Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 18 OCTOBER 1876

LEGISLATIVE COUNCIL.

Wednesday, 18 *October*, 1876.

Repairs to Parliament House. — Border Junction of Queensland and New South Wales Railways.—Deceased Wife's Sister Marriage Bill.—The Shorthand Writer's Department.—Crown Lands Alienation Bill.

REPAIRS TO PARLIAMENT HOUSE.

The PRESIDENT said, he had to bring under the notice of the House the motion which stood in his name first on the paper for to-day, that he would call the attention of honorable members to the papers which were laid on the table of the Council and ordered to be printed, on the 31st May last, disclosing the correspondence between himself and the Speaker of the Legislative Assembly and the Colonial Secretary, in reference to what seemed to them, at that time, necessary repairs to the House of Parliament. On the 21st January, this year, the Speaker and himself addressed the following letter to the Colonial Secretary :—

"Parliament House,
"21st January, 1876.

"SIR,

"We have the honor to bring under your notice the state of this building, in reference to its requirement for both internal and external repair and renovation.

"We adopt this method of bringing the matter by our joint letter under the attention of the Government, because we have really no means at our disposal to remedy any defects that may become apparent; and yet we might very naturally be by either House believed responsible that the buildings should be kept in decent repair. We would more particularly call attention to the want of painting to the outside wood and iron work; to the necessity of something being done to remedy the ascent of damp on some of the internal walls; and the untidy and ragged state of several of the window blinds.

"We have, &c.,

"(Signed) { M. C. O'CONNELL, President.
W. H. WALSH, Speaker.

"The Honorable The Colonial Secretary."

Parliament not being in session, at the time, there was no other mode by which he and the Speaker could proceed. Their letter was acknowledged on the 25th January, by the Under Colonial Secretary, who stated that it had been

"referred to the Department of Public Works, with a request that the Colonial Architect might be instructed to report at once upon the condition of the buildings, and the nature and extent of repairs and alterations required."

But it was not until the 9th of March they received a communication from the Under Secretary for Public Works, showing that the matter had been remitted to the Colonial Architect, and enclosing his report; with the statement "that the same will receive due consideration." The Colonial Architect, in his report as to the state of repair of the Parliament building, detailed the works he considered necessary, and said :—

"I estimate the total probable cost of the above works, which may be considered essential to the proper preservation of the building, at £456."

Honorable gentlemen might have some difficulty, from the overpowering noise outside [*a severe thunderstorm and rain pelt was passing over the city*], in hearing what he said. It appeared to be very poor economy to shrink from the expenditure of such an amount, to preserve the building. Nevertheless, from the 14th February, which was the date of the Colonial Architect's report, to the middle of October, not the value of a brass pin—not one farthing—had been spent for the repair of the building, or to obviate its deterioration. Such a state of circumstances disclosed a want of attention which, he thought, it was the duty of the Council and of the other House to attempt to provide a remedy for. At the same time, the Colonial Architect strongly recommended that an alteration should be made

"in the fitting of the hot-water pipes in the refreshment rooms, the present arrangement being unsafe and imperfect."

It was so inefficient, that the persons in charge of the refreshment rooms, and honorable members who used them, must have been in doubt of their own safety; and, as a deluge of hot water would not have been pleasant, it appeared that that part of the necessary repairs was carried out. The representations of the Speaker and himself, backed up by the report of the Colonial Architect, ought to have been attended to by the Minister for Public Works. The building was now in the same state, in precisely the same condition, as it was at the beginning of this year. He (the President) could not see why some law or act, giving the power of providing for the convenient requirements of the Parliament House to those officers who were most properly interested in the duty should not be in existence, under which they could see that the necessary works were carried out. Of course, it could not be supposed that the Minister for Works would wilfully neglect a public duty of so much importance. Nevertheless, that honorable gentleman, having all the public works of the

colony under his care and control, might not choose to put in motion his department for the President or the Speaker, or for either House. There had been, he believed, but he would not speak positively, a jealousy as to the authority of the heads of the Houses of Parliament. His only advice was, to get the matter settled by one party or the other having control, and being responsible entirely. But there was a difficulty about throwing the control wholly on the Department of Public Works. The Secretary for Public Works was generally a member of the other House, and judging from the experience of the past, it was not always safe to entrust the requirements of the Council to a gentleman who might not see through the same spectacles as honorable members wore. He would now inform the House of rather an amusing instance of the difference made between one House and the other. Nearly every honorable gentleman present likely recollected the occurrence. A resolution was arrived at by the Joint Parliamentary Buildings Committee, that baths should be erected at each end of the building, one for the Assembly and one for the Council; and the Minister for Works of that day, his (the President's) honorable friend, the late Speaker, put up his own bath at the Assembly end, but never put up the bath for the Council. Well, honorable members rather laughed at that; but it showed the difficulty of inducing persons to act where they were not themselves concerned. Therefore, he said that it would not be safe for the Council to entrust the entire management or arrangement of any of its requirements as to furnishing, or otherwise, to the Minister for Works alone. And, yet, there must be somebody to attend to the requirements of the House and to bring them under the notice of the Government, and the Government must have some authority to carry out those requirements. He had, therefore, after some consideration, determined to bring the matter under the notice of the Council, and to move the following resolution as a sequence to his calling attention to what was disclosed by the correspondence:—

"(1.) That, in the opinion of this House, any requisition for repairs, painting, or furnishing, necessary for Parliament House, forwarded by either the President of the Legislative Council or the Speaker of the Legislative Assembly, to the Secretary for Public Works, should meet with immediate attention, and be complied with all convenient despatch.

"(2.) That copies of any requisitions so sent, during a recess, shall be laid upon the table of either House within one week after the meeting of Parliament; or, if sent when either House is in session, shall be laid upon the table of the House on the next sitting day.

"(3.) That the above resolutions be forwarded to the Legislative Assembly for their concurrence, by message in the usual form."

