Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 12 OCTOBER 1876

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LEGISLATIVE COUNCIL.

Thursday, 12 *October*, 1876.

The Contingent Account of the Legislative Council, 1875-6.—Navigation Bill.—Stamp Duties Bill.—Crown Lands Alienation Bill.

THE CONTINGENT ACCOUNT OF THE LEGISLATIVE COUNCIL, 1875-6.

The PRESIDENT moved—

That it be referred to the Standing Orders Committee to prepare a form of Address to His Excellency the Governor, in accordance with the resolution arrived at by the House on Thursday last, the 5th day of October instant.

He said he had to explain, in the first instance, that he adopted this course, because it seemed to him that the proceedings of the last sitting were so hurried that the final opinion of the House was not truly collected. If the position of the question was allowed to stand as it was now on the Journals of the Council, he should have to present the Address to the Governor without referring to the House again on the subject; but there was some slight irregularity in the mode in which the question was put. The Chairman of Committees reported to the House merely, that the committee had come to a resolution; whereas, according to the practice of the Council, it ought to have been, that the committee had adopted the report of the Standing Orders Committee with an amendment. Therefore, he (the President) thought, learning from honorable members that they were not quite satisfied with the result which had been arrived at, that it would be better to give them an opportunity of reviewing the subject; and he saw no other way to do so but by referring the form of the Address to be finally adopted to the Standing Orders Committee. He understood from several honorable members, privately and out of the House, that they still had a strong objection to the resolution agreed to as an amendment on the report of the Standing Orders Committee. It was desirable, therefore, that the subject should not be proceeded with until honorable members were quite in accord, and determined that whatever the House decided upon eventually should be carried out. By referring the form of the address to the Standing Orders Committee, it would be for that committee to take the whole question again into consideration and to bring up a further report, which would give the House an opportunity of considering the subject once more. He was disappointed; but we were all liable to disappointments in this life; and he had no doubt he should be enabled, before the report of the committee was brought up, to put the question in a smaller compass. There was one matter he had forgotten to bring up for consideration, with reference to the late Mr. Henry Johnson. Some honorable members said that the deceased officer had been in receipt of a considerable salary, and that he ought not to have been in the position which necessitated his (the President's) interference on Mr. Johnson's behalf in his last illness. Well, he might remind those honorable gentlemen that the late Clerk of the Council had been, for some years past, in a very bad state of health, and that so far back as 1865 he was put on half pay for six months, in order to enable him to recover his health and to resume the duties of his office thereafter. In 1871, also, he had leave on similar grounds, and a deduction was made of £100 a-year from his salary for the time; so that he was not always in receipt of the full salary attaching to his office. He had been subject to exceptional expenses, owing to his own illness and to the illness of his wife, whose predecease was an irremediable affliction to him. Therefore, there was matter which ought, at any rate, to be taken into consideration when the House decided upon the late Clerk's case. Besides, there was a precedent elsewhere, in reference to the late Judge Blakeney, whose widow received a return of pay which had been deducted from him during his illness. The late Clerk of the House, as he (the President) said before, had left no widow or relative who had any personal claim to any benefit resulting from his service. In view of those facts, he, as representing the House, had taken up the subject. However, many honorable members did not seem to coincide in his view. He should be very sorry to proceed further unless his action was fully concurred in by the whole Council; and therefore he proposed indirectly the intermediate course which he now put before the House, that the form of address be referred to the Standing Orders Committee, in order that the subject might come before the House, again, for discussion, on some future day.

Question put and passed.

NAVIGATION BILL.

On the Order of the Day being called, the House resolved into Committee of the Whole for the consideration of the message of the Legislative Assembly with reference to this Bill, as follows:—

"MR. PRESIDENT,

"The Legislative Assembly having had under consideration the Legislative Council's Amendments in the Bill intituled '*A Bill to Consolidate and Amend the Laws relating to the Marine Board Navigation Pilotage Harbors Lights and the Keeping and Carriage of Gunpowder*'—

"*Disagree* to the amendment in the 115th clause, because the amendment varies a duty which is payable into the Consolidated Revenue.

"*Disagree* to the amendment in the 166th clause, because it is not desirable that the master of a ship should be charged with expenses incurred on behalf of the owners of goods, and which he may have no means of recovering from the owner.

"*Disagree* to the amendment in the 176th clause, because it is considered undesirable to restrict the quantity of gunpowder which may be carried at one time to so small a quantity as a quarter of a ton.

"And *agree* to the remaining amendments in other parts of the Bill.

"H. E. KING,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 9th October, 1876."

The POSTMASTER-GENERAL said, the question the committee had to decide, at the present moment, was one of grave importance, being connected with the privileges and dignity of the Legislative Council. Although the measure before the committee was one introduced by the Ministry, and was, of course, interesting to him as a member of the Ministry, who desired to see it passed; yet, in his position as a member of the Council, and apart from the position he occupied as the representative of the Government in the House, and the question being separated from all party considerations, he called attention to it for the House to deal with it as seemed best. The first amendment made by the Council, to which the Assembly had taken exception, was in the 115th clause. The amendment was to the effect that "vessels departing to sea, laden with coal only," should pay half pilotage dues. The reason given for the disagreement was, because it "varies a duty which is payable into the Consolidated Revenue." The only inference to be drawn from that was, that the Legislative Assembly was of opinion that the Council was incompetent to vary such a duty; or, in other words, the proposal that the Council should consider any question affecting the Consolidated Revenue was simply a matter of form, and the Council must accept it without any deliberation or consideration whatever. Well, that was entirely at variance with the provisions of the Constitution Act, by which the Parliament existed and the two Houses were guided in their deliberations, and it was a view or construction of the Constitution with which he could not coincide. The second section of that Act was very explicit: it provided that the Legislative Council and the Legislative Assembly should have power together,

"to make laws for the peace, welfare, and good government of the colony, in all cases whatsoever."

To that provision there was only one exception, and that was simply to the effect that the Legislative Council should not "originate" any measure which had for its object the

"appropriating of any part of the public revenue for imposing any new rate, tax, or impost,"

on the community. Even assuming that that clause could be construed to mean that the Legislative Council could not interfere with any measure appropriating any part of the public revenue, or imposing a tax, rate, or impost, the objection of the Legislative Assembly to the amendment in clause 115 would not apply. The amendment had not the effect of appropriating any part of the revenue, or imposing any tax, rate or impost; it was to the effect that in certain cases vessels should not be charged more than a certain amount. The Council did not impose a tax on the vessels, nor did it impose any rate or impost. It simply stated that in certain special circumstances, it was of opinion that a rebate ought to be made; and, on the strict interpretation of the second section of the Constitution Act, the Council was perfectly competent, he took it, to introduce a measure to that effect. Under those circumstances, it was a question for the House to decide, whether, as the sole ground for the Legislative Assembly disagreeing with the amendment of the Council was, that the amendment "varies a duty which is payable into the Consolidated Revenue," they should withdraw an amendment they had an undoubted right to make. It might be that very good grounds for dissent could be shown, but they were not before the House at the present moment; and the question for the House to decide was, whether it should not insist upon its amendment. That should be done, because the sole ground alleged for disagreement was untenable, and, to show that the Council was determined to maintain its rights and privileges.

HONORABLE MEMBERS: Hear, hear; hear, hear.

The Hon. F. T. GREGORY said the remarks of the Postmaster-General were such as, from the nature of the case, must necessarily be concurred in by every honorable member of the Council. The question under the consideration of the committee was two-fold. Firstly, the amendment had been so clearly and deliberately affirmed, that he thought no honorable member would alter his opinion about it; and, therefore, the House would insist upon it. Secondly, the question of privilege had so often cropped up before, and had been so clearly defined by the President, that there was no room to doubt of the authority and powers of the Council in making the amendment. A great deal had been said elsewhere about the stress to be laid on "May" and the practice of the Imperial Parliament; but that was all secondary to the authority of the Constitution Act, which was unmistakeable as to the powers of the Council. He moved—

That the Council do insist upon its amendment in clause 115;

and for the following reasons:—

Because coal is in most cases used as a substitute for ordinary ballast; and, further, because the reason assigned by the Legislative Assembly is untenable, the Legislative Council having full

power, under the Constitution Act of 1867, to vary the provisions of any Bill that may be submitted to them for their consideration.

The Hon. H. G. SIMPSON said he was extremely pleased, and he thought every honorable member was equally pleased, with the tone of the Postmaster-General's remarks on the present question. During the eight years he had the honor of a seat in the Council, though he knew every individual member upheld the position of the Council, never, until to-day, did he see the representative of the Government in the Upper House take the proper stand for maintaining the dignity and privileges of the Council in the most gratifying and creditable manner in which the Postmaster-General had acquitted himself. Much as he and others disagreed with the honorable gentleman in political matters, they must all be thankful to him for the stand he had taken. It might be, and was, a trifling matter upon which the question of privilege arose, as on previous occasions; but it was in the nature of things that it should be so. The matter was so trifling, that were it alone to be tried on its merits he should give way, and not insist on the amendment. But upon it the Council came into collision with the asserted privileges of the Legislative Assembly—he said asserted, because those privileges claimed by the other House did not exist. He agreed with, and contended for, all that the Postmaster-General had so clearly laid down and defined. The way in which the Assembly put its disagreement, forced the Council into an insistence upon its amendment; as, after the attempt to twist it into an interfering with and varying a duty payable into the Consolidated Revenue, if the House now gave way, it would be impossible in future to make an amendment in a Bill in ninety-nine cases out of a hundred which would not be twisted into an interference with the revenue or the fiscal arrangements of the country.

The Hon. E. I. C. BROWNE, following in the spirit of the remarks of the honorable and gallant member, Captain Simpson, said that during the session the House had often to congratulate itself upon the hands into which the leading of the public business had fallen, in the person of the present representative of the Government; but he thought honorable members never had so much reason for congratulation as on the present occasion.

HONORABLE MEMBERS: Hear, hear.

The Hon. E. I. C. BROWNE: The honorable gentleman, no doubt, recognised that he had an important duty to perform; and he had not forgotten in his official position what was due to the Council and to his own convictions. As a member of the Government his task was unpleasant, but notwithstanding that, he performed his duty as a member of the Council.

HONORABLE MEMBERS: Hear, hear.

The Hon. E. I. C. BROWNE: He should say nothing about the question before the committee, because it was so plain a child could understand it; and it could not be controverted.

HONORABLE MEMBERS: Hear, hear.

The Hon. A. H. BROWN expressed his concurrence in what had fallen from honorable members. So far as he could judge, the attitude and tone of the Council had been particularly forbearing towards the other Chamber, and he did not think the privileges of the Assembly had been intruded upon. It was quite proper now that the two Houses should come to an issue on the question raised, and he should cheerfully support the reasons given by the Honorable Mr. Gregory for insisting upon the amendment.

The question was put and passed.

