Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 31 AUGUST 1875

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LEGISLATIVE ASSEMBLY.

Tuesday, 31 *August*, 1875.

Suspension of Standing Orders.—Real Property Act Amendment Bill.—Adjournment.—Crown Lands Alienation Bill.—Gracemere Pre-emptive Bill.

SUSPENSION OF STANDING ORDERS.

The COLONIAL TREASURER moved, without previous notice—

That so much of the Standing Orders be suspended as will admit of resolutions of Supply and Ways and Means being reported forthwith, and of Bills being passed through all their stages in one day.

The SPEAKER: I have to inform honorable members that it will require the consent of fourteen honorable members to allow this motion to be put.

Mr. THOMPSON wished to know whether the motion would apply to all business besides the Appropriation Bill.

The COLONIAL TREASURER: Yes.

Mr. PALMER thought it was a most strange proceeding that a motion of the sort should be brought forward, as he had had put into his hand only that very day a Bill which was altogether a new Land Bill, a *bona fide* new Bill; and to ask the House that that should be passed through in one day was preposterous. He should oppose the motion tooth and nail; at the same time, he should not object to the suspension of the Standing Orders, as regarded passing through any money Bills.

The COLONIAL SECRETARY thought there must be some misunderstanding on the subject, as the Bill referred to by the honorable member was not a new Bill, but the Government had inserted in it some provisions in accordance with the wishes which had been expressed by the honorable member himself, and other honorable members: they had substituted some clauses for the 51st and 57th sections of the Act of 1868. He certainly did not think the honorable gentleman was justified in calling it a new Bill.

Mr. PALMER: The auction clauses are taken out.

Mr. AMHURST said that, in the interests of his constituents, he must protest against the new Bill, as it would be more unfavorable to agriculturists than the present Act, and would have the effect of ruining thousands of men who were the back-bone of the country, and who tried to earn a hard living by agriculture. There were many men who had taken up land whose crops, perhaps, were not as good as they expected——

The SPEAKER reminded the honorable member that he was wandering from the question before the House, which was a motion for the suspension of the Standing Orders.

Mr. AMHURST said he had merely wished to show that the Land Bill circulated that afternoon was an entirely new Bill.

Mr. BELL thought that so important a motion ought to require a large majority of the House to pass it, as it was not usual to make such a motion, except for the purpose of passing the Appropriation Bill through the House.

The COLONIAL SECRETARY said he had not caught the exact words of the motion of his honorable colleague, but so far as he had heard them they only applied to money Bills.

The COLONIAL TREASURER said that, with the leave of the House, he would amend the motion by the insertion of the word "money" before "Bills."

The question, as amended, was put and passed.

REAL PROPERTY ACT AMENDMENT BILL.

The ATTORNEY-GENERAL, pursuant to notice, moved—

"For leave to introduce a Bill to amend the Real Property Act of 1861."

He had only a few words to say in regard to the Bill having been introduced at such a late period of the session, which were that it appeared to him desirable that a measure of such importance should be printed and circulated in order that members of the legal profession and others should have ample opportunity of making themselves acquainted with the changes it proposed to make before it became law.

The question was put and passed.

The Bill was read a first time and its second reading was made an Order of the Day for Tuesday, 14th September.

ADJOURNMENT.

Mr. PALMER rose for the purpose of calling the attention of the Government and of the House to a return which had been made to an order of that House—

"That there be laid on the table of this House, all papers and documents relative to the sale by auction of allotments 14 and 15, section Q, at Gympie, on 8th January, 1875, and subsequent cancellation of sale by the Secretary for Lands."

The return which had been laid upon the table contained only a fraction or tithe of the information which had been asked for. All

there was in it was, first, an application by Mr. John George Henry—

"I hereby apply for refund of deposit £8 1s. 0d. paid by me on allotment 14 and 15 section Q, town of Gympie — Minister for Works will explain."

So that an explanation of the honorable Minister for Works had to be given, and yet there was nothing in the return to show what that Minister had to explain. Then there was the second item in the return—

"The Secretary for Public Lands approves of the following refundment being made on the grounds stated :—

Reference to Paper 75-5312 H."

Where was that paper—it was not included in the return—in fact, it was not a return in accordance with the order of the House in any one way.

"Name of applicant—J. G. Henry.

"Particulars—Allotment 15, section Q, Gympie. Offered for sale, at Gympie, on the 8th June, 1875, as lot 38.

"Amount to be refunded—£8 1s.

"Reason for refunding—Ordered by Minister."

Had ever any one heard of such a reason—"Ordered by Minister"? Why, according to that, the Minister for Lands was to be autocrat of all Queensland, and he was to be allowed to set up what land he pleased for sale by auction, and then annul the sale and refund the deposit money. He had called for a return of papers, &c., bearing upon what appeared to be a most extraordinary exercise of power by the honorable Secretary for Lands, and, in answer to the order of the House, a return was furnished, which, on the very face of it, showed that it was anything but a proper return—

"The Secretary for Public Lands approves of the following refundment being made on the ground stated."

Why, he would ask, had not that paper, showing the grounds, been included in the return? It was numbered, and could no one discover what the paper was? Mr. Henry said the Minister for Works would explain; but where was that explanation? They were told that there was a paper and that the Minister for Works would explain; but they did not get the paper or the explanation either in the return. He presumed there was a Crown Lands Alienation Act still in force, and he had certainly never understood that where a sale had been conducted properly and in accordance with that Act, a refundment of deposit money should be ordered by a Minister. If a Minister could order such a refundment in one case, he could do it in all cases, and other persons who had purchased land under similar circumstances, were equally entitled to a refund. He held in his hand what appeared to him to be an explanation of the case :—

"On the 8th June, 1875, a number of town allotments were put up for sale by the land commissioner; allotment 14, section Q, having a house on it, and occupied by Mr. J. G. Henry, had a valuation of £225 upon it over the upset price. I competed for the purchase and went as high as £12 10s. for the land."

It appeared that Mr. J. G. Henry had bought the land for £110 an acre.

"Mr. Henry bid £12 12s. 6d., and it was knocked down to him. Allotment 15, section Q, having a fence around it and part of the chimney of Mr. Henry's house upon it, had no valuation upon it above the upset price, in consequence of Mr. Henry not residing upon it: for that purchase I competed and went as high as £40 for it. Mr. Henry bid £40 2s. 6d., and it was knocked down to him.

"I solemnly assert, and I am willing to make affidavit, that I had the money in my pocket, and was willing at that auction to have carried out my offers."

In no other instance had the amount of deposit money been refunded, and he wanted to know under what law or regulation, when a man bought a piece of land in a township, the Minister for Lands could step in and annul that purchase. It was a law he had never heard of, and he thought it was a matter of very considerable importance if there was such a law, as other persons hearing of what had been done in Henry's case might apply, and very justly too, to the Minister for Lands to have their money refunded. It was the most extraordinary case he had ever heard of, and he hardly thought the other honorable members of the Government could be aware of what their colleague had done. There was not a single reason given for the refund, in the return which had been furnished. It was a most extraordinary return, a most extraordinary answer—and a most extraordinary proceeding on the part of a Minister of the Crown. He should move—

That this House do now adjourn.

The Secretary for Public Lands said the honorable member who had moved the adjournment of the House appeared to have dragged in several matters hardly connected with that in hand, and which might just as well have been omitted. The order was for the return of all papers relative to a sale by auction of certain lands at Gympie, on the 8th January, 1875, whereas the sale did not take place till the 8th June, so that on that point, at any rate, it was apt to mislead honorable members, and lead them to imagine that the matter had been raked up after some months, whereas the 8th June was the date.

Mr. Palmer: That was the date on the motion.

The Secretary for Public Lands said that it did not appear by the return that there was any cancellation of the sale which took place on the 8th June; but, about a month afterwards, there was a refundment of £8 1s., which was made in accordance with the regulations issued under the Gold Fields Act, by which a man was entitled to hold 800 square yards of ground on which to live. In the case referred to, the man had erected a

building on the prescribed quantity of land; but, when the land had been surveyed for the purposes of sale, the surveyor had chosen to run his line through his land, and even through a part of the house erected upon it. That occurred just at the time when there was a change taking place in the Lands Department, and when the case was referred to him, it appeared to him, on looking at the map, that there had not been the slightest necessity for the surveyor to have so drawn his line, inasmuch as there were several other allotments in the same street, much larger, which had not been subdivided. He thought, under the circumstances, that it was only fair that the money should be refunded, as it was a peculiarly hard case, especially as by dividing the original allotment the portion on which the building was erected was considerably depreciated in value. It appeared to him that very much less injury was done to the public by refunding the £8 1s. than by allowing such a great injury to be done to one individual. The improvements on the corner allotment were also of a very valuable character—he was not prepared to say how much; but, at any rate, the evidence before him had been such as to convince him that justice could be done in no other way than by refunding the money. He was not prepared to say that his explanation would satisfy the honorable member, but that was the reason why he had acted as he had done.

Mr. PALMER: Under what law did you act?

The SECRETARY FOR PUBLIC LANDS: Under the regulations by which a man having a miner's right is enabled to hold 800 square yards of ground for the purpose of residence.

Mr. THOMPSON said he understood that Mr. Henry was interested in the improvements made on the land. Was that so?

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. THOMPSON: And he bought the land at auction with the improvements on it?

The SECRETARY FOR PUBLIC LANDS: Yes, and the improvements on it.

Mr. THOMPSON said that if the improvements had been valued previously, and the land had been cut up to increase the value of it, Henry would have benefited by it, and what he had wanted to put all the machinery of the Land Department into motion for, he (Mr. Thompson) could not understand. It appeared to him that the honorable Secretary for Lands had either broken the law, or had allowed a man to get out of his bargain for the purpose of getting the same land in another way.

The SECRETARY FOR PUBLIC WORKS said he rose for the purpose of explaining to the House what he had had to do with the case before them. He might mention that it had been put into his hands by the honorable member for Gympie, who had had to leave the House to attend to some urgent private business, and who had asked him to make certain representations to the Minister for Lands on his behalf. So far as he knew, the circumstances of the case were as follows:—That the man Henry was a tenant under the Gold Fields Regulations, and by virtue of his miner's right held a certain piece of land, upon which he made improvements. That land was put up for sale by auction, but the surveyor, for some reason or other—to make it appear more symmetrical, perhaps—had thought proper to divide it into two allotments, although the two, when put together, would not be of a larger area than that contained in other single allotments. The consequence was, that Henry was made to occupy two, instead of one, allotment; and that if the portion cut off from that on which he had erected buildings was sold, great loss would accrue to him. The man was in this position, that after having put up valuable improvements on the land, he had been deprived of the protection to which he would have been otherwise entitled by the action which had been taken by the surveyor, in cutting up that area to which, under the Gold Fields Regulations, he was entitled, into two allotments. Under those circumstances, the matter had been brought under the notice of the honorable Minister for Lands, and action had been taken subsequently, to which the man was in every way entitled. He did not think the Government would be acting honorably if, by means of the Gold Fields Regulations, under which a man could claim a tenure of certain land, they entrapped him to make improvements, and afterwards had a survey made by which such improvements were rendered valueless. He was not certain that a person under such circumstances would not have a good claim for compensation.