He thought that, perhaps, if both Houses could be brought to agree to resolutions of that sort, it would be sufficient for the Minister for Works for the time being to carry out what were their reasonable requirements with reference to the preservation of the edifice or the necessary provision of furniture. He had shown the House that the work actually required, absolutely essential, for the preservation of the Parliament Building, on the report of the Colonial Architect, supported by the authority of the position of the President, as head of the Council, and of the Speaker, as the head of the Assembly, had not been attended to after the lapse of nine months since their representations had been laid before the Minister for Works. The conclusion was not a satisfactory one. Nothing had been done; the building was just now as it was at the beginning of the year; and, apparently, settlement of the matter was as far off as it was at its initiation. He fancied that if the resolutions were passed by both Houses it would remedy somewhat the difficulty which had arisen since the commencement of responsible Government.

The POSTMASTER-GENERAL said, he was taken somewhat at a disadvantage by the resolution of the President, as he had not had an opportunity of perusing it before it was read to the House. He did not avail himself of the opportunity that previously existed of reading the correspondence which had taken place between the President and the Speaker and the Colonial Secretary and the Works Department, with reference to the repairs of the Parliament House necessary for preserving the building. But, since the matter had been brought forward, he had placed himself in communication with the Minister for Works, and ascertained that his honorable colleague had already taken action with reference to it;—not long after his assumption of his present office, the honorable gentleman placed himself in communication with the Colonial Architect, and requested him to give an estimate of what the cost of the necessary works on the Parliament Building would be; and that estimate was furnished a short time back, before the Colonial Architect went to Sydney. When the Colonial Architect returned, he would proceed with the works, which would even now have to be entered upon in anticipation of the vote for public buildings, because they were not provided for in the Estimates. He (the Postmaster-General) understood—his impression was, that the repairs to the building would have been carried out earlier if any fund had been available for the purpose. Of course, he should not deny that it was very false economy not to carry out repairs for the preservation of the building when their necessity was apparent, and when no large outlay was involved. Under ordinary circumstances, he thought that any reasonable request that the House might make

would be given effect to. Of course, if any extravagant demand should be made, it would not be complied with at once. To a great extent, he agreed with the remarks of the President; but, without reflection, he should feel inclined, with regard to the resolution the honorable gentleman had submitted to the House, to protest against its being entertained, at any rate, for the present. It seemed to start with the assumption that the President and the Speaker respectively should be the sole judges of what was necessary for the "repairs, painting, or furnishing necessary for Parliament House;" that the Government, or the Parliament itself, were really to have no voice in the matter; and that "any requisition" for such works from the President or the Speaker, to the Secretary for Public Works, should be complied with, and the works be done at once. He had no doubt that neither the President nor the Speaker would, under ordinary circumstances, make any suggestion that was not right; but the resolution proposed to lay down a general rule under which it was possible that at some future time the Council might have a President who was a patron of the fine arts, and who would desire the panels of the walls of the chamber to be painted in fresco; or who might have some equally extravagant ideas. If the resolution was affirmed, the Minister for Works would feel himself bound to carry out such an extraordinary demand, simply because the President or the Speaker had determined on it. He (the Postmaster-General) trusted, therefore, as, practically, what was desired would be carried out at a very early date, that the President would not press his resolution, to-day, at any rate; but would give honorable gentlemen some further time to consider the desirability of adopting or rejecting it.

The Hon. H. G. SIMPSON said he did not know whether the exact words used were the best in which the matter could be put. On the whole, perhaps a day's consideration might suggest some trifling alteration in the resolutions. The principle of them was correct, and that its assertion by the House was absolutely required to give effect to that principle he was positive. At the present time, any requisition that was made, it mattered not whether by the President or the Speaker, or by the Parliamentary Buildings Committee, was complied with or not by the Minister of the day, just as that gentleman thought proper. Sometimes, the Minister took not the slightest notice of the requisition made, as in the notorious case of the bathroom, when he took upon himself to comply so far as regarded the Assembly only. That was only one case, but it was a sample of many others within his knowledge, showing the way in which the Council had been systematically treated by the Government. There were, also, cases in which the Minister for Works had treated both Houses in the same way; but they were rarer than those referring to the Council alone. It was not the practice under one Minister for Works, but of all; it was the tradition of the office; and it was contrary to all Parliamentary practice and to "May," the great authority elsewhere, to override the Constitution! The Government of this colony said it was the Minister for Public Works who should lay down what was to be complied with and what was not, as regarded the requirements of the Council. That was not, as all honorable members knew, according to the practice of the old country. There, each House, the House of Lords and the House of Commons, prescribed what was required for its own purposes; the question was never raised, the amount of money was put on the Estimates, and voted. The only reason he conceived why delay should take place was, to see whether the Council could not elaborate a system by which, at the commencement of the session, each House should determine what it required, and insist upon getting its requirements before passing the Appropriation Bill. The only resource the Council had was in connection with the Appropriation Bill; and he feared that it would have to refuse consent to the passing of that Bill unless the reasonable requirements of the House were complied with—what the House considered necessary for the Council establishment and for the comfort of honorable members in the conduct of their public duties as legislators, independently of the Minister for Works. That was a constitutional course, and might be the only one in the power of the Council to take before the close of the session. He did not know that it was necessary to say more on the subject. He thought, as the Postmaster-General had suggested, that the motion might be postponed for a day or two, as he was not aware of the exact terms of the resolutions, and had not taken sufficient interest in the correspondence to have read it carefully. The House should decide upon a clear plan of action, and one that it should adhere to.