The Hon. F. H. HART said the alteration in the 160th clause with which the Legislative Assembly disagreed was made on his motion, and he should ask the House to insist upon it, not for the purpose of opposition, but because the other House did not understand the meaning of the amendment. It was not an innovation that the expense of conveying powder to the magazine should be put on the shipmaster; it was the practice of the port. The amendment therefore affirmed what was the practice of the port. To prove it to honorable gentlemen, he had been at the trouble to procure the bills of lading for the gunpowder that had been imported for some time past, and he produced those of seven different ships:—Conference, St. Helen's, and Devonia, from London; Fifeshire, from Glasgow; Sam Mendel, Zibia, and Lady Douglas, from London. The gunpowder was shipped for delivery at Brisbane, which meant the place where the Government appointed that it should be kept in magazine. If the expense of conveying it to the magazine were fixed by the Bill on the importer or proprietor rather than on the captain, it would lead to delay, and consequently often entail a great deal of expense on the ship while the captain was trying to discover the owner of the gunpowder. The amendment simplified matters, and the expense would all the same fall upon the the proprietor or importer. He moved—

That the Council insist on their amendment in clause 166, *because* it is the custom for masters of vessels to pay the expense of conveying powder to the magazine, in accordance with the terms of their bills of lading; and that the amendment is no innovation upon the existing trade of the colony.

The Hon. W. D. BOX trusted the House would in its wisdom insist upon the amendment, and expressed his concurrence in the reason given in support of the motion. The practice advocated was founded upon what had been found convenient at this port.

The Hon. W. F. LAMBERT asked, Was it the custom to pay freight in advance, in London or at the port of shipment? also, Was

it the custom to insure powder in transit from the ship to the magazine?

The Hon. F. H. HART: As regarded payment of freight, he informed the honorable member that it was the invariable custom to pay freight upon explosive materials at the port of shipment, because there was always a clause put in the bill of lading that such goods might be thrown overboard by the captain, at the risk of the proprietors, at any time. As regarded insurance, he had no experience of it himself, but if insurance was effected on gunpowder, it would be effected to its destination.——He was reminded that there was always a clause in the policy that the risk of craft was excepted to and from the ship.

The POSTMASTER-GENERAL said his attention had been called to the proposal of the Honorable Mr. Hart; and he had not the slightest doubt that if the House insisted upon the amendment, the other Chamber would agree to it, as the opposition arose entirely, as far as he could gather, from a misapprehension of the existing state of facts. The objection to the expense of conveying the powder falling on the master was merely a sentimental one, as there was no doubt the master would look after his own interests.

The Hon. A. H. BROWN: The commercial consideration was made clear. There was another consideration in favor of the motion, and it was the safety of the public. If the captain was responsible for the gunpowder, he was a person quite conscious of the dangerous nature of the cargo and of the policy of getting it speedily to a place of security from his ship or the wharf where he might be working.

The question was put and passed.

The Hon. F. H. HART said the amendment in the 176th clause had been made at his suggestion at the request of another honorable gentleman, who had not been able to attend the House. He did not think it was of any consequence, and the House need not insist upon it.

HONORABLE MEMBERS: Hear, hear.

The Hon. F. H. HART: He moved—

That the committee do not insist on the amendment made by the Council in clause 176.

Agreed to.

The House resumed, and the Chairman made his report. A message was ordered to be transmitted to the Assembly informing that House of the resolution of the Council.

STAMP DUTIES BILL.

The House resolved into Committee of the Whole for the consideration of the following message:—

"MR. PRESIDENT,

"The Legislative Assembly having had under consideration the Legislative Council's Amendment in the Bill intituled '*A Bill to Amend the Stamp Duties Act of* 1866,'

"*Disagree* to the proposed amendment in the schedule of the Bill, *because* the effect of the amendment is to repeal a tax now in force, and this House is of opinion that, in practice, the power of imposing, varying, or repealing taxes should be maintained as the exclusive privilege of that House which is elected by the people.

"H. E. KING,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 11th October, 1876."

The POSTMASTER-GENERAL: This message was somewhat similar in its character to the first portion of the message that was under discussion at an earlier stage of the day's proceedings. It would be in the recollection of honorable members that when the Stamp Duties Bill was in committee he strenuously urged that no alteration should be made in the Bill. He quoted in support of his views what was the practice of the House of Lords and the Imperial Parliament. But the matter having been referred to the President, he decided that it was quite competent for the Council to vary in any manner it might think proper any Bill submitted to it for consideration; and that decision seemed to meet with the unanimous approval of the whole House.

The Hon. J. TAYLOR: Hear, hear.

The POSTMASTER-GENERAL: It was unnecessary that the question should be gone into again by him; and it now simply rested with the House to say whether it would insist upon the amendment.

The Hon. F. T. GREGORY moved—

That the Council insist upon their amendment, for the following reasons:—*Because* the privilege claimed by the Legislative Assembly is in contravention of the express terms of the Constitution Act of 1867, the Legislative Council being empowered by that Act to modify or alter the provisions of any Bill that may be submitted to them for consideration or approval.

HONORABLE MEMBERS: Hear, hear.

The PRESIDENT: The question, now, is a very delicate and a very important one. There is a great difficulty in carrying on parliamentary government with two Houses of Legislature, unless those two Houses can be kept in perfect accord and agreement with each other. There can be no doubt, that as far as the reading of our Constitution Act is concerned, we are empowered to deal with all measures that come before us, and that we are only restricted from originating measures of finance. But we have, up to the present time, agreed that we shall regulate our intercourse on matters of legislation by what are the known rules of the Imperial Parliament in England. Therefore, I do not think it is desirable that we should abruptly claim all the powers that seem to me to be claimed—though they are in the Constitution Act, and undeniably ours—in the reasons laid upon the table by my honorable friend opposite. It is putting forward in a substantive—an almost offensive, though I am reluctant to

say it—form, a claim to deal with every measure of finance that is brought before this Council, which, I take it, the conduct of the House hitherto, has shown we are unwilling to enforce;—in fact, honorable gentlemen, we would not do violence to the sensibilities of the popular House of legislature in any manner to hurt what are considered its privileges, while, at the same time, we have to defend our own privileges. The mode of this defence depends very much upon the agreement between the two Houses. If we carried on a sort of concealed warfare, each ready to take offence for anything that was done by the other, it would be derogatory to the influence and independence of each House. I think it would be better, in reference to the claim made in the message, which is a very large claim on the part of the Legislative Assembly, though not quite so stringent as the one which my honorable friend opposite has laid on the table on behalf of the Council;—it would be better and more politic for the Council not to assert all it may and can. I do not see that there is any necessity, on so trifling a matter as the present, to come to a regular disagreement. The reason for our insisting upon our amendment might be couched in these terms:—Because the Council fails to discover in the Act constituting this Legislature any provision giving such exclusive powers to the Legislative Assembly as are claimed. Honorable members will observe that the message of the Assembly intimates that that House disagrees,

"Because the effect of the amendment is to repeal a tax now in force, and * * * is of opinion that, in practice, the power of imposing, varying, or repealing taxes should be maintained as the exclusive privilege of that House which is elected by the people."

Well, of course, this House will not for one moment admit such a claim as unanswerable, and as it refers to a matter that, really and practically, is of small importance, I think it would be better, in insisting upon our amendment, to do so with a denial of the claim made on the part of the Assembly, than to substitute an opposite claim on our part.

The POSTMASTER-GENERAL: He was inclined to think that the committee would be wise in adopting the suggestion of the President—assuming that the committee was unanimous that the privileges claimed by the Assembly were claimed on unconstitutional grounds. The Bill in question was deemed to be important by a large section of the community, and it was undesirable under the circumstances to couch the message setting forth the insistence upon the amendment of the Council in terms that were likely to bring about a state of unpleasant feeling. He had no doubt, if the Assembly was irritated by the mode of expression adopted by the Council, the Bill would be set aside altogether.

The Hon. F. T. GREGORY said the committee had to thank the President for the change suggested as an amendment of the motion. He assured honorable gentlemen that, in making the motion, he had no intention whatever to act in a hostile spirit in regard to the other branch of the Legislature, nor had he intended to show a want of consideration and courtesy; but the conciseness and terseness of the message of the Assembly were such as led one to reply in much the same terms. He thought the House might thank the President for having put the motion in a better form; as it struck him (Mr. Gregory) that it would as clearly and as fully maintain the privileges of the House as the first proposal, he had great pleasure in adopting it. He desired to withdraw his motion and to move the question in this form:—

That the Council insist upon their amendment, *because* this House fails to discover in the Act constituting this Legislature any provision giving such exclusive power to the Legislative Assembly.

Original motion, by leave withdrawn, and amended question put.

The Hon. A. H. BROWN contended that the Council had defeated an unconstitutional attempt to establish a differential duty on crops; and he suggested that that should be explained to the other Chamber.

The POSTMASTER-GENERAL was afraid that would be an undesirable course, as the Statute Book made a marked distinction between crops and wool. The latter was treated as a thing wholly distinct from ordinary crops. To his own mind they were somewhat of a similar character, both being the result of man's industry; but they were recognised by law as dissimilar.

The Hon. A. H. BROWN accepted the explanation and withdrew his suggestion. Yet, he thought no better illustration could be afforded of what the Council conceived to be its duties than the amendment upon which the present contention between the two Houses had arisen.

The Hon. F. T. GREGORY said no question had been raised as to the nature of the tax. The disagreement of the other House was purely on the ground that the amendment of the Bill was a breach of privilege.

The question was put and passed.

The House resumed and the resolution of the committee was reported, the report adopted, and a message was ordered to be transmitted to the Assembly informing that House of the action of the Council.

CROWN LANDS ALIENATION BILL.

The POSTMASTER-GENERAL said: Honorable gentlemen—It will be conceded on all sides that the mode of dealing with and alienating the public lands of the colony is a subject of vital importance. It is the one subject that has been most earnestly and most frequently discussed throughout the

