Queensland

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Legislative Assembly

TUESDAY, 29 AUGUST 1876

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LEGISLATIVE ASSEMBLY.

Tuesday, 29 *August*, 1876.

Fulfilment of Conditions under the Land Act of 1868.—Telegraphic Messages Act.—Judicature Bill.—Crown Lands Alienation Bill.

FULFILMENT OF CONDITIONS UNDER THE LAND ACT OF 1868.

Mr. BELL said he rose to move the adjournment of the House for the purpose of calling attention to a question that had arisen recently in reference to the fulfilment of conditions under the Land Act of 1868. Friday next, he believed, was the day for holding a Land Commissioner's Court at Ipswich for the West Moreton district; and there were, he thought, more applications on the paper for that day than had ever yet been made at one time in any court since the Act of 1868 came into force. He found there were many selectors who had been under the impression that the ring-barking of the trees would be taken as fulfilment, or part fulfilment, of the conditions of the Act of 1868; and on reference to the administration of that Act in previous years, he found that that improvement had been considered by previous commissioners and previous Governments as part fulfilment of those conditions, and, in some cases, as complete fulfilment of them. He found, however, that during the present month, notice had been issued to the different commissioners throughout the colony, from the Lands Department in Brisbane, notifying that in the future ring-barking of the trees would not be held by the Government to be either complete or partial fulfilment of the conditions required by the Act. He understood that the opinion of the honorable the Attorney-General on the subject had been obtained by the honorable the Minister for Lands, and that that opinion was opposed to the practice which had hitherto been recognised by the Government. He was aware that many selectors had undertaken the improvement of their land under the impression that in accordance with the precedent of previous selectors, and the opinions expressed by former Ministers for Lands, and many of the present Commissioners for Crown Lands, ring-barking would be accepted as, to some extent at any rate, a fulfilment of the conditions. He could state from personal interviews with the Honorable T. B. Stephens, the late Minister for Lands, that it was his opinion that where there was a *bona fide* ring-barking of trees it should be considered as a fulfilment of conditions. No greater improvement, or much greater improvement, could be made than the ring-barking of trees upon inferior land. Experience in that regard in New South Wales had shown that there could be no question, whether it came within the technical meaning of "improvement," in the Act of 1868 or not, that ring-barking was an immense improvement for pastoral purposes, and especially upon inferior land.

Mr. PALMER: Hear, hear.

Mr. BELL said he found in the Act of 1868, that "improvements" were held to be:—

"Any head station homestead store stable hut woolshed sheep pen drafting-yard barn stock-yard fencing well dam reservoir tank trough fencing of sheep paddocks artificial watercourse or watering place garden clearing cultivation or plantation of trees shrubs or artificial grasses or any other building erection construction or appliance being a fixture for the working or management of a run farm grazing farm or plantation

and of any sheep cattle or horses depastured thereon and for maintaining or increasing the pastoral or agricultural capabilities thereof."

Now, with all due deference to the opinion of the honorable the Attorney-General, his belief was that ring-barking came completely within the construction of that sub-section. The question really resolved itself into a nutshell—whether ring-barking should be considered as a fulfilment of the conditions of the Act or not? It was only that morning he became aware that it was the intention of the Government not to allow it as a condition of improvement, and he had had an interview with the honorable the Minister for Lands on the subject; and since that he had been addressed by a gentleman who had just come to town, and who, he supposed, had also had an interview with the Minister for Lands. At all events, if he had not, from the tenor of his letter he must have had an interview with the commissioner of the district. It was to this effect:—

"My dear Sir,—I have heard this morning that an instruction has been sent to the Land Commissioner not to take the ring-barking of trees as an improvement on conditional purchase selections, and that the subject is likely to be touched upon in the Legislative Assembly this day. I take the liberty of tendering you a few particulars showing you what an unfortunate position ourselves and others that we know of will be landed in if this instruction is not modified. Part of my business in town is to proceed to Ipswich on Friday as a witness for a poor selector near Durandur, applying for his certificates, and whose improvements largely consist of ringing the trees on his land, and this he has done on the representation of the District Commissioner, who told him, as he had told many others, that ringing would be received as an improvement. And in our part of the country it is the greatest benefit that can be conferred on the land."

The writer went at some length into the matter, but that was the tenor of his letter, and he (Mr. Bell) would only add, that not alone in the district he referred to, West Moreton, where the rule hitherto adopted would be overturned upon this occasion, according to the instructions of the Minister for Lands to the commissioner of the district—not alone in that district had the ringing of trees been dealt with differently, but it had been allowed as an improvement by the late Mr. Coxen and other Land Commissioners. He would be glad to hear some expression of opinion on the matter from the Government; and he hoped there would be some relaxing of the very arbitrary line they had drawn on the subject, based on the opinion of the honorable the Attorney-General.

The Secretary for Public Lands said he felt bound to give some explanation in reference to the question the honorable member had brought under the notice of the House. It was probably inconvenient, without due notice, to have to discuss the question, and he hoped at present it would not be discussed. He was quite prepared to give proper explanations, and to produce all documentary evidence there was on the subject when the proper time arrived, but he hoped the honorable gentleman would excuse him if he did not now go into a lengthened explanation respecting it. He would simply state that the question had arisen lately in the Lands Department; and the direct case upon which it did arise was one from Gympie, in which a claim was made at the rate of 10s. per acre for ring-barking. That claim was supported by the land agent of the district, but he felt it was so very much beyond what he should be justified in allowing, that he not only refused it, but felt, upon looking into the matter, that it would be probably necessary to raise the whole question, whether ring-barking was to be allowed as an improvement or not; because if claims were allowed in the form which he had referred to, they would cover a large amount. He did not feel justified therefore, in his position as head of the department, in authorising it without further advice. He thought it must be admitted on reference to the clause quoted by the honorable member for Dalby, that, at any rate, it was an open question. Ring-barking was not there referred to. It was quite true that at the time that Act was passed there was very little ring-barking going on, and if there had been, no doubt the question would have been raised, and it would have been definitely provided for in the Act. Since then he was aware, as all honorable members were, that ring-barking had come into fashion, and it was believed by some, that in certain respects it did improve the country; others, again, held it did not; and unquestionably it very much depreciated the timber-bearing quality of country; and he was not quite sure whether a great deal of country was not very much injured by this process which was now going on. Others, again, held that it affected the climate, and that the results in this respect would not be so beneficial as was generally supposed. However, he admitted that it was a serious question, and one in which a large number of selectors were involved; and he believed the honorable gentleman was perfectly right in the statement that several commissioners had led selectors to understand that ring-barking would be allowed; but he had learned for the first time to-day, that it had ever been authorised by any Minister. The honorable gentleman had assured the House, that one of the late Ministers for Lands, Mr. Stephens, did recognise it. He (the Secretary for Lands) was not aware that there were any written instructions to that effect; there might have been verbal assurances, but they certainly had not been brought under his notice, and he doubted very much that they existed. Of course he was obliged to the honorable member for the information he had given on that head; and he might say it was just one of

those difficult questions where a Minister gave an opinion and commissioners were governed by that opinion, and it subsequently turned out that it was not strictly in accordance with the ruling of the law. Of course he presumed the House would wish, above all things, that the law should be respected, if that were the law. As to the interpretation put upon the law, there was only one authorised mode that he was aware of, of obtaining it, so far as the Ministry was concerned, and that was to refer the matter in question to their parliamentary adviser, the Attorney-General; and if he ruled that a certain construction must be adopted in the interpretation of the law, he presumed the Ministry were bound by that interpretation; and in this case the honorable the Attorney-General had certainly given his opinion, as Attorney-General, that in accordance with the interpretation he put upon the term "improvement," ring-barking should not be allowed. He hoped, after what had now been said, the matter would be permitted to drop for the present. The whole subject of land legislation would come on to-night on the second reading of the Bill for the alienation of Crown lands, and he hoped this question, in connection with many others of great importance bearing upon the alienation of public lands, would receive the deliberate attention of the House. He admitted that it was a difficult question, and one in which many selectors were concerned, and it deserved to be very deliberately considered. He was not aware that any large number of cases of claims in this form had been allowed, but he was aware that they were beginning to creep in to such an extent that he did not feel justified in allowing. Values had been represented in the form of ring-barking that he could not pass, and the whole question then came up, whether it should be allowed as any improvement.

Mr. THOMPSON said he could not understand how the Land Act of 1868 had got into such a state that the commissioners had to take instructions from the Minister for Lands as to what interpretation should be put upon "improvements."

HONORABLE MEMBERS: Hear, hear.

Mr. THOMPSON said: Because it had always been contended that the scheme of the Act was that the commissioners were to be satisfied; that they were to be independent of the political head of the department for the purpose of giving just administration to the Act. Section 3 of the Act said:—

> "There shall be appointed in different convenient districts within the settled districts of the colony, Commissioners of Crown Lands, who shall have power to exercise the provisions of this Act."

Then, the provision with regard to improvements put it entirely as a question for the satisfaction of the commissioner; and there could not be the least doubt, whatever the reading of the Act might allow, or whatever the official position of the commissioner might be, that when the Act was passed it was considered that the commissioner should stand between all political influence and the selector, and that he should be the judge in the matter.

HONORABLE MEMBERS: Hear, hear.

Mr. THOMPSON said there was no doubt, from the framing of the clause, that that was the intention of the Act, and it was certainly the feeling of the day. Any person looking at the clauses referring to the commissioners' decision would see that the improvements were to be to his satisfaction; and he (Mr. Thompson) contended that the Minister for Lands, the political head of the department, had no right whatever to instruct a commissioner as to his *quasi* judicial duty in this respect. Then, again, the whole question turned on the word "clearing," and how the honorable the Attorney-General could put a legal interpretation on what would satisfy the commissioner in regard to clearing, he could not understand. He should be surprised if that honorable gentleman had ventured to give a judicial interpretation of "clearing," because it required no legal definition whatever. If the commissioner were satisfied that ring-barking was sufficient clearing, that was all that was necessary. As to the question of value, which the honorable the Minister for Lands had raised, that was another matter altogether. The Minister for Lands could take steps to see that he was not cheated as to the value, but that had nothing to do with the question whether ring-barking was "clearing" or not. What was ring-barking but clearing? He could refer to one case within eight or ten miles, on Opposum Creek, where an estate had been converted from comparative barrenness into a highly valuable property. He referred to the property of Mr. Josey, on Opposum Creek. Ring-barking was allowed by Mr. Coxen as "improvements" in that case. It was the highest improvement the selector could make, and it created second-class property into first-class property. If taking trees away, or partially taking them away, or destroying them, was not clearing, what was? He could not understand how the question should have arisen. It was one entirely for the commissioner, and the Minister for Lands should have got over the difficulty by telling the commissioner that he should be satisfied. That was what the 51st section of the Act provided, and if a commissioner knew his duty he would require no instructions, but say, "I am satisfied," or "I am not satisfied." He thought there was no time to be lost in consideration of the matter, and that the honorable the Minister for Lands should give his decision without delay, because, otherwise, he was afraid some people would lose their selections.

Mr. AMHURST said he was afraid the honorable the Attorney-General was a better lawyer than he was an agriculturist. Clearing

was letting in the light, and it was well known that crops would not grow under trees before they were ring-barked, but they would grow afterwards. He had seen a great many instances on plantations in the North where trees had been merely ring-barked and no other clearing done, and cultivation was carried on. It was found much cheaper to do that and to plough round and cultivate the soil, than to go to the heavy expense of cutting down the trees and grubbing out the roots; and after a few crops, if the selector became more wealthy, he could afford to have them removed. The Act clearly said, that clearing, and a variety of other things

"for the working or management of a run farm grazing farm or plantation and of any sheep cattle or horses depastured thereon and for maintaining or increasing the pastoral or agricultural capabilities thereof"

were improvements; and, therefore, he thought the honorable the Attorney-General, or anyone, should not hesitate for a moment to say that ring-barking was clearing, and an improvement within the meaning of the Act.

Mr. Fryar said he was aware, from personal experience, that the practice of ring-barking was in vogue for many years before the Act of 1868 was passed, and it was then considered to be an improvement when improvements were not compulsory; and as only 5s. per acre was demanded to be spent on second-class pastoral land, he did not see how it could be spent in a better way than ring-barking trees.

Honorable Members: Hear, hear.

Mr. Fryar said it was a question that had been repeatedly cropping up. He had been asked about it several times, and his opinion quite agreed with that just expressed by the honorable member for Bremer, that the Minister for Lands had no business to interfere with the commissioner. It was his duty to say what were improvements. At the same time, as far as his (Mr. Fryar's) opinion went, ring-barking constituted improvement to fair and reasonable value, whatever that might be. He never had the slightest hesitation in allowing the ring-barking of trees as an improvement; and not one of the predecessors of the honorable gentleman at present at the head of the Lands Department, who was the ninth who had occupied that position since the passing of the Act of 1868, appeared to have any doubt or difficulty on that point. Everyone had allowed that ring-barking was an improvement, and he knew that a very large area of land in the poorer districts had been very much improved by that means; so that he hoped the honorable Minister for Lands would see the error of his ways, and retract any order of the kind referred to that he had given.

Mr. Edmondstone said, as the honorable member for Dalby had mentioned the name of the late Mr. Coxen, he might state that he had reason, some time ago, to call at the Land Office to see that gentleman, in company with a selector from the Logan, and the very question that was now before the House arose. The selector was applying for a certificate, and amongst the other improvements he wished to claim for was ring-barking—he seemed to lay great stress upon having ring-barked a large number of trees. Mr. Coxen demurred to that very much, and would not recognise it, and when the applicant put a direct question to him, "Is ring-barking to be accounted as part and parcel of my improvements?" Mr. Coxen replied, "Well, with ring-barking and altogether, you have not made sufficient improvements, and the consequence is you shall have to do something more before you make a second application for your certificate." He (Mr. Edmondstone) was therefore certain that at that time, which was nearly two years ago, Mr. Coxen was uncertain whether to allow ring-barking as portion of the improvements specified in the Act or not.

Mr. Walsh said, surely this was a nice piece of criticism on the land laws of the colony that had just been introduced by the honorable member for Wickham. That honorable member stated that after a selector had gone to him and tried to prove to the commissioner fulfilment of the conditions required, and mentioned one or two things he had done, he was told at the last moment he had not done quite enough, that something more must be done. He was told, "You have ring-barked so many trees and done so and so, but in my opinion you have not done sufficient; you must do a little more." Was it not a frightful criticism upon their land laws, that required any conditions at all to be fulfilled? Was it not enough to make them ashamed of their laws that a single commissioner—utterly impossible as it was in Mr. Coxen's case—could say, "In my opinion you have not done enough, and unless you grease the palm of my hand, you will never have done sufficient"? Was not that the meaning of it?

Honorable Members: No, no.

Mr. Walsh said honorable members might say it was not the case, but he said it was; it had been the case notoriously through the country. That was the fruit of their past wretched land legislation. He was not making the slightest allusion to Mr. Coxen, whom he knew was a gentleman far beyond anything of that kind; but he was merely drawing his own conclusions as to the way in which the conditions must or might be fulfilled in the country; and he thought as they were now about entering upon another land law—he believed that very evening—it was right that they should take into consideration their experience of those frightful provisions which made it dependent on the will of one man, or upon the will of the Minister, who was only one man, to determine whether the conditions had been performed or not. It was time that pointed notice was taken of the way in which

the conditions could be fulfilled, and must be fulfilled, according to the notions of certain individuals who were to determine what was a sufficient performance. He had been a victim himself of commissioners' action, where he had applied under that celebrated Land Act of 1868, and he could quote numbers of instances to show that if he had gone in a dishonest way to work, he could have succeeded in his application, as having put it in the right form. He was perfectly certain it was open to applicants as conditional selectors, or any other selectors in fact, throughout the length and breadth of the colony, to prove in a peculiar way the performance of conditions. He said the text given them to-day by the honorable member for Wickham was a frightful criticism, unintentionally made, on the manner on which the conditions required by their land laws could be fulfilled; and he did trust that honorable members would consider the information given by that honorable gentleman as a sufficient warning to guide them in determining the land law to be brought before the House that evening.

The COLONIAL SECRETARY said he could not allow the remarks of the honorable member for Warrego to pass unnoticed. In rising immediately after the honorable member for Wickham, he repeated the case given by that honorable member, and then made an application of it in a way which, to say the least of it, was most discreditable when speaking of a man who was now dead and buried.

Mr. PALMER: He distinctly denied it.

Mr. BELL: You could not have heard what the honorable member said: he said he made no reference to Mr. Coxen from the outset.

The COLONIAL SECRETARY: I heard all the honorable member said, and after stating a particular case, he made application of it to show what could be done.

Mr. LORD: I can assure the honorable member——

The COLONIAL SECRETARY: The honorable member for Gympie will have an opportunity of speaking when I conclude. I say the honorable member for Warrego repeated the case——

Mr. IVORY rose to a point of order. The honorable the Colonial Secretary stated——

The SPEAKER: The honorable member is not rising to a point of order.

Mr. IVORY: I will state my point of order: That the honorable the Colonial Secretary is repeating a statement which has been denied; and I say he is out of order in doing so.

The SPEAKER: I did not understand the honorable the Colonial Secretary to contradict a statement which had been made in debate by any member of the House.

Mr. PALMER: He made a statement not made by the honorable member.