The Hon. F. T. GREGORY candidly confessed that until the resolutions were put before the House to-day, he did not give the subject any attention whatever; for the President generally gave such a clear explanation of all resolutions he brought forward, that he felt sure the question would not need any preliminary study. However, while he heartily concurred in the general principles of the resolutions, he saw some force in the objections raised by the Postmaster-General. The argument the honorable gentleman used would be altogether inapplicable to the officers now filling the posts of President of the Council and Speaker of the Legislative Assembly; but he thought it would hardly do for the Council, at once, to concur in resolutions so sweeping as those before the House. Could they be deferred for a few days, to give honorable members time to see how they should be moulded into some practical form, he had no doubt that the Minister

for Public Works, with the Postmaster-General, would see his way to a solution of the difficulty, and that some provision should be made for the immediate wants of the Parliament to be supplied. If the Postmaster-General could introduce some measure to provide for the future wants of the Parliament, he did not see that there would be any difficulty in getting the sanction of the House to it, or any difficulty in securing concurrence in it elsewhere. He (Mr. Gregory) should like, at the present moment, to make some substantial motion to meet the wishes of the House, but really he could hardly see, without detaining the House too long, how best to do it; therefore he should move, as an amendment,

That the further consideration of the matter be deferred until this day week.

The PRESIDENT said, he had no objection to adopt the amendment his honorable friend had just suggested. He would rather have the matter under the consideration of the House for a few days, because he knew nobody had thought about it so much as himself. He might remind honorable members—he took a little pride in calling to their remembrance the fact—that the building they now sat in was constructed in pursuance of a motion brought forward by himself. They would, he had no doubt, be still sitting in the very uncomfortable quarters that Parliament occupied for the first three or four years of its existence, had he not brought forward the subject, and eventually induced the Government to take action in building the new Parliament House, in which the legislation of the colony was now carried on with comfort. He was now, and always had been, under the notion that the facilities and advantages that honorable members had in their new House were of great importance to the growth and progress of legislation in Queensland. The Postmaster-General, in taking the small objection he did take—because he (the President) did not think the honorable gentleman's opposition was very strong—stated that the Secretary for Public Works had already taken action. Well, really, considering that nine months had elapsed since the matter was first brought under the attention of the Government, the House could not be expected to enter into that consideration. Honorable members would be glad that, at last, things were taking shape—something was being done; but he had the idea that better progress might have been made, had he not had to refer to the Secretary for Public Works. That Minister had to attend to all the colony; he had to make a bridge over the Burdekin, he had to construct a railway to Roma; and, at present, he had to construct railways elsewhere—to every point of the compass;—with numerous other important and large undertakings, which equally claimed his attention. How, then, could he be expected to think of such a small matter as the preservation of Parliament House? Honorable members had, however, found that the Minister's large sphere of duty had worked injuriously to their requirements. It was for those reasons that he (the President) asked them to adopt the resolutions which he had brought forward, and which now, with the leave of the House, he should withdraw, and give notice that he would move them this day week. It was stated that the repairs and improvements required would have been carried out if funds had been available. That was the actual difficulty to meet which he asked the House to agree to the resolutions. What might be required to meet the requirements of the Council could not be foreseen; the House might be in recess for several months, and he, as the officer charged with the interests of the Council, might see some requirement that should be attended to at once for the comfort of honorable members. It was his duty to have such requirements carried out; but, of course, no provision having existed, no action could be taken in advance of a vote in the Estimates. He proposed, therefore, that, in the event of unavoidable expenditure during the recess, the requisition upon the Secretary for Works, and the vouchers showing the expenditure under that requisition, with the authority of the Colonial Treasurer for payment thereof, should be laid before Parliament immediately after its meeting; in the event of a requisition being made during the session, the resolutions required that it should be laid before Parliament at once. The resolutions provided that the matter should always be brought under the attention of both Houses, so that if anything was wrong in the expenditure incurred, it would not be passed over. The Postmaster-General said the President or the Speaker might have extravagant ideas as to the ornamentation of the respective chambers; and that either or both of them might require works to be done in painting the walls and in ornamenting the building which were not required by the manners or circumstances of this country. Honorable members knew that no provision or expenditure had been grudged in the securing of statues, pictures, and other works of art in the ornamentation and beautifying of the new Houses of Parliament in London, in order that the cultivation of the taste of the country might be fostered and advanced to the highest state. This colony had not arrived at that exalted position of civilization; and it was not likely that any one in his position, or in that of the Speaker of the Assembly, would ask for any such expenditure as that which had been referred to—at any rate, for the present. Supposing that any officer in his position should exceed the province of his duties, he could be very easily brought to account for it. Parliament would meet, and would express its opinion, if he had acted injudiciously, and that opinion would have an

immediate effect. But, if the highest executive officer of either House could not be trusted to carry out such duties as were under the notice of honorable members, they had, of course, better find somebody else who was more entitled than the President or the Speaker to confidence. The House could not consent, he thought, to leave it as a matter of favor for the Secretary for Public Works to consent, if he should see fit to be so disposed, to carry out what was its right. The matter was an absolute one. The House had certain requirements which should have immediate attention. He (the President) saw no way out of the difficulty except by passing resolutions something like those he had laid before the House, and to institute a measure upon those resolutions which should have the effect of law. He asked the leave of the House to withdraw the resolutions.

Motion, by leave, withdrawn.

BORDER JUNCTION OF QUEENSLAND AND NEW SOUTH WALES RAILWAYS.