country and in the Legislature, for several years past; and the defects of our existing Act having been at length fully understood, public opinion indicates clearly that a Bill dealing with this subject in a comprehensive and liberal manner should no longer be delayed. Recognising these facts, the Government lost no time after their accession to office in introducing to the Legislature three Bills dealing with the public lands of the colony. The first of these is the Railway Reserves Bill, which is now under discussion in the lower chamber, and which may be briefly described as a measure to provide for the sale of Crown lands for the purpose of raising revenue to construct necessary public works in the vicinity of those lands. The second is the Bill to provide for the Leasing of Runs in the Settled Districts of the colony, the leases of which runs are shortly about to expire. And, the third Bill is the one which I bring now under your consideration, and the operation of which is restricted to the alienation of Crown lands throughout the colony. I think it may be safely said that the intention of the Legislature in passing the Act of 1868 was to encourage and promote the industrial settlement of population on the public estate. At the same time, I think it cannot be denied that, although that measure has promoted settlement far in excess of what was effected, or, in fact, was possible, under the enactments that previously formed part of our Statute Book; yet the intention of the Legislature has not to the fullest extent been realised. Under cover of its provisions, and by means which it is not now necessary to describe, monopolists have been enabled to secure large and valuable areas of land in a manner which the Legislature never contemplated. These proceedings were facilitated by two causes. First, the large areas of land which single individuals were enabled to select on very easy terms; and secondly, the uncertainty or ambiguity of clauses or stipulations which were intended to secure *bona fides* on the part of selectors. The defects of the Act in these respects have for some time past been admitted, and it has been felt that the amendment of the law is most desirable. Other defects have, also, from time to time, made themselves apparent and have been already the subject of special legislation; the result being that in addition to the Crown Lands Alienation Act of 1868, and, not taking into consideration the Mineral Lands Act of 1872, which, for all practical purposes, seems at present sufficient to meet the requirements of the colony with regard to the alienation of mineral lands, we have five Acts amending more or less the Act of 1868 and dealing with the question of alienation. These Acts are tabled in the schedule to the Bill, and I shall not more pointedly refer to them. The Government considered that it was very undesirable that legislation on so important a subject as that which we are discussing, and with which it is necessary that the larger portion of the community should make themselves perfectly familiar, should be found scattered over the several volumes of the Statute Book; and that it was almost essential that legislation on the subject should be confined to one statute and that the statute should be clear, concise, and intelligible to the meanest capacity, and, at the same time, sufficiently comprehensive and extensive to obviate further legislation on the subject for some time to come. This they have attempted to secure in the Bill which is now before the Council. The Bill repeals the six Acts now in force dealing with alienation, and may be regarded not only as an amending measure but as a codifying one. It has been considered that after eight years' experience of the mode of acquiring land now in practice, selectors are familiar and satisfied with the form of procedure; the Government, therefore, have re-enacted such of the provisions of the existing law as relate to questions of detail and forms of procedure; and it will be found that in this Bill there is a large number of clauses almost identical with sections in the six statutes to which I have already referred. Alterations there may be, more or less, throughout; but those alterations are of a verbal character, for the purpose of making the context clear and intelligible. In addition to the re-enacted sections, the new matter will not be found to be very extensive, nor will it be found to contain any very violent or extreme changes. All that we have endeavored to do, is to take advantage of the legislation and the experience of the last eight years, and to provide for the requirements of the people for some years to come. I shall not weary the House by going into the minutiæ of the measure, and shall only trespass upon your time, honorable gentlemen, by referring now briefly to the alterations in the law proposed to be effected by the Bill. The first alteration that will make itself apparent to honorable members—and it is one that probably is of as great importance as any in the Bill—is the abolition of the present classification of lands into agricultural and first and second class pastoral. Experience has shown that the tendency has been invariably downwards, and we have, at last, arrived at such a position that nearly the whole of our lands may be said to be, and are being, alienated under the lowest grade at present in existence. This question has been discussed very fully by the Under Secretary for Public Lands, in his report, which has been laid on the table of the House; and I do not think I can do better than read a short extract from it:—

"The classification of the land is one of the most unsatisfactory features of the Act of 1868. Judging by the experience of eight years, I am quite satisfied of the impracticability of keeping up the classification as prescribed by the law. The tendency is always downwards, and this is

not to be wondered at, when it is considered that each selector desires to have his land classified at the minimum class, and in order to effect this will make use of every precedent in his favor where the Commissioner may have previously classified low by reason of imperfect information or relying on the judgment of the surveyor who surveyed the land. * * * * * It also delays the confirmation of the selection by obliging the Commissioner to report after the survey is approved, and which is not always done as promptly as should be desired.

"In many instances during the past year classifications have been returned by the Minister for Lands for the purpose of revision by the Commissioner, but, in the majority of cases, either no alteration was made, or the Commissioner represented that the raising of the classification would almost amount to a breach of faith with the selector, who had, in some instances, settled on the land in the belief that the Commissioner's classification was final. I have appended a return marked A, in which I have computed the percentage of second-class pastoral land acquired during the eight years the Act is in operation, and it will be seen by it that in almost all the districts there has been a downward tendency. This return only applies to conditional purchases, but it may be taken as exemplifying how homesteads and preemptive purchases are also classified. The classification may, therefore, be considered to be little more than second-class pastoral, and though there will be a small increase when the selections made in 1875 are classed by the Commissioner, it will not materially raise the price which the Government receives for the land, which does not exceed an average of 6s. per acre, which, of course, is represented by a much lower figure when it is taken into account that the payments extend over ten years."

Now, I think that statement, which is the unbiassed testimony of a gentleman who ought to be more familiar with the subject than any one else, and who has been the administrator of the Act since its commencement, ought to be, by itself, conclusive. Apart from this, there is an additional reason why classification should be abolished. It appears to me to be both unfair and illogical. It is based on the assumption that land of the same character of soil is of the same value in all places and under all circumstances. Now, I do not think much argument would be required to convince honorable members that such an assumption is totally untenable. In arriving at the value of land, we have to take into consideration a variety of circumstances:—The demand that exists for it; its proximity to population; its nearness to market; and its facilities for communication with the market. The Government have had all these circumstances in view in drafting the Bill before the House, and they have arrived at the conclusion that the only fair mode of classification would be what might be termed classification according to districts. This they have endeavored to obtain by the fifteenth clause of the Bill, which provides that the Governor in Council shall, by proclamation, specify the upset price per acre at which any land shall be open to selection by conditional purchase; and subject to the provision that the upset price shall not be less than five shillings per acre, the Government will fix the maximum price at which any lands shall be thrown open in any district of the colony. That may, at first sight, be considered a very large power to place in the hands of the Executive ——

HONORABLE MEMBERS: Hear, hear.

The POSTMASTER-GENERAL: And it may be considered that it would be much more desirable if the districts were classified by the statute itself. A little reflection, however, will, I think, convince honorable members that this is practically impossible, unless we are prepared to legislate on this subject every twelve months. The varying circumstances of such a scattered and sparsely populated colony as this are such, that it is absolutely impossible to define, even approximately, to-day, where population will be centred twelve months hence. The result is, we are forced to leave the discretion in this matter with the Executive. The community at large may rest satisfied that that discretion will not be ill-used, because if it is, the Executive will be sure to receive very signal punishment from the representatives of the people. Having determined this point, the next question that presented itself for consideration was, to whom, and under what conditions or circumstances, shall the land be alienated? I think we may divide and classify the persons who are anxious to purchase land under four heads:—We have, first, the capitalist, or the moneyed man, who is anxious to secure land subject to no conditions whatever; next, comes the small capitalist, who desires to secure land to improve it for his own benefit, under the supervision of others, or possibly of himself; the third class consists of those who are men of small means, and who are anxious to devote themselves to the cultivation of the soil under their own supervision; and there is the fourth and last class of men who have no capital at all but their own labor and industry, which they are anxious to devote for the acquisition of a homestead, and a living for themselves and their families. The Bill provides for the requirements of all these four classes. We have for the moneyed man the auction clauses, by which he may be enabled to purchase land at its full marketable value; for the small capitalist we have the conditional purchase clauses; for the person who is prepared to devote himself to agriculture and expend some money upon it under his own supervision, we have the conditional selection within homestead areas; and for the man who wishes for a homestead for himself and family, we have the homesteads proper. I may state that it will not be the policy of the Government to resort to any very great extent to the auction clauses. It is not only our opinion, but I think it is that of the most advanced statesmen through-

out the colonies, that a person who cultivates the soil and improves its productiveness, does more permament good to the State than the man who is simply prepared to expend money in its purchase and does not utilise the land. The auction clauses will not be resorted to except where the land is not urgently required for improvement, or, under exceptional circumstances. The first point for determination with regard to conditional purchases, is the extent to which one person shall be allowed to take up land. That, of course, will fluctuate, just as much as the value of land fluctuates according to its position and the demand for it. Where there is an unlimited supply, and the demand is not excessive, a maximum will be allowed; but where the demand is extensive and the supply is limited, then, of course, the area must be diminished. We have endeavored to provide for all these cases by the twenty-third clause of the Bill, which, as it now stands, allows to one person a maximum area, under conditional purchase, of 5,120 acres; but that maximum can be reduced by the Executive to any amount not less than 640 acres. The next question that arises, is, under what conditions shall the selections be taken up. I may state that here generally we have followed the conditions of the Crown Lands Alienation Act of 1868, with such modifications and restrictions as to render the acquisition of land by fraudulent means, or for improper purposes, almost impossible. We stipulate that a selector shall reside on the land either personally or by some person who is *bonâ fide* in his employment. If he does not reside on the land personally, he must give evidence of his *bona fides* by producing an agreement with the person who is to be his representative on the land; and in order that the agreement may be valid, it must be registered in the office of the local commissioner. This provision is contained in the fourth sub-section of clause 28—one copy of the agreement, it will be seen, "shall be registered in the office of the commissioner." The object of that is, as I have already indicated, to secure perfect *bona fides*. The agreement will be open to inspection; it will be a protection to the Government and a protection to the selector; it will not impose any burden on the selector, because it is a simple matter, lodging the agreement with the commissioner; and it will be a security to the Government at all events, that the person who is to act as the bailiff of the selector is known and accessible, and can be examined, if the necessity arises, to ascertain whether he is, *bona fide* or not, in the actual employment of the selector, and is farming the land for the benefit of the selector and nobody else. Having provided thus for the *bona fides* of the selector, we further stipulate that the selector shall do something else to indicate his sincerity in taking up land. His selection is given to him by the State upon comparatively easy terms, and he must do something for the State in consideration thereof; he must improve his land, and the improvements must be effected to the extent that the present law requires, at the rate of 10s. per acre, during the currency of his lease. I may state that the character of the improvements is very extensive indeed, and embraces any class of work that may be necessary either for agricultural or pastoral purposes, and that may be of permanent benefit either to the selection itself or to the occupant of it. And, as a further security for the selector's *bona fides*, we insist that before he shall be in a position to alienate his land or deal with it in any way, he shall have resided upon it continuously for the term of three years. If he has resided on it continuously for the term of three years, and fulfilled the conditions of improvement, he shall be allowed to alienate to another person who, himself, must be competent to select land. Further than that, the Bill, in its present shape, goes to the extent of allowing him to obtain money on the security of his land, or to make a settlement of it for the benefit of his family. These provisions are in advance of the present law, and, I think, are fair to the selector after he has expended his money to show that he has been genuine in taking up the land for his own interests. In order that he may not be unnecessarily hampered with restrictions, provision is contained in the Bill that the certificate of the commissioner, that the conditions have been fulfilled, shall be final and conclusive; so that practically the certificate is as valid as if the grant itself was issued by the Crown. With regard to conditional purchases, there are one or two other novelties in the Bill. One is contained in clause 25, which enables a selector who has continuously resided in person for twelve months on his selection and has not taken up the maximum allowed by the law, that is 5,120 acres, to take up an additional selection, provided the maximum be not thereby exceeded. This is a privilege in advance of the privileges that have been advanced by a recent Act to enable selectors to take up second selections within fifteen miles of their former selections without having to fulfil the condition of residence, provided that the two selections of any person do not exceed the maximum of 1,280 acres. I think I have sufficiently well indicated the alterations with regard to conditional purchases proper, and I shall now proceed to refer briefly to the provisions for homestead areas. It has been considered that the proclamation of homestead areas and the provisions with regard to the selection of land therein have been productive of a large amount of *bonâ fide* settlement. The Government propose the same conditions here, subject to certain modifications. Homestead areas will, of course, be picked lands, either according to the extremely good quality of

