was the sort of thing that would not be tolerated in the old country. Not merely in the Bill, but generally in the Government, he should be glad to see an amendment carried out on the principle of that now proposed.

Question—That the words proposed to be omitted, be so omitted—put, and the committee divided :—

Contents, 14.	Not-Contents, 3.
Hon. A. H. Brown	Hon. G. Thorn
„ F. T. Gregory	„ W. Hobbs
„ T. L. Murray-Prior	„ W. Thornton.
„ H. G. Simpson	
„ W. Wilson	
„ A. B. Buchanan	
„ W. F. Lambert	
„ L. Hope	
„ J. F. McDougall	
„ G. Sandeman	
„ W. D. White	
„ H. B. Fitz	
„ J. Taylor	
„ W. H. Long.	

Agreed to, and, with another consequential verbal amendment, the clause was passed.

Clause 24—Forfeiture of conditional purchase or homestead selection—was amended by confining to the Land Commissioner alone the function of hearing and deciding upon such cases, and requiring him to "give his decision in open court and report the same in writing" to the Secretary for Lands.

Clause 25—All lands open under previous Acts to be open to selection under this Act.

On the motion of Mr. GREGORY, the words, "and also all lands included in the pastoral leases to be issued under section ten of this Act," were omitted.

The Hon. F. T. GREGORY then moved the addition, at the end of the clause, of the following :—

"And in like manner all lands included in the pastoral leases issued under section ten of this Act shall be open to selection after the first day of July one thousand eight hundred and seventy-five. Provided that the powers of selection given under this Act shall not apply to any lands now held under lease situated in the present unsettled districts 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."

The Hon. H. B. FITZ said he should object to the latter part of the proviso. One of the Postmaster-General's colleagues had expressed himself to the effect that he could take twenty square miles out of any run as a township reserve.

The POSTMASTER-GENERAL said he had no objection whatever to the amendment. The honorable member must be aware that, when land was wanted, the Government had ample power——

The Hon. H. B. FITZ : Resume it by resolution.

The Hon. A. B. BUCHANAN : The amendment was nearly word for word the same as the Secretary for Lands had proposed. The necessity for the amendment arose from a discussion in the Assembly. Under the Pastoral Leases Act of 1869 there was a provision somewhat similar ; but it did not embrace all the lands in the unsettled districts. No doubt that escaped the honorable gentleman at the time ; and he gave him credit for believing that all the land was embraced. The feeling of the House was, that if the unsettled districts were to be resumed by free selection, the proposal to throw them open should come before Parliament in a definite shape. The amendment was a very moderate one. There was nothing in the objection of the Honorable Mr. Fitz. If it was unavoidable, the land must be taken up.

The Hon. H. B. FITZ : If the amendment was passed, the power would be abused. He moved the omission of the words " or by proclamation of township or railway reserves."

The amendment was not received ; and the addition to the clause was agreed to.

Clause 26 was verbally amended.

Clause 28—Notice of confirmation by Secretary for Lands to be given to selector—was amended by the addition, on the motion of Mr. GREGORY, of the words, "but if there be objection, the nature thereof shall be notified to the selector."

Clause 31—Conditional purchases not to exceed 1,280 acres, homesteads not to exceed 160 acres.

The Hon. F. T. GREGORY moved that the maximum area of a conditional selection be increased to "2,560" acres, and that the proviso giving power to the Governor, by proclamation, to increase the maximum to 3,840 acres, be omitted from the clause. The amendments would make the Bill a workable measure, and be convenient in every way.

The POSTMASTER-GENERAL could not agree with the amendment, unless personal residence was made a *sine quâ non*. The climatic conditions of the colony rendered the arrangements set forth in the clause most desirable ; in the rain belts, where cultivation could be carried on, the area of selections should be smaller than in the dry districts where larger areas were required for grazing purposes. He warned the outside lessees that if the amendment was carried, without the condition of residence being insisted upon, they were only making a rod for their own backs. The cream of the country would be taken up in a month : the large area, without residence, would be a temptation to dummying. There would be an outcry for land, and no Government would live forty-eight hours that did not bring in a comprehensive Land Bill throwing open the land in the unsettled districts to free selection.