The Hon. F. T. GREGORY, in requesting the attention of the House to the motion standing in his name, said that his action was brought about from his having watched attentively during the last two years the progress of railways both in New South Wales and in Queensland. Two years ago, when in New South Wales, he had the opportunity of discussing, with the Commissioner for Railways and other gentlemen holding important positions in the Legislature, the direction which the Northern line of that colony would take; and all of them fully concurred with him in the importance of the railways of the two colonies, when they approached the Border, being made to meet in the most advantageous position to carry the traffic of that part of Australia which the railways would traverse. Not only would the railways connect the capitals of New South Wales and Queensland, but they should connect them by the most direct route available, and that route should be decided on with a view to the ultimate extension of the intercolonial railways in connection with the Victorian system. With regard to the latter part of the resolutions he had to move, there was no occasion, at present, to deal; consequently he should confine his remarks to the question of the extension of our own railway towards the Northern line of New South Wales. Had Queensland any control over the direction that that line would take in the neighboring colony, the labors of the Legislature would be brought into a narrow focus, because it would only then have to consider the character of the country within Queensland's borders, to decide where our own line should be pushed forward to, and thus gain the object which was to be accomplished ultimately. But that not being the case, it became necessary that the Government of this colony should invite the co-operation of the Government of the sister colony. It would be, at the present moment, useless for him to go into the details of the various lines which might be selected in the two colonies, to bring about the very best junction; nor would it be of any particular advantage now, as the Commissions whose appointment was proposed by the resolutions, would have much better opportunities than could be afforded by a discussion in the Council of obtaining evidence and the fullest information, which would place them on a far firmer footing than could be otherwise secured, upon which to base their recommendations to their respective Governments. There were, however, one or two points to which he would draw the attention of honorable members. First, he had had the opportunity of perusing a report of the Commissioner for Railways of New South Wales, published as late as April last, in which it was stated that the Northern line had been completed to within a short distance of Tamworth, and that it was to be opened finally to that town in August last. Whether it was quite completed to that point or not, was not very material; but assuming that that point had been reached, or would be, immediately, there was left only a distance of about one hundred and eighty-five miles to bring the railway to Tenterfield; and from Tenterfield, a very few miles intervened to the border and Queensland, at a point recently surveyed by the Queensland Government, to carry on our railway to meet that of New South Wales. He should not attempt to discuss whether it was desirable that that proposed line should be made the one which we should first attempt to bring into connection with the system of New South Wales, or whether the junction should be made at some other point. He simply pointed it out as the one which, in the present state of the railway question in the two colonies, it seemed more than probable would first come into contact with New South Wales territory. The Commissioner further stated that no line from Tamworth to the Queensland border had been determined on yet; showing that nothing definite had been decided on by the Government of New South Wales up to the present time. That, of course, left the question very much more open to be dealt with by a Commission than it would otherwise have been if the Government had finally decided upon any main line leading North. From his (Mr. Gregory's) own acquaintance with the topography of southern Queensland and a portion of the northern part of New South Wales, and from a careful study of the maps, he was somewhat of opinion that eventually the line would not come through New South Wales on to Tenterfield, but that the railway would be taken in a very much more westerly direction. He was fully aware that it had been suggested in the Parliament of that colony, very recently, that the line should double

down towards the Clarence district and the coast; but he thought the notion originated in the minds of persons who looked upon railway extension from a political point of view, and who had not taken into consideration the almost utter impracticability of the route. To the westward the line could be carried without bearing on any political or social interest that might interfere with it; and there was the country most adapted for railway extension. Upon the western watershed, near the heads of the principal creeks which rose there, and finally found their way into the Barwon and the Upper Darling, was the class of country which was most adapted in every way for the construction of railways. Consequently, if the matter was now taken into consideration by a Commission such as he proposed, there was the best chance to get the most economical and efficient line of railway between the two colonies established. Coming back to this colony, he might state that he was quite satisfied, setting aside any question as to the proposed railway now before the Legislature from the town of Warwick to the border, or to Stanthorpe—setting aside all interests which might influence that locally—he very much doubted whether that was by any means the best line for connecting the railway systems of the two colonies. The real points of departure would be further west, thence proceeding over the flat sandstone country or table land, of a very low altitude, terminating in the great plain of the Condamine, which was the very best country he knew in Australia over which a railway could be constructed. It was of the most durable nature, the firmest and most desirable class of foundation for a permanent way, and with the least liability to be endangered by floods, being very well drained, while there were no formidable rivers to cross. It would be taking the line westward to join that of New South Wales; but it would be both shortening the distance and opening up the vast resources of the two colonies. He should not detain the House further on the question, as it was one far too large to be discussed at the present moment; but should move the resolutions:—

"(1.) That as it is contemplated to extend the railways of this colony to the border of New South Wales, and as the Legislature of that colony have already sanctioned the extension of their Northern line of railway towards the boundary of Queensland, it is, in the opinion of this House, highly desirable that at as early a date as practicable, the points of junction on the boundary of the two colonies should be determined, with the object of securing an uninterrupted line of communication, whereby considerable convenience and benefit will be derived to the inhabitants of both colonies, and the main consideration of a direct line through Australia be kept in view,

"(2.) That to give effect to these resolutions, an address be presented to His Excellency the Governor, praying that he will be pleased to appoint a Commission to inquire into and report on this matter; and that, at the same time, the Government of the sister colony be invited to appoint a similar Commission to confer with and co-operate in preparing such recommendations to their respective Governments as the circumstances may demand.

"(3.) That these resolutions be forwarded to the Legislative Assembly for their concurrence."

The Hon. H. G. SIMPSON said he had listened with great pleasure to the remarks of the Honorable Mr. Gregory upon what was, no doubt, a very important subject; and he had reason to think it ought to be decided on as soon as possible where the railways of the two colonies should meet on the border. He also entirely agreed with the honorable gentleman in what he had stated as to the probable locality in which the lines would be found to join. He had not the same personal knowledge of the country as the honorable gentleman, but he gathered his information from what he had heard from persons well informed on the subject, when in Sydney, last year; and he had heard it discussed by members of the Legislature of the sister colony. The line from Tamworth would go thence very far to the westward, and strike the Queensland border somewhere between Goondiwindi and Curriwillinghi;—certainly somewhere in that direction. Consequently, he thought the Commission would be most valuable for the purpose in view. But he had one exception to make to the resolution, and that was with respect to certain words in the first two lines, which appeared specially directed to exclude, or, at all events, postpone the construction of the railway from Warwick to Stanthorpe and the border. Very naturally, if it was to be determined now whether the Queensland railway southward should meet the New South Wales line northward, the resolutions in their present shape would give rise to the idea that if the extension from Warwick now proposed would not meet the line over the border, it would not be advisable to proceed further with it; and that would have a very bad effect. Because, he took it that that railway would be made independently of any view of its connection with the railway of New South Wales; it was probably to be made on its own account alone, without reference to any junction with the northern line on the other side of the border. He was one of those who believed that the extension would pay its own expenses if it terminated at the border, and never was connected with the system of New South Wales. The trade existed now which would make it pay, and it would develope increased trade. He moved the omission of the words in the first resolution, "as it is contemplated to extend the railways of this colony to the border of New South Wales, and," and the consequential substitution of the words "New South Wales" for "that colony." If the

resolution were so altered, it would be effectual for the purpose contemplated, and would not, by a side-wind, get rid of what was before the other House.