the soil or according to their factitious value from close proximity to other selections of limited area in a valuable part of a particular district. That being the case, it is, of course, undesirable that too great a maximum should be allowed to be selected, and the limits that the Government have proposed by the Bill are, as a maximum, 640 acres, and as a minimum, 120 acres. I have stated that the homestead areas must be proclaimed by the Governor in Council. There is one exception in the Bill; and that is a provision that when the land in the Darling Downs District, which has attained an immense value—due to a variety of circumstances, which are recognised by the public and by the Legislature—is thrown open to selection it shall be a homestead area and shall not be selected otherwise. I may state here that it may possibly be considered by honorable members that a maximum of 640 acres is rather too low;—I am inclined to hold that view myself, and I shall be glad personally if the House can see its way clear, in committee, to increase the maximum, say, to double the amount, 1,280 acres;—not, of course, that that maximum could be taken up under all circumstances, but it would leave the Government of the day power to extend the area of selection if they should think proper, under special circumstances, from 640 to 1,280 acres. The land in the homestead areas being, as I said before, picked land, most of it fit for agricultural purposes, is necessarily limited in extent, and it should not be wantonly disposed of. It is therefore proposed that selectors in those areas shall themselves personally be compelled to reside on their selections and superintend the operations there; in all other respects, the conditions of the conditional purchases in a homestead area will be identical with the conditions applying to the ordinary conditional purchases. I go now to the provision contained in the Bill for the selection of homesteads proper; that is, homesteads for the men of no capital who are anxious to secure homes and a living for themselves by their own personal labor, being without means to obtain the assistance of others. And here, I may say, that the provisions of the Bill differ somewhat from the law at present in force. We provide that the selector of a homestead shall not be able in a homestead area, that is, where the land is picked, to take up more than eighty acres; but we allow him to take up a homestead wherever any land is open for selection, whether in a conditional purchase area or in a homestead area. If it be outside of a homestead area, he can secure for himself a homestead double the extent of that which he is allowed to select in a homestead area, namely 160 acres. This is slightly below the extent to which the present law goes; but, as by way of compensation, we do not ask from the proprietor of the homestead as much annual rent as he pays at the present time. Now, the annual rent is ninepence an acre, for agricultural land.

The Hon. J. F. McDOUGALL: For any land.

The POSTMASTER-GENERAL: The Bill proposes sixpence per acre a-year for five years, so that we really give the land to the homestead selector for half-a-crown per acre, the payment extending over five years; the probability being that where a man undertakes to cultivate and improve a small selection under his own personal supervision, for the purpose of securing a livelihood and a homestead for his family, he does a large benefit to the State, for which the State allows him to take up the land at a nominal figure. Of course, the homestead selector must fulfil the same conditions of improvement as the conditional purchaser is compelled to do; that is to say, he will be compelled, during the currency of his five years' tenure, to expend on the permanent improvement of the soil a sum equal to ten shillings per acre. There are also provisions determining what shall become of the land on the death of the selector, either homestead or otherwise; but as these are very similar to the provisions now in force, I shall not inflict them on the House. There is, however, another point in connection with all selectors, whether homestead or otherwise, which is a novelty in the Bill, and is of some importance; it is this:—Where application is made for the same piece of land by two or more persons, at the same time—at the same time being construed to mean being present together at the opening of the court with the view of selecting—instead of resorting to the present practice of ballot for the selection, we adopt the principle of putting the selection up to auction amongst the different applicants, and allowing it to go to the person who bids the highest price for it. I think it may be taken for granted that where more than one person applies for a particular piece of land in an area that is thrown open to selection, it has an exceptional value, which ought not to be determined by lot, that being almost an immoral way of deciding amongst persons equally entitled, but it ought to be given to that person who is willing to give the highest value for it, and the State should be paid for the unusual value. These generally are the provisions containing all the new matter relating to the question of selection. There are also important amendments on the existing law with regard to commissioners who are retained as officers under this Bill. It is highly desirable that all inquiries should be conducted openly in court, and before the public, so that every person who has a claim or a grievance, may have the opportunity, at all events, for a full investigation of it in a judicial manner. We provide, therefore, very clearly for the commissioner, who is a person occupying a highly responsible position, and who is to be personally acquainted with the locality in which he resides, to hold inquiries in open court with regard both to applica-

tions to select land and for certificates of fulfilment of conditions; and, as I have already stated, he is practically made by the Bill, in its present shape, the sole judge of the facts whether the conditions have been fulfilled or not. His decision is, by the proviso in the twelfth clause, made final. In all other cases, where questions of policy arise, his decision must have the confirmation of the Minister administering the Act. In order that these investigations may be perfectly satisfactory with regard to applications for fulfilment of conditions, and that no certificate can be obtained by a side-wind, it is provided by the fiftieth and fifty-first clauses of the Bill that applicants shall give a certain notice to the commissioners of their intention to make application. The commissioner will hold his court periodically, every month, and ten days before the sitting of his court, notice of the intended application must be lodged with the commissioner; and in order that publicity may be given to the contemplated application, the application itself must be posted up in the land agent's office for seven days before the sitting of the court. These formalities having been complied with, the matter is investigated, and if the commissioner decides adversely against the claim, there is an end of it. Similarly, the case is at an end, if the commissioner decides favorably. Questions of forfeitures, also, will be investigated by the local commissioner and be dealt with in the same way; and, in order that any person who may think himself aggrieved by having to forfeit his selection for breach of conditions, it is expressly provided in the fifty-first clause that no selector shall have his selection gazetted as forfeited until after a notice in writing has been served upon him personally or posted to him at his selection specifying the cause of forfeiture, and calling upon him to show cause at the next court, so that really nothing is done behind his back, and every opportunity is given to him to substantiate his claim or resist an unjust charge; and the person who adjudicates on the matter is not one who will be influenced by political or personal motives, but a permanent officer of the Government. These, honorable gentlemen, are practically the essential novelties introduced in this Bill. I shall not, it was not my intention at the outset, go into further details, to-day. The Bill is, I think, a comprehensive one; it is suited to the requirements of the colony at the present time; and I think it will be also suited to the requirements of the country for some time to come. I do not contemplate that every one of its provisions will meet with the approbation of every member of this House, but I think it may be viewed on the whole as a measure suitable to settling this vexed question of the alienation of the Crown lands, and I trust it will prove satisfactory to honorable members generally. I beg to move—

That this Bill be now read a second time.

The Hon. J. F. McDOUGALL said at the outset, that in the few remarks he intended to make on the Bill, it was not his intention to offer any serious opposition to the passing of the second reading. The Postmaster-General had given honorable gentlemen a very fair description of the various new features which were proposed to be introduced into the law by this model Land Bill; therefore, he (Mr. McDougall) did not suppose he need go over the same ground, and he should confine himself to a few of the leading principles of the measure. The first thing that struck him was, that it was very good to be able to repeal all those Land Acts named in the schedule and to summarise them in a single Bill;—it was a desirable thing to be accomplished. His greatest objection to the Bill was, the enormous powers which were retained by it in the hands of the Executive of the day. It would be infinitely better if some conclusion were arrived at as to the price at which land should be put up in the different districts in the colony, than to leave the fixing of the price to the Executive. He did not see that the Executive should take upon themselves such a responsibility; it was virtually classification, and the Executive were not more competent for such a task than the Legislature; in fact, they were far less competent. It was stated that one great object of the Bill was to encourage settlement upon the lands. For himself, he always believed in such settlement, in a proper and legitimate way; that was to say, he did not believe in taking the land from one section of the community to give it to another that would only apply it to the same uses as the first. He believed in fostering in every way the agriculturists or farmers, and that they should get their lands at a mere nominal price, as was proposed by the Bill. In fact, many years ago, when the first Land Bill was under the consideration of Parliament, he very strongly advocated the giving up of the scrub lands to the agriculturists, at a farthing an acre, provided they cleared and cultivated them. But the system had followed in the various Land Acts which had been passed since it was commenced in the Act of 1868, when homestead selections of 160 acres were first allowed. Then, a new light began to dawn, and the homesteads were increased, by the Act of 1872, to 320 acres. Subsequently, in 1875, it was found by the holders of those selections that they were insufficient for grazing farms, and by another Act, the areas were again increased to 640 acres. Now, the Parliament was going back to the original size of the homesteads, which was 160 acres. He was very glad to find that it was believed that that was the proper course to pursue; as, for his own part, he never had any other opinion upon the matter. He always thought that the man who cultivated his farm and put it to the best possible use that Nature intended, namely, that of producing the largest return from it, was the man that

dealt with the land in the most excellent manner. But to give a poor man 640 acres of poor land was not to make the best use of the land. Even if it fell into the hands of a capitalist, it would scarcely be worth his while to spend money on poor land. If the land could not be cultivated, it was no advantage to offer it for cultivation. Thus the homestead ceased to be what it ought to be, and what it was intended for. It became a grazing-*cum*-farming holding, which would never work in this colony. A man who could take up only such a small quantity of land, and who trusted to the natural grass, overstocked, and, in a short time, starved his stock, if not himself, too. That had been exemplified since the law which called the system into existence was enacted. The Legislature was now coming to its senses, and it was proposed to reduce the homestead area to something like what it ought to be, and to give the land to the farmers at a nominal price. Another objection he (Mr. McDougall) had to this Bill was, that it was a class Bill; about that there could be no mistake. The Bill did not place every man in the colony on the same footing, as it should do. He did not see why any class of the community should be prevented from availing themselves of any privileges—if they were privileges?—given by the measure, or which might be acquired under its provisions. If his memory served him right, the maximum of land that could be selected was 5,000 odd acres; and the power was reserved to the Executive of declaring how much less a man might take up. A man applied, say, for 5,000 acres, or the maximum of selection; the Bill retained power in the Government or Ministry of the day to say, "No; we will give you only 1,000 acres."

The Hon. LOUIS HOPE and the Hon. A. H. BROWN: No, no.

The Hon. J. F. MCDOUGALL: It did.

The POSTMASTER-GENERAL: The Bill did not propose anything of the sort. It proposed that the Executive should define to what extent the selections in different districts should go, so that they did not exceed 5,120 acres. Everybody would know, beforehand, how much he was entitled to select.