The Hon. A. H. BROWN regarded the amendment as very desirable, and expressed his astonishment at the representative of the Government in the Council opposing it, when it was recommended by the Minister for Lands himself. It would be retracing the

steps of the Parliament in liberality to go back to residence, as the honorable gentleman asked.

The Hon. W. THORNTON: It would never answer to fix one area for all the districts of the colony. He thought 1,280 acres too large for selection on Darling Downs and Moreton, but not enough for distant districts.

The Hon. H. G. SIMPSON was very happy to see the amendment brought forward, as he agreed with it. The great object was to get families settled on the land—not all poor people, be it remembered; and to produce in this colony that state of society which was found in all other advanced countries. The Act of 1868, properly administered, could not have been improved upon, and, under it, there was a larger amount of settlement on the land, in proportion to the population, than had taken place in any colony. It was only recently that a late Minister for Lands had been able to see the proper way to administer it, and to learn for himself what was going on. The commissioners had been expected to do too much, and to perform duties that should have been left to subordinates. The system of Crown bailiffs introduced by the present Government would remedy that defect, under a competent Minister for Lands, such as the colony now had; and he had no doubt it would work well. It should not be in the discretion of the Government to alter the area of selections. Speaking as an outsider, 1,280 acres was insufficient to make a living on, combining agriculture and grazing, which was the most perfect plan to adapt to the colony, while it was more than sufficient for an agricultural farm merely.

The Hon. F. T. GREGORY, in answer to the Postmaster-General, said he would not insist upon residence; but he thought that the House might go so far as to require that an applicant should not be a non-resident of Queensland—he must not be an absentee. A great deal had been said about absentees having selected land for speculative purposes.

The question was put, and the amendment was agreed to as proposed.

Clause 33—Homestead areas may be proclaimed.

The Honorable F. T. GREGORY moved that the following proviso be added to the clause:—

"Provided also that in the case of lands included in any pastoral lease resumed under clause nine of this Act the area to be set apart for homesteads only shall not exceed one-tenth part of the area of the lease and shall be in one block the extreme length of which shall not exceed twice the main breadth."

It was desirable to give every possible encouragement to homestead selectors to get good land, and it would be the duty of the Government to see that they got the best; but the Minister of the day should not have the power to proclaim any area on a particular run that might suit his particular view, or to make political capital out of it.

The POSTMASTER-GENERAL: The proviso was an innovation that would tie the hands of the Government. The Honorable Mr. Gregory knew very well that there was only a small part of the country fit for homesteads. The proviso would throw open too much land altogether, and give the Government command of only one-tenth of the fine land. If by making political capital out of the proclamation of land for homeatead areas, the honorable member meant that the Government would keep it out of the hands of speculators and the pastoral lessees, he was right. The amendment was one of the worst of the many bad amendments which had been proposed.

The Hon. A. H. BROWN: What was to be avoided, was shutting up too much land in agricultural areas. The object was to give the homestead settlers the very best of the country.

The Hon. F. T. GREGORY wanted to prevent the Ministry playing into the hands of any particular class.

The POSTMASTER-GENERAL: If the clause was carried, it would make the Bill a measure to allow dummying. The clause was the saving clause of the Bill to prevent dummying.

Question—That the proviso be added—put and the committee divided:—

Contents, 14.	Not-Contents, 3.
Hon. W. H. Long	Hon. W. Thornton
„ A. H. Brown	„ W. Hobbs
„ L. Hope	„ G. Thorn.
„ J. F. McDougall	
„ Sir M. C. O'Connell	
„ A. B. Buchanan	
„ G. Sandeman	
„ W. Wilson	
„ W. D. White	
„ J. Taylor	
„ F. T. Gregory	
„ H. G. Simpson	
„ W. F. Lambert	
„ T. L. Murray-Prior.	

Agreed to, and clause as amended passed.

Clause 45 was amended verbally.

Clause 46—In case of death, selections may be transferred—was amended, on the motion of Mr. GREGORY, by the omission of the proviso requiring the transferee to fulfil conditions.

The Hon. F. T. GREGORY proposed the insertion of a new clause to follow clause 48, as follows:—

"No person until he shall have resided personally in Queensland for a period of six months shall be competent to become a conditional selector under this Act."

It would hardly interfere with new arrivals, and it would prevent speculators coming here to grasp the country then open. If he had had time he should have drafted the clause to leave it in the power of *bona fide* selectors to comply with the condition after selecting.