Mr. PALMER said that the explanation which had been given was not, to his mind, at all satisfactory; it merely proved that the honorable Minister for Lands could do as he liked, and that there was nothing as regarded the administration of the land laws that he would not do. They had known for a long time past that the titles to land were not safe under the present Government; and they now found that after lands had been sold by public auction, that those sales were not safe, but that the money, at the will of the Minister, could be refunded. He did not care who had been in occupation of the land in question; the simple facts were that the land had been gazetted for sale by the Government, that it had been put up for sale by the Government, that it had been purchased, and that the deposit money had been refunded by order of a member of the Government. They had been shown no law, no regulations, no authority of any kind whatever for the action of the honorable Secretary for Lands in regard to the refundment in question; and it was only another instance to prove that under the present Government there was no security whatever for any thing that was done in connection with the public lands. There had been no

attempt made to show that the Minister for Lands had acted according to law, and he submitted that the honorable gentleman had no more right to do what he had done than he (Mr. Palmer) had. If such a state of things was allowed to go on, there would be no beginning, or end, or middle to the monstrosities which could be committed by the Minister presiding over the Lands Department. The remarks of the honorable Minister for Works went for nothing; they merely referred to the facts of the case, with which, as far as regarded Mr. Henry, that House had nothing whatever to do; the matter at issue was, where was the authority for the refundment of the money paid for land which had been legitimately sold by auction under the orders of the Government? That authority had not been shown.

The question was put and negatived.

CROWN LANDS ALIENATION BILL.

Upon the Order of the Day being read, the Speaker left the Chair, and the House resolved itself into a Committee of the Whole, further to consider this Bill in detail.

On the motion that clause No. 1, as amended, stand part of the Bill,

The SECRETARY FOR PUBLIC LANDS said it would be in the recollection of honorable members, he thought, that when the Bill was last before the committee, the honorable Attorney-General was requested to prepare some clauses explanatory of the 51st and 57th clauses of the Act of 1868. Those clauses were now embodied in the new Bill, which had been circulated among honorable members. He believed they, as nearly as possible, conveyed the meaning of the 51st and 57th clauses, and it was thought that it would be more convenient to honorable members to have them embodied as they had been; at the same time, there were other things inserted by which the rights of selectors would be better preserved.

The COLONIAL SECRETARY said that when the House met that afternoon, he had explained that there were only one or two new clauses added to the Bill. He might mention with regard to others which had been withdrawn, that after the expression of opinion which had been given on the matter, the Government had not thought fit to insist upon the passing of the auction clauses, more especially as that part of the subject was provided for under the Act of 1868, and had, therefore, left them out of the new Bill.

Mr. MCILWRAITH wanted to know what Bill was before the committee at the present time.

The COLONIAL SECRETARY: The original Bill; the new Bill had been printed merely for the convenience of honorable members to show where the amendments would come in.

Mr. THOMPSON understood that clauses 1, 2, 3, 4, and 5 of the original Bill were intended to go—was that so?

The COLONIAL SECRETARY: Yes.

Mr. THOMPSON: Then the best way would be to move their omission.

Mr. GROOM pointed out that if the course proposed by the honorable member for the Bremer was not adopted, then the objection made by the honorable member for Port Curtis, that the Bill was not the Bill that was read a second time, would hold good.

The COLONIAL SECRETARY said that the course suggested by the honorable member for the Bremer was the only one that could be carried out.

Mr. PALMER said he had in his hands two Bills; one was "a Bill to amend the law relating to the alienation of Crown lands, Mr. Macalister, 12th May, 1875;" and the other, which had only been handed to him that day, was, also "a Bill to amend the law relating to the alienation of Crown lands," but was not fathered by any one. He should like to know who was sponsor to it—who was really responsible for it.

The COLONIAL SECRETARY: The Government was responsible for it. Honorable members had been furnished with a copy of it, as well as of the various amendments.

Mr. PALMER: He was not complaining of the want of papers, as he had any amount of them, but he had two Bills before him, and he wanted to know which really was the Bill they were going on with. The Bill with all the amendments put him in mind of the Irishman's gun, which wanted a new lock, stock, and barrel. Why, the Bill put into his hands that day, had not the slightest resemblance to the old Bill; and he would ask the honorable member at the head of the Government, whether, at that late period of the session, when there was only a thin House, it was either advisable, or even decent, to ask the committee to proceed with an entirely new Land Bill, when half the members had already gone home, and when those who were in the House had not had an opportunity of making themselves acquainted with the new clauses? He had certainly seen a great many amendments; but it was only that day that he had seen the new Bill, some of the clauses in which puzzled him a good deal. As to its being a measure to relieve the agricultural settlers, it would sit upon them twice as heavily as the existing Act; as, under the present law, they had the option of residence; but if the Bill was carried, they would have none whatever. He would like honorable members representing agricultural districts to look at the subdivisions in the first clause of the new Bill, as they would find that, whereas in the old Act it was provided that a man must reside on his land, "or" make improvements; in the Bill before them, the agricultural lessee would have to do both. Was that the way, he would ask, to relieve the agricultural settlers? He contended that if a man fulfilled the conditions of residence, he had fulfilled all the necessary conditions. There were several other objections to the

Bill, and he would recommend honorable members who were interested in the subject to study the Bill very closely, as it appeared to him that instead of offering any increased advantages to agriculturists, it would be handicapping them to an enormous extent. He thought so, at any rate; he had compared it with the Act of 1868, and that was his reading of it, and it was very unfair to that class. He would ask the honorable member at the head of the Government again, if it was fair or reasonable to try and pass a Bill of such importance through a thin House, at the end of the session? Why, only that very day they had agreed to the suspension of the Standing Orders to allow money Bills to pass through all their stages in one day; and yet, in the face of that, the Government had selected the present as a time to bring forward what was, to all intents and purposes, a new Land Bill. They had abandoned some of the clauses of the original Bill—the auction clauses, for instance—as they had discovered that they might be in favor of the squatters; but he might say that no one had opposed those clauses more than the honorable members who were engaged in pastoral pursuits. It was rather too late in the day to bring in a new Bill.

The ATTORNEY-GENERAL thought the honorable member who had just spoken had forgotten what had taken place. When the Bill was first before the committee, it was pointed out that the two principal features of it were the auction clauses and the extension of the homestead area clauses; then, when the motion was made on a following day, to go into Committee of Supply, and some discussion arose with regard to the Land Bill, he had been requested by the honorable member, and by the honorable member for Clermont, to frame some clauses defining as nearly as possible the construction to be put upon the 51st and 57th clauses of the Act of 1868, so that they might be embodied in the Bill. He had explained on the next day, when asked a question on the subject, that the matter had been more difficult than he imagined, but, as soon as the clauses were framed, they would be circulated among honorable members; that had been done, and the new Bill before the committee was an embodiment of those clauses. There were some alterations in the new clauses drawn up, and those it was proposed to adopt; and honorable members would observe, in the paper containing the new clauses, that there were some footnotes, all of which he would attempt to explain. He was only reserving the remarks he had to make until the clauses were before the committee. He would point out generally that, as regarded the words printed in italics, he could not inform them whether they would be any alteration in law or not, and for that reason he had had them so printed. With regard to the others, he might say that they were framed to take out of the hands of the Minister for Lands that arbitrary power of which some honorable members had been so much complaining.

Mr. PALMER said he remembered distinctly asking the honorable Attorney-General to frame an explanatory clause of the 51st and 57th clauses of the Act of 1868, but asking for a clause and getting a new Bill were two very different things. What he and the honorable member for Clermont had wanted was, a clause which would have the effect of giving greater certainty of title than there was at present; but he must say that he thought the clauses proposed by the honorable gentleman were not explanatory clauses at all, but merely made matters more involved, and certainly made things more unfavorable to the agricultural lessee.

The COLONIAL SECRETARY thought the proper time to discuss those clauses would be when they were submitted to the committee, and then he believed they would be found to have the effect of relieving settlers under the Act of 1868. He did not think the honorable member for Port Curtis was prepared to say that the Government under the present Act had power, even at the expiration of three years, to give a certificate, although the conditions might have been fulfilled, which was a state of things it was the duty of the Government to endeavor to remedy. If the honorable member would only read the clause, he would see that it was laid down distinctly that, if at any time after the expiration of two years from the date of selection it was proved that the conditions had been fulfilled by the lessee, the commissioner might issue a certificate to that effect, and so on; that put the question beyond the possibility of doubt.

Mr. AMHURST said that he must be allowed to make a few remarks, as the subject was one of immense importance to his constituency. The first Bill, which he saw was to "amend the Law relating to the Alienation of Crown Lands," dated 12th May, 1875, had been, after a great deal of opposition, read a second time. Being greatly interested in agricultural pursuits, he had then consulted with the honorable member for Clermont, who, with him, drew up some clauses. The honorable member for Clermont then suggested that, as the honorable Secretary for Lands represented an agricultural district, it would be better to show him the clauses, and see whether that honorable gentleman would take them up. He did so, but he had not seen those clauses since. They referred to the following question, that under the present Act it was intended that lands should be divided into three divisions—agricultural, first-class pastoral, and second-class pastoral—and that persons should take up each division separately; but it was now the practice that any person could apply for second-class pastoral and agricultural land, and that no distinction was made of those lands in the leases. Seeing that difficulty, he had proposed a clause that land should be

divided into three classes, and that when a man had cultivated one-tenth, he should be entitled to get his lease of it. He quite agreed with the honorable the Attorney-General that it was a very doubtful point; and, being a matter of doubt, he thought the right thing for the Government to do, if they were anxious to advance the agricultural interest, was to pass a clause defining the law in favor of the agriculturist; and that, he believed, would be met by the proposition he had laid before the honorable the Minister for Works. He had observed for some time that a good many members on the opposite benches were opposed to the advancement of agriculture in this colony; and how it was he could not make out. He could only suppose they were afraid any attempt at legislation in favor of the agriculturist would leave some loophole for dummying on the Darling Downs, but he could not see how that was possible; and he should not support, for one moment, any proposal which would be likely to have that effect. He must say he was very much surprised that, late in the session, and in a thin House, the Government should bring in this interpretation clause dead against the agricultural interest, and not in its favor. Another thing he would like to mention was, that it was not the rich man it would affect, but the poor man—the poor struggling agriculturist. The rich man could afford to keep a bailiff, which the poor man could not; and there were men who could only visit their selections occasionally, the greater part of their time being engaged in business, and as they made money, they invested it in improving their land; and those men also ought to have every facility placed in their way. He would not say he was astounded; he was grieved to find that the honorable the Minister for Lands, who was the representative of an agricultural constituency, would not endeavour to assist the agriculturist, but was going dead against them. The effect of this would be that there would be thousands of acres now under cultivation, in regard to which the selectors could not prove continuous and *bona fide* residence, because this clause was stronger than ever against the selector. The residence was to be continuous, without any break whatever; in fact, one day's absence would be sufficient to deprive them of their land. The effect would be that thousands of acres would be thrown open; and it would be a great benefit to the pastoral lessees, because they would be able to take up the lands which would be abandoned. He was therefore surprised at the Government pressing such a clause, especially at the end of the session, and in a thin House; and he hoped to be able to induce them to accept his amendment in the interests of the agriculturist.