The Hon. J. F. MCDOUGALL: Then he must have misunderstood the Bill. As he remarked before, the Bill did not place men in the colony on an equal footing; for he could not see why a man who had availed himself of the law of the country now existing should be prevented from acquiring land under the proposed new law in the Bill before the House. As he understood it, any man holding 2,000 or 3,000 acres, now, could only select under the Bill to the extent of the difference between his present selection and the maximum of 5,120 acres. That was an unfair distinction to make. Again, it seemed rather an absurdity that upon land which might be acquired at a minimum of five shillings an acre, the selector should be compelled to spend ten shillings an acre in improvements. The Bill professed to be a liberal measure, but he for one did not see very much liberality in it; because, from his experience of the improvement clauses, they entailed upon the selector a large amount of trouble and expense, and great anxiety, and were of no benefit or advantage in any way;—the selector was obliged to put up certain fences and to make improvements, to comply with the conditions, and afterwards the improvements were swept away as of no use in very many cases. The Postmaster-General said, that, possibly, in committee the area might be increased. Well, if it was the intention of the Bill to stop farming operations altogether, he (Mr. McDougall) should say that would be the most natural way to arrive at such a result; because, give a man 600 or 800 acres of land, and there was not the slightest fear of his putting a plough into that land; he would manage to eke out a living on the land by grazing-*cum*-farming; he would get a cow or two, and a few pigs, and so go on. The land would not be made the best possible use of; and that was what the House should not lose sight of. Nothing would give him (Mr. McDougall) more pleasure than to be surrounded with the homesteads of a farming population; they would benefit him, and would benefit the country, and the people themselves would be benefited. But he could not believe in the system of farming-*cum*-grazing, which, he felt most strongly, would be ruinous to the colony. There was nothing new in it; but he could not help saying a few words on behalf of the lessees who were now about to be deprived of their runs by resolutions which would soon come before the Upper House to abrogate the rights of the lessees under the Act of 1868. The Bill was professedly one to deal with the alienation of the Crown lands of the colony; that was to say, with the lands which were now in possession of the lessees, but of which they were about to be deprived, and the lands now held by the Crown which were not in use for any purpose. But not the slightest provision was made for the compensation of the lessees. They were to be totally ignored; they were to be hounded down; they were to be crushed; their runs were to be taken from them because they were individuals to be got rid of at any price. Perhaps this might be the last dying kick of a body of colonists, who, he might say, had made the colony what it is to-day; but, now, at the last hour, they were to be deprived of their holdings; they were to be mercilessly turned upon the world; they were to be driven out to the far interior, to do that which they had done before; and no consideration was to be shown to them. That was the position which men who had done much for the colony were placed in by the Bill, when, in common fairness, some consideration, some compensation, should be given to them for being deprived of their holdings before

the terms of their leases expired. Therefore he said the measure was unfair. The Government of the day had a glorious opportunity of making the present Bill a fair and equitable measure in every sense of the word. They had not done so; they had not endeavored to do justice to all parties; and, therefore, he said it was a class Bill. They had an opportunity which would never occur again to destroy every antagonistic feeling which hitherto existed, and was encouraged in certain quarters, between the classes of colonists; but they would have failed signally should the Bill become law. As he said before, having stated the points of his objections to the Bill, it was not his intention to obstruct the passage of the measure at its present stage; but, in committee, he hoped that honorable members who thought as he did would be able to do something to improve it and to make it more liberal, or somewhat more just, than it was in its present shape; and that, he thought, could be accomplished if the House would do its duty.

The Hon. L. HOPE confessed to considerable disappointment in reference to the Bill. He thought with the last speaker that the Government might have introduced a comprehensive Bill; one, to say the least, more comprehensive than the measure before the House was likely to prove. He could say that the tampering and tinkering with the land law was the very thing which so much retarded the progress of the colony. During the last eight years' experience of the Act of 1868, no pastoral occupant of Crown lands in the Settled Districts felt himself secure, in any month, from resumption. The same with the men on the Downs who had selected, and who did not know that they would ever get their deeds. Their feeling of insecurity was strengthened by the opinions of the Supreme Court, he believed; and the consequence was, as he had suggested, that for the past eight years all the country subject to the provisions of the Act of 1868 had been in a state of wearying anxiety and doubt. The Bill proposed to confer those blessings upon the whole colony. Its provisions amounted to free selection throughout the interior, not in the Settled Districts alone; and, to those who knew the effects of the operation of the Act of 1868, the consequences would be very serious, as the Bill dealt with interests of much greater magnitude than did the Act referred to. Many stations had changed hands, and large capital had been invested in runs, in the unsettled districts, which runs had now no tenure beyond what the Bill might give. Over all a selection of 5,120 acres of land might be made after next January. The Bill was most certainly comprehensive in that respect. It was intended to be analogous with the land law of New South Wales, where he had heard that the tenure of pastoral lands was much complained of, accompanied with remarks showing very considerable envy of even the Queensland Alienation Act of 1868. The way to have met the question was this: a measure dealing with land, to be durable, would have taken a different view entirely of the question of alienation; it would have departed from the system hitherto followed, inasmuch as the land would not be offered for sale at all, but would be leased in perpetuity. He did not see why that should not be a permanent measure. Since he came to this colony he always held that opinion; and he had had considerable experience to justify it. However, he was not going to propose a Land Bill. That was his view of the present Bill. The country was told, when the Bill was introduced, that the land was given away too cheap; yet it was found that, instead of raising the price of land, the Bill rather reduced it—to five shillings an acre, to two shillings and sixpence; and to ten shillings, upset price, at auction. That did not seem to be very consistent. He recognised in a great many instances the defects of the Act of 1868, and also a disposition on the part of the Government to use the whole power of the State, and to benefit a particular class. That went through the whole Bill.

The Hon. A. H. BROWN: Hear, hear.

The Hon. L. HOPE: As such, it could not be a very valuable measure. There was the same disposition to ignore capital—to interfere with capitalists—to make those who were independent, poor; and to make those who were poor, paupers. Honorable members had heard that amongst the objectionable features of the Act of 1868, was not only classification, but there were conditions, which latter were found to be onerous and futile. Yet the only thing that had been eliminated from the Bill was classification. There was the greatest possible difficulty apparently in classifying. He admitted, as the Postmaster-General said, that classifying had been badly done; but if the work had been put into proper hands, he did not see why it should not have been properly done. Local boards might have been appointed, consisting of two or three members, who understood the nature of land and how to classify it. As far as his own experience was concerned, the classification had all been taken from Darling Downs as the type.

HONORABLE MEMBERS: Hear, hear.

The Hon. L. HOPE: Now, the Darling Downs land was worth, at least, six times per acre what the coast lands were worth; and there were many other districts whose lands were similar in character to the coast lands. No doubt there were spots of fertile land in some districts, perhaps not so rich as Darling Downs, but approaching in some respects the high character of the land there; and they, too, could be differently treated from the general part of the country. In the twenty-third clause,

"The Governor in Council may by proclamation limit the area which may be selected or

held under conditional purchase by any one person at the same time within any district specified in the proclamation to any area less than five thousand one hundred and twenty but not less than six hundred and forty acres."

That, his honorable friend Mr. McDougall had mentioned as showing the arbitrary power which was placed in the hands of what was called "the Governor in Council," but which was actually the Minister for the time being; and he (Captain Hope) had very little doubt, from former experience, that the case of a Government supporter would meet with favorable consideration. He did not refer to any particular Minister, but it was natural that, as administration was conducted in Queensland, Government supporters should meet with, sometimes, perhaps, partial consideration. The Postmaster-General had told the House that only picked lands would be set apart as homestead areas; and the thirty-sixth clause referred to the possible resumption of the ten years' leases :—

"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."

That seemed as if the whole run, not the picked portions of land, would be set apart for homestead areas. That was one particular feature of the Government professions that he (Captain Hope) did not like. Nor did he like the proposition to increase the homesteads from one hundred and twenty acres. There were sundry other clauses which might be objected to; but his objection was really to the principle of the Bill. The Bill, he supposed from the exigencies of the Ministry, was modelled after the same type as the Act of 1868, which he believed to have thoroughly failed, and to be not suitable to the country. He did not think it would be a permanent measure, but the same annoyance and trouble would be inflicted upon landholders as under the Act of 1868. If he should propose a motion adverse to the Bill, it would be principally to show his unfavorable opinion of it; he could hardly hope that the House would depart entirely from the approval of a Land Bill, which seemed a time-honored institution—a new one came in with every Ministry, and was accepted, of course—but he thought that the Council ought to show, to some extent, its sense of the mode in which the lands of the country were dealt with. It was not a light matter to place the whole lands of the colony in that state in which the runs affected by the Land Act of 1868 were. The Bill tended to perpetuate that antagonistic feeling between the selector and the squatter—as he might call the pastoral lessee, because there was still such a thing as a squatter in the far west—which could not be productive of any real progress to the country. Instead of passing a measure that would be but temporary, one should be passed which would be of permanent benefit to the colony. What a settler required in this country was a permanency of occupation; or, he (Captain Hope) would say, a thorough dependence on the contract he made with the Government of the colony.

HONORABLE MEMBERS: Hear, hear.

The Hon. L. HOPE: The colony wanted administration rather than legislation; and he doubted not that it might be possible to frame a new law, in order that so much should not be left in the hands of what was called "the Governor in Council." It was very clear that, unless the tenures given were better than those for which many gave valuable consideration under the Act of 1868, the same tale would be repeated throughout the colony. He did not know that he had laid his views very clearly before the Council; he was not used to say much before it; but he trusted that every honorable member would give his opinion on the present occasion, although he might not coincide with him. To show his sense of the Bill, which he thought would be injurious to the colony, he moved by way of amendment on the original motion—

That the Bill be read a second time this day six months.

The Hon. F. T. GREGORY said, in making the remarks he should address to the House, he had no intention of going over the old beaten track. He felt confident that there was not an honorable member present who was not more conversant with the Land Bill than with any other measure that had come before the Legislature; and the land legislation of the colony generally, from its commencement, had occupied on the average five times as much of each session as any other question that had been taken into consideration. In the first place, the Bill was a very mild measure in every respect. It was certainly a consolidation of existing statutes, and in consolidating them, its authors had no doubt dropped a large mass of useless matter, and brought the whole question into a comprehensive view. So far, the Bill was undoubtedly a good one; and he would do justice to it to the extent of saying that there were some amendments in it that would make the law somewhat less illiberal than some of its predecessors. A few of its clauses were steps in the right direction; but, unfortunately, they were hampered with restrictions that would still render the land law anything but what he conceived to be the spirit in which it should be inaugurated. The spirit of class legislation was still rampant throughout the measure. The Bill was based on the question of dealing with Darling Downs. Why one district of the colony, though one of the most important, should be taken as the basis of the whole land legislation, he could not understand. Why should not the measure be one that