Question—That the words proposed to be omitted stand part of the question.

The Hon. F. T. GREGORY said he clearly saw the object which his honorable friend, Captain Simpson, wished to arrive at; but the mere fact of omitting the words would not alter the position of the question at all, nor did he, in moving the resolutions intend to interfere with the Stanthorpe line, if it could stand upon its own merits; because, he did not say that line might or might not become a portion of the intercolonial railway system of the two colonies, and the question need not be altered in any way. If the Stanthorpe line, or the extension from Warwick to the tin fields, could not stand upon its own merits, he certainly could not see that it would stand at all. He, with many other honorable gentlemen who thought as he did, was quite in favor of the extension of the line from Warwick to Stanthorpe, but their opinion was only based upon the hope that it would be connected with the railway from New South Wales. He very much doubted if he should support it at all otherwise. The omission of the words moved by his honorable friend, Captain Simpson, might certainly remove a critical doubt as to the reading of the resolution; but he (Mr. Gregory) presumed that the resolution was not one that could affect the opinion of the Legislature either here or elsewhere. If it materially affected the result, he should willingly agree to it. Meanwhile, he should leave the resolutions as they stood, and abide the result at the hands of the House.

The Hon. A. H. BROWN said he would confess to a strong preference for the resolutions as printed, based upon the arguments with which the honorable mover had introduced them in connection with the initiation of the railway connection desiderated. The great merit of the resolution was that the proposed line to Stanthorpe would be considered in relation to the connection of the Queensland railway system with the railway system of New South Wales. It was yet quite easy for this colony to make a deviation of the main trunk line: indeed, the resolutions clearly stated that the object was to have the main trunk railway extended—

"with the object of securing an uninterrupted line of communication, whereby considerable convenience and benefit will be derived to the inhabitants of both colonies"—

Queensland and New South Wales—

"and the main consideration of a direct line through Australia be kept in view."

The southern extension would take a very considerable circuit, not in the direction of Stanthorpe. He had no great objection to that proposed line; but still one great object of its advocates was for the direct route to New South Wales. The House must not lose sight of that. The commissioners who might be appointed would base their arguments and reasons for any recommendations they might make upon the consideration that as yet nothing had been decided, that no action had been taken either by the Government of New South Wales or the Government of this colony to construct their respective railways to the border, and that both were quite unfettered at the present moment. It seemed an insignificant motive in such a large question, that the railway should be compelled to pass through Stanthorpe, the main point, which would involve a very much larger expenditure than was needful. From his inquiries into the nature of the country between Warwick and that town, he had learned that it was very mountainous, and that any railway there would be very costly. He highly approved of the motion, therefore. He thought it was one of the most statesmanlike ideas that had been suggested in the Council chamber for some time. The motion dealt largely with a large subject.

The POSTMASTER-GENERAL said the honorable Captain Simpson had anticipated an objection that had occurred to his mind against the first resolution. At first sight, the resolution struck him as being a very advisable one for the House to adopt; and he thought that no honorable member could hold an opinion adverse to the suggestion—

"That at as early a date as possible, the points of junction on the boundary of the two colonies should be determined, with the object of securing an uninterrupted line of communication, whereby considerable convenience and benefit"

would result to both this colony and New South Wales, and the consideration of "a direct line through Australia be kept in view." But, at the same time, he thought, if the intention of the framer of the resolutions was likely to be carried out, it would be desirable to omit those words which Captain Simpson had taken exception to. He had made inquiries, and had ascertained that there were now ready to be laid on the table of the House certain specifications of the railway from Warwick to the border, through Stanthorpe. If the first of the resolutions remained as it was, it might be taken to mean that the Council wished to suspend operations in connection with the proposal to construct that extension, pending investigation by a commission.

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

The POSTMASTER-GENERAL: And it would look as if honorable gentlemen were inclined to dictate to the Lower House as to what conclusion it should arrive at on a matter upon which it had taken action. He did not think that was for the Council to do. He gathered from the remarks of the last speaker, Mr. Brown, that his idea was somewhat in that direction.