The COLONIAL SECRETARY said he did not repeat the statement. He simply said it was the way the honorable member applied it. The honorable member repeated the case, and it applied in a certain way, and then denied it, and he (the Colonial Secretary) was quite willing to accept his denial, but he thought it was a reflection in one way on a gentleman who was now dead, and also on the Civil Service.

HONORABLE MEMBERS: No, no.

The COLONIAL SECRETARY said the honorable member made a thorough denial of it afterwards, and he thought no honorable member should bring up a matter of that sort unless he was prepared to give some proof.

Mr. HALY said, as an old friend of Mr. Coxen, he could state that the honorable member for Warrego never cast the least slur upon him. That gentleman was above it, and every member of the House knew him to be above it.

Mr. J. SCOTT thought, as the Land Court would sit on Friday next, it would be well if some member of the Government would make a statement to the effect that the cases referred to would not be dealt with in a hurry. He thought, as the commissioner had received instructions, which he (Mr. Scott) believed were contrary to law, from the head of the department, to act in a particular way, those instructions should be rescinded until such time as the matter could be more fully discussed. He believed that if some member of the Government would make a statement to that effect, it would satisfy the people in the meantime.

Mr. DE SATGE said perhaps a better way of dealing with the matter would be to withdraw all land from any sale whatever until they amended the land laws they had already. The attention of the House had been drawn to the system of gambling in public lands which was going on at the present time, numbers of applications being sent in for one piece of land, and he thought this opportunity should be taken of withdrawing all land offered under conditions until they passed a land Act suited to the requirements of the country. A Bill was to be brought in to amend their land laws, and to bring them into something like proper shape, and they should, therefore, determine upon not selling one acre of land until they could do so apart from the spirit of gambling and lottery that at present existed.

The SECRETARY FOR PUBLIC LANDS said, as he had been appealed to, he must say that the Government would take this matter into their most serious consideration before the question would arise in a form which would apply to a large number of selectors in the Ipswich district. Of course, his action could not arise from any desire to restrict the operation of the law in any respect. He was most anxious to give definite effect to it, and the question should have the best attention of the Government with the view of meeting the wishes of the selectors so far as they could be met in accordance with the law.

Mr. McIlwraith said the honorable the Minister tor Lands had told the House that the Government would take this matter into consideration before Friday next, and he (Mr. McIlwraith) would like to give him a piece of advice, and that was to ask for an interpretation of the clause of the Act referring to the subject from somebody else than the honorable the Attorney-General. He did not think the Attorney-General, or any lawyer at all, was capable of giving an opinion on the matter, which was simply a practical question, and not a legal one in any respect. The honorable the Attorney-General could come forward and tell them, when it suited his argument, that this was improvement because it was part payment for the land. Some people paid the Government for their land in hard cash, others paid a portion in cash and so much in improvements; that was, they proved that they had improved the country to a certain extent. The honorable the Attorney-General was not the man to decide whether this was improvement or not. He (Mr. McIlwraith) did not believe he understood what it really was. He took a lawyer's dry view of the words in the clause, but if he had looked even intelligibly into the nature of the whole clause, he should have found no difficulty about the question. The real practical point the Minister for Lands had to decide was, whether those people had actually made the land more valuable than it was before; and his own opinion was perfectly clear that there could be no more practical improvement so far as the wording of the section went. He wished to draw attention to this, because the technical or local name of "barking" down in certain districts of Victoria was "clearing." That was what they called "clearing," and he had not the slightest doubt that it was what was intended by the Act.

The Premier said honorable members opposite had omitted to read the latter part of the clause, which only referred to improvements on lands belonging to the Crown, and had nothing whatever to do with the question under discussion. The concluding provision was, "Provided that such improvements be upon land belonging to the Crown." What should be improvements he held was a matter for the commissioner, but at the same time the decision of the commissioner was subject to confirmation by clause 5, which provided:—

"All questions shall be decided by the commissioner, who shall give his decision in open Court, subject to confirmation by the Governor in Council."

The clause clearly had reference only to pastoral lessees taking up land in consideration of certain improvements. Honorable members would see on looking at the clause that it said:—

"Any head station homestead store stable hut woolshed;"

and a great many other improvements, and then there was the proviso he had read. Now, if land were under lease it was not Crown land at all, and the clause mentioned by honorable members opposite had, he contended, no reference whatever to the case in dispute.

Mr. McIlwraith: What is the heading?

The Premier said the heading was "improvements," but it related only to Crown lands; and he could tell honorable members why that clause was inserted. It was inserted with the view of giving pastoral lessees power to exercise pre-emptive right in consideration of certain improvements made by them, and at the time of the passing of the Act it was contended that pastoral lessees should not be allowed for ring-barking as an improvement. The clause had nothing to do with the case in question. It was a matter purely for the commissioner, but at the same time the commissioner's decision could be upset by the Governor in Council under clause 5. However, the matter would be carefully considered, and an answer would be given before Friday, as stated by the honorable the Minister for Lands.

Mr. Palmer said he had never heard of this regulation from the Land Office before to-day, but looking back on the records of the House, he must say he was not the least astonished at it, because it must be patent to every member of the House that the honorable the Minister for Lands had got forest conservancy on the brain. That honorable member got a committee appointed last year on forest conservancy, and took up a great deal of the time of honorable members in connection with it; and he (Mr. Palmer) thought he had made a mistake on this occasion. He did not know the difference between scrub and forest; and however desirable it might be to preserve forest, it was not at all desirable to preserve scrubs. The law, as laid down by the honorable the Premier, who, he hoped, would be corrected by the Attorney-General, looked to him very fishy indeed. He (the Premier) said the Act did not apply to those lands at all, because they were not Crown lands. Then what were they? Before the occupiers got their title, what could they be but Crown lands? Once they got titles, they became the property of the proprietor; but before that, he took it, they were still Crown lands.

An Honorable Member: No.

Mr. Palmer said well, they must be somebody's; they were not the occupiers', and if they were not, they must be the Crown's.

Honorable Members: Hear, hear.

Mr. Palmer said he could tell honorable members that the effect of ring-barking trees in the adjoining colony, which he knew more of in that respect than he did of here, had been, to his certain knowledge, that country which would not feed a working bullock was now sending the fattest stock to the Sydney market, and they had hundreds more of them.

The fattest bullocks from the Hunter were going into the Sydney market from ring-barked country, and if that were not clearing and improving, he should like to know what clearing was. He quite agreed with previous speakers that the honorable the Attorney-General was not competent to give an opinion on this subject; but at the same, it seemed to him that whenever a Minister got into a difficulty, he rushed to the Attorney-General as his father confessor, and fathered all his sins on him, and made him responsible for them. This was not a question of law at all, and ought never to have been referred to the Attorney-General, and he (Mr. Palmer) noticed that that honorable gentleman was very careful in reserving his opinion. But if he did not know more of clearing than shown by his opinion as read out to the House by the honorable the Secretary for Lands, they should have to take him into the bush and teach him something before he was competent to advise the Government on a question of this sort. He was sorry to hear the honorable the Colonial Secretary allude in the manner he did to the speech of the honorable member for Warrego. There was an old adage, "Save me from my friends," and he thought if Mr. Coxen were there, he would say, "Save me from the Colonial Secretary." The honorable member for Warrego utterly disclaimed the idea of casting any imputation whatever on Mr. Coxen's character, and the honorable the Colonial Secretary got up and damned the whole of it by saying he did so, and denied it afterwards. The honorable member for Warrego distinctly said he imputed nothing of the sort; he simply stated cases that had occurred in his own knowledge, and it was a great mistake to allude in the manner the honorable the Colonial Secretary did to Mr. Coxen, whose character he believed every member of the House, and almost every member of the community, knew and esteemed.

Mr. PECHEY said he wished to point out, with reference to the interpretation clause of the Act of 1868, that it concluded with this proviso:—

"Provided that such improvements be upon land belonging to the Crown."

He thought that clause had reference to improvements effected by pastoral lessees to entitle them to pre-emptive selections, and he was borne out to some extent in that, by looking back to the commencement of the interpretation clause, where "Crown lands" were defined to mean——

Mr. BELL: It does not say "Crown lands," but "land belonging to the Crown."

Mr. PECHEY said he should imagine that land belonging to the Crown was Crown land. However, they found "Crown lands" defined as:—

"All lands vested in Her Majesty which have not been dedicated to any public purpose or which have not been granted or lawfully contracted to be granted to any person in fee-simple."

Now, lands that were leased under the Act of 1868, he should contend, had been lawfully contracted to be granted, and therefore he certainly thought they could not come under the head of lands belonging to the Crown, because they did not actually belong to the Crown; they had been contracted to be lawfully granted to the lessee if he complied with the conditions imposed by the Act. Therefore he thought the honorable the Premier was perfectly right when he looked upon the interpretation of "improvements," as referring to improvements respecting which pre-emptive right could be exercised; and he really thought some of the observations that had been made by honorable gentlemen opposite with regard to the action of the present Minister for Lands were rather uncalled for. He certainly thought the Minister for Lands, as the head of the Lands Department, had a right to instruct the commissioners. They were all aware that there had been a great deal of legal fighting over the Act of 1868, and he thought, as far as they had gone, in referring to this matter at all, it had been decided that the commissioner only acted *pro tem.*, and that his decision only carried weight when it was approved by the Minister for Lands. They were all aware that the commissioners were under the orders of the head of their department, and that the Minister for Lands was the only head responsible to that House; and if he had no power to issue to those commissioners instructions from time to time as to how they were to act, it struck him (Mr. Pechey) there was an end to responsible government. They were also aware that in the reading of almost every Act of Parliament, it was quite usual for Police Magistrates and other Government officers who were not suppose to know anything of law, to refer questions of that kind to the heads of their departments, and they must necessarily do so to know how Acts were to be construed. And it seemed to him perfectly right and only natural that the head of a department, if he were not the Attorney-General, should refer such matters to the Attorney-General as the adviser of the Government. He thought it would have been just as well if the present discussion had stood over until a later hour of the evening, when they had the Crown Lands Alienation Bill before them. There might be great faults in the Act of 1868, and if so, he hoped that the Government, in introducing their proposed Bill, would receive assistance from both sides of the House. No human legislation could be perfect, but he trusted that the time had now arrived when honorable members on both sides would endeavor to pass a Land Bill that would act well; one that would suit all classes of the community, and that would give a fair share to all without pressing heavily upon any particular class.

Mr. BELL said that he should have much pleasure in withdrawing his motion, feeling

certain that the assurance which had been given by the honorable the Minister for Lands, would meet the requirements of the case.

Motion, by leave, withdrawn.

TELEGRAPHIC MESSAGES ACT.

The ATTORNEY-GENERAL said that in moving the second reading of the Bill, he had only to mention that it proposed to amend the Telegraphic Messages Act of 1872, by allowing a returning officer to return a writ for the election of a member by telegram. The Act stood at present:—

"It shall be lawful for the Governor the President of the Legislative Council the Speaker of the Legislative Assembly the Judges of the Supreme Courts and District Courts the Ministers of the Crown and any principal officer of Government or attorney or solicitor to cause to be transmitted by electric telegraph the contents of any writ warrant rule order authority or other communication requiring signature or seal."

The Elections Act of 1874 referred by name to returning officers appointed under the Elections Acts of 1867 and 1871, both of which had since been repealed, but made no reference to any returning officers under any other statute; so that the Bill he now introduced merely gave effect to what he thought was necessary, and provided that the term "principal officer of Government" should include any returning officer appointed, or acting under any law in force for the time being, for the election of members of that Assembly. He anticipated that there would not be any objection to the Bill, and he would therefore move—

That the Bill be read a second time.

Question put and passed.

On the motion of the ATTORNEY-GENERAL, the Speaker left the chair, and the House went into committee to consider the Bill in detail.

The House resumed, and the Chairman reported the Bill without amendment.

JUDICATURE BILL.

The ATTORNEY-GENERAL moved—

That the Speaker leave the chair, and the House resolve itself into a Committee of the Whole, to consider of the desirableness of introducing a Bill to provide for the administration of a uniform system of law in all Courts of Justice, and to simplify and amend the practice of the Supreme Court.

Mr. WALSH said that before the question was put he wished to draw the attention of the House to the way in which Bills were pushed through by the Government. There was a positive informality in the way in which the Telegraphic Messages Bill had been passed through the committee; and if the present resolution was passed, he had no doubt that the same course would be followed. In the first place he objected to a Bill being passed through committee on the same day on which the second reading took place, and to show the evil resulting from business being so rushed, he would mention that the Bill referred to was passed without the enactment clause being put to the committee. If the honorable Attorney-General intended to rush through all the Government business in the same way they might as well at once do away with all the forms of the House. When that Bill was called on for the third reading he should certainly object to it, and move that it be re-committed. They were now setting all their Standing Orders at defiance. He saw the honorable Attorney-General laughing at that remark, and if that honorable gentleman preferred to deal with the business of that House rather in the spirit of a lawyer than in that of a legislator, all he could say was that he (Mr. Walsh) did not, and that he would not consent to allow business to be rushed through in the unseemly way it had been that evening. He had no objection to the Bills, he hardly understood them; but he did understand something of the rules and practice of Parliament, which had been so well observed in that House heretofore. He protested against the honorable gentleman, when he was reminded of the non-observance of the rules of the House, trying to stem it off by an unseemly laugh. He would call the attention of the honorable Speaker to the fact that it was contrary to the Standing Orders and rules of the House to allow a Bill that had passed its second reading to go into committee on the same day.

Mr. BELL said he thought the honorable member for the Warrego was perfectly right in the observations he had made in regard to the infringement of the rules and practice of the House. It was only a short time since the Government, when they wanted to pass a Bill through all the forms of the House in one day, said that that should be the last time they would ask to do so; yet now they found the honorable Attorney-General infringing the rule. He had no doubt the honorable gentleman had forgotten the promise which had been made, but he (Mr. Bell) thought the honorable member at the head of the Government should keep his Ministers in hand, and prevent them from infringing the rules of the House. He hoped that in future the honorable member's attention would be more strictly directed to the junior members on the Treasury benches, as regarded their observance of the rules of the House.

The ATTORNEY-GENERAL said that he had asked the indulgence of the House when he moved that the honorable Speaker leave the chair so as to allow the Bill to go into committee, and he believed that he passed the Bill through committee with the unanimous wish of honorable members. The Bill itself was of no good to the Government any more than it was to the Opposition; it was merely to facilitate the return of a member to that House, and it was at the suggestion of hon-

orable members that he had been anxious to pass it through. If there had been the slightest objection made, he should have at once withdrawn his motion for going into committee.

The SPEAKER said he would put it to the House that the present discussion was irregular, as it was not the question under discussion. The motion now before the House was, that he should leave the chair.

Mr. WALSH wished to say, by way of explanation, that it was on the motion, that the Speaker leave the chair, that he had considered it his duty to call attention to an irregularity which he trusted would not be repeated. He had drawn attention to the fact that the last Bill had been informally passed through committee, as the preamble had not been put by the Chairman; and he had also drawn attention to the Standing Orders, to show that it was contrary to the rules of that House, that a Bill should pass its second reading and go into committee on the same day. It was simply a question whether they ought to abide by their Standing Orders or not; it was not whether they should keep out one Bill or another. No honorable member insisted more upon an observance of the forms of the House than the honorable Attorney-General himself did, and therefore that honorable gentleman should be the last to infringe them in any way.

Mr. PALMER said he quite agreed with what had fallen from the honorable member for the Warrego, and differed from the honorable Attorney-General entirely. Even allowing the proposal to go into committee had been approved by the House, the proceeding was informal all the same, and, therefore, however desirous his side of the House might be, or the Government might be, to get in a supporter, he thought it was better that they should adhere to their Standing Orders. A day or two would not make any difference to his side of the House, as the fate of the Government was sealed.

HONORABLE MEMBERS on the Government benches: Oh, oh.

Mr. PALMER said he thought it was better to adhere to their Standing Orders, and not to allow any Bill to go into committee on the day of its second reading, excepting perhaps the Appropriation Bill on the sad occasion when they were going to be sent about their business.

The PREMIER said he was not aware that any promise had been made on a former occasion, but when he was in that House before, it was invariably the practice in the case of minor bills to pass them through committee on the same day on which they were read a second time, and no one knew better than the honorable member for Warrego that it was not any contravention of the Standing Orders. It was not irregular, as it had frequently been the practice; and in the present case, if honorable members opposite were desirous that the electorate of Burke should not be disfranchised longer than was possible, they should not raise such an objection as that put forward by the honorable member for the Warrego. He was so anxious to see the Bill passed that he hoped, when it got into another place, the Standing Orders would be suspended so as to allow it to pass through with as little delay as possible. He should be glad if the honorable member for the Warrego would point out how the course which had been pursued that evening was in contravention of the Standing Orders.

Mr. J. SCOTT said the imputation of the honorable Premier was all very well, but honorable members knew very well that a discussion, similar to the present, took place two or three weeks ago. About two years ago it was the practice, no doubt, to rush Bills through their various stages in one day; but since that time it had not been, until on a very recent occasion, when it was considered necessary. The question, as the House would remember, was put by the honorable member for Port Curtis to the then honorable Speaker, whether it was to be the practice or not; saying at the same time that personally he did not care whether it was or not, but he wished to know whether it was to be made a practice. It was put to the House by the then Speaker, and it was clearly decided that it should not be the practice.