would meet the requirements of the whole districts of the colony which would come under its operation, rather than of one comparatively small, and unfortunate, district? Darling Downs District was unfortunate, because it was ridden to death by class legislation, but for which, as it was one of the finest pieces of country in Queensland, it might have become, also, the most populous part of the colony. But what was the result? Year by year, it had been conceded that the "poor man" should have every facility for getting on the land. The Legislature had yielded, because there was a large amount of justice in it;—but the habit of yielding to a certain public clamor, to the force of numbers—simple numerical strength, from a political point of view—had not resulted in commensurate good to the country. He (Mr. Gregory) defied anyone to say that he was illiberal in his views with regard to the working classes; for he thought the working classes should be encouraged in every way. They should not be regarded as mere labor in the colony, but they should be encouraged to become proprietors of land, and to occupy it, not only beneficially to themselves, but to the country. To ensure that end, the Legislature had already taken ample steps. But it did not follow that the Legislature must utterly exclude other classes of colonists from consideration in the occupation and improvement of the country. Yet, it was in danger of arriving at such a result. To prove his argument, he referred to the schedule of the Bill, which described a large area, the whole of unalienated remainder of Darling Downs District not included in the Western Railway Reserve as to be thrown open as a homestead area. More than a million of acres. It was competent for the Minister of the day to throw open homestead areas elsewhere; and, indeed, homestead selectors could take up homesteads almost everywhere. What were the conditions imposed upon the persons who would take up land on Darling Downs? They were practically nothing more or less than homestead selectors, with the difference that they had to pay a considerably higher rent, instead of paying half-a-crown an acre in five years, they had to pay a minimum of a shilling an acre for ten years. They could take a larger area than the others, but they must reside on the land, and be subject to all the restrictions of such occupation. A man of moderate means, who might be following other pursuits which precluded his residence upon his selection, would be perfectly willing to expend all the capital he had made in the colony upon the land; but he was debarred from so doing. Not only did the Bill shut out persons coming to the country, unless they intended to be homestead selectors, but it debarred a class of men from settling on Darling Downs whom he thought he could claim to be of greater value than newly-arrived immigrants; and that class comprised the men who had been in the colony six or seven years, and who by industry, perseverance, frugality, and economy, had succeeded in getting together stock, and were providing a living for themselves and families. Those people could not give up their present pursuits and callings, and go personally to reside on the land. A man might have from six to ten children, and one of eighteen years of age; and, as before that, a poor man must look for some provision for his family, unless he could select and take up land, he was precluded from taking advantage of the provisions of the Bill by the compulsory clause as to continuous residence. It was a great hardship. Such men must remain where they were, or go into some of the back districts. Not to pursue agriculture could he go, because in few of those districts did the great bulk of the land admit of it. The Postmaster-General alluded to the homestead areas as picked land. He (Mr. Gregory) could take exception to the term. There was no picked land; the whole country was practically available for homestead settlement. There was another point he had to remark upon, that he feared the present Bill would fall far short of. It had been stated that the conditions were so strict as to render almost impossible the evading of the law, and the carrying on of the old system then commonly known as dummying. He would allow that, in the strict sense of the term dummying, as accepted by most people, the Bill would preclude being practiced; but it would not prevent dummying in principle and in reality; he was perfectly satisfied, from the experience he had in watching over the action of the existing law, that there was more dummying going on at the present moment by men who were professedly *bona fide* occupants of land than ever before.

The Hon. J. F. McDougall: Hear, hear.

The Hon. F. T. Gregory: Before, it might have been done by a man provided with money by some capitalist to make a selection, so far as to be under a bond to dispose of the land to his backer on the termination of the lease, or under some other understanding upon good faith. There were such cases, but they were far short of what had been assumed. It was believed that dummying had gone on in that way to the extent of many thousands of acres of land. He (Mr. Gregory) utterly denied that. Now, dummying was going on systematically. There were men—he would not pick them out and shew them up publicly, but he could name them privately, to prove what he said—who selected land and occupied it with the thorough knowledge that as soon as they obtained their title deeds, they would realise for it from the capitalist a sum very far in advance of what the land would have cost them. He would, without naming the party, give one instance in illustration. Some few years ago, there was a railway reserve which had been provided on his own suggestion during the

time that he held public office;—it was larger than seemed likely to be required. When the Act of 1868 had been in operation a short time, and the country began to be taken up, a change of Government took place, and the homestead system was introduced, and there was a desire to get every scrap of land to throw it open to selection. The railway reserve was coveted. The question was put to him individually, whether there was any particular object in keeping it reserved;—whether it was desirable that the land should be open for selection? It was a large piece of land. He was not in office at the time, having retired. He, at once, said, if it were put up to auction, every acre of it would be snapped up, and that he was himself open to pay £3 an acre for it. Pressure was brought to bear on the Government; the reserve was thrown open as a homestead area, and it was very soon taken up. The term of occupation has now nearly run out; and the occupant of the piece of land that he had desired, without collusion in any shape or way, had intimated to him that he was very willing to let him have the land, if he (Mr. Gregory) was inclined to become the purchaser. That the man could not live upon the land was certain; he had taken it up with the object which was now so apparent; he had fulfilled his conditions. Suppose that he (Mr. Gregory) should buy it; the Government would have received something about six shillings an acre for it, and the selector might have expended on it, out of his own time, £100 or £200. It was not a very long calculation for honorable gentlemen to ascertain what the Treasury was mulcted of in that single transaction. The case was not brought forward as a private grievance; because he had no interest in the matter. But there was the fact, that £1,000 was lost to the revenue of the country, which was not likely to derive one atom of benefit, as far as the occupation of the land was concerned; because he felt confident that that very piece of land would before twelve months pass out of the hands of the original selector into other hands at some such figure as he had stated. The system entailed considerable injury to the revenue without any corresponding benefit accruing to the country. A gentleman who had taken more trouble to go into the statistics of the colony than himself had made the statement, which he would accept, that very little more than £2,000,000 sterling had been derived from the sale of land during the last thirty years of the history of the territory which was now known as Queensland. That was rather a startling fact, when honorable members came to look at it. Allowing that probably £1,500,000 had been realised since Queensland became a colony, what prospect was there in the future of an adequate land revenue? Under the present system of alienating the best lands of the country at a price and in a manner that, although tending to a certain extent to encourage settlement, yet must deprive the Treasury of an amount of capital which, if applied to public works, would, in the long run, introduce a large number of able-bodied men, who would be more likely to become useful and permanent settlers than could be effected by attractions offered to immigrants to go on the land, without any certainty of having revenue at command to provide beneficial employment by its judicious expenditure in the way suggested. The Legislature might overdo what it now undertook, without gaining the end for which it strove, by giving such facilities for occupying the land; and, instead of settling the country, settlement might be checked. Of course, there was a reasonable medium between the two extremes; but the Bill, as it stood, was anything but that. It leaned so much on the side of the poor man, that, without implying anything unreasonable, the end professed to be aimed at was not what would strike a clear-headed observer as sound legislation, but that it resulted from the necessities of party. They had allowed themselves to be too easily hoodwinked, and the Bill was passed merely to carry with its promoters a particular class because it was numerically strong. Now, independent of what he had referred to as contained in the Bill, it was characterised by various omissions. No attempt whatever had been made by the other branch of the Parliament, that he could recognise, to give some relief to those unfortunate selectors who, from various causes, had failed to fulfil their conditions to the letter; yet hundreds of such selectors, as had been clearly proved, existed—not because they had been unwilling to fulfil the conditions, but that they had failed from not being able to understand how to comply with the law in its integrity, and they had been encouraged, not only by members of the Legislature, but by Ministers of the Crown, in his (Mr. Gregory's) hearing, to expect that, though they had failed, they would get their title-deeds. What could be expected from a class that, knowing it had failed to act up to the law, was yet encouraged in such failure? If he, or any other honorable member of the Council, went to the Minister for Lands and asked him for a deed merely because he did not understand the conditions, or with some other excuse for non-compliance with the law, the Minister would say, "No; why should this be done?" But, without question, it was promised to a particular class. Give that class everything it was entitled to. He was willing to concede that a large section of the country should be set apart for that particular class, exclusively. Let the best land, picked land, be given up to them, for nothing, if the House liked; and then let other classes go on other land, on fair and equal terms. He would not even then exclude the homestead selectors from taking land even outside

the limits tabooed to other selectors. But let him fulfil his conditions of residence. Improvements were better for other occupation and settlement. Was it better that John Smith, living on the land, spent £50; or that Jones, improving the land, spent £3,000 to £5,000 on it? It did not matter to the country who occupied it, so long as it was improved. The question had been so clearly and thoroughly demonstrated, that there was no room to doubt it; yet the advocates of the homestead areas dealt with it in a way that was extremely humorous. Such a case, he could refer to now. An editor of a newspaper, who was very well known, indeed, as a leader of a certain party, in stating that a great want of land existed on Darling Downs, and that the Government ought to throw more land open, referred to a gentleman who had arrived in the district with £15,000 to invest, and who could not find a scrap of land for the purpose of investment. Being thus debarred from selection, that gentleman left the colony, taking with him his capital. What was the inference that the editor drew from that? It must have been ironical. That the country was deprived of the capital, because the land was not thrown open; and, in the very same article, he advocated that more land should be thrown open—in the homestead areas!—and that the areas of selection should be limited in size! That was putting the question not only in an amusing form, but in a form that was utterly ludicrous. Another omission in the Bill he (Mr. Gregory) wished to point out was, the absence of any provision to enable holders of land orders, whether under the volunteer system or immigrants' land orders, to take up land. The holders of such land orders might as well make a voyage to the moon as go into the outside districts not included in the homestead areas to select land. What could they possibly do with them? Their orders were simply useless. The volunteers were altogether ignored by the Bill. In a previous measure they were recognised. On this point he intended to move an amendment in the Bill, when it got into committee, something to the purport that volunteer land orders should be available within the limits of the homestead areas. That would be a step in the right direction, and would dispose of an injustice to one class. He sincerely trusted that the amendment would be made with the approval of the Government. The volunteer movement was a subject of interest throughout the colony. Some persons might smile at it; but he was convinced that it was a movement which should be encouraged. Some thought it was playing at soldiers; but the effect of organisation of the several existing corps upon the rising generation was very much better than it had credit for. Young men would be trained up in a spirit of independence and honor; and if, hereafter, the colony should stand in need of their services against an aggressive foe, they would be the force who would defend her from invasion and spoliation. Therefore, he thought the volunteers were deserving of every encouragement and consideration. On the point of classification, he might remark that, no doubt, there were many difficulties connected with it. They commenced in the Act of 1868 with a certain formulated mode of dealing with and classifying land before selection, into agricultural and first and second-class pastoral. It must be perfectly well known that the agricultural lands were the second-class, and that the very best lands for agriculture were not those that realised the largest prices. They were rich lands certainly, but they were very heavily timbered, requiring a large outlay on them before they could be utilised in any way, which would seriously handicap the agriculturist. Well, classification was done away with by the Bill, and there was no provision made for any substitute for the system abolished. He could not see how the Ministry of the day could decide upon the nature and value of the lands. They had not made any provision for assistance in their deliberations upon which should be proclaimed as of a certain value; they could not judge of it. They would have to take the representations of their officers, who were influenced by a considerable amount of local interest. He confessed that he could not see his way beyond that difficulty, without breaking into the measure, which he did not wish to do, desiring rather to let it pass as a consolidation of the law. He should be glad if some honorable member could make a suggestion by which it could be defined absolutely at what upset price the land in different localities should be offered to the public. It would be far preferable for the Legislature to define it than to leave it to the option of the Minister of the day. The only way he could see for a true and just estimate of the value of land to be arrived at was by public competition. It was to be adopted by the Government in regard to small areas, and provision was made in the Bill for auction lands. The form was a desirable one, and the attempt should be made, from time to time, to carry it out within reasonable limits. He felt satisfied it was the only source from which revenue would be derived. There was another mode which he thought might be fairly introduced into the Bill without hampering it—for he looked upon it as only a temporary measure, a stopgap;—he should make a proposition, if it did not assume a substantial form in other hands, to introduce a measure of classification of lands by auction. Indeed, on a former occasion, he did absolutely make such a proposition—if it did not assume substantial form, he ventilated it—that all selections should be submitted to competition under certain restrictions;—that an applicant should lodge his claim for a piece of land; it would be notified that it would be put up to competi-