The POSTMASTER-GENERAL: That would do. Residence afterwards.

After some discussion, and the altering of the time to "three" months, the question was put and the clause was negatived.

Clause 49—Applicant to make a declaration. The proviso was altered, on the motion of Mr. GREGORY, to read as follows:—

"And provided further that in case of the death of the selector leaving a widow or children all of whom are under twenty-one years of age the right of fee shall enure for the benefit of his widow or if there be no widow then for his children and the executors administrators or guardians may at any time within two years from the death of the selector sell the said land for the benefit of his widow or in case of her death for the benefit of the children but for no other purpose and the purchaser shall acquire the absolute title of the purchase and be entitled to a Crown grant on payment of the deed fees."

The Hon. F. T. GREGORY moved the insertion of the following new clause, to follow clause 64 of the Bill:—

"In any proclamation of sale by auction the Governor in Council may specially declare that any country or suburban lands which have been offered for sale at such auction and not bid for or not sold by selection at the upset price and which shall not have been withdrawn from sale may after the expiration of thirty days from the offer at auction be open to selection as homesteads or by conditional purchase."

He said it was a provision, though not in exactly the same words, introduced from the Act of 1868.

Agreed to.

Clause 66—Licenses to mine for coal—was omitted, with a view to its insertion after clause 71.

The Hon. F. T. GREGORY moved another new clause to follow clause 65. Its object was to allow the purchaser of country lands, at auction, to elect to pay by ten equal instalments:—

"The purchaser at auction of any country land may at the time of purchase elect to pay for the same by ten equal annual instalments each being a sum equal to one-eighth part of the price at which the land was sold to him at such auction or by selection after auction and the amount of such first instalment together with the cost of survey shall be paid to the land agent at the time of purchase and each subsequent annual instalment shall be paid to the land agent on the thirty-first day of March in each ensuing year and in default of such payment the land and all improvements thereon shall be forfeited to the Crown Provided that such forfeiture may be defeated if on or before the thirtieth day of June next following there shall be paid to the land agent a sum equal to that which was due on the thirty-first day of March together with an additional sum equal to one-fourth part thereof by way of penalty Provided also that if any such purchaser shall at any time pay to the land agent a sum equal to the next annual instalment together with four-fifths of the annual instalments which would become due thereafter and also the deed fee he shall thereupon be entitled to a deed of grant in fee-simple."

The principle of deferred payments had been affirmed, and the clause provided for the application of that principle at auction in accordance with the spirit of the rest of the Bill.

The POSTMASTER-GENERAL: The clause would make nonsense of the Bill. If ever there was an absurd proposal, it was one. In New South Wales, selling land at auction was the way Mr. Parkes got his revenue now. The meaning of the auction clause was to get cash into the Treasury immediately. He was astonished at such a proposal coming from the Honorable Mr. Gregory. Absurdity was stamped on the face of it; and, if it should be passed, it would make the Queensland Council look small in the eyes of the other colonies—indeed, they would be the laughing-stock of Australia!

The Hon. F. T. GREGORY: The object of the clause was to class the lands at auction. If they realised a good price, there was the best test that they were worth it; and the choice of deferred payment was likely to enhance their value. He dissented from the statement of the Postmaster-General, that the object of the auction system was to throw a large amount of money into the Treasury at once. To get an advanced amount distributed over ten years was better than the whole payment at once. There would be more elasticity in the revenue. It must be borne in mind that the purchaser was to pay in advance from the commencement of deferred payment.

The Hon. A. B. BUCHANAN opposed the amendment, which would be a dangerous innovation in many respects. The excitement of an auction sale, with deferred payments, would create a spirit of land speculation amongst people of limited means, from which, he ventured to say, many would date their ruin. And he was sure the introduction of such a provision into the law would deprive the Government of the great advantage of auction sales, which meant "cash down." Who would pay cash when he could have deferred payments over ten years? He told the Honorable Mr. Gregory beforehand that he should oppose the clause; and he had gone to the trouble to work out the comparative results between buying for cash and on credit:—Take £100 worth of land: at the end of ten years it would be found that the man who had purchased on deferred payments, instead of paying more, had actually secured his land for less, by one-fifth of the purchase money, than the man who had paid cash. For cash, the principal and interest represented £215 18s. 3d.; on deferred payments, the amount was only £195; or a difference of £20 in favor of the latter. So that the argument, that the State would get more for the land under a system of deferred payments, went for nothing. The amendment interfered with the whole Bill, by getting rid of the conditions. In other words, by paying 1s. 3d. per acre a-year, a man could get rid of all conditions. So that the proposal was without advantage to the country. Cash was the *quid pro quo* for