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

The POSTMASTER-GENERAL: The honorable gentleman advocated a railway to the border of New South Wales, but not to Stanthorpe. Well, he (the Postmaster-General) took it that the first consideration for the House was, Would the railway be of any advantage to the inhabitants of this colony? And then came the question, Whether the railway should go through Stanthorpe or not? They should both be decided on the old ground, that "Charity begins at home." Before any action was taken, the Legislature should determine whether the proposed extension would be a benefit to this colony, individually. There could not be much doubt, now, upon that point. It was, he thought, highly desirable, on national grounds, that we should have direct communication between this colony and the other colonies. On that ground he did not object to, but concurred with, the sentiment of the first resolution; leaving out the words to which Captain Simpson had taken exception. His (the Postmaster-General's) sole objection to those words was, that they might be misconstrued if they formed part of the resolutions when they were sent down to another place. Now, with regard to the second resolution, he must confess he was in great doubt. He did not see that much good often arose from commissions of a mixed character. The resolution did not specify whether they were to consist of scientific men, such as engineers, or of officials, or of members chosen from the general body of the community. He doubted whether, in the present position of the railway question in New South Wales, any advantage would be gained from the proposal to appoint Commissions. Provision was made for the extension of the Northern Railway towards Armidale, the desirableness of the extension having been carried, after violent opposition, by a large section of the Assembly. Whether the proposal for a commission, if affirmed, as intended by the Honorable Mr. Gregory, would not bring about considerable delay in the matter was to be considered. He (the Postmaster-General) thought it would be best for the Governments of the two colonies to negociate with one another and to arrive at a satisfactory determination without the interruption of Commissions at all. Of course, there might be some difficulty as to the point of junction, from political reasons. New South Wales had the larger extent of country to carry a line through, which would have much greater weight in determining the route to be taken than representations of this colony, in all probability. He thought it was desirable that our railway should be first at the border, from which advantage would naturally accrue to this colony. The first that penetrated with a railway the New England district must gain great advantages, and would be almost certain to retain them. Fearing that considerable delay might ensue from it, if passed, he was personally disposed not to assent to the second resolution. Let the question stand upon the first, expressing an opinion that it was desirable that the points of junction of the railways on the border be determined at once, and leaving it to the Executive to take such action as might be deemed most expedient and desirable.

The PRESIDENT said he had no doubt, and he supposed nobody who had listened to the debate had any doubt, that the matter brought under consideration of this House by the Honorable Mr. Gregory was one of very great importance. It was, of course, of the highest importance to this colony that, if possible, there should be, and at as early a date as possible, a railway that would carry us through the continent of Australia to the southern boundary. But it was a question surrounded by many difficulties. As every one knew, the policy of New South Wales, even, with reference to its railways to the southward, which might be supposed to be a matter of the very first and most earnest consideration in that colony, had not been so; up to the present moment, he believed, it was doubtful whether the railway would be carried to Albury, from a dislike or a suspicion on the part of some portion of the mercantile community of Sydney that it might act injuriously to its interests. No doubt, the same consideration would affect the course to be taken by the railway towards the northern boundary and approaching this colony. He thought it should be admitted as a fact, that the intention to carry out the railway from Warwick through Stanthorpe to the border was regarded as a certainty. He quite agreed with the Postmaster-General that it would be a great misfortune if any difficulty should prevent effect being given to the proposition now before Parliament for the construction of that extension; and he trusted that it would be carried out before eighteen months from the present time. There was a difficulty as to the appointment of the Commission. How could the commissioners arrange the different opposing policies of the two countries. The question to be decided had theoretical as well as practical difficulties in the way of arriving at a satisfactory result. To pick out the cheapest and most direct line was a matter for scientific investigation alone; but, in other respects, the question was surrounded by many difficulties over which this colony could not exercise much influence. It was true that if the northern line of New South Wales should be carried to Armidale, it must come on thence to Tenterfield. There was some difficulty in the way, but a great portion of the country was as level as possible; with the exception of the range after passing Bolivia, he did not think there was any difficulty presented by the flat country, which could be easily crossed. Supposing that the line should come through to Armidale, it must then approach the border in the direction he

had indicated. Honorable gentlemen must remember that the population of the New England district was now very considerable, which was an item of great significance in the determination of the question. He agreed with the Postmaster-General that the House should adopt the first resolution with the amendment moved, leaving the other proposal for after consideration.

The Hon. F. T. GREGORY denied that he had any intention of interfering with the Warwick extension to Stanthorpe and the border, if that line could stand on its own merits; so that question might be fairly set aside. In connection with the remarks made as to the Commission, he presumed that the Government were capable of judging of the class of men fit to be appointed to deal with the question that would come before them. If not, there would be very little use in discussing the question at all. It was really imaginary that there would be any difficulty: two or three practical men, who were thoroughly acquainted with the nature of the country, could decide which line it was best to take a railway over—men of sufficiently comprehensive views to understand the question of internal communication between the two colonies could very clearly and easily determine what part of the country, upon its merits, the railway should be brought through. As he said before, political considerations would always affect the railway question—for instance, free trade between the two colonies;—but if Queensland could get the sister colony to appoint a similar Commission, and the two could act in concert free from all party prejudice, and point out to their respective Governments what they conceived to be the best line, and give their reasons therefor, even if they failed to induce their respective Governments to carry out their particular recommendations, the subject would be ventilated, and that would have the effect of bringing before the people, as well as the Governments of both colonies, the whole question. They would naturally bear in mind any recommendations made by a body acting a very independent part. Consequently, to his mind, the appointment of the Commission was actually essential to render the resolutions of the least value; because, if not, it would have been quite sufficient for him to have addressed a letter to the Government, stating what he thought was desirable. He should be sorry to see the second resolution done away with; and he hoped that his motion would be carried as it stood.

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

The Hon. F. T. GREGORY: He thought he should like the decision of the House upon the whole of the resolutions as they stood.

The POSTMASTER-GENERAL requested that the resolutions should be put *seriatim*.

The question was put on the first resolution—That the words proposed to be omitted stand part of the question—and the House divided:—

CONTENTS, 11.

The Honorables T. L. Murray-Prior, D. F. Roberts, A. H. Brown, L. Hope, J. F. McDougall, F. T. Gregory, W. Thornton, J. Mullen, W. Yaldwyn, W. Lambert, and G. Sandeman.

NOT-CONTENTS, 4.

The Honorables E. I. C. Browne, H. G. Simpson, J. C. Heussler, and C. S. Mein.

Resolved in the affirmative.

The other resolutions were then put and passed respectively; a verbal amendment having been made in the second, by the substitution of the words "the above" for "these," in the first line.

DECEASED WIFE'S SISTER MARRIAGE BILL.