tion in a month's time; if there was only one applicant, he would get the land at the upset price; if there were others, they must bid for the land, which would go to the person who would pay most for it. He knew the old stock argument was, that the poor man would be outbid by the capitalist. Practically, it would not be so; but such a system would give a chance of getting the value of the land. As he said before, he should, of course, allow that considerable areas should be set apart for homesteads, which should not be interfered with at all. By the schedule to the Bill it was proposed practically to resume the whole of Darling Downs. He would not say that that was more than reasonable, if the law under which the land was to be alienated was fair and reasonable, and assimilated somewhat to the views which he set forth. In such country he certainly thought that there might be some arrangement which would make the resumption of the land something more progressive than was possible under the present proposal. He could hardly see the use of scattering all at once selectors over the whole district. It would only interfere with existing lessees without any corresponding benefit. It would be quite possible to throw a sufficient quantity of land into the market, for present requirements; and, say, in twelve months' time, throw the remainder of the land open. It would not entail any serious inconvenience, and it would let down the present lessees more easily, in the shifting of their stock. Otherwise, he did not see what was to become of the lessees; if they were driven off the country there would be a loss of stock, though many of them had been looking to the necessity of the present juncture, and considering the desirableness of shifting their stock out to the west, across the borders into New South Wales or South Australia, apprehending the worst that might happen. They saw no chance of success in their undertakings at present. Other causes which had led to this state of things honorable members were fully aware of: the great depression in the wool market was almost enough to stamp out the pastoral interest, if dealt with unfairly now. Again, he (Mr. Gregory) did not see in the Bill any provision for compensating the pastoral lessees for the improvements on the portions of their runs which had been resumed. He had already put a question to the Postmaster-General, on the subject; and that honorable gentleman had stated that it would be rightfully considered. Elsewhere the same statement had been made. But it should not be left as a mere oral statement of Ministers; it should be in black and white, stamped in legislative enactment. There should be no encouragement of, there should be no approach to, repudiation. He said this, because he knew of another promise by a Minister, made to a number of selectors, that he would grant them their titles. Would his successors in the Government carry out that promise? It was very problematical. The House had no right to allow mere political influences to bear on the legislation of the country, and the Government should be honestly administered to all classes of the community indiscriminately. He would not detain the House further than to state that there were one or two obvious amendments in the Bill which, he thought, were the result of its being amended elsewhere, and from there not being time, perhaps, to see where inconsistencies had occurred. They would be put right in committee. He should vote for the second reading of the Bill, with the understanding that he should, without any wish whatever to see the Bill lost, move a few amendments, which he trusted would make the Bill something more of a fair, honest, and reasonable measure than it was in its present shape.

The Hon. A. H. BROWN said it was usual for a Land Bill to be presented to the Council every session; and he could hope that the present Land Bill was the last the House would see for some years to come. The Postmaster-General, indeed, told honorable members that it would put the land question at rest for some time; but they had heard similar expressions of confidence before, and yet they had another Land Bill to consider. His view of the measure was somewhat favorable. There were some points, which had been referred to by honorable gentlemen that invited brief comment. One was, the area which selectors could take up under clause 23; the area was 5,120 acres; but the proviso gave the Governor in Council authority to limit it, by proclamation, in any district to 640 acres. He did not see why, by this new Bill, the selectors should be so restricted; nor why all persons should not be entitled to avail themselves of all the advantages of the new measure, without reference to any previous selections they might have made. Another point which had forced itself on his attention was the resumption of the whole Darling Downs land as a homestead area. When, last session, resumptions were made, it was prominently brought under his notice that no reserves were proposed for conditional selections. The whole consideration of the Executive seemed to be for one class of people, the homestead selectors. He did not deny their claim to attention; he thought they deserved a great deal of attention; but that they should have the cream of the country—or, as the Postmaster-General said, the "picked land" should be devoted to their purposes—was not wisdom. What made it still more unwise was the injustice inflicted upon other colonists by such a policy; the land was parted with to the homestead selectors at about three and sixpence an acre, when other colonists would give three pounds ten an acre for it. No Government had a right to give effect to such a policy, which deprived—he was going

to say defrauded, only that it was a harsh term—colonists of a chance of acquiring what they had an equal claim to with others, and by which the public revenue lost a great deal of money. And what was that done for? Merely for an idea. A large quantity of the land would be locked up, which would never be taken by homestead selectors. Another point to consider was, that now the railway passed through Darling Downs, the value of the land was enhanced very materially; that value had been contributed to by residents of every part of the colony, north, west, south, and east, equally. Yet, now, that the land had acquired an exceptional value at the expense of all colonists, it was proposed to hand it over to a particular class at the minimum price. He should most certainly be prepared with an amendment that the area for homestead selectors should be considerably reduced, and that a large portion of the Darling Downs lands should be offered at public auction, in lots of 640 acres or less. That numbers of persons would purchase it would be proved by their payments into the Treasury; and the purchasers would occupy the land, and by their consumption of dutiable goods, they would prove as beneficial to the community, by their contributions to the revenue, as the generally protected poor man. There was a piece of information he should like to possess, and it might be obtained by the Postmaster-General from the Lands Department, before going into committee on the Bill; because it would have some influence upon the fate of the Bill; namely—the extent of land in remnants of all the past resumptions which was now open for selection. As to classification, he confessed he saw great difficulty in the proposal embodied in the Bill. The commisioners must still classify the land, but they must refer their classification to the Government. It was very well known that there were spots of land in several districts which were peculiarly valuable. They could not be classified by persons in an office, but must be done by persons who knew the country, and who could give an opinion of the value of the soil worthy of reliance. There were, indeed, very few instances within his knowledge where the land was undervalued. Mr. Tully's report, quoted by the Postmaster-General, described the tendency of the classification and price of land as downwards. The inference was that Darling Downs land had been undervalued. Yet that land was, so to speak, almost directly under the surveillance of the department. If anything had been going wrong, attention would have been called to it. As to dummying, he thought great injustice had been done to many persons who had been accused of being guilty of that crime; but nothing had been said about minor criminals. There were very many of the small selectors that the charge might have been equally brought against as against large holders of land. In connection with that subject, the points which had been a source of trouble for some time should be settled, either by an act of legislation or by some composition between the Government and the selectors. The Postmaster-General had said that Government would be called to account if they failed in their duty of administering the land. For all that, he (Mr. Brown) should prefer very much that for the duty of classification, land boards should be appointed, including gentlemen of three or four different districts, who would hold periodical meetings, in some such manner as was proposed last session. They would have the confidence of the country, he was sure, in estimating the value of the land; and such a system would be much more effective than that the Bill provided for. The Bill placed too much power in the hands of the commissioners, who would really be the executive officers. Now, if the House considered who were the commissioners, honorable members could not have a large amount of confidence in their verdicts. They were not gentlemen selected by the Minister for Lands on account of their special fitness; if they were, the House would have more confidence in them than it could have under present circumstances. But matters had become known to him (Mr. Brown) which enabled him to say that commissioners were not appointed distinctly to perform duties in connection with the land; for such work was handed over to local officials to be done in addition to the special work for which they had been appointed. He knew one instance in which the Subcollector of Customs had the duties of Crown Lands Commissioner put upon him by the Government, though that officer protested against the action because he could not confidently and competently discharge those duties. Indeed, he knew two instances of such duties having been put upon local officials in such manner. The Bill proposed to repose the most unrestricted confidence in the executive officers of the Lands Department. Certificates were to be issued by the commissioners and not reserved for the decision of the Minister for Lands. Many persons objected to the commissioners, for reasons he had stated and for other causes. For his own part, he should prefer the judgment of the Minister for Lands to the verdict of a man whose ability was questioned. The Honorable Mr. McDougall took exception to the connection of farming with grazing. Well, he (Mr. Brown) differed from the honorable gentleman, and held that on a moderate holding it would be difficult for a selector to make ends meet without such a combination of industry. It was a very great assistance to a selector to have a few head of cattle, as well as his cultivation. He spoke from experience, and from what he had heard in other colonies; and he believed that to provide for the selectors to have some pastoral or grazing land as well as agricul-

tural land was beneficial. On the question of compensation to which, also, the honorable gentleman referred, it was one which was mooted last session. When the Government deemed it necessary to resume lands from the Crown lessees, upon resumption taking place, as it must, the lessees should receive compensation. He should be delighted if such was the intention of the present Government—if they should see fit to offer compensation. By the Act of 1868, whenever resumption was necessary, resumption must take place. He apprehended that it was the intention of the Government to resume; and he thought that those who were to be suddenly deprived of their runs should have an opportunity of purchasing them. Objection had been taken to sales by auction. Well, he advocated the auction system, believing it was a very valuable one; and he hoped that some of the lands on Darling Downs would be put up at auction. Though it was not on this Bill that the question arose, yet the Council should take into consideration in the next Bill that would come before the House the circumstances under which this Bill was being enacted. All the runs in the settled districts, which were fully stocked, were to be dealt with under this Bill, after resumption, and the Act of 1868, under which the leases were guaranteed, was to be repealed by this Bill. The lessees were not prepared for the resumption of their runs—it was a matter of importance;—the Act of 1868 should be allowed to run its course. To that extent the Bill was premature. He did not see why the two short years of the term of the leases that was yet unexpired should not be allowed to run; or, why a small portion of the runs only could not be resumed until the leases had run their course. He denied that there was any necessity for such sweeping resumptions as were to take place. If the Government would give the lessees, especially those on Darling Downs, the opportunity to purchase their land, as they could not move their stock, he should be rejoiced, as he thought those affected by the resumptions had a right to such consideration. He should not detain the House longer on the second reading; but there were a few amendments he had to suggest in the Bill, and other honorable members had some to move which he approved of, and many of which no doubt the Postmaster-General would accept, he should reserve further observations and arguments until the House went into committee on the Bill.

The POSTMASTER-GENERAL: I rise, at the present moment, not for the purpose of answering the arguments of the different speakers, but for the purpose of correcting some false impressions that appear to exist in the minds of some honorable members. I shall first refer to the remarks of the last speaker, who is evidently under the impression that this Bill, by repealing the Crown Lands Alienation Act of 1868, disturbs the tenure of the lessees in the Settled Districts. It does nothing of the sort. The present holders of the runs under that Act will, if this Bill pass, stand in precisely the same position as they would occupy if it did not pass at all; they will still continue to hold their lands under the existing tenure, by virtue of the express reservation contained in the second clause of the Bill, to the effect that the repeal of the existing law shall not affect any "rights, claims, penalties, and liabilities already accrued, or incurred, and in existence."

The Hon. A. H. BROWN: The resumptions on the table.

The POSTMASTER-GENERAL: On that point, I think my explanation will be conclusive. Under the Act of 1868, lessees of runs hold up to 1878. This Bill says nothing about their runs whatever: there is not a single word in it referring to a run of a pastoral lessee. That is a question that is being dealt with in a separate Bill now before the other chamber, called the Pastoral Leases Bill of this year. This Bill before us, now, does not profess to interfere with existing leases; it only professes to operate on the land comprised in leases on the expiration of those leases; so that the leases under the Act of 1868 will, so far as this Bill is concerned, continue to run for the existing term. Nor does this Bill, as has been suggested by the Honorable Mr. McDougall and the Honorable Captain Hope, propose to resume anything. I am inclined to be of opinion that neither of those honorable gentlemen has as carefully read the Bill as he ought to have done; and that Captain Hope has either not read it at all, or does not understand anything about it. There is not a single word in this Bill by which it can be construed in any way that land is resumed. The conditions with regard to Darling Downs is, that, whenever the leases of lands in that district are determined, the lands shall be set apart for homestead areas. They may be resumed by process of law or by the effluxion of the leases current at the present time; but until that time has arrived they still continue as they are now. All that this Bill professes to deal with is the alienation of Crown lands. The words "Crown lands" are very accurately defined in the first clause, and a referenee thereto ought to dispel any doubts that honorable gentlemen have:—

"'Crown Lands'—All lands vested in Her Majesty which are not dedicated to any public purpose and which are not for the time being subject to any deed of grant lease contract promise or engagement made by or on behalf of Her Majesty and all lands comprised in any pastoral lease which are by law subject for the time being to reservation selection or alienation."