The ATTORNEY-GENERAL did not know whether it was the wish of the committee that he should explain the reason why these insertions were made in the Bill now, or when the clause was moved, when it could be more properly done. If he proceeded to do so now, he might be called to order by the Chairman, for discussing a clause not before the committee. He thought it would be better to wait until the clause was proposed.

Mr. AMHURST contended that the Bill now before the committee was quite a new Bill, and not that which was introduced by the honorable the Colonial Secretary on the 12th of May, 1875, and which had been read a second time. He should like to have the Chairman's ruling as to whether it was the Bill that had been read a second time.

Mr. DOUGLAS thought the most convenient way of getting the Bill through would be for the honorable the Attorney-General to make his statement as to what the bearing of the Bill, as proposed to be amended, was. That would be the most convenient course, so far as he was concerned, because he must confess that the proposed amendments escaped his notice when issued amongst the papers; and he had only now, through the ordinary Parliamentary forms, received intimation that there was a change in the Bill. So far as he could judge from the limited time he had had to devote to the examination of the Bill, he felt favorably disposed towards it; and he could not shut his eyes to the fact that these amendments were an important change in the Bill; it was practically tantamount to a new Bill. He thought the business of the House would be best consulted if the honorable the Attorney-General, who was practically responsible for this new Bill, would explain its exact bearing with regard to the Bill originally proposed, and with regard to the Land Act of 1868.

The ATTORNEY-GENERAL said there was no new Bill before the committee; it was the old Bill, and a clause, of which notice had been given, had been prepared at the request of honorable members opposite; and probably it would be better to accept the suggestion, and at once say all he had to say about it. It was not a very interesting matter; and he might have some difficulty in making himself clear. What was particularly requested on the last occasion the Bill was before the committee was, that certain doubts raised by the honorable members for Bremer, Clermont, and, he thought, the honorable member for Dalby, should be cleared up—that the ambiguous character of the language of the statute in the fifty-first and fifty-seventh sections should be made clear and beyond doubt. Of course it could not be expected when matters had been doubtful for a long time, when one man held one opinion and another another, that any authoritative solution of these doubts would be acceptable to all; because, if the matter were perfectly clear before, there would be no occasion for an authoritative solution; so that some persons naturally would feel disappointed with the changes in the phraseology. It appeared to him that the most convenient

course to pursue was to substitute other words for the provisions of these two sections—the fifty-first and the fifty-seventh, with a proviso that nothing in the new language should operate to the prejudice of any selector, but giving him every benefit conferred by the new words. That was the meaning of the second of the proposed new sections—that nothing contained in the first of these sections should be construed to diminish or prejudicially affect the rights of any person who should have selected land before the passing of this measure; so that if the honorable member for Bowen said they had that effect, he was wrong; there was nothing to prejudice the rights of any previous selector, and if there were anything in his favor, he got the benefit of it. If it made any prejudicial change at all in the law, it made a change for the future, not for the existing tenants of the Crown. As to the first sub-section, it was *verbatim* the same as the first sub-section of clause 51 of the Act of 1868. The second contained no change in principle; but there were some verbal alterations, which he thought necessary to correct some grammatical inaccuracies; and the same observation applied to the third and fourth. These sub-sections were purely formal; and then they came to the sub-section containing conditions as to occupation and residence. In regard to this, there was no doubt that a number of men in the colony had been systematically endeavoring for years to evade the law as it now stood; and this sub-section was intended to meet that in the future. The 5th sub-section of clause 51 of the Act of 1868 provided:—

"The lessee of any agricultural or pastoral land his agent or bailiff shall reside on such selection continuously and *bona fide* during the term of his lease."

The honorable member for Bowen would therefore see that, under the present law, the lessee was bound to reside on the land continuously and *bona fide* during the term of his lease; and the remainder of the same sub-section provided that if he did not his lease might be forfeited:—

"Provided that if at any time during the currency of a lease it shall be proved to the satisfaction of the commissioner that the lessee has abandoned his selection and failed in regard to the performance of the conditions of residence during a period of six months it shall be lawful for the Governor to declare the lease absolutely forfeited and vacated."

That was dealt with by the 5th and 6th sub-sections of the proposed clause, and he would point out in the minutest manner every alteration. The first words in the fifth sub-section of this new clause were the same as in the same sub-section of clause 51 of the present Act, except that where "reside" occurred he had substituted "occupy," for the purpose of defining what "occupation" was. It was very difficult to define what "residence" was, but "occupation" might be defined. As far as this point was concerned, he had not formed a hurried opinion; it had been under his consideration nearly twelve months. One of the first questions submitted to him after taking office was the meaning of the sub-section of the Act of 1868 relating to residence; and his opinion was, and had been, that the residence required was continuous and *bona fide* residence on the land by the lessee himself, or some other person who was in the actual and *bona fide* employment of the lessee, and not in the employment of any other person in regard to the use of the land. That was his opinion of the meaning of "agent or bailiff" of the lessee who was entitled to the land; but he might be wrong. That was the opinion he had formed after mature consideration, and he did not see any reason to change that opinion; and the only alteration in this sub-section was, that instead of having an ambiguous clause, they would have a definition in which he did not think it could be said any ambiguity arose. The tribunal to determine any question of that kind would be the commissioner, not the Minister for Lands or the court. Under the present law, it had to be proved to the satisfaction of the commissioner, but the expressions were ambiguous; but under this proposed new clause he thought no commissioner could have any doubt as to the meaning of the word—as to the occupation required to be proved to his satisfaction. He thought there could be no difficulty whatever in proving it. "Continuously and *bona fide*" were the same words, exactly as in the present Act; and there was no change in that respect, unless he were wrong in his interpretation with regard to "agent or bailiff." But, at any rate, he thought there could be no wrong in defining that for the future, and it would not prejudice any one in the past. The sixth sub-section was the proviso to the fifth sub-section of the present Act; and it was inserted in this way that it might be clear, and that it might attract attention:—

"If at any time during the currency of the lease it shall be proved to the satisfaction of the commissioner that the lessee has failed in regard to the performance of the conditions of residence."

The word "abandoned" was left out; and he might point out that that was another question upon which doubt had arisen—what was the meaning of "abandoned"? It had been decided by the Supreme Court of New South Wales, in regard to a clause precisely the same in the material words as that in the present Act, that abandonment and failure to reside were identical, and the same opinion had been expressed at *nisi prius* by a judge of the Supreme Court of this colony. It had been impossible to bring the question before the full court here, but that was the opinion of the Supreme Court of New South Wales, and of one learned judge in this colony—that abandonment and non-residence were con-

vertible terms in that connection. So far as that was concerned, the only change was in the removal of an ambiguity. It might be that his opinion was wrong, and that the opinion of the House might be wrong if they agreed to the amendment; but it was important to remember that nothing contained in the section would prejudice existing rights. Honorable members need not be afraid of that; and if the clause were passed there could be no doubt as to what was the intention. He thought it was plain that the intention of Parliament, and the meaning of the Act of 1868, was, that if a man failed to reside on his selection for a period of six months, he abandoned the land. Then he came to the 7th and 8th sub-sections, which were different in form from the 6th and 7th sub-sections of the Act, which were very much longer; but he ventured to say there was not the least alteration in these sub-sections from the present law, although he admitted it was difficult to discover some of these provisions in the present law. Under the present law, it was provided that, if a man did so and so, he should be entitled to such and such rights, and if he did something else, he should be entitled to something more; if he, within a limited time, proved that he had done certain things, he was entitled to a certificate, and then, under the 9th sub-section, if, after he obtained that certificate, he paid the balance of the ten years' rent, he was entitled to a deed of grant. That came in the 9th sub-section, which made, what was previously an enabling clause, compulsory. That sub-section, in the present Act, provided—

"If during the currency of any such lease the lessee shall not have duly fulfilled the conditions hereinbefore specified then on the expiration of lease it shall absolutely cease and determine."

The honorable member for Bremer might shake his head, and say there were no conditions——

Mr. THOMPSON: Yes; two—residence and posts and rails.

The ATTORNEY-GENERAL confessed that for a long time he was under that impression himself, before he read the Act for the purpose of understanding it thoroughly, and he was rather startled to find that the performance of these conditions was compulsory. Those were the words of the 9th sub-section, and it was only by giving them the meaning he said they bore that any effect could be given to them. He was not prepared, however, to say the honorable member's opinion was not arguable. An opinion had been expressed by the Supreme Court of this colony, extra-judicially—he thought in the case of Bright *v.* the Attorney-General—that under the 57th section, the selector was not entitled to a deed of grant unless he proved to Governor in Council that he had faithfully complied with all the covenants and conditions contained in or implied by his lease. Now, they had to give some meaning to the words in the latter part of the 9th sub-section of the Act—"the conditions hereinbefore specified." There was no condition mentioned in the 9th sub-section at all, so that it could not refer to that; and the only things it could refer to were the conditions of residence and fencing mentioned in sub-section 6, which spoke of the lessee making proof of the performance of those conditions, upon which a certificate was to be granted. The 7th, in the same way, spoke of making proof of the performance of conditions; and the 8th provided that no lease should be transferred or assigned until the original selector had obtained a certificate from the commissioner that he had duly performed the conditions. There were no conditions mentioned in the 9th sub-section to which the words, "the conditions hereinbefore specified," could have any application; and the only application they could have was to the conditions he had referred to in the preceding sections. That was the conclusion he had come to; and that, under the present Act, if a man did not perform those conditions within the ten years, and make proof of such performance, at the end of term, his lease was gone; the Governor in Council could not issue a deed of grant until it was proved that they had been performed. He was now pointing out that the 7th and 8th sub-sections of the proposed new clause defined distinctly what would be found obscurely in the present law. Of course, he might be wrong; but, in his opinion, the conditions were imperative under the Act. The question had not yet arisen, and could not until some lease had run the ten years; but he ventured to say no Minister would issue a deed of grant to a selector who had not complied with the conditions. He would not say that a Minister could not do so, but he did not think he would find any legal adviser of the Government who would support him in doing so. But that question did not arise, and he thought it would be better to insert these provisions, which would not prejudice any one, and which would make it distinct what the law was. He ventured to say it was not altering the law in the least; he admitted that the present law was obscure by reason of the arrangement of the sub-sections of the Act, and he could not conceive how any person could desire to leave that obscurity existing any longer than could be helped. He had now said all he had to say on that subject. The 9th sub-section of the new clause, perhaps, altered the law as pointed out by the foot-note, by extending the time for applying for certificates, and it required residence to be proved in the case of agricultural as well as pastoral land. This was a matter he had heard brought up from time to time ever since he had been a member of the House, and the Government had been appealed to to extend the time, and he confessed he could never see any reason why it should be limited to two or three years; he could not see why

it should not be confined to the whole of the remainder of the term, and he believed that would give satisfaction to every one. It provided:—

"If at any time after the expiration of two years from the date of selection of any land the lessee shall prove to the satisfaction of the commissioner in open court that he has up to that time fulfilled the conditions of residence and has also fulfilled the conditions of improvement or fencing hereinbefore specified with respect to such land.