The Hon. W. THORNTON said, honorable gentlemen were aware that the Bill which he now submitted for discussion was similar to one which passed both Houses of Parliament last session, and was reserved for the Royal assent of Her Majesty the Queen. Subsequently to that Bill being transmitted to England, a despatch was received from the Secretary of State for the Colonies, Lord Carnarvon, explaining that the noble lord could not advise Her Majesty to assent to it as then shaped. His lordship, however, was not adverse to the Bill, for he suggested that the Queensland Legislature could get out of the difficulty by adopting the form of the Victorian statute on the same subject. The fact was, the wording of the Queensland Bill went beyond the power of the colonial Parliament altogether. It enacted that all marriages with a deceased wife's sister contracted by any person domiciled in the colony should be valid; whilst the Victorian Act, which the noble lord advised the Legislature of this colony to copy, was to the effect "that no marriage between a man and a sister of his deceased wife shall," within the colony, be voidable, or in any way impeachable, upon the ground only of such affinity between the parties thereto, any law to the contrary notwithstanding," and he advised the addition of a proviso similar to that in the first section of the Bill. That advice was followed in the Bill now before the House. He (Mr. Thornton) did not anticipate that there would be any difficulty whatever in passing it. It was now in the shape proposed by Lord Carnarvon, and if it met with the favor accorded to the Bill of last session, there was not the slightest doubt that it would receive the Royal assent, and become law. The necessity for such a measure in this colony was becoming more and more urgent. With the exception of Western Australia, Queensland was the only Australian colony in which such marriages as the Bill provided for were not legalised. The want of such a law placed this colony in a very invidious and

humiliating position. If a person in Queensland wished to marry the sister of his deceased wife, he was obliged to go to one of the adjoining colonies for the purpose, where the marriage was looked upon as lawful; but he found on his return to Queensland that he was looked upon as living with his new wife in a state of concubinage, and that his children by her would be regarded simply as bastards. It was with a view to get rid of this monstrous inconsistency that he (Mr. Thornton) had brought forward this Bill. There could be no possible objection to the measure on religious grounds. At least, where objections of such a nature had been seriously entertained they were now entirely dispelled by the published opinions of some of the most eminent divines and statesmen on the subject, to which they had given very much consideration. Marriages such as the Bill was meant to legalise were approved of by the late Reverend Thomas Binney, by the Archbishop of York, by the Chief Jewish Rabbi, by the Archbishop of Canterbury, by the late Doctor Whateley, and by Cardinal Manning. It was a question whether it was not most expedient that a man should marry the sister of his deceased wife, if he should think fit to do so; it was a matter for his own consideration; and he (Mr. Thornton) could not see why, in the name of heaven! because certain people might entertain prejudices against such marriages, that their prejudices should interfere with the free action of others who did not entertain any objection to such marriages. There was no blood connection between a man and the sister of his deceased wife. It would be far more reasonable to enact a law to prohibit the marriage of cousins, than to prevent such marriages as the Bill contemplated. There was a Marriage Law Reform Association in England. Its members were persons of the highest distinction in England, both as statesmen and lawyers; and that Association was increasing in influence from the extension of the feeling in favor of legalising marriage with a deceased wife's sister in England, which feeling was now more prevalent than ever before. To show that the feeling of the people of England was highly in favor of there being no impediment to such marriages, he might mention that the House of Commons had repeatedly passed a Bill on the subject: in 1869, by a majority of 99; in 1870, by a majority of 70; and this last time, it was rejected in the House of Lords by a majority of only 4 not-contents—there were 73 contents, and 77 not-contents, of which latter 14 were bishops. He supposed no honorable gentleman in the Council would expect that a bishop should ever vote for any liberal measure. If it had depended on the bishops, Catholic Emancipation, the Reform Bill, and other great reforms would never have been passed by the Parliament of Great Britain.

An HONORABLE MEMBER: Hear, hear.

The Hon. W. THORNTON: The people who benefited by those measures were now looking forward to the time when the Church of England would be disestablished in England, as it was in Ireland; and then the bishops would not be in the House of Lords to interfere with liberal legislation. He should not detain the House, knowing there was another Bill more interesting to follow than his. The last time that the Deceased Wife's Sister Marriage Bill was before the Council, the Honorable Mr. Buchanan produced a pamphlet containing the opinions of men of rank at home very strongly favorable indeed to such marriages. He (Mr. Thornton) should not trouble the House by reading those opinions now, because he thought honorable members were favorable to the Bill. He asked the House to pass the second reading. There had been a good deal of debating on previous occasions on the subject, and honorable members did not want from him any further argument—though he was sorry the Honorable Mr. Box, who felt strongly about the Bill, was not present—to influence their action at this date. He moved—

That the Bill be now read a second time.

The Hon. H. G. SIMPSON said he had been in hopes that the House had seen the last of this question.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. H. G. SIMPSON: The honorable Mr. Thornton had gone through the stock arguments about the Bill, and about its having been passed on several occasions before. It was not necessary that he should have done so, as honorable members had heard them over and over again; nor was it necessary that honorable members who differed from him should go through the arguments on the other side. At the same time, he (Captain Simpson) was not one who was going to let the Bill pass, if he could help it. He should record his vote against it; because he believed it to be a bad Bill, and one that would bring discord and dissension where before there was peace, and one that it would be unadvisable in every way to pass. Honorable gentlemen knew very well in what manner the last Bill was received in England. Many had been of opinion that if it passed, children born of such marriages could inherit property in England. He was one who said very distinctly, at the time, that it could not possibly have that effect; and that the Home Government would never allow any Bill to be assented to which would have that effect. Such a measure would only create a conflict of laws between ourselves and the mother country upon a point as to which it was very desirable there should be no discord. One thing he did give the Honorable Mr. Thornton credit for. There was no doubt the honorable gentleman had run his supporters in. He (Captain Simpson) had taken the trouble

to look through the division lists of the Council, and of the honorable members who had voted on the subject before, there were not now in the colony only three who had voted for the Bill, while there was a clear majority of those who had voted against it. But, somehow, the honorable gentleman had managed to have a majority on the spot; he had worked up his supporters; and his majority was one effect of the supporters of the Bill living in Brisbane, while a number of honorable members who were opposed to it lived away from Brisbane. He had their names down—there were now in the colony ten honorable members who had voted against the Bill to nine who had voted in favor of it; so that if all were present in the House to record their votes, as before, there would be no chance of the Bill passing the Council. He congratulated the honorable gentleman upon his tactics, or his fortune. There were three honorable members who had not voted on the Bill. They would turn the scale either way, according as they would vote. The Honorable Mr. Thornton had uttered an undeserved sneer at the bishops.