getting land without conditions. The Colonial Treasurer was bound to oppose the amendment. The Honorable Mr. Gregory was depriving the country of one of the best nest eggs at the command of the Government. If the Government found it necessary to raise money, they had only to let it be known that they would force land into the market for cash, and they would get it. The whole thing was objectionable, and he hoped it would not pass.

The Hon. A. H. BROWN: The object of the clause was to meet the requirements of persons of limited capital, who could not make ready money payment. Auction was a means of testing the value of land; and he had a very high admiration for the system. When he first saw the clause, he thought it would be beneficial; but the Honorable Mr. Buchanan had shown some defects, and he could almost ask the Honorable Mr. Gregory to withdraw it.

The Hon. T. L. MURRAY-PRIOR: If a man had private property for sale, and he wanted cash for it, he had only a limited market. If he would give easy terms, there was a large number of persons to treat with him, and at an enhanced value. A man might give fifteen shillings an-acre for land, for sake of the advantage of deferred payments, who could not afford ten shillings cash.

The Hon. H G. SIMPSON: From the capitalist's point of view the Honorable Mr. Buchanan's calculations were, no doubt, correct. But there were many people who had not cash at command, but who could, without difficulty to themselves, pay off a purchase in a series of years; and the extension of time to them was a great advantage. Personally, he should be glad of time if he desired to make a purchase in land.

The Hon. W. WILSON supported the clause.

The Hon. G. SANDEMAN said he was afraid the clause trenched upon dangerous ground. The effect of the clause would be to enhance the value of land, and no one could say where it would end; and it might lead to a great deal of speculation with injurious results, as had been seen in other colonies. To pass the clause would be a retrograde movement.

The question was put, and the committee divided:—

Contents, 7.	Not-Contents, 7.
Hon. Sir M. C. O'Connell	Hon. W. F. Lambert
„ H. G. Simpson	„ A. B. Buchanan
„ W. Wilson	„ A. H. Brown
„ F. T. Gregory	„ J. Taylor
„ L. Hope	„ G. Thorn
„ J. F. McDougall	„ W. Thornton
„ T. L. Murray-Prior.	„ G. Sandeman.

The CHAIRMAN said: The votes being equal, it remained with him to give the casting vote; and he voted with the Not-Contents.

The following clause (original clause 66, with the proviso added) was inserted to follow clause 71:—

"The Governor in Council may grant licenses to mine for coal on temporary or permanent reserves on such terms as to securing the surface license fees royalties or otherwise as he shall see fit Provided always that where any coal mine is in work on freehold land adjoining or near to any such reserve the preference will be given in granting any such license to the owner or owners of such coal mine."

The Hon. H. G. SIMPSON, on whose motion the proviso was added, said the honorable member for Bremer had drafted it for him. It was to protect persons who had opened coal mines on private land for which they had paid a high price, by giving them the preferences in taking up adjacent land in Government reserves for mining purposes.

Clause 73, 74, and 75, referring to "commons," were altered by the omission of all mention of "districts," so as to confine commonage to towns.

Clause 80—Cost of survey—was amended, on the motion of Mr. GREGORY, by altering the last item in the scale to read thus:—"640 acres, £8; and for every additional 640 acres, or part of 640 acres, £4."

The POSTMASTER-GENERAL pointed out that the committee were exceeding the powers of the Council, and running a risk of the Assembly throwing out the Bill, by interfering with a clause which made a charge on the people.

The Hon. H. G. SIMPSON; Leave it out.

The CHAIRMAN: It was passed. The Bill could be re-committed.

Clause 83—Extension of time for making proof of performance of conditions under section 51 of 31 Vic., No. 46.