The PREMIER: It is not against the Standing Orders.

Mr. J. SCOTT said he believed it was; at any rate it was contrary to an arrangement made by the Honse.

Mr. IVORY said it was all very well for the Premier to try and throw the odium of disfranchising the Burke electorate on the Opposition, but he thought that the proceeding of that honorable gentleman that day showed that he was up to one of his little tricks. The honorable member knew very well that the Bill had been passed through committee in a wrong manner; and knowing the honorable member's character, he (Mr. Ivory) had not the slightest doubt that the object of the honorable member was that he, and not the Opposition, should have a few days more delay in preventing the member for Burke from taking his seat.

The question was put and passed.

CROWN LANDS ALIENATION BILL.

The SECRETARY FOR PUBLIC LANDS said: Sir, in rising to move the second reading of this Bill, I must crave the indulgence of the House, for I really do not know whether I shall be able to make myself intelligible, owing to the very severe cold from which I am suffering. I shall endeavor, sir, to direct the attention of the House to a few of the features in this Bill. I may, however, first of all observe, that I think it will be admitted on all sides that the time has now arrived for an earnest consideration of this subject. It has been thoroughly discussed,

but unsuccessfully, to some extent, so far as legislation is concerned; as for the last four or five years there has not been, what may be called a comprehensive Land Bill set before the country. Although there have been, it is true, some Bills introduced bearing on the question, I think that public opinion has so far formed itself, that we are now in a condition to hope that something like a final decision on the land question will be arrived at. I may say, for the Bill now in the hands of honorable members, that it may be considered a careful codification of the present land laws so far as it attempts that portion of the subject; and I think I am entitled to take this opportunity of thanking my honorable colleague, the Attorney-General, for the able assistance he has given me in this respect; and, so far as his legal knowledge has enabled him, I think he has most successfully grappled with the difficulty, for commencing with the six Acts now in force, he has compiled them in a clear, succinct, and presentable form. This Bill proposes to repeal the Act of 1868—in fact to repeal the six Acts now in force, and to reproduce almost all the most important provisions in them; and I think no objection can be taken to the clearness with which this has been done. If the House thinks fit to accept this codification of our present laws with the amendments made on it, I think they will be making an advance in legislation which will redound to their credit. It is extremely desirable that as great simplicity as possible should pervade our land laws, that they should be reduced to as brief a compass as possible, and that they should be made as intelligible as possible: I think I may say that the attempt has been made to give clearness and effectiveness to our present legislation, and where it has been proved to be defective, to apply remedies. The Bill does not propose any violent changes; it accepts the legislation and experience of the last eight years, and having done that, it provides for the future exigencies of the land question in a manner which the importance of it justifies. I wish then to ask the attention of the House to the present position of the land question so far as the alienation of land is concerned; the amount which has, up to the present time, been alienated, and the amount conditionally alienated. I think that it will be as well to inform honorable members of the actual area which was alienated previous to the passing of the Act of 1868: up to December, 1867, 742,694 acres had been alienated, and the quantity received for that land, in cash and land orders, amounted to £1,245,179. The quantity of land actually alienated, up to the present day, namely, August 29th, 1876—from January 1st, 1868, to the present time, has amounted to 1,209,388 acres. When I say actually alienated, I mean that this represents the amount for which deeds have been issued, and which has therefore passed beyond the control of the State. For these 1,209,388 acres £687,440 was received. The total area alienated then, up to the present date, amounts to 1,952,082, or nearly two million acres. A very large area, as honorable members, no doubt, know, has been conditionally alienated under the Act of 1868, and it represents a total, up to the 30th June last, of 4,599,700 acres. This includes that portion of land which has been actually alienated under the Act of 1868, and I think from it may be deducted half-a-million acres as that which has been alienated under the Act of 1868. The actual amount alienated under the Act of 1868 has not, therefore, up to the present time, much exceeded 400,000 acres, but there remains the very large balance of 4,000,000 acres besides, which are under process of being dealt with, which have been conditionally alienated, and a very large proportion of which, I suppose will be eventually alienated. This amount of land has been taken up by 12,579 applications—I can hardly say selectors, because, of course, it cannot be presumed that there have been this number of actual selectors. I have not ascertained what is the precise number, and it would probably be a difficult thing to do so, but we might put it at half the number of applications. The average acreage on the applications is 356 acres for each application. This turns out to be a somewhat smaller average than I had anticipated, but of course it must be borne in mind that the number of applications is always in excess of the actual selectors. The number of homestead selections up to the end of last June—and I give these figures because they are brought up to a later date than any previously before the House—under the Acts of 1872 and 1875 was 1,094, and the average acreage taken up by these selectors was 318 acres. Honorable gentlemen are aware that the operation of the Act of 1868 with regard to homesteads was different from the subsequent Acts. The number of selections under that Act for homestead selection was 3,547, giving an average of 91 acres for each selection. The number of conditional selections is very large, namely, 7,466; but here again we must apply the same principle as that I have before mentioned, the probability being that in some instances one selector has made half-a-dozen selections; there are some instances, I believe, where one selector has made as many as 20 selections, but the average of these 7,466 selections is 476 acres. As to pre-emptions, there have been 472 applications, showing an average of 774 acres under each selection. The total applications then were 12,579, representing 4,599,700 acres, the average being 356 acres to each. These are the figures up to the latest date, that is to say to the end of the June quarter of 1876, and from them it will be apparent that, taking into consideration the vast area with which we have to deal, as yet no really very great encroachment has been made upon the public estate. I hardly like to refer to the immense area

which is represented in figures by the superficial area of the colony, but I believe it exceeds 600,000,000 of acres. The actual area under occupation—and by occupation I mean land for which some equivalent is paid in the form of rent in the settled and unsettled districts—is in round numbers about 115,000,000 acres, but this does not include a very large area specified as unavailable. Honorable members are aware that most runs in the unsettled districts contain a good deal of what is called unavailable country, for which rent is not paid, but in these figures I have specified the amount of occupied country for which some rent is paid, and of this, as I have just said we have 115,000,000 of acres more or less in pastoral occupation. This leaves a large balance unaccounted for, and which we may work upon at present as unavailable altogether. But we must not lose sight of the fact that some of our richest territory in the North is included in this country which does not at the present time pay any equivalent to the State, not being occupied, or in any way made available for productive purposes. What then, I may ask, are we to do with this enormous public estate of such value and importance to us, and those who may come after us? In reply to this question I would remark that there are two primary considerations. We must secure the settlement of the population, and make this country available to human beings. A vast territory such as this has really no value, commercially, politically, or socially as an uncultivated waste: however fertile it may be in itself, its real influence in the world is the amount of human beings it will sustain, and in that respect it must be admitted that our resources are very imperfectly developed. Our object, however, is to make this vast territory as available as possible for the benefit of our race, for the advancement of human nature itself, and to apply the natural resources of the country to the benefit of mankind, and especially to that portion of mankind in whom we are more especially interested. This is a primary object in dealing with the public estate. The next thing we have to consider is this:—if we part with the right we have in it we should obtain something like an equivalent. The most generally recognised principle is, that the best value, the most easily convertible property is money, and, I think, therefore, that if you transfer absolutely a portion of your public estate, irrespective of the question of settlement, the best equivalent is that which is most readily current, namely, money. It is of the utmost importance to us, both in connection with our revenue and the conduct of public affairs, that at any rate a portion of the proceeds of the sale of the public estate should be in this form, and I am not aware that this can be, or is denied. We have in this colony, and I may say in Australia at large, a difficulty to deal with: perhaps, however, I ought not to call it that, but there is a difference between the way in which we in this country deal with our unoccupied land and the way in which it is dealt with in America and other new countries. In America, which is the great home of European emigrants, there is no antecedent tenure—no provisional tenure—such as that which exists here in the form of leasehold. The peculiar character of this country, the ease with which it has been occupied, the character of the natives, their incapacity seriously to resist any endeavor on our parts to possess ourselves of their country, has rendered it possible for us to overrun the whole of this territory. And in doing so it appears that it is the most convenient in the first instance to occupy the country for pastoral purposes. In occupying new territory we have, therefore, to establish, primarily and provisionally, temporary occupation: upon this follows the more permanent tenure connected with freehold, and in this respect the free selector of Australia occupies a very different position from the occupier in America. The squatter of America has possibly to fight with Red Indians; he has often to hold his own under great difficulties. Here the selector has less formidable enemies, even if I may term them enemies at all. The interests of the one are to some extent antagonistic to those of the other, for the original leaseholder does not view with any great favor the advance of the free selector, pressing, as he does, closely upon his heels. Now, sir, it is our duty to reconcile these conflicting claims, and this is the difficulty we have to deal with in all the legislatures of Australia. We now endeavor to approach this subject once more, and in doing so I think we may hope to apply a satisfactory solution to the question. It is not to be denied that these antagonistic claims really exist. They have always existed in Australia, and will probably continue to exist until the whole of the land is alienated. We ourselves can scarcely look forward to that time in this vast territory, but it is astonishing to observe how much has been done in the neighboring colonies within a comparatively brief period; and who knows but that the same may happen in this colony? I have shown how comparatively small an area has been alienated, and how vast a territory we have yet to deal with. This points to the importance of the whole subject, and I trust, therefore, it will now be appreciated with an earnest desire to deal with it on its merits. The question is certainly appreciated in that spirit by me, and I see no reason why it should not be appreciated in the same manner by both sides of the House. I am extremely anxious that our legislation should redound to the prosperity of the colony as a whole. I do not deny, Mr. Speaker, that this Bill may, in one respect, be considered unsatisfactory. It deals chiefly with what are called the settled districts of the colony, and in that sense it may not be very welcome to honorable gen-

tlemen who represent, what may be termed, the outside districts. But it must be remembered that in dealing with these settled districts the Bill deals with portions of the country where the largest number of the population are settled, and where, as yet, the highest value is attached to the land. The value of land must, it seems to me, depend very much upon the contiguity of population, and upon this element of settlement turns the other question, namely, the value of land. We propose, under this Bill, to deal chiefly with the settled districts of the colony, and to apply to them the experience which we have gained in the administration of the Land Act for some years. An objection used to be taken to this feature of our land legislation, and I have on previous occasions heard honorable members make frequent references to Schedule B. The objections to previous legislation were based chiefly on the ground that no attempt was made to extend the boundaries of the settled districts, and provide effectually for the treatment of land within the extensions. That objection, I must confess, applies likewise to this Bill: there is no materially large extension of the settled districts provided; but I must remind honorable members that this is only part of the proposed legislation which we hope to bring under the notice of the House, and that in another measure we have a considerable illustration of what may be called an extension of Schedule B. Though it may be urged against this Bill that it does not make sufficient provision for the future requirements of the country, I have to ask the patience of the House for the time when that question will have to be dealt with in the Bill for the extension of the railway reserves into the unsettled districts. I do not now propose to detain honorable gentlemen at any length, because nothing will be gained by a prolix statement, but I ask their attention to some of the leading features of the Bill so far as they propose alterations. Probably one of the most important differences is that we propose to do away with classification altogether—at any rate, with such classification as arises under the present Alienation Act. There are certain advantages and disadvantages connected with this which I am quite prepared to discuss. The advantages will be apparent to honorable gentlemen who have paid attention to that portion of the Under-Secretary's Report, which refers to classification. Mr. Tully has shown conclusively from figures which are before the House, the result of our present system of classification. It was supposed that it was not desirable to part with agricultural land at less than a certain figure, and that it was very desirable to part with inferior land, described as second-class pastoral, for a less amount. The operation of that has been that both agricultural, first-class pastoral, and second-class pastoral have gradually come down, until we find the whole of our public estate is now passing out of our hands under the designation of second-class pastoral.

Mr. BELL: No, no.

The MINISTER FOR LANDS: Honorable gentlemen may perhaps object to my argument; but, nevertheless, what I assert is a matter of fact. It appears to be the result of past legislation that the tendency is in a lowering direction, and that whereas some few years ago we commenced with only a comparatively small proportion of alienation and classification of second-class pastoral land, we now find that in some districts this percentage has actually risen to the whole. Take for instance one or two of the most striking examples. Take the district of Toowoomba: there the amount of second-class pastoral in 1868 commenced at 12½ per cent.; no doubt at that time, there being a larger area of really first-class country opened, there was less of the inferior country demanded, but as a matter of fact, in that year, only 12½ per cent. of second-class pastoral was taken up, whereas, in 1875, it has risen to 86 per cent.; yet we are aware that lately reservations have been made of country by no means inferior to that which was originally made. The old system of classification has also led to great delays. In the first place, the selector puts his classification upon the land he selects; then the licensed surveyor puts his classification, which will probably be a different one; then comes the commissioner, who puts another classification; and there are some instances where the Minister for Lands is dissatisfied, and refers the matter back to the commissioner. I have had but a short practical experience of this, but I have found that this system of classification, whatever other merits it may have, has not the merit of expediting business. I am sorry to say some applications have come under my notice made originally by selectors so far back as 1873, and are not yet dealt with. These of course are exceptional cases, but there are many I have had to deal with—I may say a considerable proportion—where applications were made originally in 1874, and have but lately been dealt with. This must be unsatisfactory to all parties: unsatisfactory to the Government, and unsatisfactory unquestionably to the selector himself. This has to a great extent arisen, I believe, from the intervening delays in the different stages of the operation of the Act. I am also aware of some instances where a commissioner, after the land had been classified by a surveyor, insists upon lowering that classification again; and I have known instances in which I have myself referred cases in which a commissioner has reported a lower classification to the surveyor. I have referred them back, and the commissioner has maintained his lower classification. These, although exceptional cases, illustrate the system of classification, and the result is that the amount that we receive is at the rate of 6s. per acre, in ten annual instalments. I

think this fact, brought out clearly in figures, may well deserve our serious consideration. This 6s. per acre at which we are now alienating large portions of our vast country may practically be said to represent a cash value of about 3s. 6d. or 4s. per acre. At this price we are selling some of our best land, and it does become a serious consideration whether we are getting sufficient value for it, and whether, having parted with it at this low price, we are getting that alternative value we anticipated when the Bill was passed, namely, the improvement of the country. Fencing and the ring-barking that was spoken of at an earlier period of the evening, are no doubt stages of improvement. The enclosure of the country is a marked improvement, so in some respects is ring-barking—at least, so far as the grazing capabilities of the country are concerned; but may it not be possible that by selling our land so cheaply for grazing purposes, we are unduly stimulating efforts in one direction, and correspondingly depressing the more permanent industry of agriculture? It is a most remarkable thing that taking our latest returns of agriculture up to the present time, the whole of our area under cultivation does not amount to more than 77,000 acres. That, I say, is a remarkable fact not accountable to any climatic reasons or defect of the soil, but it may to a great extent be accounted for by the fact that it is more profitable for the present scattered population to apply themselves to other pursuits than agriculture. It is certainly most desirable to induce the people to cultivate the soil, thereby contributing as nothing else can to the permanent settlement of the people. The pursuit of agriculture is more satisfactory than that of grazing, but I admit that we are at present passing through a phase of industry which will not perhaps admit of any great application of our powers to the purposes of agriculture. However, I am afraid I am rather straying from the subject of classification, to which I will now invite the House to return. The disadvantages of doing away with classification I will at once admit. If we raise the value of land, no doubt, we shall not tempt people who would take up inferior land at a low price; and by this means a good deal of inferior country may for many years be unenclosed. But, on the other hand, if there is some disadvantage in doing away with the low price, I think it will be admitted there are considerable disadvantages in selling at practically the low price of four shillings an acre. We propose by this Bill that the minimum upset price shall be ten shillings per acre. At present there are three prices—fifteen shillings, ten shillings, and five shillings, but we proposed to have a fixed sum as a minimum. This subject has been well discussed in the Bill which was brought under the notice of the House by the late Minister for Lands, Mr. Stephens, and there was at that time an unanimous expression of opinion in favor of a uniform price of ten shillings. In our Bill we preferred adopting this to raising the rate higher. It is quite possible that by this proposal we may sacrifice some revenue for the first year or two, perhaps. I am not sure upon that point, however. At first the operation of this Bill may somewhat diminish our revenue, but I think that eventually the tendency will be to raise it, and I may further remark that the direction of this Bill will also be to diminish the actual quantity of alienated land held by each person. Another important feature of the Bill is the extension of the powers it is proposed to confer upon commissioners. Reference has already been made to-night to the defined position of the commissioner under the Land Act of 1868, and it has been shown that he occupies a judicial capacity. No doubt the commissioners now exercise these functions to a certain extent, controlled by the action of the Governor in Council. In the present Bill, under clauses 10, 11, and 12 we propose to give some of the old power to the commissioners, and more added. It has been the habit of the commissioners to conduct many of their proceedings in open court; we now propose to confer magisterial powers upon them, not only to take evidence on oath, but to summon witnesses to attend, and it is believed that an extension of this power will materially advance the ends of justice, so far as justice is involved in the administration of the land laws. I invite honorable gentlemen to the extension of these powers, which I trust will meet with their approval. I shall not now refer to the many detailed alterations, which will be more a matter of consideration in committee, but shall lay particular stress at present upon another important feature of the Bill. I refer to the definition which is to be found in the 23rd clause:—

"The total area which may be selected or held by any one person at the same time under conditional purchase shall not be more than two thousand five hundred and sixty acres nor shall the area of any land so selected be less than forty acres.