"Or if at any time during the currency of the lease of any agricultural land the lessee shall prove to the satisfaction of the commissioner in open court that he has *up to that time fulfilled the conditions of residence with respect to the land and has* cultivated one-tenth part thereof.

"The commissioner shall issue to the lessee a certificate that the conditions aforesaid have been duly fulfilled."

That, so far, merely extended the time; and then came what the honorable member for Bowen said was a very serious change in the law. Honorable members would observe that certain words were printed in italics for the express purpose that attention might be called to them, and it would be for honorable members to determine whether they would leave the matter subject to the doubt, which he would point out must exist, or make it clear and distinct. It was quite true there was at any rate a verbal alteration. Section 7 of section 51 of the present Act provided:—

"If within three years from the date of selection of any agricultural land the lessee shall prove . . . or if at any time during the currency of any such lease the lessee shall prove by two credible witnesses to the satisfaction of the said commissioner that he has cultivated one-tenth part of the land or if . . . then the said commissioner shall issue to such lessee a certificate, &c."

Now, it was true that in that division of the sentence there was nothing about residence; the only thing expressly required by that division was proof of cultivation; but it must be remembered that the 5th sub-section still remained in force, and applied to all agricultural land, so that under the law as it now stood, the lessee of agricultural land was bound to reside on the land up to the time he got his grant; there was no doubt about that. The present state of the law was this:—The selector was bound to reside, and if he did not, he was liable to be evicted at any time, either before or after he had got the certificate of the commissioner. That had been expressly decided by the court here—that the certificate of the commissioner did not relieve him from residence. The only protection he had got was this:—If he got a certificate from the commissioner, he had a new right conferred upon him, but he was not relieved from any liability or present obligation. He had a right to exercise an option, and if he took advantage of that—before he was turned out under the 5th sub-section—by paying up the balance of the ten years' rent in cash, he got his grant; but if he did not, and failed to reside, he could be turned out at any time up to the end of the lease. He admitted that if the selector got his certificate before he was turned out, and paid up the balance of the rent, he was entitled to a grant; but if he did not, he was in no way free from the conditions of residence. As the law now stood, there was an apparent contradiction, which had, no doubt, led selectors to think that by getting a certificate they were free from the conditions of residence, and were entitled to a grant on payment of the balance of the rent; but that they were not required to reside was entirely a mistake, which he believed existed to a great extent, and it was very important that it should be cleared up. The next sub-section contained really no alteration, except that proof of continued residence was to be given to the commissioner instead of to the Minister. In the 11th there was no change, and the 12th was a variation of the 57th section of the Act in the same manner. Under that section, the selector was entitled to a deed of grant on proving to the Minister that he had complied with the conditions, and it had been pointed out frequently during the course of the debate that that power ought to be taken out of the hands of the Minister, and that was here proposed to be done. In sub-section 14 there was no variation, although he thought it might be varied by making the width of roads two chains instead of one. The 13th was a variation of the second part of sub-section 9 of the 51st clause of the Act, which provided:—

"If during the currency of any such lease the lessee shall not have fulfilled the conditions hereinbefore specified then on the expiration of the term of the lease it shall absolutely cease and determine."

Under the 57th section, on proving to the satisfaction of the Governor in Council that he had faithfully complied with covenants and conditions of his lease, he got his grant; so that the result was this:—If he proved that to the satisfaction of the Governor in Council, he got his grant; but if he did not, he could not get a grant, and to turn him out it would be necessary to bring an action against him, which would put him and the Government to considerable expense in litigation, and that would be an extremely unsatisfactory course of procedure. The Government were bound either to issue the deed of grant, or to take legal action to turn him out; and he thought there should be some defined tribunal to determine whether he had or had not performed the conditions. Therefore, the 13th sub-section proposed to take it out of the hands of the Government, on the one hand, and out of the hands of the court, on the other; it would not be necessary to have recourse to the court to decide the question. The lessee was given six months, after the expiration of the lease, to make proof whether he had performed the condi-

tions; and if he did so, he got his grant, and there was an end of it, without any expense. That was the variation, and he thought it would be better than the present provision. If the lessee, at the end of his term, proved to the satisfaction of the commissioner, he got his grant; and if he did not prove within a reasonable time, he did not, and the matter was settled one way or another. The variations were all of a very trifling character indeed, so far as they were actual variations; but they were important, because he believed they would remove the doubts which at present existed. He desired to point out that, in drawing this proposed clause, he had endeavored simply to carry out the wishes expressed by members of the House, and he had done so purely as a lawyer, for the purpose of reducing, to the best of his opinion, whether right or wrong, to clear language, what was the present law, with such alterations as suggested themselves, whenever a doubt arose which it was necessary to clear up. He had treated it entirely as a matter of drafting, and the only serious alterations were not his own; he had simply framed them, as requested by honorable members on both sides of the House, and he trusted he had made the matter clear.

Mr. THOMPSON said he had suggested that the Government should move the omission of certain clauses before coming to actual business, and he did so because he was in great confusion as to how the matter stood, and he wished to have it decided. He did not approve of the Government pushing the Bill through when the greatest authority in the House on the land question was absent, and when the members on the Opposition benches were reduced to four or five. The excuse for bringing forward the amendments was, that they had been asked for by honorable members on that side of the House; but what took place was this:—In the heat of debate, when Ministers were called to account for this, that, and the other, various questions were asked and answers made, but it was not intended that these things should be taken literally; and when they asked for bread, they did not expect to receive a stone. What honorable members on that side of the House really desired and expected was that the land question would be settled—not an interpretation of one or two clauses of an Act of Parliament, about which great difference of opinion existed, and that interpretation directly contrary to the interests of the selectors. There were hundreds of selectors, who in the plain terms of the Act had forfeited their selections, and was it the intention of the Government to pass any resolution on the subject, or was it their intention to cast them out one by one and forfeit their selections, or to allow the country to suppose that those who were favorable to the Government would remain, and those who were opposed to them would be ejected? That was what was required to be settled, and it was agitating the public mind to a much greater extent than honorable members supposed, because the people interested in these matters were not going to damage their position by crying out, "I am in danger;" but they felt they were in danger in very many cases; and if the committee accepted the interpretation of the laws as proposed by the Attorney-General, the forfeitures now would be nothing to the forfeitures that would take place. He objected to the interpretation, in which the honorable the Attorney-General said the conditions of the 51st clause of the Act, which enabled a man to get his grant, or to transfer, before the end of his lease, were conditions which were absolute, and which, if he did not perform, subjected him to forfeiture at the end of the ten years. It was not the first time he (Mr. Thompson) had considered this question; he had given it very careful consideration, and the conclusion he had arrived at was this: That the whole thing turned upon the words "the conditions hereinbefore specified," and the honorable the Attorney-General took them to mean the conditions in each of the sub-sections.

The ATTORNEY-GENERAL: No; he did not.

Mr. THOMPSON: He thought so, and if not, then so far they agreed, but he thought the honorable the Attorney-General referred to the first part of the 9th sub-section, to show that the only conditions that had been specified in that sub-section were cultivation, improvement, and residence.

The ATTORNEY-GENERAL: No, the very opposite; I said it could not refer to the first part of the same sub-section.

Mr. THOMPSON: Well, he would take it that way, but he understood the honorable gentleman that the words "hereinbefore specified" meant cultivation, improvement, and residence.

The ATTORNEY-GENERAL: No.

Mr. THOMPSON: He understood that, but it did not matter so far as his argument was concerned. He took it that the 51st section was an instrument to be interpreted; that it was a clause that required interpretation in itself and in connection with the 57th section. The 51st section said: "You shall have a lease, you shall pay rent, you shall fence or put up boundary posts, and, if not, you will be liable to certain things;" and it said, "You shall reside;" those were the conditions. Then it went on to say, "If you like, after three years, to do certain things, you will have certain advantages;" these were not conditions as against the selector; they were not conditions of the lease as against the selector; they were enabling provisions and privileges in favor of the selector. In that view, the 9th sub-section had a very pertinent meaning, and the latter part of it must be taken by itself. It said:—

"If during the currency of any such lease the lessee shall not have duly fulfilled the conditions hereinbefore specified,"

—hereinbefore specified in the 51st section—and those conditions were that he must pay his rent, put up boundary posts, or a fence, and he must actually reside. Then there was the proviso to the 5th sub-section about abandonment and ceasing to reside; and he contended, notwithstanding the opinion of the judges of the other colony and the judge here, that "abandoned" and "non-residence" were different matters altogether. He confessed he had not read the whole of the case in New South Wales, but he did not think, from what he had read of it, that it bore precisely the same interpretation; at any rate, the two things appeared to him to be very distinct in the Act of 1868, which said:—

"has abandoned and failed in regard to the performance of the conditions of residence."

However, that was a minor point, and as minor points would have to be discussed as the clauses were brought on, if they were brought on, he would leave it for the present. He must confess that he did not see why a man's bailiff should be in his actual employment, and he was strengthened in that by the judgment of the Chief Justice in a case which came before him, in what he said. "True, it was the Act prevented a lessee from assigning, but there was nothing to prevent sub-letting"; and he (Mr. Thompson) had never seen why he should not sub-let to the bailiff. It had been remarked that that was the first time a judge had ever suggested how an Act of Parliament might be evaded, and it had occurred to him that bailiffs should have been appointed by a formal instrument, as they were in England; but that, it appeared, people had not done; and the question of who the bailiff was employed by had arisen. But he did not see why a bailiff should be paid, or not have other employment if he liked, so long as he resided for the lessee, and was his bailiff, and acted for him; and to the portion of the proposed interpretation clause dealing with that he should very much object. If they were passing a new Act altogether, it would be a different matter; but he thought that interpretation was not a fair construction of the Act, nor what the public had been led to suppose was the meaning of the Act. Then he came to the 57th section of the Act, which provided:—

"So soon as a lessee shall have made the last payment of instalments as hereinbefore provided he shall be entitled to a grant in fee-simple of the land leased to him subject however to the payment of the fees chargeable on the issue of deeds of grant and provided that he shall prove to the Governor in Council that he has faithfully complied with all the covenants and conditions contained in or implied by his lease under the provisions of this Act."