The Hon. F. T. GREGORY moved the following proviso, to be added at the end of the clause:—

"Provided also that if on application to the commissioner by any such selector for such certificate it shall appear to the commissioner that the amount of residence or improvement or cultivation is insufficient to cover the whole area of the selections such commissioner shall issue to the selector a certificate of the amount of each condition which shall appear to him to have been actually performed and if the holder of such certificate shall pay to the land agent a sum equal to the amount of the future rents together with an additional sum equal to *five shillings* for each acre of his selection which shall not be covered by the amount of the conditions certified by the commissioner he shall be entitled to a deed of grant in fee-simple."

This provision was to get rid of the difficulty that surrounded the question of incomplete conditions by the imposition of a heavy fine equal to the full price of second-class pastoral land. It was a compromise which the Government might be satisfied with, and which would suit all parties.

The Hon. A. H. BROWN expressed his entire approval of the amendment, because he knew that there were selectors in all sorts of difficulties, and that the Government were in a difficulty, too, as to how to deal with them. The sooner the difficulties were met the better. He suggested that half the amount of the original price might be an adequate penalty.

The proviso was adopted.

The Hon. F. T. GREGORY moved that the following new clause stand part of the Bill after clause 83:—

"Any lessee who holds lands under the provisions of '*The Leasing Act of* 1866' within any agricultural reserve who shall prove to the satisfaction of the land commissioner for the district that one-tenth part of the land so held by such lessee has been cultivated or that the whole has been enclosed with a substantial fence or that he has expended a sum equal to *five shillings* per acre in substantial improvements thereon shall be entitled to a certificate under the hand of such commissioner that the said lessee has duly performed the said conditions or either of them and such lessee shall thereafter be entitled to a deed of grant in fee-simple on payment of the balance of the eight years' rent and the deed fee into the Treasury Provided that where the conditions of cultivation or improvement are insufficient to cover the whole area the commissioner shall issue a certificate for the amount of cultivation or improvement which has been effected and the lessee shall on payment of the sum of *two shillings and sixpence* for each acre not covered by such cultivation or improvement in addition to the balance of rents and deed fee be entitled to a grant in fee-simple."

Agreed to.

Clause 95—False declaration under this Act to be perjury.

The Hon. J. TAYLOR moved that this clause be expunged. He should move also, that the two following clauses be struck out of the Bill. The penal code of the colony provided for everything stated in the Bill.

The Hon. A. B. BUCHANAN said he was astonished at the honorable member making such a proposition. A person making a false declaration should be punished for perjury.

The Hon. J. TAYLOR: It was already the law.

The Hon. A. B. BUCHANAN: Then make assurance doubly sure.

Question put and negatived.

The Bill was reported to the House with amendments.

The POSTMASTER-GENERAL moved the adoption of the report.

The Hon. T. L. MURRAY-PRIOR moved—

That this Bill be re-committed for the consideration of clause 80.

Question put and passed, and the House went again into committee.

Clause 80 was restored to its original form in the Bill as sent up from the Assembly.

The Bill was reported with further amendments; and the report was adopted.

GOLD FIELDS BILL.

A message was received from the Legislative Assembly informing the Council that their amendments in the Gold Fields Bill had been agreed to, but that an amendment was made upon their amendment in clause 84.

On the motion of the POSTMASTER-GENERAL, the House went into committee to consider the message, and agreed to the Assembly's amendment.

Reported accordingly.

NAVIGATION BILL.

The Hon. W. THORNTON said, in deference to the Honorable Mr. Murray-Prior, he had carefully compared the Bill as it originally passed the Council and as it was sent up from the Legislative Assembly, first of all with the Portmaster, and afterwards with the Clerk-Assistant of the Legislative Assembly. Though there had been several amendments made in the Bill, there was not one that could lead to the slightest discussion in the Council. He should read them if it was the honorable member's wish.

The Hon. T. L. MURRAY-PRIOR: The honorable member, in assuring him that the Bill was virtually the same as it had been passed by the Council, had told him all that he asked for.

The report from the Committee on the Bill was adopted, and the Bill was read a third time and passed.

CROWN REMEDIES BILL.

The POSTMASTER-GENERAL moved the second reading of a Bill for the protection and recovery of Crown property, and the enforcement of Crown rights and claims. He stated that the clauses were merely reprints of provisions in the existing Audit Act; the only alteration being that "Attorney-General" was substituted for "Crown law officers." The object of the Bill was to enable the Crown to recover debts, as was explained in the second clause.

Question put and passed.