"If any conditional purchaser under this Act shall also be the holder of lands under conditional purchase under '*The Crown Lands Alienation Act of* 1868' the total area he may hold at any one time as a conditional selection under this Act shall not together with the area he so holds under '*The Crown Lands Alienation Act of* 1868' exceed the maximum area allowed under this Act to be held as a conditional selection."

Here, again, we follow in the steps of the Bill that was discussed in 1874. In that Bill the Minister for Lands, then in power, proposed that the maximum area should be 1,280 acres, and I find he produced a large mass of figures in justification of the quantity which he considered to be the proper one to fix as a maximum under the conditional clauses. That amount was raised, chiefly, I believe, by the action of my honorable friend the At-

torney-General, he, at that time, being a free lance, not connected with the Government, and untrammelled by the opinions which must often trammel members of an administration. Their opinions are those of a collective body, and not of any individual in that body. In my own case I should be sorry to say this Bill is exactly the one I should personally like to see carried into effect.

HONORABLE MEMBERS of the Opposition: Hear, hear.

The MINISTER FOR LANDS: But I do not forget that I am one of the Government, a member of a body representing what we believe to be the immediate necessities of the case. This is the result of our deliberate opinions, being an approach, as nearly as we can make it, to what we believe to be the requirements of our position and the desires of the people of the country. Our own hobbies —my own hobbies—in a matter of this kind are wholly subservient to the public interests and public wishes expressed through the authorised forms of the representatives of the people. We are bound to collect from all sources at our command the best information we can, and to embody it in the best shape we can for the people for whom we legislate, but with due regard to the future interests of the community; and that is the form to which I hope the Bill before the House will attain. However, we have placed the maximum at 2,560 acres, and by so doing we have very largely diminished the area which at present can be taken up under the Act, which, in round numbers, amounts to 10,000 acres. It is quite true, as will be gathered from the figures I have already read, that those who will avail themselves of these large areas are undoubtedly few in comparison with those who take small areas. I do not say we should not endeavor to meet the views of these large landed proprietors, but our object is to legislate in the interests of the many rather than the few, and, therefore, the figures I have quoted ought to be taken fairly into consideration in dealing with the subject. I would particularly point to the remarkably small average of homestead selectors under the Act of 1868. In originally adopting the American principle of homestead selection we believed that every man in a young country like this ought to be encouraged to possess himself of a portion of the land; and if he chooses to live upon it, the State should hold out every inducement, and see that what it grants is sufficient for his immediate purposes as a laboring man, dependent for his support upon the sweat of his brow, and that if he likes to have a small portion of land, it would practically make him a present of it. That was the American notion, and that was endeavored to be embodied in the Act of 1868 in the form of homestead selections, and orders which have been largely used. But it may be admitted that since then there has been an inclination to acquire larger areas of land, chiefly for purposes of speculation, and not for purposes of improvement; and the result has been, that a large number of persons have been induced to go into these selections, not to improve the country, but to qualify under the conditional clauses in order to obtain an increased price for their land. I doubt whether that was the intention of the legislature when it passed these clauses.

Mr. MCILWRAITH: I am sure it never was.

The MINISTER FOR LANDS: And I doubt very much whether it would be wise to encourage such a system now. It seems clear to me that we ought to provide in a sufficient manner for every one who wishes to possess a portion of the soil upon which to make his living, and I do not think we are justified in parting with an inordinate amount of it simply to put the profits in the pockets of mere speculators. Of course an end must come to this system, and before long the whole of the settled districts under the present system will be alienated beyond our control. And here arises the question, upon what area of country a man can live? I am often asked that question. A man, it is said, cannot live upon 80 or 160 acres, and I have often been told since this Bill was laid upon the table that a man cannot live upon 2,560 acres. Well, it depends upon what the man is, and what he intends to do with his money. I am sure, however, that no man can profess to take up even 2,560 acres without being a considerable capitalist, because to do it justice he must first enclose that land; he must then stock it, and he cannot do both without spending some hundreds, and perhaps thousands of pounds. I say then, this class of selector it is proposed to deal with as monied men, and not as men belonging to what are called the laboring classes: they are either men who have acquired capital, or they have the resources of capitalists at their command, and being so, it is quite right that they should be provided for in some way. This is not, however, a working man's or laboring man's question at all; for it is preposterous, in my opinion, to suppose that laboring men without capital, men who may be provided for with perfect justice under the homestead system of selection, can be legislated for under these provisions. I am far from saying that selectors under such clauses as this might not, and would not, prove to be our most valuable colonists, and if they are possessed of means to develop the land, let us offer every encouragement to them. They represent the middle class between the actual occupier of the land under the homestead selection, and the larger capitalists represented by the squatting pastoralists; and in that sense, no doubt, they must be looked upon as an important and very valuable section of our community. I wish it, however, to be understood that I express my own opinion in asserting that I do not think, in

holding out inducements to these larger selectors, we are interfering with the working, moneyless, laboring classes who are anxious to push their way in the colonies; for these the homestead selections seem to me to be an ample provision. It is often asserted that some men will starve on a homestead selection. I must take leave to place against that assertion the argument I advanced before: it depends entirely upon the amount of energy, labor, and capital that is put upon the soil. The mere enclosure of a portion of a homestead selection will not support a man and his family with the same comfort as he would enjoy if he devoted himself to day wages. I doubt very much whether a homestead selector, unless he applies himself to cultivation, can make a good living on a homestead selection. Of course, he gradually acquires the means of stocking that selection, but to do that he must apply himself to the cultivation of the soil, or he must look to labor in some other form than the mere profits of his homestead selection. I was referring just now to the question of the maximum area, and had stated that the amount fixed in the Bill was one which had been arrived at almost by the consent of the House on a previous occasion. After having been well discussed it was carried by a very considerable majority, and passed through committee; and although opinions may to some extent have changed since then, still the fact that that amount has been endorsed by the opinions of the House seems to justify the adoption of it in this Bill. In connection with conditional purchases, probably the most material point to which I should wish to draw the attention of honorable gentlemen is that sub-section of clause 28 which refers to the agreements of bailiffs. Under sub-section 5 of that clause it is proposed that the agreements of bailiffs should be registered, and the clause itself is much stricter than the now existing enactment. This Bill so far recognises the previous practice that it admits the principle that land may be acquired by persons who employ bailiffs. That is all I have to say on the matter. It is a principle which has been previously endorsed by the House, given effect to by the will of the legislature, and in this respect it is simply carrying out what is understood to have been the intention of Parliament, except in this respect: that it is made more stringent, and it is required that the agreement under which the bailiff fulfils his duty of residence is to be registered in the court of the commissioner, and the bailiff himself is not only to be in the actual and *bona fide* employment of the lessee, but not in the employment of any other persons for any purpose connected with the use or occupation of the land. He must be also competent himself to become a conditional purchaser. I believe this has been inserted from the fact that it has come under notice that persons in no way competent to be bailiffs have been constituted such. I would also draw attention of honorable gentlemen to sub-section 8 of the same clause, in which it is provided:—

"If at any time after the expiration of five years from the commencement of the term the lessee shall prove to the satisfaction of the commissioner in open court that he has up to that time fulfilled the condition of occupation and has fulfilled the condition of improvement hereinbefore specified with respect to such land the commissioner shall issue to the lessee a certificate that the conditions aforesaid have been duly fulfilled."

This is an amendment of the present practice by which the time is fixed at three years, and it is believed that the extension of the period is desirable in that respect. I do not think, although in that section there are further amendments, it is necessary that I should call attention to them. With regard to clause 34 and the subsequent clauses referring to the homesteads, it is desirable that I should make some explanation, and here we have endeavored under this Bill to give expression, with some modifications, to the existing Acts, separately, of 1872 and 1868. In fact, under these clauses there would be two distinct homestead modes of selection: one extending to 640 acres, with the very stringent condition of actual personal residence, being tantamount or similar in many respects to the selections now made under the Act of 1875; subject also to annual payments at the rates fixed upon by the Government, the minimum being 10s. per acre, payable in ten annual instalments. I would here point out that the Government propose to take to themselves the power under this Bill of proclaiming a higher upset price in certain districts, thereby classifying by districts instead of the present mode of classification. It is believed that while fixing 10s. per acre as the minimum at which it is desirable that land should be taken up, the Government should possess also the power of raising that minimum to £2, subject to ten annual instalments; it being known as a matter of fact that in some districts land is of considerably higher value than in others; and in that respect it is proposed that the Executive should be endowed with power by proclamation to define districts in which there would be a higher classification.

Mr. MCILWRAITH: Which is the clause?

The SECRETARY FOR PUBLIC LANDS: Clause 15, which provides:—

"The Governor in Council may by proclamation specify the upset price per acre at which any lands shall be open to selection by conditional purchase Provided that such upset price shall not be less than ten shillings per acre And provided further that unless and until such upset price shall be so specified the upset price shall be ten shillings per acre."

The maximum is not named, but it is presumed that it would at any rate not exceed £2 per acre; but, if it is the wish of the House

to define that maximum, I am quite willing to accept the decision of the House in that respect. However, this is illustrative rather of the mode of action we propose to apply to the two distinct classifications of homestead areas, one being more or less identified with the mode of taking up selections under the Acts 1872 and 1875, and the other referring rather to the mode under the Act of 1868. Then we propose to take to ourselves the power of creating homestead areas in which these two classes of homestead selections will operate. In the first place, there will be the mode which I have described, with a maximum of 640 acres, coupled with tolerably stringent conditions; and the other mode, as applied to homesteads, will extend over the whole area open to selection. The homestead selection, described in clause 36, will operate all over the area of country which is open for selection. It is intended that certain lands in the selected districts should be specially set apart for this purpose. Special value is supposed to attach to them as being well suited for agricultural occupation; and the Government propose to take to themselves power for proclaiming special areas in which the selection of homestead areas, for special agricultural occupations, would operate. The provisions of these clauses, for special agricultural operations, as honorable members will observe, revert, to a great extent, to those originally contemplated in the Act of 1868, varying from 160 to 80 acres, 80 being the limit in the special agricultural areas contemplated. Still it is contemplated that the selectors under clause 34 would have the option of selecting within those areas, and, in that sense, the larger homestead selectors would be competitive with the smaller, the smaller homestead selector having a very wide area of choice as well as in the special areas made for him in districts suitable for the purpose. I now wish to say a few words upon another point which I know is looked upon as one of great importance, especially in the Darling Downs district, where there are often a large number of competitors for the same block or parcel of ground. It has frequently been the case on the Downs that there have been fifty or one hundred applicants for one selection, and it provided that in such instances the choice should be by lottery. We propose that that system of lottery, approaching, as we believe it does, to gambling, should be terminated, and to apply the auction system, coupled with all the conditions of residence and the other qualifications which are defined in the Act. I am quite aware that this is not in accordence with what is represented to be popular opinion in some parts of the colony. Probably it may not be in accordance with popular opinion as represented in the town of Toowoomba, and possibly some other limited localities where there are special circumstances connected with the alienation of land which do not prevail elsewhere; but I cannot think myself that the system of lottery, if it can possibly be avoided, is one that it is desirable to perpetuate, because I think land that has special value is thereby sacrificed to a great extent, that the Government do not get the full value that they are entitled to, and that in reality the *bona fide* selector is not benefited by that system. He is handicapped to a very great extent; and if *bona fide* selectors would look at it in that light, I believe it would be an advantage. He is heavily handicapped as against the capitalist under this very system, because it is well-known and a notorious fact, that where these small portions of land are desired by capitalists, they, to use no milder term, get dummy selectors to send in applications—men who are not *bona fide* selectors are picked out and nominated for that purpose, so that they may have one more out of the many chances in the lottery in this respect; and, therefore, it seems to me there are so many chances that no *bona fide* selector going into such a lottery can expect to succeed or to have the same chance when the odds are so much against him. Coupled as the selection of land is with very stringent conditions, and assuming that anybody who desires to possess land of special value is possessed of the means of acquiring it, I think such persons would be in a better position to contend for it by some means of fair competition, and we propose that it should be by auction. It has also been proposed that it should be by tender, and it seems to me that either process would be better than that which at present exists. We prefer the system of auction. It is possible that by a system of tender carefully administered more justice might be done to the *bonâ fide* selector; but we must assume that with all the conditions that are attached to applications in these special circumstances, that none but *bonâ fide* men will really be applicants, and between *bonâ fide* men, looking at the serious stringent conditions here defined, it is not really to be doubted that the applicants would have fair play. In saying this I am quite aware it is opposed to popular opinion as expressed on a portion of the Darling Downs; but I am in hopes that if this Bill is carried into force, and if the area of land available for selection is so largely increased as we hope it will be by the resumptions proposed being authorised—and we are pledged to secure their authorisation—I say, if that is done, then the area for selection being so much widened, the amount of competition must be equivalently diminished; and, therefore, I think that the evils that at present arise from a limited amount of land being in the market, and from it being so eagerly sought for by selectors, will be remedied. I do not think, under these circumstances, any serious evils will arise in the case of competitive selectors. While asserting on the part of the Government that we are prepared to abide by this, I am anxious to take counsel of the House, so long as we secure some system which will put an end to what we believe to be the very bad

system at present in force. Our object is to secure legitimate competition, a fair field and no favor, to those who compete. I hope that this may be done; and in view of the fact that we propose very largely to extend the area for selection, I see no reason why it should not be. This is a very important portion of the amendments embodied in the Bill. There are a large number of clauses following this upon which it will not be necessary for me to dwell at any great length, or at any length at all. I do not wish to weary the House, and there are several amendments which I shall be prepared to explain in committee. They refer chiefly to the routine work of land legislation, and not strictly to matters which are looked upon from a political point of view at the present time. There is one important clause towards the end of the Bill, clause 82, referring to impoundage, which I think I ought to call the attention of honorable members to. It provides:—

"No stock shall be impounded from any selection held under this Act or under '*The Crown Lands Alienation Act of* 1868' unless the same shall be securely fenced."

This has been inserted, because, I believe, it will remedy an evil of very considerable moment at the present time.

HONORABLE MEMBERS: Hear, hear.

The SECRETARY FOR PUBLIC LANDS: I need not refer further to this; but I will just ask the attention of honorable gentlemen to the second schedule at the end of the Bill, by which a special district on the Darling Downs, applicable under the 34th clause, referring to homestead areas, is set apart. This I am aware may lead to some contention, and it may be considered desirable to extend the area available, strictly speaking, for homestead selection and no other. I do not now wish to express my own personal opinion on the matter further than this: That I am aware that the greater portion of the really valuable portion of the Darling Downs has already been alienated. I speak of that portion suitable for settlement along the main range; and though there are considerable strips of really valuable country on the Condamine, North branch, and towards Dalby—that is more or less on what may be called the unwatered portion of the Darling Downs—the value which must attach to it for the purposes of homestead selection can only be made by considerable improvements, in water and so forth. It is considered very desirable as so much suspicion is attached to dealing with land on the Darling Downs, that they should be specifically set apart for homestead selection. I may inform honorable gentlemen that the Government have a Bill at present drafted referring to a portion of this area, and bearing upon the Education Act. It will be remembered that powers are given in that Act to grant certain land for the purposes of education, and it has been the desire of my honorable friend, the Attorney-General, to set apart certain portions of the Darling Downs which are not best suited for actual settlement, but which possesses value in themselves, with that object; but we have determined not to place this on the table of the House at the present time, from the desire not further to complicate the land question. We believe that having three Bills dealing distinctly with different portions of the land question, at the present time, it is hardly to be expected that honorable gentlemen would be willing to take into consideration another, though a most important section of the land question affecting education. It has been the wish of my honorable friend, and in that respect he certainly has my own good wishes, to bring under the attention of the House the desirability of devoting certain portions of this land to educational purposes; and he did contemplate that these more or less experimental processes should be applied to these limited portions. I say experimental, because I believe that he endeavors to represent opinions in this respect which are held in common by himself and the honorable member for Dalby. It is not proposed that any of these lands should be alienated, but that they should be leased from year to year, and that the proceeds should be devoted to educational purposes. My honorable colleague proposes that this somewhat philosophic experiment shall be applied to land, and believes that no land should be alienated, but that what is called by philosophers the unearned increment, shall be applied to the purposes of education. However, we do not propose to ask the House to express an opinion on this matter before the Bill now before honorable members is in a more advanced stage; I have merely mentioned the subject as being part of our contemplated land scheme, although the carrying out of it must be deferred to a future day. Of course this Bill cannot be considered apart from the resumptions which have been tabled by myself, and which must be carried if proper effect is to be given to this Bill. I will also point out to honorable members that although the areas proposed to be resumed are large, yet they are not larger than are justified by the demand for land; more than that, I wish to show that in making those large resumptions we shall not do any injury to any one leaseholder. It is true that we largely increase the area open for selection, but by diminishing the maximum amount, we correspondingly diminish the injury, if any, likely to be done to the present leaseholder. The scope of our proposed legislation is this, that no land is actually deducted from the leaseholder until it is really required for settlement and selected; so that the leaseholder will still perpetuate his tenure, although he will be subject to such deductions as are effected by the selector. Therefore, whilst extending the area to be resumed, we diminish the power of selection by re-

ducing the competition; and whilst we believe that we make sufficient provision for permanent settlement on the land, we limit the injury to the tenure of the pastoral leaseholder. If there are any defects, by enlarging the area of resumptions, we diminish the evil effects which are likely to result to the leaseholder by selection on the lands resumed; and in this way we believe that we consult the interests not only of the leaseholder, but also of the selector, and that without any evil to any leaseholder himself. Such being the case, we believe it will be wise to adopt the policy of this Bill in connection with the resumptions which have been tabled. I wish, in conclusion, to refer to a defect in this Bill which has been previously referred to, namely, that it does not extend the area of the present settled districts into the unsettled districts. I believe that that is necessary, and is demanded by the public interests; but I hope on a future occasion to bring this matter under the notice of the House, in connection with the Railway Reserves Bill. Under these extensions we propose to operate upon the two well defined principles of homestead selection and sale by auction. These principles operated upon in the reserves contemplated, will, I think, give ample scope within the next few years for anything that may be required; and I hope the extensions will receive the consideration of the House on that account alone, although very much stronger arguments, such as the prosecution of public works and the introduction of immigrants, seem to me to justify them. I believe that the policy of this Bill will be imperfect if it is unaccompanied by the Railway Reserve Bill. I believe, sir, that we must look for considerable accessions to our revenue from our public lands, if we are to carry out a system of public works such as seems to be required by the country, and this can only be done by some such process as that proposed by the Railway Reserves Bill, to which I have now made reference, only because I believe that the policy of this Bill requires the passing of that measure to render it complete. If that measure is not passed we cannot look for any great increase of revenue from our lands; it is only from the reserves contemplated by that Bill that I look for that increase which will enable us to carry out public works on a scale suitable to our present condition. I hope, sir, that the House will give the Bill I have had the honor to lay before them their most serious consideration; for I am quite sure that if they do, it will redound to the credit and the prosperity of this most important territory. It is necessary and advisable that we should discuss this question well; but whilst honorable members give definite expression to their opinions, I do hope that they will retain in view the necessities of the present position, and that they will remember that if this Bill is not all they could desire, it may be treated as a conditional Bill giving something more of that which is required, and as a step towards something more complete. No Bill is perfect, but I may say that this is a genuine attempt to meet the immediate claims of the situation, and in that sense I hope it will receive the serious consideration of the House. Sir, I beg to move—

That this Bill be now read a second time.