He believed the leases issued, as a matter of fact, were made subject to all the covenants and conditions of the Act; and what were those covenants and conditions? That he should pay rent, fence or put up boundary posts, and reside. Those were all the covenants and conditions as against the lessee, because all the others were from the other side; they were not from his side; they were concessions from the granting party, who did not make them conditions. It was simply this—If you do so and so, you shall have certain concessions; but the interpretation of the honorable the Attorney-General made it as if the enabling clause came from the lessee instead of the grantor of the lease. That was the construction he had held for years, and he should have not hesitated to have advised that that was the true construction on the ordinary rules of construction. In regard to the other points, he would deal with them when they came on. It appeared that if these proposed interpretation clauses were adverse to the lessee, they should have no weight if it should turn out that they were not the true construction; that the court would have no right to interpret the existing laws except in favor of the lessee; and he thought that would be a very dangerous principle to allow. If they were going to have these clauses at all, let them be made to apply to future selections only, and let that be distinctly stated in the first part of the clause, which could be done by making it to read in this way—"The Crown Lands Alienation Act of 1868 as to any selection to be hereafter made shall be read," and so on. He contended that the Government were not acting fairly or wisely in endeavoring to force the Bill through, especially with the amendments proposed, at the very end of the session, and in a thin House.

Mr. BELL said he believed the present state of the law under the Act of 1868, and the proposed declaratory clauses of the honorable the Attorney-General, would puzzle a Philadelphia lawyer. He believed it was impossible to get at the legal position of the law as it stood under the Act of 1868, or as it would be altered if these declaratory clauses became law. He was satisfied there were not three members of that committee who fully understood the bearing of the proposed declaratory clauses upon the Act of 1868; and if they did pass them, they would do so simply upon the assertion of the honorable the Attorney-General that they were such a reading of the law as a lawyer would give if he turned his attention to it; but he did not for a moment say another lawyer would not give another reading of it. He admitted that the honorable the Attorney-General had performed his promise, so far as he viewed the law from his standpoint, by bringing the clauses forward; but he thought the honorable gentleman had not performed his promise in the point of view that some honorable members requested him to do so—to give some useful, practical solution of the conditions under the Act of 1868—not a solution of the technical legal reading of the clauses, which the honorable gentleman had no doubt very ably dealt with.

Then, supposing they took these declaratory clauses into consideration to-night, there were some honorable members who would attempt to make what he would call useful and practical alterations, which, no doubt, would be opposed by the Government: and what was their position in dealing with the question? Why, they were in a sad and sorry minority in regard to this question. There was not an important question that could be brought forward in regard to which they would be at a disadvantage, it being near the end of the session, and several clear-sighted members of the Opposition having left. If the matter did come on for discussion, he should propose something more than the merely technical interpretation of the honorable the Attorney-General, and, in that case, he should be in a very awkward and disadvantageous position; and he therefore considered it would be very much better that the discussion did not come on at all. He would put it in another point of view, and ask the Government, if they had any desire to deal fairly with the selectors of the country—if they did not think the consideration of such an important question should be postponed? He contended that, under all the circumstances of the case, and especially considering the very important alterations proposed to be made in the Bill, that it was not right for the Government or the committee to attempt to legislate upon it.

The ATTORNEY-GENERAL said the honorable member for Dalby was quite wrong as to what he proposed to do, and he was not asked to do what the honorable member had stated. He was requested to introduce some clauses to declare the meaning of those points in the Act of 1868 which were considered doubtful, and that request had been fulfilled. He could quite understand that it was impossible to please everybody; but he was surprised that quite a different version should be given of what had previously transpired.

Mr. BELL said he should not like the honorable the Attorney-General to misunderstand him. He had endeavored to give the honorable gentleman credit for bringing forward clauses which, from his point of view, were such clauses as he, as a lawyer, ought to have introduced; but still these clauses were not what he (Mr. Bell) had hoped would have been arrived at.

The COLONIAL SECRETARY said the Government had never stated they were not prepared to listen to any reasonable amendment that might be suggested; and he did not know what objection there could be to consider these amendments. With regard to the remarks of the honorable member for Bremer, he would point out that the enabling clauses were still left as enabling clauses; and any party who complied with the provisions would be entitled to a grant. He did not know what the honorable gentleman desired in the way of an interpretation clause. He stated that he wanted an explanation of the technical meaning of the Act different from what had been given; and what did he really mean—because he had never come to that point? Did he mean by any interpretation of that clause to give titles to those parties who had been dummying the lands of the colony? He did not suppose the honorable member meant that; and, certainly, the Government did not propose to do anything of the sort; and unless there was something which they could not understand, he thought there was no interpretation which could be given as a declaratory interpretation, which was not given by the clause. The honorable gentleman had not stated that he had any objection to any other portion of the Bill, except the proposed interpretation clause; and he thought it would be time enough to deal with that when they came to it. There were several other clauses of considerable importance, which he did not suppose the committee would seriously object to. He had listened to the arguments on both sides of the House, and, although honorable members had used different language, he thought there was no real difference of opinion.

Mr. BELL said it was from no such view or intention, as that stated by the honorable the Colonial Secretary, that honorable members on that side of the House had taken up their present position. It was, that in consequence of the *laches* of the Government—of the absolute dereliction of duty on the part of the Government—an important measure of this kind had been allowed to slide through the House for weeks and months, and that at the end of the session they were called upon to deal with it, when they were placed in a most disadvantageous position. No doubt the Government would be glad to proceed with the measure, and to deal with it with a master-hand, with a majority at their command, which they would not have in a fuller House. It was with no intention of supporting dummiers, that honorable members on that side of the House had taken the course they had; but it was because they felt that the question should be dealt with fairly and broadly, and that they should not be asked to accept the discussion of it in such a thin House as that was.

Mr. GROOM said it would be desirable to come to some understanding on the matter, and it would be equally desirable to ascertain if honorable members opposite would assist in the passing of the Bill at all. Even if it were eventually reduced to one clause—the homestead area clause—it would be a great boon to the people, and he should like to know from honorable members opposite, if they were prepared to accede that? That was the day, he thought, on which the three months' notice of the resumption of the lands agreed to by the House expired, and to-morrow it would be in the power of the honorable the Minister for Lands to declare those lands open. He knew a great many

persons who were anxiously waiting to take up land, and they were equally anxious to know if the House would increase the area from 320 to 640 acres; and in some districts the area could be made even larger than that with great advantage. It was, therefore, desirable to come to some understanding as to what they would really do. If the whole evening was to be occupied in discussing the declaratory clauses, and they were thrown out, it would be so much time wasted, and no progress whatever would be made in carrying into effect the part of the Bill which it was really necessary, in the interests of the people and of settlement, should be passed this session. He was sorry the measure had been kept back until the end of the session, but there might be reasons for it; but it was not too late yet to have some portions of it passed for the benefit of the public.

The COLONIAL SECRETARY did not think honorable members opposite had any desire to obstruct the passing of the Bill, except so far as the interpretation of the 51st and 57th clauses of the Act was concerned. As the honorable the Attorney-General had stated, these amending clauses had been brought in at the request of honorable members opposite, and if they were not disposed to accept them, of course it was not the wish of the Government to force them upon the House. They had no desire to take advantage of the position they occupied in the present state of the House; and if honorable members opposite said they did not want to consider these clauses, the Government would not press them.

Mr. BELL said it was very well for the Government to point out certain portions of the Bill which were useful, but he said there were other portions which might also be made useful, and that was why he and others regretted that the measure should have been kept back so long. It was easy for the Government to get out of their position by passing only a few clauses of the Bill; but what was to become of the expectations of the many people who had hoped, and still anxiously hoped, that some important improvements would be made in the land laws of the colony? He thought they had just cause to complain that there had been nothing whatever done towards the attainment of that end. He knew there were a great many people in the hope that something would be done to make more easy the position of the selectors under the Act of 1868, and it was quite within the province of the Government to do it; but they now came, when the Opposition members were entirely in their hands, and told them they did not intend to improve the land laws at all. That was the bait that had been held out to them all through the session—that the land laws would be improved—and now it appeared they were only to increase the area that might be taken up under the homestead law. He did not think that was dealing with the question in a manner they should expect from the Government; and if the Government plainly said that was all they were prepared to do, they would know on that side of the House what they might expect. Perhaps the honorable gentleman at the head of the Government would tell them what was his absolute intention?

Mr. AMHURST said it appeared to him that there was some variance between the two Bills, and, as there seemed to be so many difficulties in the way, he thought the best thing would be for the committee to confine themselves to the homestead clauses, and pass them only. He should like to know whether the Government—whatever the interpretation given by the honorable Attorney-General to the 51st and 57th clauses of the Act of 1868 might be—intended to give any relief to *bonâ fide* selectors, and by that means to assist in promoting the real colonization of the country. He considered that agriculture was worthy of the first place in their consideration. The honorable Attorney-General had kindly consented to draw up what he conceived to be a definition of certain clauses in the Act of 1868, and he would like to know whether by that definition the *bonâ fide* selectors would be assisted in any way, or whether they were to be left to the mercy of the pastoral lessees.

Mr. MACROSSAN confessed that he was in the position similar to that described by the honorable member for Maryborough at an earlier period of the evening, namely, that he had not had time to make himself acquainted with the new clauses; in fact, he had not seen them until that day, and, he must say, he should like to have a longer time to study them before he arrived at any decision. Although the Bill which had been circulated that day might not be altogether a new Bill, there were in it great alterations which demanded considerable attention, and, whilst he gave the honorable Attorney-General credit for all he had done, he certainly thought the honorable gentleman had been a little too severe, when framing the new clauses, and had interpreted the 51st and 57th clauses of the Act of 1868 rather against the agricultural selectors. He thought, himself, after the intimation which had been given by the honorable the Colonial Secretary, that the Government did not intend to press those clauses, that they should be withdrawn, and that the committee should be asked to pass only those portions referring to the extension of the homestead areas, which were, to his mind, the most important in the Bill. The declaratory clauses could very well be left over until the next session, by which time the country would have had an opportunity of making itself acquainted with them.