These last words have been put in, in view, as I have already stated, of the passing of the Pastoral Leases Bill, which is before the Legislature at the present moment. After the expiration of the subsisting term of the leases in the

Settled Districts, fresh leases are to be put up by public auction;—and there is a provision in that Bill, that lands comprised in leases held under it shall be liable to selection; and the definition which I have just read is intended to embrace those lands. As the matter now stands, however, there are no lands comprised in any pastoral lease which are by law subject to reservation, selection, or in any way ———

The Hon. J. F. McDOUGALL: The whole of our lands are subject to it.

The POSTMASTER-GENERAL: They are not subject to reservation; they can only be resumed by resolution of both Houses of Parliament. When they are resumed, of course, they cease to be part of the lease. It has been contended, further, by Mr. McDougall, that there is here no provision for the payment to runholders of compensation when they were deprived of their holdings. This Bill does not contain a single provision that deprives anyone of his run or his rights.

The Hon. W. F. LAMBERT: What is the meaning of the improvements clause?

The POSTMASTER-GENERAL: These are improvements of selectors under this Bill. The question referred to by Mr. McDougall is one that will arise under the Pastoral Leases Bill, when it comes before the House. It is not a question of rights, here, at all. This Bill merely deals with Crown lands which are subject to no existing contract whatsoever. The same answer meets the objections of the Honorable Captain Hope, who said this Bill amounts to free selection all over the colony. I say it does nothing of the sort—his statement is not the fact. It does not affect the holding of any lessee whatever.

The Hon. L. HOPE wished to be allowed to say, in explanation of what he remarked before, that he never said the Bill provided for resumptions; but it was prepared to act upon those runs for the resumption of which there was a proposal now on the table of the House. Therefore, as soon as the power of resumption was passed, the Bill would sweep off all the runs.

The Hon. J. F. McDOUGALL said he knew clearly—he perfectly understood—that the lands in the runs could not be interfered with until the resolution to that effect now before the Legislature was passed by both Houses of Parliament; but he said the Bill was prepared to deal with those lands when the runs were resumed. What was the object, he asked, of resuming the lands in Darling Downs district, if they were not to be dealt with?

The POSTMASTER-GENERAL: They are not resumed by this Bill.

The Hon. J. F. McDOUGALL: The honorable gentleman misunderstood him, in thinking that a statement was made by him that the Bill provided for the resumption of lands.

The Hon. J. C. HEUSSLER said he thought that, this time, the Postmaster-General had he best of the argument.

The Hon. J. F. McDOUGALL: Of course!

The Hon. J. C. HEUSSLER was understood to contend that he had ever been an independent member of the Council, and had never said or did anything justifying any other construction of his conduct as a public man. He gave every honorable member his due, as he deserved it, and he insisted that the same treatment should be accorded to him, especially by his old friend, Mr. McDougall, who ought to know much better than to endeavor to make applicable to him (Mr. Heussler) anything unbecoming his position. On the whole, he could not say that he disagreed very much with the Bill, as matters stood in the colony. It was entirely against his views of dealing with the public lands; for, surely, as the Honorable Captain Hope had mentioned, there was quite a different way of dealing with them, which would result to much greater advantage and to lasting benefit to the colony. He meant a system of general leasing, and no alienation at all. He, for one, was astonished that that idea never occurred to gentlemen completely from a British community, when in other countries leasing was carried on to such an enormous extent, and had led to the acquisition of great riches. He could not understand that no Minister for Lands or Colonial Treasurer had come to such an idea. He was quite satisfied that by a judicious leasing system, the Legislature could in a short time not only do away with taxation of any kind, but could make Queensland a perfect free-trade colony: there would be neither assessment nor any other taxation, now, if such a system had been established. Even if the system were established, now, or within the next ten or twenty years, it would not be too late. It might be begun, on the old system, with grazing lands; then with farming lands; and the tenure of the leases would range from ten to fifty years. Then, the towns could be arranged for, where the terms of the leases could be about ten years. It might be argued against him that such a leasing system was very well in the hands of private individuals; but it struck him forcibly that when such grand succces had been achieved in an old country, success was certain in a new country like this, where the system could be well started, and with the certainty of expansion as population increased. As to carrying it out, land boards could be appointed for that purpose in the various settled districts. He was pretty sure that a lease offered for from fifteen to one hundred years would bring as much, at the present time, as the fee simple of the land. However, he believed that he and Captain Hope were a little Utopian for the time and current idea of the colony; so he should keep to his *mouton*, which was the Bill before the House. He trusted that some future Minister for Lands, who was able and willing to grapple with the question raised, would do so, and have more unani-

mous support than now seemed possible from those who had the care of the colony in their hands. With regard to the remarks of the Honorable Mr. Brown, the Minister for Lands had it quite at his fingers' ends to sell a large quantity of land by auction, perhaps more than was desirable. With regard to the remarks of the Honorable Mr. Gregory about the volunteers, he (Mr. Heussler) was of opinion that the men should have some kind of inducement to give, and some kind of compensation for giving, their services, in the shape of a land grant; and not military volunteers alone, but also such persons as gave their services in fire brigades, and to like useful objects. He did not much like the second schedule of the Bill. He was like the little boy: he should like to see a picture with it! He should be obliged to the Postmaster-General if the honorable gentleman would favor the House with a picture, nicely colored, to illustrate that schedule—in the shape of a large map to show the various areas of land available in the homestead area of Darling Downs—and to be on the table when the Bill was under consideration in committee. It would be a great help to honorable members who wished to make a remark on the Bill. He was sure his honorable friend, Mr. Gregory, would back him up in that sense. He always thought it was a great pity that the land laws of the colony had failed to such an extent, that free trade had been discountenanced, and that the Legislature had frittered away a beautiful estate with so little benefit to the colony. It might be said that we were forced to such a course by the measures adopted in the southern colonies; but that did not come into the consideration. In times past, immigration was self-paying; now, we not only paid for the immigrants, but gave away the land of the country into the bargain. With those remarks, he had no objection to the Bill, and he would vote for the second reading.

The Hon. L. HOPE said that, with the permission of the House, not to take up any more time, he would withdraw his amendment.

Amendment, by leave, withdrawn.

The Hon. J. TAYLOR said, he should like very much, indeed, to hear—for he failed to understand what the leader of the House and representative of the Government had said—how it was that the runs were not resumed. They had passed the other House, and if the Council concurred in the resolutions, he presumed the runs would be resumed. He wanted to know from the Postmaster-General, could they be selected or not?

The POSTMASTER-GENERAL: The honorable member has altogether misunderstood me. I say that this Bill does not propose any resumption whatever. Of course, when the land is resumed, it will come under the operation of this Bill, should the Bill pass.

The Hon. J. TAYLOR: What good was the Bill?

The POSTMASTER-GENERAL: The Bill regulates the alienation of Crown lands which are not affected by any contract with the Government, in any portion of the colony.

The Hon. J. TAYLOR: Very well. If the House passed the Bill, could the Government throw the land open for selection? That was what he wanted to know.

The POSTMASTER-GENERAL: With the permission of the House, I may say, that all the land that is resumed by process of law in any way whatever becomes Crown lands within the meaning of this Bill; and, if the Government think fit to proclaim it so, it will be available for selection under the Bill.

The Hon. J. TAYLOR: That is not an answer to my question.

The POSTMASTER-GENERAL: That is the only one I can give.

The Hon. W. F. LAMBERT said the Bill was intended to suit Darling Downs as a homestead area. He supposed that the Government had some reason therefor, or the Bill would not have been brought before Parliament. When proposing legislation on the subject of the land, they should have had better information as to what was required to be dealt with in distant parts of the colony; for the Bill would apply to the Gulf of Carpentaria, which had nothing in common with Darling Downs. It did not apply to lands that were within the settled districts and thirty miles of the coast. He was confident from his own experience on the coast, that it would not enable anyone to take up 5,000 acres of land to run cattle on. A respectable man who wished to bring up his family on the land could not do so on that area. The Bill would hamper such a man, in a great measure. He might ride, as he must in many districts, one hundred miles to inspect land, and at the end of his journey he would find that he could not get an extent of 5,000 acres to suit his purpose. If he should find land, it would cost him £100 in so doing; and when he applied for it, he would find that some homestead selector was at the Land Office with an application for 80 to 640 acres, which would mean a homestead all round the waterhole, and include the only spot, probably, which gave value to the surrounding country. As he understood the Bill, it would give the preference, in such case, to the homestead selector—he would have the preference over a man who applied for 1,000 or 5,000 acres of land. Thus the adjacent country would lose the chance of being occupied or settled, for sake of the selector of the waterhole.

The POSTMASTER-GENERAL: The eighteenth section provides for such cases. The homestead selector could not take all round the water.

The Hon. W. F. LAMBERT: At present, the man who applied for 160 acres had the same right as the man who applied for 5,000 acres; and if he made his application for a selection all round the water, he would get it. That water supplied a large part of

the surrounding country, which, when the water was gone, was useless, and was left in the hands of the Crown. The remarks of the Honorable Mr. Gregory were to the point, that large areas of land near the centres of population ought to be thrown open for homestead selectors. Such only were the places where homestead selectors could do well. He (Mr. Lambert) had known several of those men, who took work as teamsters while their families lived on the homesteads. The men were not cultivating their land, but working on the roads for a living. Certainly he never saw much agriculture in the homestead areas. Admitted that some of the selectors had a few cattle; but they paid their rent and supplied their families by travelling on the roads with their teams. So far, he could speak of the northern portion of the colony. He knew that for a man to do anything with cattle, 5,000 acres was not a sufficient area of land for him. The present Act allowed him to take up 10,000 acres. Well, that provision of the Act should be continued. As to the auction clause, he had only to remark that it was supposed the Ministry in office were what was called a "Liberal Government"; while the evidence of their liberality was, that they did not give the poor man a chance. If two or more should apply for a particular piece of land, it was to be put up to auction, and the one who bid the highest rent was to be the fortunate selector. That was rather severe on the poor man. One man wanted 1,000 acres, another wanted 5,000; the wealthier of the two, the capitalist, could afford to bid a pound an acre for 1,000 acres, which he would get, and then he would offer the Government five shillings an acre for the rest, and he would get that. But, was that justice to the poor man? He (Mr. Lambert) trusted that the Bill would come out of committee in a better shape than it now presented to the country. He did not think it was a good measure for the country. So far as he was concerned, for the interests of the northern part of the colony, he should prefer to stick to the existing Act.

The question was put and passed, and the Bill was read the second time.