Mr. Thompson said he did not know that he could say anything more against the Bill than the honorable Minister for Lands had himself said—that he did not believe in it. Further, the honorable member said that it was not a complete measure; and that, coming from a gentleman who had always inveighed so much against a fragmentary policy, was, he apprehended, an additional reason, after having said he did not believe in it, why the honorable member should have concluded his remarks by saying that he should vote against it. Against that, however, the honorable gentleman said that he had been constrained by the conditions of party, and that being a member of a corporate party his feelings had to be merged into those of the party. He should like to know how much of the honorable member's individual opinion was contained in the Bill, as then the House could judge how far the honorable member was sincere in asking the House to pass the second reading. It appeared to him that the Bill, where it had touched the Act of 1868, was by no means an improvement, and that where it had left it alone there was nothing to be said. As the honorable member had said, that Act was now beginning to get into work; and therefore it was a pity to disturb it. However, the present Government were not, as was well known, contented with the traditions of the Land Office, and were always getting something new; in fact, since the Macalister Administration had been in office there had been continually new decisions and regulations made. It would, he thought, be rather amusing to watch them, for really some were most extraordinary. Looking back to the Land Act of 1868 they could discover that it contained a well defined principle, namely, that for capitalists, there was a system of auction by which the Government could secure the highest price for the land. There was another system, namely, the system of conditional purchase selection, whereby a man with some little capital could get land as against the monopolist; and, again, there was another system, the homestead selection system, which provided for the poorer man. So that by the Act of 1868 there was a well defined principle laid down: if the Government wanted money, they had the means of getting it by selling land at auction to the capitalist; if they wanted settlement it was provided by conditional purchase selection; and if the poor man wanted land they gave it to him at half price under the homestead conditions. Now all there was of that Act

in the Bill before them was the auction system, and how that was to be worked would be a puzzle to any one to say. He had already said a great deal on that system in previous debates, and his arguments had always been that it handicapped every one but the man of money. In whatever shape they put it, it handicapped the poor man against the capitalist, and therefore the Bill was only fit for the man of capital. Proceeding with his arguments on the auction system which was proposed to be introduced in the case of several selectors applying for one block of land, he would ask, what was to be done in the event of one applicant wanting it as a homestead, and another as a conditional purchaser; were they going to sell it by auction and to throw over the homestead selector, or were they going to halve his bid as against the conditional purchaser? How could they have an auction sale between a man who was expected to pay only half price and a man who was expected to pay full price? He did not see how that difficulty was to be got rid of, and he thought it was a fatal objection to the auction system in the Bill. Again, when interests clashed it was provided that the commissioner was to decide equally between the parties, by which he presumed it was meant that the land was to be divided. But how was he to do that in the case of two classes of selectors being represented? They would have to give him a wide discretion, and instead of the clause saying that he must divide it "equally," it should say "equitably." He was sure the Bill would never work in the way proposed, and how the Act of 1868 was worked without clashing he was unable to understand; but it amounted to this, that the commissioner had some way of avoiding it. Under the lottery system the man having the highest throw got his land, but under the auction system that way of getting out of the difficulty did not present itself, and supposing a man was only entitled to half a selection, how was it to be managed? He thought the honorable Minister for Lands should look to that. He objected to those clauses altogether, as being unworkable and entirely at variance with the principle of selection. Let them have one system or the other—either the auction principle, by which the Government could get the highest price for the land, or the selection principle, by which the poorer classes would not have to compete with the capitalist. He believed in the principle which was laid down in that House on one occasion by Mr. Lilley, that the Government were not mere salesmen who went into the market with the object of getting the highest price for their land, but were trustees of the public estate, whose duty it was to see that the land was alienated in such a way as to promote the settlement of the country. If the former principle was acknowledged, then he contended that the selection system must be accompanied by sale by auction. Again, if they wanted the poor man to go on to the land, they must not have him submitted to the chances of auctioneering. As regarded classification, there had been, no doubt, a tendency to reduce it, but there had been a reason for that, which was, that beyond doubt, under the Act of 1868 all the best land had been taken up, so that all the land now passing out of the hands of the Crown was nothing more than second-class pastoral. He admitted that there was a great deal of uncertainty and delay in the system of classification as carried out under the Act of 1868, but he could not see why the proposition made some time ago by the honorable member for Springsure to have land boards appointed in the various districts should not be adopted. That proposition was that there should be a land board in each district to assist the commissioner in classifying land before it was actually applied for; and he thought there would be no difficulty in working such a system as that; moreover the Government would by that means have no difficulty in getting a good price for the land, and the auction system would thus be rendered unnecessary, as they would get their price through individual competition, and at the same time give every one in the community a fair chance of getting land as against the mere money power. If they abolished classification there would be the manifest injustice that land worth a pound or fifteen shillings an acre might go for ten shillings an acre; and on the other hand, it would be very hard that a man who wanted a particular class of country should have to pay 10s. an acre for it. If the Bill went into committee, as no doubt it would, seeing that the Government had a majority, he should propose, if the honorable member for Springsure did not do so, an amendment introducing the establishment of land boards in each district; if for nothing else, for the purpose of classifying lands previous to their selection, so as to prevent any after delay. The honorable Minister for Lands gave two reasons for abolishing classification—first, that the average price received for land had been reduced to 6s. an acre; and secondly, that great delay was caused by the present system of classification. He thought, however, he had met both those arguments in the remarks he had made, and he should attempt, when the Bill was in committee, to get the amendment he had referred to introduced. There was another objection he took to the Bill—he was treating the Bill in a fragmentary way, as the honorable member said it was principally a codification of the Act of 1868 and all others passed since, and where it was not, it contained amendments on those Acts—and that objection was to power being given to the Government to increase the upset price of land open for free selection as proposed by clause 15:—

"The Governor in Council may by proclamation specify the upset price per acre at which any lands shall be open to selection by conditional

purchase Provided that such upset price shall not be less than ten shillings per acre And provided further that unless and until such upset price shall be so specified the upset price shall be ten shillings per acre."

It might be a mistake, but there was the power given to the Government. It was true the minimum was put down at 10s. an acre, but they might make it as much higher as they liked. Now that, he considered, was very undesirable, and he thought the House should pause before they passed a Bill with that power in it. There was also another serious objection to the Bill, namely, that a man would not be allowed to pay up for his selection and get his grant until after the end of five years, instead of three years, as at present. It appeared to him that that was wrong in principle, for it had been pointed out, on several occasions, in that House, that land was immovable. That being the case, if they prevented goods being alienated they became so much dead capital, whereas if the land was allowed to be alienated it was immediately made available capital, namely, capital that could be pledged. It was a well-known fact that every farmer, after two or three years, wanted to borrow money—either to increase his area or to buy stock, or for some other purpose; yet under the provisions of the Bill he would be prevented from using his available capital for the purpose of increasing his area or improving his property, because the time was to be altered from three to five years. It was said that the change was proposed to ensure a man sticking to his land, and to prevent him from using his land for the purposes of speculation. That was all very well, but the matter must be viewed from the other point, for he could assure the House that the majority of farmers, after the first two or three years, wanted to borrow money, and the first thing they did was to offer their selections as security; but if the Bill was passed they would be told that they were not security; for that reason he thought it undesirable that the time should be increased by two years. Such an increase would be dead against the poorer class; in fact, all the so-called amendments were against that class. The auction system was against the poorer class—the tying up of their land and rendering it dead capital for five years, instead of three years, was against the poorer class, and the whole machinery of the Bill seemed to be decidedly against that class. He noticed also a very unjust, and what he considered to be a very shabby provision in the Bill, namely, that when a man forfeited his selection the whole of his improvements were to go to the Government. It was a shabby proceeding on the part of any Government, after having taken a man's money for some years, if he forfeited his selection, to take the whole of his improvements. He could not conceive any reason why the improvements should be taken. There was no provision in the Act by which, if the land was sold or selected after improvements were made, the amount was to be paid to the Government. Why was the Government to get the benefit of the man's improvements, and put a stop to them? The only reason he could give was "gain," and in a matter of this sort gain should not be the motive to influence a paternal Government. Here, again, the operation of this particular provision was entirely against the poor man, because it was generally from poverty that men failed to perform their conditions, or pay their rent, or what not. That the provision would be any detriment to dummying he did not believe for a moment. People who were prepared to dummy did not much consider improvements, the forfeiture of which would be no punishment at all to them. He would concede that if land was forfeited, and it was shown that the thing had been a fradulent transaction, the Government should take the improvements, if it was worth the country's while to concern itself with such a trifle. There was another provision that seemed to him to be vicious, namely, that the whole of the Downs should be open only to homestead selectors. No reason had been given for this, except that there was a great deal of suspicion existing. The whole thing was bad in principle, and unless some reason was given for it, he should oppose it in committee; for he could not imagine how a Government dealing with so wide a question could allow a merely local matter to be made a prominent feature in a Land Act which was to be applied to the whole colony. There were various other little matters in the Bill which would require attention as it went through committee, and amongst others he would endeavor to introduce a provision that where forfeiture took place by reason of non-payment of rent or other deficiencies, that forfeiture might be prevented, if the Governor in Council saw fit, by an Executive minute reinstating the selector. Up to a certain period this was always the case. The Palmer Ministry continued the practice from their predecessors, and it became a tradition in the Lands Department, that so long as a man paid up his rent at some period it was all right. The department would now, however, only receive the money departmentally as they termed it. They would take as much money from the man as they could, but would give him no Executive minute reinstating him. The law as it stood did not provide for the reinstating of a selection that had suffered in the way he had mentioned. The practice he advocated was a wholesome one; it did not serve dummiers; it served the poor man, and why should not the present Government have carried it out for the benefit of these unfortunate fellows who could not pay their rents? The forfeiture to be paid already was too much. Why did not the Government introduce into their Bill a provision enabling the poor man to be reinstated? He should attempt to do so in committee,

and could bring forward a large amount of evidence to show that it was really in cases only of poverty or mistake on the part of the poorer classes that suffering would be experienced; the dummiers would not suffer at all, for it was well known that they did their business through agents, and their money was paid correctly to the day; they did not forfeit their places for the sake of a few weeks' breathing time. He spoke feelingly on this matter, for he had paid money for poor men, and lent them money in their extremity. He would, therefore, in committee, introduce two provisions, one to reduce the penalty, and the other to enable the Governor in Council to reinstate selections under the circumstances he had stated. With the exception of the auction clauses, and the additions he had pointed out, the Bill was simply the Act of 1868, and he had no objection to it. It had answered its purposes very well up to now; the provision as to dummying and the provision that the bailiff should be resident he had no objection to at present. Another matter he wished to rectify in committee was this:—He understood from recent notices in the papers that the Government now said that if a man did not obtain his certificate of fulfilment of conditions in three years he could not obtain it at all until the end of ten years. If that were so, it was against all the traditions of the department, and against the poor man. A late Attorney-General, Mr. Bramston, gave an opinion to the effect that even though the three years had expired after a man applied for his certificate the certificate might be granted, and on that the department acted. This was a very convenient ruling for the department to act upon. The present Government, however, proposed to upset all the traditions of the department and everything connected with it; for, according to the papers, these certificates were not to be granted after three years. Here again, the man who really suffered was not the dummier, to whom money was no object, but the poor occupier who from inability to pay his rent, or omission in applying at the proper time, lost his certificate. It did appear to him that where there was *bonâ fide* residence matters should not be pushed so hardly, or to use a favorite expression of the Under-Secretary for Lands, so rigidly. In one portion of his report this gentleman praised a particular portion of the Act as being capable of constructions which would vary with the feelings of the districts in which the Land Act was administered, and he seemed to deprecate any rigid interpretation of clauses of this sort. And why not? The object of true legislation in this matter was not to carry out a hard and fast set of rules because they were written down, but to fulfil the real purpose of the Act, and encourage *bonâ fide* settlement. If these new provisions really touched any one but the poor man he should be the last to say anything about it; he had an utter abhorrence of anything that was not straight and square, and he believed honorable members on both sides of the House would give him credit for saying so; but it did appear to him that these leading innovations in the Land Act—whether they were the fault of the Minister for Lands or not, he did not know—had made matters worse for the selector than ever they were before.

Mr. MCILWRAITH said he had no desire to speak upon the question until he had heard a little more from the Ministerial benches; and he did not think it conduced to the progress of business that there should be so much reticence on the Government side. Upon a Bill of such importance as this the House ought to have the opinions, not merely of the Minister who represented the department, but of other members of the Government. It was especially incumbent upon the occupants of the Treasury bench to enunciate their views, seeing that the honorable the Minister for Lands had told the House that he was not speaking his own opinions with regard to the land measure in which the country was so much interested. Under these circumstances the House certainly ought to be told what the opinions of the Ministry were. If the Bill did not represent the opinions of the Minister for Lands, whose opinions did it represent? He knew perfectly well, from what the Attorney-General had said in the House, that the Bill did not represent his opinions; nor those of the Colonial Treasurer; nor those of the Colonial Secretary. What the Premier's opinions might be upon the subject he (Mr. McIlwraith) did not know; but the course pursued by the Government was one that certainly tended to interrupt public business. It was strange that when an important measure like this was brought forward the Premier had nothing to say for it, and the other members of the Ministry followed his example. They waited patiently until they gathered the expressions of opinion from their supporters generally, their object being to trim their sails, and see what course to pursue in order to remain in office; they had no desire to force their policy on the country. What the House at the present time wanted to know was their opinion on the Land Bill, but that had not been given. If this system of debate was persisted in they would never arrive at any legislation. The Government ought not to wait to shape their policy by what was said by honorable members, but should say, "This is our policy; these are our reasons for it, and we are prepared to stand or fall by them." The Minister for Lands had delivered a speech which did him credit, but it ought not to have been associated with the measure before the House, because the honorable gentleman's arguments thoroughly condemned his own Bill. There were great errors in that Bill, and the honorable gentleman had exposed them most completely by the manner in which