The COLONIAL SECRETARY said the honorable member who had just spoken had very much expressed the opinions which he had himself expressed at an earlier hour of the

evening. He was quite willing to withdraw the declaratory clauses, if it was the wish of honorable members that he should do so, and if they were supposed to bear a different interpretation to that put on them by the Government. If, as some honorable members had said, they were not prepared to discuss the clauses, as they had been rather hurriedly placed before them, he was perfectly willing that they should be abandoned. At the same time, it must be distinctly understood, that he could not abandon the Bill, which had already been on the paper for a considerable time—ample time for the consideration of which had been afforded—and which the country had shown a desire should become law. Clause 3 was the first which the Government were anxious to pass. Clause 2 he would say nothing about, although that would be a complete answer to some objections which had been raised. Well, clause 3 was one which, he thought, honorable members would at once see the propriety of retaining; it referred to the cases of lessees who had heretofore become insolvent. The 4th clause made provision in case of insolvency. Clause 5 dispensed with the condition of residence in certain cases; in reference to that, honorable members would remember that, as the law now stood, a selector was not exempted from that condition:—

"Provided that such exemption shall not extend to any selections of greater area in the aggregate than one thousand two hundred and eighty acres inclusive in the case of a lessee of the selection whereon he so resides This section shall apply to selections made before the passing of this Act as well as to selections that may be made hereafter."

The 6th clause simply said:—

"The foregoing part of this Act shall be read and construed with and be deemed to be an amendment of the said '*Crown Lands Alienation Act of* 1868.'"

The seventh clause was one which had been very much referred to that evening, and it proposed that homestead areas should be extended to 640 acres, instead of, as at present, limiting the area to 320 acres. Then the eighth clause gave power to certain homestead selectors to make further selections. Those were the clauses which the Government were desirous of passing that night; and he trusted the committee would consent to their adoption; they were very simple, and, he believed, very much needed.

The Attorney-General wished to say, in reply to the remarks of the honorable member for the Kennedy, that he had been rather one-sided in his interpretation of the clauses of the present Act—that he had not done anything more than merely interpret the present law. In regard to the clauses 3 and 4 in the new Bill, he wished to say that they more properly belonged to the honorable member for the Bremer, who had wished to introduce them in the Bill last session. They were already printed, and he had asked the honorable member if he had any objection to have them embodied in the proposed Bill.

Mr. Macrossan, in explanation, said that he simply meant that the natural bent of the honorable gentleman's mind, which was rather severe, had made him put rather a severe interpretation upon the clauses. Every man would act according to his bent; he could not help doing so; and he believed the honorable gentleman's character was rather of the old Roman type.

Mr. Bell said that he had no doubt that many persons had suffered by the honorable Attorney-General's interpretation of the law; and he thought they would not be bettered in any way by the Bill.

Mr. Palmer thought that the proposition they had heard from the honorable member at the head of the Government would only be making bad worse, as the committee were asked to go into piecemeal legislation. At first, the Government had brought forward a Bill to deal with the question of the alienation of Crown lands; that was altered, and then a new Bill was introduced; and now portions of that were to be dropped—all but a few clauses. He objected to such a style of legislation; and, as he believed it would not be satisfactory to the country in any way, he should not consent to it. The original Bill was altered; and now, at the close of the session, honorable members were asked to take a small instalment of legislation.

Mr. McIlwraith said he could quite understand the difficulties in which honorable members found themselves owing to the number of amendments which had been proposed, but he thought that the proposition of the honorable member at the head of the Government made those difficulties still greater than they were before. He had followed the explanation of the honorable Attorney-General when bringing forward the amended Bill, and he could quite understand that some explanatory clauses should be passed before they went on further; but he thought the honorable member had gone beyond giving them what they had asked. He was quite aware that the honorable member for Clermont had asked for an interpretation of the 51st and 57th clauses of the Act of 1868, but he thought it would have astonished that honorable member, had he been present, to find that the Government had brought in an almost entirely new Land Bill. The proposition of the honorable Colonial Secretary had made matters a great deal worse, because it was that all reference to the Bill under consideration, and which had been read a second time, should be left out, and that new matters should be introduced which had never been in that committee before; for instance, the clauses which the honorable member wished passed relating to insolvency had not been before the committee. To show that the honorable Attorney-General had taken advantage of

the request made by honorable members on his (Mr. McIlwraith's) side of the House, he would just refer the committee to the position the Bill was in when it was last before them, and that it was now in, and they would see that it had been emasculated to such an extent that Ministers themselves wished to withdraw it. Out of the eight clauses of which it originally consisted, they wished to withdraw five; and, snatching at a proposition which had been made in the heat of debate by honorable members on his side of the House, and ashamed to bring in a Bill consisting of only three clauses, they had brought in a fresh Bill—for, to all intents and purposes, it was a fresh Bill. It was all very well for the honorable Attorney-General to say that he had merely put a legal interpretation on the 51st and 57th clauses in the Act of 1868, but he had gone too far, and had gone into all the principles of that Act, and had brought up the worst questions connected with it, namely, the position in which selectors were at the present time. One lawyer said that any selector, after ten years, and having fulfilled his conditions, could claim his title; but the honorable Attorney-General said that he must also have made some improvements specified in another portion of the Act, so that the matter was one of very considerable importance. If they wished to get back to their former position, the Government had no right to take it as an expression of his side of the House, that the interpretation clauses should be put in. Why not let them take up the position they were in when the Bill was sent to the committee, simply that the homestead areas should be extended. The insolvency clauses were new matter altogether, and not a single word had at any time been said in favor of them; in fact, the honorable Attorney-General's colleagues, during his absence, had said that they did not believe in them. He thought that when a Bill was brought in to extend the homestead areas, 640 acres was too small, and that it would have been better if they had followed out the Bill of last session, which was a purely homestead area Bill, and which allowed to each man 1,280 acres. If such a proposition as that was made, he should support it, although he should support even the extension to 640 acres.

Mr. GROOM thought it would be very desirable if the honorable member for Port Curtis would see if he could not come to some terms with the honorable member at the head of the Government as regarded the passing of the homestead clauses; for he thought that the position of the land question at the present time was, to a great extent, of the most prominent importance in the public mind. It would be in the recollection of many honorable members that the land resumptions introduced by the late Secretary for Lands, and passed by both Houses of Parliament, would soon be made, and that a large quantity of land would thus be thrown open to selection. As he understood the Land Act of 1868, it would be quite within the power of one person to take up the whole of that land, unless some provision was now made for the way in which it was to be disposed of by extending the homestead areas. The public had been led to believe that during the present session the areas would be extended from 320 acres to 640 acres; and unless that was done, great dissatisfaction would exist. The honorable member for Port Curtis had, no doubt, some ground for complaint in the manner in which the land question had been treated by the Government; but still some fault was due to honorable gentlemen opposite by the delay caused by them in criticising the measure which had come from the Government side of the House. Without wishing to say anything harsh, he thought it was the fault of both sides that the measure had been so late in being brought forward. He considered it was of the utmost importance that the Bill should be passed that night, as otherwise it might not be passed at all; and, therefore, it would be well if the honorable gentleman opposite would accept the proposition of the Government. He would ask that honorable member whether the late Minister who brought down the resolutions for the resumptions had not clearly made out a case of want of land; and if those resumptions were required, whether it was not equally necessary that the areas should be increased? He should be prepared to assist the honorable member for Maranoa in his proposition to extend them to 1,280 acres in his district, as he thought they would be quite small enough. He would ask the honorable member for Port Curtis to waive his objection to those particular clauses, and let them pass.

Mr. BELL said it was all very well for the happy family who sat on the opposite benches to propose to settle the very broad question of the lands by asking the committee to accept the homestead clauses; but to his mind it was an attempt to burke the whole question, because something more was wanted. The Government would, no doubt, be glad to settle all their little differences with their own supporters, and a portion of the country outside, by making a very easy settlement of the question so far as that committee was concerned, that evening; that was to say, if the honorable member for Toowoomba and others were disposed to accept it as a solution of the land question; but what honorable members on his (Mr. Bell's) side of the committee complained of was, that it had been very skilfully put off, time after time, until the House had dwindled down to a few members, who were not able to discuss it as it should be discussed, and who were now asked to take what they could get and go to their homes. They had, however, a right to ask from the Government, who had promised that they would introduce a Land Bill which would do for all time to come, something

more than was now proposed. Something more ought to be attempted, and why had not they tried, even at that period of the session, to treat the question in such a manner as to satisfy more than one section of the community? He agreed with the honorable member for Toowoomba, that there were many persons who desired an extension of the homestead areas; but at the same time there were many more who desired a settlement of a part of the question not proposed by the Government. He thought the honorable member for Port Curtis had taken a very proper stand; and he, for one, desired to show to the country that the Government, instead of dealing with the land question in a broad and statesmanlike manner, had only dealt with a portion of it. No doubt they would hear from the Treasury benches complaints of the objections made by honorable members on his side of the committee; but he thought there was very strong reason for complaint, as there had been no desire or attempt shown to satisfy the yearning desire of selectors under the Act of 1868, many of whom had looked forward with the greatest anxiety to the Bill of that evening; yet on the next day they would find that the Government cared nothing for them. He was speaking of the majority of *bonâ fide* selectors in the colony, for it was not to be supposed that honorable members on his side of the committee had more to do with dummy selectors than the honorable members opposite. What they wanted was legislation; not a measure full of technicalities from the honorable the Attorney-General, but some practical measure which would deal with the difficulties of the Act of 1868. Putting on one side the broad question of the alienation of Crown lands altogether, the Government now proposed to deal only with the extension of the homestead areas, which no doubt was a very good thing in itself, but did not include what should be in a Land Bill.

Mr. W. GRAHAM said that when he had gone to that House, after having had most favorable opportunities of hearing the views of a large number of working people on the land question, and after having become aware of how much they were interested in it, to the exclusion of almost every other matter, even education, he certainly must say that he had been much disappointed with the measure which had been introduced by the government. He had been rather pleased with some of the clauses in the Bill as originally introduced—he referred to the auction clauses—and then when he saw them vanishing away in the distance, he looked after them with considerable regret. He thought that the expression of opinion from his side of the committee, in regard to those clauses, had had considerable weight with the Government in withdrawing them. One part of the original Bill, which had passed the second reading, was a measure of relief to a certain class of selectors, and that it was proposed to retain in the new Bill; but he objected to it, as it was partial relief, and why selectors having 640 acres were to be relieved, whilst those under the Act of 1868 were to be left as they were, he could not say. He should support the extension of the homestead areas, and might say that he should have liked to see them still larger; certainly he would have liked to have seen more discrimination shown in dealing with the extension; that, however, could not be expected from the present Ministry, as they had had no experience, individually, upon the subject. He thought the whole question might be very well shelved until some honorable members of the Government had travelled about the country and been able to form some opinion of what was really wanted in the different districts. With reference to compliance with the conditions, he held the same opinion as that of the honorable member for the Bremer and the honorable member for Clermont—he had always held that the only conditions under the Act of 1868 were residence, or fencing and boundary posts, and he had always admired the good sense of those who drew a distinction between the man who could not pay up in ten years and the man who wanted to pay up in three years and obtain his title-deeds. He could state that, not in his own district only, but in many districts where the selectors had never read beyond the three clauses of the Act, they had looked upon deeds of grants being issued before their time as not referring to them at all. He regarded the interpretation clauses, which, certainly, he had not looked at much, as not giving much relief to the selectors. He should like to know whether, in the case of a man coming to them at the end of ten years, and saying, "I have not resided on my ground for the whole of the ten years, but have resided on it for six years since I first found it was necessary to do so," any allowance would be made to such a man.