he tried to fasten the Land Bill on to the rest of his policy. He (Mr. McIlwraith) did not wish to take up the time of the House by criticising the Bill in detail. He generally supported it for the reason that it was a Bill very similar to that which he supported in 1874, when it was brought in by Mr. Stephens. The present Bill was very much of the same kind, but there were a few alterations, and he was not prepared to say he differed from them as a whole. There was one alteration, however, so grave that he must ask the House to notice it in some detail. It showed the utter inconsistency of the policy which the Ministry had placed before the country. The honorable the Minister for Lands had told the House that he himself would acknowledge that the Bill was insufficient for the purpose for which it was intended; he did not consider it a Bill sufficient to meet the requirements of the colony, unless it was coupled with another Bill now on the table of the House, namely, the Railway Reserves Bill. It was necessary then to take both Bills into consideration at the same time. The Minister for Lands said in effect that his Land Bill was inherently weak, and must be taken in conjunction with another measure. But the honorable gentleman, though he stated distinctly that it was an insufficient Bill, gave no reasons. He (Mr. McIlwraith) begged to say that it was when the Land Bill was considered along with the Railway Reserves Bill that it was thoroughly weak. It was necessary to refer to the Railway Reserves Bill in order to refute the arguments brought forward by the honorable the Minister for Lands, for the House had been informed on previous occasions that in the opinion of the Ministry it was necessary to make large reserves in the lands of the colony to pay for public works. In order to justify themselves, it was essential for any Ministry that brought forward such a policy to show that the public works they proposed would have the effect of enhancing the value of the lands of the colony, or that the lands would pay for the works they proposed to carry out. The honorable the Speaker, when Minister for Works, in introducing the Western Railway Bill took a great deal of pains to show to the House the basis on which the policy of the Government was founded, namely, that certain portions of the lands of the colony should be set aside to pay for the construction of the railways, and the honorable gentleman left the House to infer that they would take advantage of the enhancement of the value of lands from the construction of the railway, while the outlay in making those public works was to come from the public lands. It was the honorable gentleman's business to enhance the value of the lands of the colony, and it was his business to show that those lands could be put to a better monied value than previously. It was a system he (Mr. McIlwraith) protested against—the system of putting aside 50 miles on each side of the line, and devoting them to the purpose simply of making the Roma railway. Settlement was set aside; any advancement of the colony was set aside; it was simply a matter of getting money to make a particular line. It was at least a distinct policy which the honorable the then Minister for Works advocated, and he (Mr. McIlwraith) combatted it all through. The present Government, in taking this policy up and laying it alongside of their Land Bill, subjected the latter to criticisms in order to decide whether the one policy agreed with the other: on the one side there was the railway policy, which devoted large railway reserves so as to get as much money as possible for the land; and on the other side it was found by the Land Bill that the colony, which had plunged several millions into debt for the purpose of constructing railway lines, had a railway running through a part of the colony where the lands were actually held at the present time by the Government. There, if anywhere, was to be shown the value of the policy brought forward. The Government had actually gone to the extent of spending millions of money to enhance the value of certain lands in the colony, and what did he find in the Bill before the House? That according to the most important of its provisions, the lands upon which they had spent the greatest amount of money were the very portions they proposed to sacrifice. Every bit of the Darling Downs was devoted to the most extravagant style of getting rid of the public lands of the colony. There was a grand chance for the Ministry to come forward at the present time with a policy that would bring the highest price for the land; if they had taken a logical course they would have tried to exact from the population the best prices they could. If they had done this they would have shown what effect the railways had upon the colony, that they did really enhance the value of the land, and that the reserves would reimburse them for the expenditure. But they had taken the very opposite course. It was well known to any one who understood the matter that the reserves placed on the table would not return a bagatelle of the expenditure in the construction of these public works. It was quite plain now; these reserves were open to selection, but they could not get sufficient from them to carry on the Government of the colony, to say nothing of money to construct new railways. The Government could not look for any increased revenue from this source, and certainly not sufficient to make railways. The Government had taken the best means of proving that it would be impossible, after having borrowed money, to make the railways reimburse the cost of construction by the sale of lands. Why? Because this Liberal Government monopolised the land, and let it as homestead selections at 5s. per acre. His ideas very likely would

not be received with any amount of approval in a certain ring on the Darling Downs, but he would nevertheless protest against this portion of the scheme. There was a great demand for land at 5s. an acre that was worth £2, and the demand was already satisfied, for the Minister for Lands had stated that there were 70,000 acres actually in cultivation, while there were 2,000,000 of acres alienated from the Crown, and, in addition to these, 4,000,000 of acres subject to alienation actually under selection at the present time; that was to say, there were 6,000,000 acres that might be considered as alienated, and the amount they got in the shape of favoring the homestead selections was 70,000 acres. This small mite of advantage ought to make them pause and think what they were doing with their lands. He felt sure the honorable the Treasurer would within twelve months consider this as one of the most important subjects he could deal with, for his great consideration would be to find money to carry on the Government of the colony. There was no more legitimate way of getting money into the Treasury than by selling or taking advantage of the increased worth of the land that had been actually enhanced in value by their own labor and expense. There was not the slightest doubt that the extraordinary commission business carried on by homestead area men would be proved to be the most expensive process by which lands could be alienated from the colony. In speaking thus he wished it to be understood that he was speaking against the wholesale reservation of the whole of the lands on the Darling Downs under clause 34 for the purpose of homestead areas. He was not speaking against the system of homestead selection. He thought he had said enough in that House and out of it, to show what were his opinions on the settlement of the people on the lands, and, at any rate, his constituents knew his opinions on that subject, and they were perfectly satisfied. What he was speaking against was this wholesale reservation of the most valuable lands of the colony for a particular purpose, detrimental to the interests of the country, and most unfair to every portion of it. What made the strong feeling which at present existed between the north, and the midland, and the southern districts of the colony? Simply the large expenditure of Government money down here. Now, the greatest expenditure they had made in the South had been on railways, and the honorable the Speaker secured last session the adherence of the northern members to what he (Mr. McIlwraith) considered a vicious system, because it was based on the principle that they should pay for the railways by the reservations of land alongside the line, and that the people in the districts were actually paying for the railways themselves. It was on that principle it passed through the House last year, and if it had not been for that it would not have been carried, because it was on that ground and that ground alone that it had the adherence of the northern members. But what did they find the Government actually doing? Having spent an enormous amount of money belonging to the southern, the midland, and the northern districts, and to every man in those districts, whether they were benefited by those railways or not, when the constituencies come to consider how they were going to be paid for this, what did they find? They found that the very land which they had contributed to make valuable was to be handed over to a comparatively few individuals on the Darling Downs as freeholds under this liberal system. Men could not come from Brisbane, Ipswich, Maryborough, Rockhampton, and elsewhere, to grab up homesteads. They were bound by family ties and by business, and could not take advantage of this liberality. The Government were very liberal with public money in one district, and in spending it in a particular way; and he was satisfied that before twelve months had elapsed, the greater portion of the colony would rise up and protest against this squandering of public money. He understood the honorable the Colonial Secretary to agree with him when he (Mr. McIlwraith) said he did not agree with this Bill.

The COLONIAL SECRETARY: No.

Mr. MCILWRAITH said he did not know whether the honorable member agreed with it or not, but he had been through the western districts of Victoria, where exactly the same thing occurred that they found now taking place on the Darling Downs. The Government there brought in a liberal land measure in 1862, that threw open in the western district of Victoria as fine land as any on the Darling Downs, and with all the liberality of that measure—that was, that any man, twenty-one years of age, could take up 320 acres, but with far more stringent conditions than were attached here to the occupation of the land while under leasehold—what had been the result? That the whole of the land had gone into the hands of men with money. He appealed to the honorable the Colonial Secretary, who had gone through the whole of the district referred to, to say that what he now stated was taking place. The whole of the land selected in 320 acre blocks had actually gone back to pastoral purposes through this kind of selection. It was just as absurd to try to stop water from running down hill, as to try to prevent a man with money in his pocket from getting land when it was for sale, and selectors would sell the land as soon as they performed the conditions required. The land inevitably came back to the monied man, and that was what would happen on the Darling Downs. They were letting people have the land a great deal too easily. They let them have it in this way:—That it paid a man a great deal better to be a Government loafer than a thorough straightforward labor-

ing man earning his six shillings a day. It was quite as easy to calculate that it paid a man if he could get land at 3s. 6d. per acre to keep it as long as he could get bread and cheese, until he performed the conditions—it paid him to lead that idle life and perform the conditions and sell the land for quite £3 an acre, and then go away and select elsewhere. What was the actual meaning of that operation? The honorable the Minister for Lands had told them that the homestead selector paid 3s. 6d. per acre for the land, and it was simply this:—That the Government actually got only 3s. 6d. per acre for the land; it got into the hands of the capitalists at last, and they employed commission agents who pocketed the difference between 3s. 6d. and £3 per acre. That was the actual result of that operation, and that would be the result as long as they did not consider the price at which they disposed of the land. Selectors should pay such a price for the land that this temptation would be taken out of their way. They should take away the temptation from a man when he came here to become a hanger-on until he could get a certain amount for his land instead of going out and working honestly for his living. That was what they had seen from the experience of New South Wales and Victoria—that land parted with on easy conditions had gone to the monied man at last, the Government had been defrauded, and the homestead selectors had pocketed the difference as commission. This colony was not in a position to allow such an immense amount of money to go out of the Treasury; and he was satisfied that one of the most important points that would be brought before the House in the next Parliament—he did not see how they could do much in connection with it this session, unless they were compelled to do something by want of money, which was a very likely contingency—would be how they could raise a legitimate and fair revenue from the lands of the colony; and he thought nothing could have forced the propriety of that on the House more than the action of the present Government, although they shirked doing so when they now brought forward their Land Bill. The Government had a splendid chance of doing so in bringing forward these railway reserves. In fact, the principle of the Bill depended on enhancing the value of the lands of the colony and getting full value for them, but when it came to parting with the lands for such a purpose the Government had their greedy constituencies about them, who said, "We must have those lands." That was what was actually taking place on the Darling Downs at the present time; and he said, if the people in the constituencies about Brisbane, Ipswich, and in the midland and northern districts of the colony understood how those lands were being manipulated, they would rise up at once and condemn such a provision as was proposed in the 34th clause of this Bill, which would have the effect of sacrificing the whole of the lands in the richest district in the colony—lands which were naturally rich, which were at first worth far more than three shillings and sixpence an acre, and which had been immensely enhanced in value by the expenditure of money taken out of the pockets of the people. There was not a man in the Wide Bay, Burnett, and northern districts who did not feel that he had added to the value of the lands on the Darling Downs, and it would be thoroughly understood before another general election how the public money had been squandered, and how the lands were being manipulated for party purposes. The honorable the Minister for Lands had given them some information, he (Mr. McIlwraith) had not heard before, and he was very much astonished to hear it. He understood the honorable gentleman to say that most of the best land on the Downs had actually been alienated from the Government, or was in process of alienation by selection.

Mr. GROOM: Hear, hear.

Mr. MCILWRAITH said: Well, he must say that that fact came on him unexpectedly. He had been trying to get information on that point for a length of time, and he had often heard it stated by honorable members, especially on the Government side of the House, that the best lands were held under lease at the present time.

Mr. GROOM: The best land is all purchased; that is notorious.

Mr. MCILWRAITH said: Well, he had been in the House some years, and he had heard the opposite fact alleged by members on the other side of the House repeatedly, and not only that, but he could refer for additional facts to the place where he got more information from than ever he had before with regard to the Darling Downs, and that was the report that appeared in the *Brisbane Courier* a few years ago, where it was laid down that in the division of the leases that took place under the Act of 1868 the worst lands were thrown open for selection, and all that was good was reserved and held under lease-hold by the squatters; and in fact he had always looked forward to the expiration of the leases to get a good selection there himself. He knew it was the general opinion throughout the colony that the best lands would be thrown open for selection when those leases expired. However, he was assured by the honorable member for Toowoomba that he was wrong on that point, and that all the best lands had been parted with. If such were the case, he thought it appeared a very lame argument in support of the proposal of the honorable the Minister for Lands that those lands should be reserved for homestead selection. The argument from that was this:—If, by the action of the present Government, who had the manipulation of the lands in their hands, and by the action of a Liberal Government before them, the effect had been to alienate the greater portion of the best

lands on the Darling Downs, and still the result was, that there were only 70,000 acres under cultivation in the whole colony, he did not think the progress of settlement could be proved to be so great as to induce them to make considerable improvements in previous land legislation so far as allowing those lands to pass from the hands of the Government with the special object of agriculture alone. The whole argument of the honorable the Minister for Lands went to show, that he himself did not see how agriculture was to go a-head. If they gave a man 640 acres of land for pastoral purposes, and he lived upon it, and did nothing else, they were not doing good to the colony. They were deducting the labor of one man from it; and he (Mr. McIlwraith) said that was what the alienation of Crown lands at the present time was tending to on the Darling Downs. That was, they gave a man sufficient land to live on in a lazy state by simply keeping a few sheep and cattle, whereas the same sheep and cattle were actually fed there before, and there was not a tenth part of one man's labor required to do it. He knew the honorable the Attorney-General, in answering him, might say that where one blade of grass had been made to grow where none grew before it was an advantage to the colony, and he (Mr. McIlwraith) admitted that that was perfectly right; but he said that where a system was introduced by which it required ten men to do the work done by one before, it was a detriment to the colony. He did not see why they should go to large expenditure for the purpose of bringing men to the colony, and then find out by the most ingenious means how they could do nothing at all. They wanted men to labor and be of benefit to the colony, but this Bill provided a means by which they could get land, live a lazy life on it, doing nothing for a few years, and then dispose of it. There was in the speech of the honorable the Minister for Lands an implied weakness from the fact that he referred in only the most distant terms to Schedule No. 2. He (Mr. McIlwraith) was in the House the whole time the honorable gentleman was speaking, and he did not remember hearing him refer at all to clause 34, which referred to the second schedule; and he thought the honorable gentleman ought to have given the plain explanation to the House that that schedule included the whole of the lands on the Darling Downs, and he should have told them how the Government proposed to deal with that land—whether it was to be set aside for homestead areas without the slightest control by the Government over it, and whether it was to be subject to the auction clauses or not. The honorable gentleman said nothing whatever about that. He (Mr. McIlwraith) read the Bill to mean that the whole of the Darling Downs was to be in homestead areas, and subject to homestead selection, and that none of this land should be at any time withdrawn for the purpose of sale by auction or any other except Government purposes. That was a point upon which he thought the honorable gentleman ought to have given them some explanation. He could not conceive that it was the intention of the Government that the whole of this land, plenty of which, he had no doubt, was worth from £5 to £10 an acre, should be disposed of for 3s. 6d. per acre. He had given more than £5 an acre for some of it within the last month or two, and he should not like to see the whole of it going quietly at 3s. 6d. an acre. He knew that when they wanted to get an acre of land for railway purposes that had been alienated, and alienated at the low price fixed in the present Act, they could not recover it under £10, £15, or £20 an acre; and was the whole of that land to be subject to this homestead areas arrangement proposed in clause 34? He had now spoken on the main points referred to by the honorable the Minister for Lands himself, and he thought the great fault of that honorable gentleman's speech was that it was spoken in connection with a Bill that had the 34th clause in it. The Bill otherwise, he thought, was a pretty fair one. There were some clauses additional to the Act of 1872 introduced, which were exceptionable, but which he did not consider of vital importonce. If those clauses had been left out he should have supported the Bill. The two principles of the measure, as stated by the honorable the Minister for Lands, were these: —First, to provide for the settlement of population, and then to provide for getting the best prices they possibly could for the lands of the colony; that was, in fact, in the honorable gentleman's own words, that they should get money; but he (Mr. McIlwraith) thought the second part had been overlooked altogether. The fact he had put before the House, that they had alienated 4,000,000 acres of land for the purpose of getting 70,000 acres cultivated, showed that they were going at an extravagant rate in selling land at 6s. an acre to secure agricultural settlement, and that they were parting with the land at too small a value. The honorable the Minister for Lands ought therefore logically to have fastened on to his second principle, that they should get as much money as they possibly could for the land. Whether that was taken up as a matter of principle or a matter of settlement by the Government he did not know, but he knew that it would be taken up as a matter of necessity by the colony, and that before the next general election the popular cry would be to get full value for the land returned to the people who had contributed their money to enhance the value of that land.

Mr. DE SATGE said he should take advantage of the opportunity offered by the silence following on the speech of the honorable member for Maranoa, to make a few remarks in continuation of a protest, and a strong protest, on the part of the inhabitants of the

North against any further alienation of the Crown lands on the Darling Downs, the only temperate spot in the colony, at 3s. 6d. per acre, instead of the £3 or £4 it would reasonably fetch. He had expected that the speech of the honorable member for Maranoa, whose observations were always to the point, and worthy of reply, would have been followed by some expressions of opinion from one of the four Ministers on the Treasury benches. It was expected by honorable members on that side of the House, and on the other side also, that those pertinent remarks would have been answered at once. The House had suffered from first to last from the same kind of action by the Government, and he supposed they had no strong views on the subject, or at any rate none stronger than those expressed by the honorable the Minister for Lands; and all he could say was, that if they had no stronger views than those of the milk-and-water character he had heard expressed by that honorable member, he could not say much for them. The speech of the honorable the Minister for Lands from first to last was one saying, There was the Bill; he had hobbies; he confessed that he had hobbies, but on the present occasion he would smother them, and spare honorable members the infliction of having them brought forward in that House. So far as he could understand, that was the gist of the honorable member's speech. With regard to the Bill itself, he thought it was another of those Darling Downs Bills for which the whole colony from first to last had been sacrificed. It was the history of the Darling Downs, that was supposed to be the general history of Queensland; and as he had said before in that House, any man who had travelled through Queensland must know that the Darling Downs offered the only temperate spot, where, after pursuing his avocations in the other portions of the colony, he could expect to live, and bring up his family with any degree of health. If he were a true colonist, he would look forward to spending the remainder of his days in some temperate part of Queensland, where he could make his home; and he (Mr. De Satgé) repeated that the Darling Downs, and the borders of the present settled district of Darling Downs, was the only spot where he could really bring up his children in health, and where his wife could live with any degree of health. That had been his experience for years past.

An Honorable Member: Hear, hear.

Mr. De Satge said he had been a greater employer than the honorable member who cried "Hear, hear;" he had had more families under his care than ever that honorable member had, and therefore he had a perfect right to state what his experience had been as a large employer of labor. He had seen people suffering summer after summer from the effects of various fevers and the agues that followed, and he had seen them finding their way to the South as soon as they could make a few shillings or pounds to enable them to do so. Those people looked forward to settling on the Darling Downs; and were they now to sacrifice those lands in order that a certain portion of the population could seize them, while others were following their avocations, and speculate, and make those who really required them pay £4 or £5 an acre for them, while they themselves paid a mere trifle? They should look to the Government as holding those lands in trust to fetch their full value when they were really required. There could be no more pertinent observations on the Bill than those of the honorable member for Maranoa, who, desiring himself to obtain a few acres of land where he could find a change from the climate of Brisbane, had to pay, a few days ago, £8 an acre for a small block on the Darling Downs, eight or ten miles from any township reserve. And if he had to pay that price, he had a perfect right to protest, as every colonist had a right to protest, against any further waste of the lands on the Darling Downs, by selling them at 3s. 6d. an acre. The early settlers on the Downs were fortunate, and considered themselves fortunate, in the acquisition of the large tracts of country they had secured there. In some cases they had secured very large estates, but it must be remembered that they had paid for those estates at the rate of £1 per acre; and he objected *in toto*, as a colonist, against a single acre on the Darling Downs being parted with under that price, which it fetched fifteen or twenty years ago. Why should they now sacrifice land at 3s. 6d. an acre that was paid for at the rate of £1 per acre, fifteen or twenty years ago? As the guardians of the public purse, the Government should look into these matters, and not be influenced by their supporters in Toowoomba or Warwick. Of course there were people ready to take land at 3s. 6d. an acre. There was a large population in Brisbane, West Moreton, and on the Darling Downs, and there were people possibly loafing on the Darling Downs, ready, if this Bill passed, to take up land at that price—land which had been greatly enhanced in value by the railways, which had cost the country five or six millions of money; and it was their duty in that House to prevent any further sacrifice of the lands in that part of the colony. The position of Queensland was peculiar. In New South Wales a person could find in almost every portion of it some spot where he could live in a temperate climate, but the case was entirely different in Queensland, because the Darling Downs was about the only temperate part of it, and he thought they should exercise the greatest caution in parting with any further portion of the lands there. Apart from that, he saw in this Bill the adoption of the auction system, which they all appeared to agree with the honorable member for Bremer was objectionable as being against the spirit of the poor man's friend. The auction system

could hardly be taken to be anything but a capitalist's view of the land question. But there was another point in connection with the Bill to which he should refer. Why should they not adopt in this Bill the view taken in the Railway Reserves Bill? Why should they give power to the capitalist to take up 10,000 acres under the Railway Reserves Bill, and limit him in this to either a homestead area or the maximum area of 2,500 or 640 acres? Why should they legislate for one portion of the colony in one way and for another in a different way. He could not possibly understand it, because, in admitting the principle of large selections, they admitted that in some portions of the colony nothing could be done without large areas, and that there was difference in the climate or the capabilities of the soil. He thought that one of the worst possible pieces of legislation was that which legislated for one portion of the colony differently from another. It was only tantamount, however, to the Act they had passed recently, which was to prevent persons in the tropical parts of the colony from employing the only class of labor suited to those parts. They had just passed what was in all respects a poll tax on the only description of labor suitable to the tropics, and in addition to that it was now proposed to throw open for selection large tracts of land of over two thousand acres each in some parts of the colony, and on the Darling Downs, to limit themselves to small areas. He thought, if they were to limit themselves to small areas on the Downs, they should do so all over the colony. They saw the effects on the Darling Downs of monopoly, for there were tracts of from 50,000 to 60,000 acres in the possession of one individual there. He was not blaming those individuals, for they had paid more for the land than the homestead selector paid, and had merely seized hold of their chance of getting it. He thought they should cease parting with any lands in the colony for less than their value, for the experience of the Darling Downs and hasty legislation had proved that they had parted with the best lands for next to nothing. He had not the slightest doubt that the homestead selector on the Darling Downs was, in half the cases, at least, purely a speculator in land, and however much the honorable member for Toowoomba was imbued with an honest conviction that the system of selling the land at the present low price was for the benefit of the country, he thought the honorable member could not wish the Government to allow a large number of speculators to get hold of those lands on the Downs at 3s. 6d. an acre. It was the duty of the Government to set their faces against any designs on the part of the selectors, and against parting with any lands on the Downs, except at a miminum price of one pound an acre. If they were to part with those lands, they should be put up at auction at a minimum of one pound an acre; for from what he had heard and seen lately in the neighboring colony of Victoria they would get a great deal more from people there. He hoped the period of the evening was not too late for a member of the Government to reply to the arguments which had been put forward by the honorable member for Maranoa. He thought, as regarded the whole question of the lands, that the desire not to make it distinctly a Government policy had inspired the Government with a further apathy, instead of their taking advantage of the present opportunity, and braving the popular tide. The honorable Minister for Lands had told them that he was well aware that he did not individually take the popular view of the matter, but he was in the position of having to replenish an impoverished treasury. From his knowledge of that honorable gentleman, however, he should have thought that he would have been above the petty consideration of losing the support of a section of that House, and would rather have put all the land measures together and have sketched out a really distinctive policy. He saw in the present measure only a drifting measure, one that would be pulled to pieces in committee, and which would show that the Government had no land policy at all.

The ATTORNEY-GENERAL said that he had intended to follow the speech of the honorable member for Maranoa, but had been prevented from doing so by the honorable member for Normanby; so that he might be pardoned for not having done so; he mentioned that as reference had been made to the matter, and it might have been expected that he should have risen before. He did not intend to occupy the time of the House by referring to the remarks of the honorable member for Normanby on the land question. The opinions of that honourable member were well known, and he thought it would be a long time before any Government would be found to introduce a Bill based on those opinions. The objection of the honorable member was that the Bill before them was a Bill for the Darling Downs; but it was not the first time that such a remark had been made in connection with a Land Bill, as he remembered that when Mr. Stephens' Bill was before the House—a Bill which the honorable member for Maranoa said was similar to the present one—it was stated that it was a Bill for the Darling Downs, and so often was that repeated that honorable members almost believed it to be true, although such a statement was entirely without foundation. It had been repeated so often that at last honorable members believed the cry to be true. There was some reason in saying that the Bill of 1872 was a Bill for the Darling Downs—so much so that he believed an honorable member opposite proposed that it should be called a Bill to regulate the sale of land on the Darling Downs. But keeping in view, as the Government had done, the fact that circumstances varied in different parts of the colony, they were met with the

cry that the Bill was a Darling Downs Bill: by their recognising the fact that a law for the Darling Downs was not suitable to the whole of the colony, they had been met with the argument that the whole Bill was for the Darling Downs alone. Why, such an argument was absurd. With regard to the remarks of the honorable member for Maranoa, he might say that it was scarcely fair for that honorable member to say that no member of the Government went so far as the honorable Minister for Lands went in saying that he did not like the Bill; however, he would, before dealing with that honorable member's remarks, refer to the speech of the honorable member for the Bremer. He had certainly been surprised after hearing that speech, that the honorable member could not see more to find fault with in the Bill than he had found, and any one knowing the honorable member would have thought that he could have found more fault with a Bill dealing with the whole question of the Crown lands of the colony. But they found that the honorable member enunciated this, that the Minister should administer the lands not according to law always, but according to what he considered best.

Mr. THOMPSON: Not exactly that.

The ATTORNEY-GENERAL said it amounted to the same thing. He thought, however, that it was most important that the Minister for Lands should administer the law as he found it, and that if it was defective in any respect he should go to Parliament, and ask to have the defects remedied. He thought that no Minister should administer a law except according to that law.

Mr. THOMPSON: I did it at once.

The ATTORNEY-GENERAL said he knew the honorable member had done so: he had administered the law, not as it was, but as he found it altered.

Mr. THOMPSON: I did not say that.

The ATTORNEY-GENERAL said he certainly understood the honorable member to have said so—that the law weighed rather hardly on some, and that it was just as well for the Minister to administer it as he thought best. He (the Attorney-General) held a different opinion, for he thought the law should be administered according to the law.

Mr. PALMER: They do it.

The ATTORNEY-GENERAL said he had not done so, but he had heard of some such instances; he thought the honorable member was referring to the act of a late colleague.

Mr. PALMER: Read Mr. Tully's report.

The ATTORNEY-GENERAL said he did not know anything about Mr. Tully's report, but he still contended that the Act should be administered according to law, and not according to what the Minister might think best. He recollected how the honorable member for the Bremer had complained last year about the Land Act being administered according to the discretion of the Minister, but now that honorable member said it was not desirable that there should be a hard and fast line. If the Act said certain land was forfeited and the Minister gave it to the man, he gave it contrary to the law, and if the title was disputed such land would be useless to the man. The honorable member said that there should not be any arbitrary rule, but that it should be left in the hands of the Minister; but if that was the case it would give a Minister power to make presents of valuable tracts of country to his friends. Another objection which had been made by the honorable member for the Bremer was to the provision for substituting sale by auction for lottery, and to a great extent he agreed with the honorable member in his objection to auction. If there were two applicants for the same land, there were three ways of deciding which should have it, namely, either by auction, by lottery, or by tender. The honorable member went in for lottery, but for his part he disapproved of it on several grounds; but if the honorable member agreed to that system, he did not know after all that it was a matter of very great importance. Then again, with regard to classification, the honorable member thought there should be classification in some way, and recommended that it should be before instead of after free selection. No one doubted that there must be some kind of classification, for it would be absurd to sell the richest land on the Darling Downs, which the honorable member for Normanby described as having been sold for £8 an acre, under the same classification as land not worth more than five shillings an acre. There must be some classification, but he thought that the present system had been condemned since the Land Bill of 1874 was discussed. The honorable member for Maranoa referred at some length, more particularly to the 34th section of the Bill, but he regretted to say that he did not think that the honorable member could have read it rightly, for he appeared entirely to misunderstand it. The honorable member said that it was a shame, after the land on the Downs had been so vastly improved by the construction of the railway, that it should be set apart to be given away as homesteads, thus indicating that he did not think much of the homestead form of settlement. He had been surprised at such a statement coming from the honorable member, because, if he remembered rightly, the honorable member in 1874, in the course of rather a hot debate, was most earnest in having nothing but homestead selections.

Mr. PALMER: Not in that sense.

The ATTORNEY-GENERAL said, he used the words homestead selectors, and the honorable member was always very hot upon that subject. Now, the 34th section of the Bill was almost identical with the Bill brought forward by Mr. Stephens in 1874 with the amendment proposed by himself (the Attorney General) in it; so that the objection of the honorable member was to the same

principle he supported in 1874. The 34th section simply provided :—

"Whenever the term of the lease of any run within that part of the colony described in the second Schedule to this Act shall have expired by effluxion of time or shall have become determined by forfeiture or otherwise and whenever the whole or any part of the land comprised in any such run shall have been resumed from lease under the provisions of the tenth section of '*The Crown Lands Alienation Act of* 1868' the lands comprised in such run or so resumed as the case may be shall be and the same are hereby set apart as homestead areas.

"The Governor in Council may by proclamation define and set apart any other country lands as homestead areas."

With that exception the conditions of selection of homestead areas were exactly the same in all parts of the colony—with the exception of the area, the same provisions were introduced by Mr. Stephens into his Bill of 1874.

Mr. McILWRAITH : No.

The ATTORNEY-GENERAL said again, that with the exception of the area, the conditions of selection of homestead areas as proposed by the Bill were identical with those in the Bill of 1874.

Mr. McILWRAITH said the honorable gentleman was contradicting what he had never asserted—Would the honorable member read clause 34 ?

The ATTORNEY-GENERAL : I have done so.

Mr. McILWRAITH : The honorable member says I have not read it.

The ATTORNEY-GENERAL said he thought the honorable member had read it but did not understand it, which it was necessary he should do. The honorable member had the Homestead Areas Act of 1872 on the brain (reading the 34th clause over again). What happened then ? They were still Crown lands, and were open to be dealt with under the proposed Bill. The 35th clause provided the restrictions and provisions in the case of conditional purchase in a homestead area, as follows :—

"Country lands within homestead areas shall when so proclaimed be open to selection by conditional purchase but under and subject to the restrictions and provisions next hereinafter contained and not otherwise that is to say—

"1. The maximum area of land that may be acquired by any person by conditional purchase in a homestead area shall be six hundred and forty acres or such lesser area not being less than one hundred and twenty acres as may be declared by the Governor in Council by proclamation

"2. The condition of occupation shall be performed by the continuous and *bona fide* residence on the land of the lessee himself

"Except as aforesaid all the provisions of this Act relating to the selection of land by conditional purchase and to land so selected shall extend and be applicable to land so selected in homestead areas."

The honorable member's speech was founded on the idea that the effect would be to set apart those lands at 3s. 6d. an acre, but it would not be so, but being Crown lands they would either be sold by auction, set apart for reserves, or dealt with, in fact, in any way provided by the Bill; at the same time they were to be subject to the conditions he had read. If he had not made it clear, the honorable member must be more obtuse than he imagined him to be ; the meaning of the clause was perfectly plain, and if the honorable member did not understand it, it was not his fault. The Bill, as he had said before, proposed to deal with lands in different parts of the colony in a somewhat different manner. It proposed to sell by auction where desirable; it proposed to continue the principle of homestead selection in the same way as at present, with the exception that residence by bailiff would not be allowed, and by surrounding it with restrictions to prevent any dummying without extreme inconvenience to persons practising that art; and then with regard to homesteads in homestead areas, it limited them to eighty acres. That was the only alteration, except as to price, the minimum being 10s. an acre. At present there were three systems of selection as proposed under the Bill, namely, free selection, conditional purchase under the Act of 1868, and homesteads under the Homestead Areas Act of 1872 and 1875. With regard to the conditional purchase in the present Bill, the only change was, that there must be the continuous and *bona fide* residence on the land of the lessee himself. With regard to homesteads, there was only a slight change, namely, that 10s. an acre should be expended in substantial and permanent improvements; with regard to cultivation, that might or might not be an improvement; in other respects there was no change. There was a change in the phraseology, but only to make matters clear where they were previously very obscure. The honorable member for Maranoa, who, he presumed, was at one time favorable to the settlement of the colony, argued that it would be better for one man to live upon 640 acres of land with his few cattle and sheep, than ten; in other words, instead of settling the labor of one man more upon the country he would withdraw it, and in doing so would withdraw so much contribution to the general wealth of the colony. That he understood to be the argument.

Mr. McILWRAITH : It was not.

The ATTORNEY-GENERAL thought the honorable gentleman would say so, especially as he had before accused him of perverting his arguments.

Mr. McILWRAITH : You generally do.

The ATTORNEY-GENERAL said he had heard the honorable member say the same thing on previous occasions, and it was a very convenient thing to say when there was no better argument to be advanced. He (the Attorney-General), however, certainly understood the

honorable member to say, that instead of the land being divided into 640 acres, and divided, say, amongst ten men, it would be better if it was all left in the hands of one with the same number of sheep and cattle. He, himself, utterly failed to see the reasonableness of such an argument; it seemed to him that if they could settle ten men on the land instead of one, they were adding considerable benefit to the country. What was settlement? It was putting people to live on the land to improve it, and become good citizens. The idea of the honorable member for Maranoa, however, was that the fewer men they got to live on a given area—the fewer men they could get to feed a certain number of sheep and cattle, the better would it be for the country. If that was really the opinion of the honorable member and the gentlemen who were on his side of the House, it would, after all, be found that the lines of party were as clearly marked as ever.