Mr. DOUGLAS said he was not, like the honorable member for Dalby was, one of those who was yearning for relief——

Mr. BELL: I am not yearning for anything on this earth that I am aware of.

Mr. DOUGLAS: He had heard the honorable member talk about yearning, and knowing the honorable member was not in a happy state of mind as regarded the question before the committee, and some others, had connected his remarks with the Bill. He had frequently felt, in dealing with the land question, that it was a very serious loss indeed to that House and the country that the late Minister for Lands, who had commenced the present session, and who had introduced the Bill before them, was not, owing to his enforced retirement from office, in that committee to assist them in carrying out the land policy which he had initiated.

HONORABLE MEMBERS: Hear, hear.

Mr. DOUGLAS could not but regard the absence of that gentleman as a very serious

loss to the country, and one that could hardly be realised; for it was not to be expected that the present Minister for Lands, on coming into office, could understand every matter connected with the land policy of his predecessor, or that he did not feel that following another gentleman, and not being himself responsible for that gentleman's policy, he could scarcely be called upon to enter into it with the spirit and determination that might have been expected from the gentleman who preceded him. He was afraid that the country would suffer, although he did not find fault with the present honorable Minister for Lands in any way, nor did he blame the Government entirely that that most important question was not being treated in the manner in which it should be dealt with. He agreed with the honorable member for Darling Downs, that the land question was of the utmost importance—equal, perhaps, to that of education—and he was convinced that they were now on the eve of some very serious considerations in regard to that question of the land policy of the country. He was not sure that even the honorable Minister for Lands estimated rightly the gravity of the situation; it was a most serious one, inasmuch as, as had been stated by the honorable member for Toowoomba, the resolutions passed at the commencement of the session for resuming large quantities of land, would come into effect shortly, and those lands would have to be dealt with. How, he would ask, were those lands to be dealt with? He would himself rather sit there for another month than that nothing should be done. As he had read those resolutions, they were actually under the Act of 1868, and that being the case, he did not know that the resumptions affirmed at the commencement of the session could be operated upon in any other way. He did not profess to be so well informed in respect to the interpretation of the land laws as honorable members on the Treasury benches were; they were a sort of occult science in which he did not profess to be proficient. Those resolutions might be brought into operation on the next day, and what would be the effect? Why, that as the law then stood, valuable lands in immediate proximity to the railway might be taken up, not in hundreds, but in thousands of acres, by one man. That was the law; it did not forbid that they should alienate thousands of acres to one person, under no one of the restrictions laid down in the Homestead Act. That was a very serious subject for them to consider; they were about to pass away a great quantity of land that ought not to be passed away without special value, and they were going to do that because honorable members were tired of sitting any longer after having wasted a large amount of valuable time in useless debate during the early part of the session. He did not think the Government were justified in bringing the session to a close when they had those things staring them in the face. Was it because they were tired, now that they were coming to a serious matter for consideration! He considered it was not becoming of honorable members, as a Parliament, to shuffle over such a matter of public policy as that was; and if they were not going to sit much longer, let them at once understand what they were going to do. He had been glad to see that the House would not pass a resolution enabling the Government to carry measures through all their stages at one sitting; he did not think such a thing was becoming in them. There was one matter to which he would like to draw the attention of honorable gentlemen opposite—one special feature in the measure before them. They had heard a great deal of complaint as to the powers vested in the Minister for Lands, and he was not there to advocate any other position than that that Minister should be responsible to that House for every detail of the Act; he was not willing to divert that Minister's responsibility into any other channel; but he would point out that the Bill did attempt to remedy one defect of which they had complained—it did not admit of appeal beyond the decision of the commissioner, and that, he thought, was worthy of the consideration of honorable members opposite.

An HONORABLE MEMBER: We have not complained of it.

Mr. DOUGLAS: It had been complained of—that the decision of the commissioner was not valid. The Minister for Lands might delegate the investigation of claims to others, and it was only right that he should have certain powers; but he would point out to honorable members opposite that they would not succeed in getting such terms as they were likely to get by the present Bill. With regard to the Bill, it was not by any means a satisfactory one. Had the policy of the Government been satisfactory, they should not accept the policy of either the Opposition or their own supporters unless it was one that would redound to the credit of the colony. He very much regretted the vacillation the Government had shown, and he was sorry to see it; it was evident that their policy was now narrowed down to the extension of the homestead clauses. He was not going to advocate that, as he had always been of opinion that 320 acres was not insufficient; but as the committee were of opinion that that area was not sufficient, he should not oppose the extension. Either it would be better to devote what time was remaining to them to thoroughly deal with the matter in such a manner as it deserved, or relegate the whole question to the next session; that was the Parliamentary way in which they should look at the subject. He should prefer that the Ministers made up their minds on the subject—either that they would face the question that session with a determination to come to a real issue upon

it—even if by so doing they prolonged the session for another three weeks, or relegate the whole matter to another session.

Mr. PALMER said there were several remarks in the speech of the honorable member for Maryborough with which he quite agreed. He thought that that piecemeal legislation at the end of a session was highly improper; and he would suggest to the honorable member at the head of the Government, that he should either have a short adjournment, and make the land question the subject of a short session, or prolong the present session, and have a call of the House. Both those remedies were in the power of Ministers. Many honorable members had left the House for their homes; but Ministers had the power to call them together again, or, if they did not want to do that, they could adjourn the House for, say, a month, with the full understanding that when they re-assembled, that great question was to be argued on its merits: that would bring honorable members together. But the idea of settling that important question with such a committee as they now saw, was absurd in the extreme. The idea of narrowing down a Land Bill to two or three clauses with which he, on the part of the Opposition, might agree, was asking too much altogether. It was monstrous on the part of the Government, after having introduced a rag of a Bill which they found they could not carry, to come down at that period of the session, and expect honorable members to discuss an entirely new Bill. The remedy was very simple. Let the honorable the Premier and those honorable members who were present that evening say that the land question should be settled, and it could be settled before the end of the year, and in the meantime there were many "innocents" on the paper whose lives might be spared. The whole thing could be settled if the Government would consent to a short prorogation, with the understanding that, when the House again met, the whole question should be thoroughly discussed; it would be discussed in a month. Several insinuations had been thrown out that honorable members on his side of the committee were personally interested in the settlement of the land question; but he contended that a man had no business to be in that House, unless he was interested in the settlement of the land question; as to having a personal interest in it, he had none, not to the extent of one shilling. As to settling it by a fag-end of a Bill, at that period of the session, it was absurd, as they would be leaving the class most in need of legislation in the same state of doubt as regarded their titles as they were in at present; it was absurd to take two or three clauses, discuss them at the tail of a session, and call them a Land Bill. He was astonished that the Government could sit in that committee, for they ought to be ashamed of themselves at the proposition which had been made that evening by the honorable Colonial Secretary. He had certainly thought at one time that he should never have reason to regret the absence from that House of the late member for South Brisbane, and he certainly never had regretted it until he had seen that gentleman's successor. Mr. Stephens had some broad principles on the land question, and had he been present in that committee that evening, he would not have sat quiet and allowed the honorable Colonial Secretary to propose that his Land Bill should be reduced to two or three clauses. Why, they had been led to believe that the land question was to be the great question of the session; but what had been the case? First, they had a rag of a Bill; then a number of amendments on it; and, at last, a new Bill altogether, of which it was now proposed to pass only two or three clauses. For the purpose of giving the Government time for consideration, and for informing the committee of what were their intentions in regard to the Bill, he should move—

That the Chairman leave the chair.

Mr. AMHURST said that, as there was no doubt that it was the most important question of the session, he thought it was most fair to ask the honorable member at the head of the Government, what he intended to do? He believed the best plan would be to make a call of the House.

The SECRETARY FOR PUBLIC LANDS said that the reason for the honorable Colonial Secretary taking the step he had done that afternoon, was very easily explained, namely, that that portion of the land policy of the Government had been settled before he joined them. In regard to the remark of the honorable member for Maranoa—that he had said that he did not think the insolvency clauses were required—that was not quite correct, for what he had said was that he did not attach the same importance to them as he did to the homestead clauses; that was his opinion at the present time. With reference to the statements of the honorable member for Maryborough, he might say that they were about the most extraordinary he had ever heard on any Land Bill, as the first clause of the Homestead Areas Act was quite clear as to the power of the Government to proclaim the lands resumed from lease open for selection under that Act, and how there could be the least doubt as to the applicability of that clause to lands withdrawn under the Act of 1868, he was at a loss to know. Under the Act of 1868, the selector was limited to an area of 80 acres of agricultural land, or double that of pastoral land; but as it was considered that that area was too small, under the Act of 1872, the quantity was increased to 320 acres. It was, he believed, now the opinion of many that 640 acres was necessary for a homestead, especially where a man had to go some distance back from the coast, which was the

case at present, as the land along the river banks, and near to the large towns, was nearly all taken up. Selectors now-a-days had to depend partly on their cattle and partly on cultivation, and therefore he believed the Bill would be of benefit to them, if it only contained the homestead clauses.

Mr. AMHURST called attention to the state of the committee.

A quorum having been formed,

The SECRETARY FOR PUBLIC LANDS proceeded: He was about to remark that with regard to the sixth clause of the new Bill which limited the relief from the residence conditions to selectors of less than 1,280 acres, it was really necessary to the small selector. If that limitation was not kept in force a man could take up a large quantity of land and do nothing with it. He did not say that 1,280 acres would meet the views of all, but still it was necessary that there should be some limitation, as otherwise a large quantity of land could be held without anything being done with it. He trusted, therefore, that the homestead clauses would be passed.

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

AYES, 5.

Messrs. Palmer, Thompson, Bell, McIlwraith, and Amhurst.

NOES, 18.

Messrs. Hemmant, Macalister, Griffith, Fryar, Foote, Fraser, Beattie, J. Thorn, Groom, Douglas, Black, King, Pechey, Edmondstone, Hodgkinson, Low, Kingsford, and Stewart.

The amendment to clause 1 was put and negatived.

Clauses 1, 2, 3, 4, and 5, were severally put and negatived.

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

"If the estate or interest of any lessee of land under the fifty-first section of the said Act shall have heretofore passed by operation of law to any assignee or trustee under the provisions of any laws for the time being in force relating to insolvency such assignee or trustee shall upon proof being made to the satisfaction of the Governor in Council within two years from the passing of this Act that the several conditions required by the said Act have been performed in respect of such land either by the lessee or such assignee or trustee or partly performed by such lessee and completed by such assignee or trustee and upon payment of the balance of the ten years rent and deed fee be entitled to a deed of grant of such land in fee simple."

Question put and passed.

The following new clause was agreed to:—

"Whenever the estate or interest of any lessee of lands under the provisions of the said fifty-first section of the said Act or the first section of this Act shall hereafter pass by operation of law to any such trustee such trustee shall upon proof being made to the satisfaction of the Governor in Council within two years from the date of adjudication that the several conditions required by the said Act have been performed in respect of such land by the lessee or such trustee or partly performed by the lessee and completed by such trustee and upon payment of the balance of the ten years rent and deed fee be entitled to a deed of grant of such land in fee simple."

The SECRETARY FOR PUBLIC LANDS moved the following clause:—

"Whenever any lessee of any land under the provisions of the said Act who resides personally and *bona fide* thereon or any owner in fee of any land which if it had not been alienated from the Crown would be country land who resides personally and *bona fide* thereon shall have selected any other country lands within a distance of ten miles from his said residence he shall in such case but for so long only as he shall continuously and *bona fide* reside on the first-mentioned land be exempt from the condition of residence in respect of such last-mentioned lands.

"Provided that such exemption shall not extend to any selections of greater area in the aggregate than one thousand two hundred and eighty acres inclusive in the case of a lessee of the selection whereon he so resides.

"This section shall apply to selections made before the passing of this Act as well as to selections that may be made hereafter."

Mr. GROOM wished to suggest an alteration in the clause; he thought that the distance from a man's residence might be increased from 10 to 15 or even 20 miles, as he knew that many selectors had been obliged to go further than 10 miles simply because there was no suitable land within that distance of their residence. He would move—

That the word "ten" be omitted with the view of inserting the word "fifteen."

Mr. MCILWRAITH said he had no objection to the extension; but he saw great objection to the proviso, as he thought the same limitation should be applied to all.

Mr. AMHURST wished to know what was the definition of "country" lands.

The ATTORNEY-GENERAL: Two miles from a township.

The question—That the words proposed to be omitted stand part of the question—was put and negatived.

The question—That the words proposed to be inserted be so inserted—was agreed to.

Mr. MCILWRAITH thought that the clause might be modified in some way, as at present it provided that a man must reside on his first selection.

The ATTORNEY-GENERAL explained that, according to the clause, it was plain enough that he could reside upon either of his selections: unless a man had selected any other, he would have to reside on his first selection, of course.

Mr. AMHURST intended to support the clause, as he thought it was a very good one.

Mr. W. GRAHAM asked whether, in the case of a man who took up two selections, and whom it suited to remove his business to the second selection, the clause would enable him to do so?

The SECRETARY FOR PUBLIC LANDS: I think so.

The COLONIAL SECRETARY: Certainly, he could reside on any selection.

The clause, as amended, was agreed to.

Mr. GROOM moved the following new clause:—

"Notwithstanding anything in the said Act contained to the contrary any person who is of the age of sixteen years and who is not otherwise disqualified in that behalf may make a selection under the provisions of the seventy-first section of the said Act And the said seventy-first section and the seventy-third section of the said Act shall respectively be amended and shall hereafter be read as if the word 'sixteen' were substituted for the word 'twenty-one' in the said sections respectively."

The object of the clause was to give the native youths of the colony an opportunity of selecting homesteads, and he was only sorry that the Act of 1868 did not contain a similar provision. They brought out young men from England and gave them land orders, and he thought that if the native youths were treated in the same way it would give them an interest in the land. He had fixed the age at sixteen, as that was the age in the New South Wales Bill, and he thought it was desirable that the laws of the two colonies should be assimilated as much as possible.

The COLONIAL SECRETARY thought that although sixteen might be the age in New South Wales, it was too young, as a lad of sixteen hardly knew what he was doing; and in a young colony, where it was not difficult to find other occupation for boys than sending them on the land, sixteen was rather an early age. If the honorable member would accept the insertion of the word "eighteen" instead of "sixteen," there would be no objection to the clause on the part of the Government.

Mr. FRASER thought that as the object of the honorable member for Toowoomba was to give the same advantage to native born youths as to those who immigrated to the colony, it would be necessary to insert the words "native born."

Mr. GROOM said he had no objection to the amendment suggested by the honorable Colonial Secretary, and he moved that in lines 2 and 7 of the clause the word sixteen be omitted with the view of inserting the word eighteen.

The question was put and passed, and the clause as amended was agreed to. Clauses 7 and 8 were agreed to without amendment.

Mr. GROOM said he should like to know from the honorable the Secretary for Lands whether it was the intention of the Government to allow selectors who had already selected under the Homestead Areas Act of 1872, to increase their areas to 640 acres?

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

"It shall be lawful for any person who shall have made a selection of land under the provisions of the laws relating to homesteads and who shall have obtained a deed of grant of the land so selected to make one further selection within a homestead area anything contained in the said Acts to the contrary notwithstanding Provided that the aggregate area of such further selection together with the original selection shall not exceed six hundred and forty acres."

Mr. GROOM said, that scarcely met the difficulty. What he wished to point out to members of the committee, was, that the preceding clause enabled any selector to go upon a homestead area and take up 640 acres; while those who had already selected under the Act of 1872 had only 320 acres, and if they could not make a further selection until they got their title deeds those who selected in 1872 would have to wait until 1877, and those who selected this year would be compelled to wait until 1880, and consequently they would be virtually deprived of the supposed boon. He suggested that in common fairness, if those who should select after the passing of this measure were allowed to take up 640 acres, those who had previously taken up 320 acres should be allowed to increase their area to 640 acres. If it was fair now, it was fair with regard to those who selected in 1872; and if they had to wait for their title deeds, which they could not get until five years had elapsed, they would have no opportunity of increasing their selections. He thought it would be better to leave out the words relating to their having obtained title deeds.

Mr. MCILWRAITH would like a little information from the honorable the Secretary for Lands with regard to the 800,000 acres of land which had been resumed this year, and he asked for it more particularly because a change of Ministers might have induced a change of policy. The late Minister for Lands, Mr. Stephens, gave them a good deal of information as to what the Government meant to do with regard to these matters, and he understood him, that it was intended to keep the whole of that 800,000 acres until the House resumed next year, for homestead areas only. Was that the policy of the Government now, or did they mean to throw these lands open for general selection?

The SECRETARY FOR PUBLIC LANDS said he believed the intention of the Government was stated when the resumption resolutions were moved—that they would withdraw the lands from lease, in order to encourage settlement, and that was still the object of the Government, as far as they could accomplish it. To a great extent the land would be proclaimed open to selection under the Homestead Areas Act of 1872, and there would also be land thrown open under the Act of 1868, probably both by auction and selection.

Mr. MCILWRAITH said the honorable gentleman's answer meant this:—That they would dispose of the lands in the only three ways in which they could be disposed of. So far as the House knew the policy of the Government, these lands were to be confined to homestead selection, and now the honorable

the Minister for Lands said they were to be disposed of by homestead selection, by free selection, and by auction; in fact they re-reserved to themselves the right to do what they chose. Was that so?

The SECRETARY FOR PUBLIC LANDS said the principal portion—nearly the whole of the lands withdrawn—would be proclaimed open, in the first instance, as homestead areas.

The new clause was then agreed to.

The ATTORNEY-GENERAL said the honorable member for Toowoomba had suggested that further provision should be made with regard to those who had selected under the Act of 1872, and he therefore moved the following new clause:—

"It shall be lawful for any person who shall have heretofore made a selection of land under the provisions of the laws relating to homesteads to make a further selection of lands adjoining thereto as a homestead Provided that the aggregate area of such further selection together with the original selection shall not exceed six hundred and forty acres and provided that the selector shall so long as he shall personally reside on the original selection be exempt from the condition of residence on such further selection."

The new clause was agreed to, without discussion.

Clause 9—"Short title"—put and passed.

The preamble was amended by substituting "Crown lands" for "country lands by auction and selection," and agreed to; and the House having resumed, the Chairman reported the Bill with amendments, the report was adopted, and the third reading was made an order of the day for to-morrow.

GRACEMERE PRE-EMPTIVE BILL.

The COLONIAL SECRETARY was understood that to say the Government were desirous of affording the honorable member in charge of the Gracemere Pre-emptive Bill an opportunity of proceeding with it. When the Bill was introduced the Government felt bound to oppose it, but it passed the second reading by a large majority, and they did not feel disposed to offer any further opposition to it. That was probably the only chance there would be of getting it through this session. He had come to an understanding with the honorable member for Port Curtis on the matter, and if there were no dissentient voice they would proceed with it. With that view he moved that all the orders of the day and notices of motion be postponed until after the consideration of Order of the Day No. 7, general business.

The SPEAKER: Do I understand the House to consent to this motion being made?

Mr. BELL said, before this was decided upon, he should like to get some information. Did he understand the honorable gentleman at the head of the Government, that this was the last night there would be any important business done?

The COLONIAL SECRETARY: Oh, no.

Mr. BELL: Did he understand that no private business would come forward after to-night?

The COLONIAL SECRETARY: Thursday is private business day.

Mr. BELL: Yes; but they might never get at it. There were several important questions on the paper which honorable members would be glad to get before the House, and he did not know what the honorable gentleman meant when he said, unless this Bill came on to-night, it would not have a chance of passing this session. The deduction he drew was that all the rest of the business would go by the run. Perhaps the honorable gentleman would explain what he meant; and perhaps he would also tell them something about one or two important Government measures. There was the Selectors Relief Bill; perhaps they would go on with that to-night.

The COLONIAL SECRETARY said he had no intention of proceeding with the Selectors Relief Bill to-night, and the honorable member was slightly wrong when he mentioned what he (the Colonial Secretary) had stated. He stated that it was likely that was the only opportunity for this Bill being put forward this session. He had no intention of interfering with the business of the House, and he proposed that they should sit to-morrow and Thursday, and other days, to get through business in connection with the other House. How long it would take he could not say, but he might express a hope on the part of the Government that their business would be got through to-morrow. It was for that reason only he was desirous of assisting in the passing of this Bill. The principles of it had been agreed to; the Government expected to get some money out of it; and he trusted honorable members would not oppose it further.

Question put and passed.

Mr. PALMER moved—

That the Speaker do now leave the chair, and the House resolve itself into a Committee of the Whole to consider this Bill.

He said, in doing so, he had to return his thanks, on behalf of the promoters of the Bill, to the honorable the Colonial Secretary, who had voluntarily, so far as he (Mr. Palmer) was concerned, offered to allow the Bill to go through that evening, as the only chance it would have of passing this session. He had taken charge of the Bill in the absence of the honorable member for Rockhampton, and the voluntary offer of the honorable the Colonial Secretary was quite unexpected by him.

Question put and passed; and the House resolved itself into a Committee of the Whole accordingly.