Mr. MACROSSAN said the honorable the Attorney-General seemed to deprecate the remark made by the honorable member for Maranoa, to the effect that Ministers did not seem inclined to discuss the question before the House, and in doing so asserted that he was quite ready, and in fact prepared to speak if the honorable member for Normanby had not anticipated him. If that were the case, why did not the Attorney-General speak before the honorable member for Bremer, or at least directly that honorable member had concluded? It was patent to every one that the honorable member for Normanby waited several minutes before he rose, and only did so because there was no sign from the Ministerial side of the House. This had been the case not only on that, but upon other occasions, when, although there were important measures under discussion, the members of the Ministry had shirked debate, while their supporters had closely followed their example. Whatever might be the reasons, whether it was that their arguments were bad, or whether it was that they could not meet the arguments of the Opposition, he would not now inquire; but the indisputable fact remained that in every important debate of the present session, Ministers had maintained silence, and that if one of the Ministers was compelled to speak, the supporters of the Government were invariably dumb. The honorable the Attorney-General in answering the arguments of the Opposition, and notably those of the member for Maranoa, being unable really to meet them, unfairly set up arguments of his own, and replied to them—in fact, knocked down men of straw, of his own creation. The member for Maranoa took the same objection as he (Mr. Macrossan) did, and the Attorney-General pretended to misunderstand it. He (Mr. Macrossan) would, however, try to present it in such a manner as to make it clear to the Attorney-General and every member of the House. It was this:—The people of the country by the expenditure of a certain sum of money on the railways on the Darling Downs, had enhanced the value of the land there, and that land was now about to be sacrificed in contradiction of the principle which the Ministry had laid down in their own railway policy, namely, that the lands which had benefited by the railway would pay for the railway. That was the argument, and the Attorney-General never attempted to meet it, because he knew he could not; so he raised his men of straw and then knocked them down. This was the objection which he (Mr. Macrossan) took to this portion of the Bill. He maintained that the people, especially the people of the North, —the people of the colony living outside of the Darling Downs—had assisted very materially in enhancing the value of the land upon the Darling Downs; and now those lands were to be given away to satisfy two or three supporters of the Government on the Downs, leaving the general population of the colony to pay the interest. He hoped the Premier, who, of course was bound to speak upon this question, would answer this objection, and not imitate the example of the Attorney-General. It was very evident from the Bill, although the Attorney-General blinked the matter, that the whole of the land on the Darling Downs, according to Schedule 2, was to be proclaimed as homestead areas. Within these districts a man could take up 80 acres of land at 2s. 6d. per acre, and he could take up the balance of the 640 acres specified at the price paid elsewhere. Besides this, the Ministry were about to introduce the auction system for the payment of the railways which they were about to construct; as the Minister for Lands himself said, this Bill would be incomplete, and was incomplete without the Railway Reserves Bill, and this, although the Attorney-General declared the Land Bill was a most comprehensive measure. The Minister for Lands was perfectly right when he said that the Land Bill was incomplete, and transitional. Had the House considered that by this transitional Bill they were about to sacrifice the whole of the land which now remained on the Darling Downs—land which should be held by the country to pay the cost of the railway? Either this must be done, or the gentlemen who lived on the Darling Downs, and benefited by the railway, would have, before long, to submit to a very severe land tax. The Minister for Lands in the course of his speech said that of late the tendency of land had been downwards. What did this prove? It proved simply, that the best lands were taken up at first, and if the honorable gentleman studied the tables attached to Mr. Tully's report, it would be seen that the quality of the land in the northern part of the colony had been inferior to that sold in the southern portions; yet, that in spite of the inferiority and the small quantities taken up, and in spite of the ill-success of the Ministry to promote settle-

ment, they were actually going to raise the price of land. He would ask the party that sat behind the Ministry, was that consistent with the liberal principles they had always advocated? Mr. Tully's tables showed that there were over 4,000,000 acres of land at present open for selection in the Kennedy district, 4¾ millions in the Burke, 18 millions in the Cook district. Here there were 26 million acres of land open for selection at the present time, and land of an inferior quality; yet it was actually proposed to double the price. Where very few acres were take up at 5s. per acre, the Minister for Lands intended to make it 10s. Did the Minister for Lands suppose that this doubling of the price of land would increase the settlement of the colony? He did not believe any true liberal would support such a policy; no man who did not intend to place the entire north of the country at variance with the southern portion could support such a measure for a moment. If this clause of the Bill passed as it now stood, there could be no question, in his opinion, and that of many honorable gentlemen who understood the classification of land in the North, that the greatest portion of the land there would never be taken up. Instead of raising the price of land as the Bill proposed, the Government ought to reduce it in those portions of the colonies where there were large areas which had never been selected because the land was of inferior quality.

HONORABLE MEMBERS: No, no.

Mr. MACROSSAN said it was inferior, when they took into consideration the climate, and the fertility of the land upon the Darling Downs, and when they also took into consideration how its value had increased through the railways which had brought markets to the very doors of the people. Taking all these things into consideration, it must be admitted that the lands in the North were very inferior by comparison. If the Minister for Lands would only take the trouble to prove the value of the land as it had been increased by the railways, instead of taxing the people of the North who had assisted in making these railways, he would reduce the price so as to compensate them for the money which they had spent uselessly, as far as they were concerned, on the Darling Downs. At the same time that these disadvantages were imposed upon the people of the North, and while the Bill would raise a feeling of antagonism against the South, a great outcry would be raised all over the colony against the sacrifice of the lands which should be retained for the purpose of paying for the railways; and in spite of the pretensions which the Liberal party had always made of being the poor man's friend, in almost every clause where the Act of 1868 had been departed from, it was to the disadvantage of the poor man. The member for Bremer distinctly showed, clause by clause, that the alterations were in favor of the capitalist, and against the interests of the poor man. The auction system, which the honorable member for Toowoomba and all other members representing an agricultural constituency could never maintain was a good system, could not be expected to be in favor of the poor man; it had been universally condemned by the working classes wherever it had been tried, and there could be no question that when a piece of land of any value came to the hammer, the man who had the largest purse would get it. There was a certain pretence about the Bill which it was well the honorable members who represented the Darling Downs should understand. The Government were giving them a certain advantage in declaring the whole of the land of that district under the homestead area principle; at the same time it was distinctly provided that if a couple of applications were put in for one homestead, it must go to the hammer. Thus when the poor man put in an application—for every piece of land on the Darling Downs was of value, and of more value than the price now paid for it—the rich man who coveted it might put in an application too, and there would be no doubt as to the result.

The MINISTER FOR LANDS: But the capitalist must reside on the land.

Mr. MACROSSAN: He can always find a bailiff to act as his dummy.

The MINISTER FOR LANDS: Not on a homestead.

Mr. MACROSSAN thought the Bill would never pass through committee in its present shape. The Minister for Lands said the Railway Reserves Bill was to be taken along with it, but he (Mr. Macrossan) felt certain that Bill would never pass through the House, and he believed the Minister for Lands was himself uncertain about it. If, then, the two Bills were to go together, there could be no serious intention of passing the land measure. He thought the honorable Minister for Lands, and some other members of the Ministry, had no wish that the Railway Reserves Bill should pass.

The MINISTER FOR LANDS: I hope it will.

Mr. MACROSSAN said the Minister for Lands himself admitted that in raising the price of land, they were actually diminishing the selecting power, and a more condemnatory argument against the Bill could not possibly be uttered by the greatest opponent of settlement.

The MINISTER FOR LANDS: No.

Mr. MACROSSAN: What the honorable gentleman said was, that it was a protection to the leaseholder by diminishing the selecting power; that is to say, by diminishing the power of the poor man to select the land.

The MINISTER FOR LANDS: Not the poor man.

Mr. MACROSSAN said it did not, at any rate, diminish the power of the rich man, to whom

a shilling or two was not of much account. The rich man could always find the means of getting a dummy, and it was no use, therefore, arguing about the homestead provisions. He hoped, as he had said before, that if any Minister attempted to answer these objections, he would not reply to imaginary arguments, as the Attorney-General had done. His objection, and the objection of others also, was against the new principle adopted by the Government, that the land, for the future, was to pay for the railways, without exception to any part of the colony. The principle that the people who were benefited by a railway should pay for it, was not being carried out in the present Bill with respect to the Darling Downs. The two Bills, which the Minister for Lands said must be taken together, were opposed to each other, and the Land Bill was opposed to the principle announced last year in the Roma Extension Bill. Let the Premier answer this if he could. If the Bill went the length of passing into committee, he (Mr Macrossan) should insist, with other honorable members, upon attempting serious and great alterations in it, because, as it stood now, it was the best measure for preventing settlement in the northern part of the colony that could possibly be proposed.

Mr. GROOM said that, before discussing the merits of the Bill, he should like to reply to some of the remarks of the honorable members for Maranoa and Kennedy. The honorable member for Maranoa, much to his surprise, said he was not aware that the best of the lands on the Darling Downs were already alienated. It was surprising that an honorable member so well known for his shrewdness and intelligence should not have fortified himself with some knowledge of what had been done under the various Land Acts, and the effects which those Acts had produced. The present Government was not to blame for the present state of things, nor the late Government, nor even the administration of which the honorable member for Port Curtis was head. In 1860, the legislature of the day passed what was called a Land Bill, in which was a clause setting apart certain districts as agricultural reserves. Those reserves were proclaimed in certain districts, and in his unfortunate district, the House would see from some returns which he would read, how the land was immediately taken up. There was what was called the Drayton Agricultural Reserve, and he found one station known as Westbrook, where there were no less than 24 selections taken up in the names of Beit, and a whole family of Macleans. In the Toowoomba district nearly the whole of the reserves were gobbled up by the Isaacs family. Eight selections were taken up in the name of Mr. De Satgé, the brother of the honorable member for Normanby, while the honorable member himself took one. Attention was drawn in the House to these selections by the then member for Fortitude Valley, Mr. Lilley, and the following was the opinion of the Attorney-General respecting them:—

"OPINION.

"I see nothing in Mr. Loveday's letter to support the opinion of the Auditor-General that the purchases referred to in his letter are violations of the Act.

"The several persons, on whose account Mr. Beit purchased, must have conveyances made to them of their respective names, and their holdings will be several and distinct from each other.

"RATCLIFFE PRING,
"Attorney-General."

Upon the expression of that opinion the Government ordered conveyances to be made out, and the result was that every particle of land on Darling Downs was gobbled up in the names of infants in arms, and in other strange ways. He should like the honorable member for Maranoa to look over these returns, which he would find to be very interesting. In 1868, when the Herbert Administration were defeated, Mr. Lamb, the then Secretary for Public Lands, took measures by which the whole of the Darling Downs were proclaimed as one vast agricultural reserve, and what was not touched before, and taken up under the Orders in Council—one of the most vicious systems ever introduced, and which, he was sorry to say, there was a predisposition to introduce again — was taken up by what was known as the triangular system of purchase. He could assure the honorable member for Maranoa that what was now left on Darling Downs was the refuse of the land that had been picked and picked until there was only one good run left. He referred to that of Yandilla, occupied by Messrs. Gore and Co. This firm stood out as a bright particular star, as men who did not lend themselves to dummying, who had throughout acted legally and in conformity with the Act, and who had never either by themselves or their employees fraudulently misapplied the Act. With this gratifying exception, there was not a single run on the Darling Downs where the dummying system had not been carried out, and it was much to be regretted that nothing was done to reclaim the lands that had been so taken up. He did not at all agree with the honorable member for Maranoa's remarks respecting the railway reserves; the honorable member seemed to think that the remaining portion of the land, after being sacrificed as it had, should be sold to pay the burden of a railway constructed years ago, this was not fair. Had the principle been proposed originally when railway construction was first initiated in the colony, even then he should have objected to it, because care had been taken by the pastoral lessees of the district to secure the land. It had been stated during the debate that certain land had been purchased for £1 an acre, but the honorable member who made the statement forgot to tell the House that £30 land orders had been

purchased for as low a sum as £5, so that in many instances the land did not cost the pastoral tenant more than 4s. or 5s. an acre. The honorable member did not tell that part of the story, but it was perfectly well known that one reason why these men made such princely fortunes, which they were now spending in England or elsewhere out of the colony, was that they made unlimited use of land orders. There were Eton Vale with 90,000 acres of purchased land; Westbrook, with 75,000; Gowrie, with 60,000; Jondaryan, with 80,000; Clifton, with 60,000; and other stations in equally large proportion. He could, in fact, point to millions of acres purchased by the vicious system of land orders introduced in the earlier history of the colony; and to say now that the railways should be paid for as was proposed by the honorable member for Maranoa, would be a crying injustice. So far as the Bill went, there were some portions of it which he (Mr. Groom) considered to be an amendment upon the present law, and some portions were no amendment. He objected to that portion referring to the reclamation of the remainder of the Darling Downs. There were some portions of the Darling Downs in the proposed resumptions, where, perhaps, a few thousand acres could be picked out as suitable for homestead purposes, where, perhaps, 160 acres might answer, but the bulk of the land remaining was only fit for conditional purchase. In some places the hills were almost as precipitous as the wall behind the Speaker's chair, and he should like to know of what use that would be to a homestead selector, or how many people would be likely to settle upon it. Therefore, there was really not much to complain of in the Government proposing to set apart those lands for homestead areas, because after all they would be compelled to sell them as conditional purchases, because they would not be selected. With reference to the auction system, he agreed with the honorable member for the Kennedy, and was opposed to it *in toto*. The honorable the Minister for Lands seemed to think that under the present system of balloting a *bona fide* person anxious to obtain land had no chance. Now, he (Mr. Groom) had made it his business to attend the Land Court in Toowoomba during the ballotting, when there were about one hundred applications for 7,000 acres of land, and he had an opportunity of ascertaining the names and character of the men who were applying for the land; and he was free to confess that while there were forty or fifty whom he knew were *bona fide* men who would reside upon the land, forty or fifty others came there for the mere purpose of speculation or on behalf of others. That was certainly a defect, and the difficulty was how to cure it. He said the auction system would not cure it. Why, what took place the other day? The Government forfeited four homestead selections in a certain homestead area on the Darling Downs; two of them were reserved for road purposes at the instance of the Roads Department; the other two were proclaimed open for re-selection, and the owner of the run was so successful in putting applications, that when the ballot took place one of his dummiers became the lucky owner of one of them out of twelve competitors. He (Mr. Groom) believed if they went to auction the evils would occur that had been pointed out by the honorable member for Kennedy. This gentleman was known to have vast sums of money, and if the land had gone to auction he would have got it, because it was worth to him a very large amount of money, and the *bona fide* selector would be even more heavily handicapped, because he would not have the most remote chance of purchasing it when in competition with the capitalist. He was free to confess that there was a difficulty at present existing; that the *bona fide* man was occasionally out-ballotted by persons who applied for the land for the purpose of speculation; but the question was, how to cure it? The honorable Minister for Lands incidentally suggested that supposing the large resumptions proposed were acceded to, and the land was thrown open to selection, the area would be then so large that there would not be so many competitors, and perhaps there would be no necessity for auction or even a ballot to take place. There were certain choice portions on the Darling Downs, as he said before; a few thousand acres here and there could be picked out, for which, no doubt, there would be considerable competition; and when the House went into committee, they would have to consider what was the best course to adopt with regard to those lands. So far as the Bill itself was concerned, he had looked carefully through it, and he was not prepared to go so far as the honorable member for Bremer, or the honorable member for Kennedy, and say it would press heavily on the poor man; because he did not think the honorable the Minister for Lands—with the exception of his peculiar ideas with reference to the auction system—was disposed unnecessarily to oppress the industrial classes of the colony. When the Bill went into committee he would be prepared to join with those honorable members in any judicious alterations that might be considered advisable in order to make the measure more conformable to the wishes of the colony. He would take that opportunity of stating that he was not at all disposed to plead guilty to the charge of the honorable member for Normanby, that the representatives of the Darling Downs came there at the instance of a lot of loafing constituents to try and get land for them at 3s. 6d. an acre. He took much broader views on the land question. While he considered it his duty to a certain extent to legislate for the interests of his own constituents, he did not forget that he was there also to legislate for the whole colony, and not for one particular district;

and he was quite prepared to deal with this question on broad general grounds when called upon to do so in committee. He quite admitted, looking at the fact that they should have perhaps a decrease in the revenue and perhaps a necessity for increased taxation, either in that House or the succeeding Parliament, some measure must be adopted for increasing the revenue. Whether the land was the legitimate source for increasing the revenue, or the Customs, parties agreed to differ; but he thought himself they were rapidly approaching a land tax. The fact that in his own district more than two million acres had already been alienated, and year by year they were still alienating large areas by leasing them to different selectors, and that roads were everywhere being laid out which would necessitate bridges and culverts and repairs in all directions, proved conclusively to his mind that it would be necessary that some new source of revenue must be provided to carry out those works, and he saw no way of effecting that but by a land tax upon the people in the districts where large alienations took place, and where those works were required. Those were the proper places, and he believed it would do a considerable amount of good in another way. They knew that they had large territories lying vacant and really unproductive; whereas if a land tax were imposed, they would not only produce revenue but also be devoted to purposes more beneficial to the colony than they were at present. On the whole, he was quite prepared to vote for the second reading of the Blil. He had gone through the various clauses carefully, and while there were some points which might be modified, on the whole he thought if it were passed it would rectify a great many matters which required rectification, and generally be an improvement on their existing land laws. If there was one advantage it possessed more than another it was, that they should have a consolidation of their land laws, and they should not have to run through half-a-dozen Acts which perhaps conflicted with each other, and which the commissioner read one way, the Under-Secretary another, and the Minister for Lands in his own peculiar way. What was intended by the legislature should be expressed in this Bill, and be clearly understood. There was another point he should like to express an opinion upon, and that was with reference to the section which provided that the Governor in Council should have power to proclaim the upset price of land. Now, he did not forget this fact: that they must expect changes of Government, and he was one of those who was not prepared to place too much power in the hands of the Executive of the day. He thought the House should fix the maximum as well as the minimum price. On previous occasions there used to be a clause introduced by which the Governor in Council had power to make regulations which, on being proclaimed in the *Government Gazette* had the force of law; but very frequently the object of the legislature was nullified by those regulations, and so obnoxious did they become, that the clause providing for them was struck out. This appeared to him to be re-enacting the same thing, because, although the price was not to be fixed by regulation, it was to be fixed by Executive minute, which was just as bad. He thought the price should be fixed by the House and not by the Executive of the day. They should, at all events, fix the maximum, and leave the Government to have the medium between that and the minimum. As to the classification of land, he might say, that when the question of a board for that purpose was before the House in the Act of 1868, he voted for it, and he should do so again if it were introduced. He did not believe in placing too much power in the hands of commissioners. He had seen some very queer doings on the part of commissioners, and he was not altogether sure that there were even now some very queer things being done which would hardly bear the light of investigation. He should prefer this being done by a board than that it should be done by one individual, who could be got at in more ways than one; and therefore, if the honorable member for the Bremer moved that there should be a board for the purpose of classification, he (Mr. Groom) would be quite prepared to vote with him. He believed it was a step in the right direction, and would put a stop to a great many little matters which no doubt he should have an opportunity of referring to on another occasion, and which he considered very undesirable and unsatisfactory in their land legislation. He would not detain the House longer; he would vote for second reading of the Bill.

Question—That this Bill be now read a second time—put and passed.