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

The Hon. H. G. SIMPSON: That, if they had their way, there would have been no such reform as Catholic Emancipation and other liberal reforms. What would have been the fate of those measures if they had fallen into the hands of North of Ireland Orangemen and Protestants? The honorable gentleman had very carefully noted the divisions of the House of Commons in passing the Marriage Bill up to 1870; but he had not, by any means, noted the divisions that had taken place since that year, during even the reign of the great liberal Gladstone Administration, with a majority of 90 to 100 in the House of Commons. On every occasion that the Bill was brought into the House of Commons, since 1870, it was defeated, and every year by an increasing majority; showing that the general feeling that he talked of as an indication of favor for the Bill had quite changed.

The Hon. G. SANDEMAN: Hear, hear.

The Hon. H. G. SIMPSON: He quite believed—and he was cognizant of the facts he stated, as he was in England at the time—that the measure was promoted by the most industrious system of agitation that was ever got up. It might be paralleled by O'Connell's agitation in Ireland; and by that of the Anti-Corn Law League, perhaps. In establishing the Marriage Law Reform Association, no money was spared. Thousands upon thousands of pounds were spent in extending its principles, and in securing support for the measure it endeavored to get legalised in England. But he firmly believed it never had any permanent effect, and that it never would have, no matter what the people in the colonies might do. He should not refer to the matter further, but move—

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

The Hon. A. H. BROWN said he could not support the amendment. He must have risen, if the Honorable Captain Simpson had not, to speak to his honorable friend Mr. Thornton, for the manner in which the bishops had been alluded to by him. The bishops were very eminent men in many cases for their piety, and for their venerable lives; and he did not know why they should have been spoken of in the tones that he had heard. He did not know why the Honorable Captain Simpson should have alluded to the supporters of the Bill in the character of having been "run up" to assist the Honorable Mr. Thornton in passing it. They were in the House to support the Bill, because it was their duty to do so. He had forgotten it; but he found he had uniformly voted for the Bill. The Honorable Captain Simpson said the Bill would introduce discord and dissension where before there was peace and harmony. That was unjust. He (Mr. Brown) never experienced anything that way himself, nor had he ever heard of it; but, he believed, the measure was a wise one, and that, therefore, it should be legalised. From the general argument, the passing of the Bill would tend to ameliorate the existing state of things, at all events. He hoped it would be a long time before the introducer of the Bill would require any use of it; and that honorable members would give him their support.

The Hon. G. SANDEMAN said he should not detain the House by reiterating the arguments that had been used in favor of and against the Bill. He always opposed the principle of it, and he should oppose it still. Nothing had occurred in connection with the question since it was discussed before to induce him to alter his opinions. The arguments of the Honorable Mr. Thornton had been used frequently before; and the Marriage Reform Association had been brought before the House on previous occasions. Honorable members knew how that association originated, and how it was maintained. It was got up by those who had already broken the law;—they were men of position, men of wealth, and influential; men who did all in their power to endeavor to have the law altered—having in the first place infringed the law themselves. That was the origin of the association on which so much had been said. With regard to the question having been before the House of Commons, there was no doubt the Bill had been passed on each occasion; but it was perfectly well known that on each occasion it had been forward of late, the majority in favor of it had decreased. For his own part, he

should content himself by opposing the Bill and voting for the amendment.

The question was put—That the words after "That," in the original motion, proposed to be omitted, stand part of the question—and the House divided:—

CONTENTS, 10.

The Honorables E. I. C. Browne, J. Gibbon, W. Thornton, T. L. Murray-Prior, J. C. Heussler, F. T. Gregory, W. Hobbs, D. F. Roberts, A. H. Brown, and C. S. Mein.

NOT-CONTENTS, 5.

The Honorables G. Sandeman, W. F. Lambert, W. Yaldwyn, J. Mullen, and H. G. Simpson.

Question resolved in the affirmative.

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

THE SHORTHAND WRITER'S DEPARTMENT.

On the reading of the Order of the Day for the House to consider the Alienation of Crown Lands Bill in Committee of the Whole,

The PRESIDENT said he had to bring under the notice of the House the circumstance that there was some difficulty in providing for the carrying out of the increased duties devolving upon the Shorthand Writer's Department of the Legislative Council. As honorable members were aware, the Council had only one reporter for the "Hansard" and Select Committee reporting, and when the pressure of business became extreme, as now, it was very difficult to provide for the proper performance of his duties, in due course. At one time, it was the practice to give no reports in "Hansard" of the proceedings in Committees of the Whole House; but as the Council seemed to think that many of its most important discussions took place in committee, it was considered desirable to have reports given of the proceedings in committee; and hitherto, since the first departmental division of the Parliamentary Shorthand Writers' Staff, they had been carried out, so far as the Council was concerned. Though assistance was needed at the present stage of the session, he did not feel justified himself in giving authority to the Shorthand Writer of the Council to obtain assistance, even if he could procure efficient aid—and he (the President) was not sure that such aid could be got—until he had taken the opinion of the House. He was not desirous of acting on his own responsibility. There was, therefore, some reason for the House to take action in what concerned itself. Perhaps some honorable member, or the honorable gentleman who represented the Government, would take upon himself to move in the matter;—the Postmaster-General might take charge of it, and answer for the provision of the means to meet any extra expenditure which should be incurred under the necessity for providing extra assistance for the Shorthand Writer. He put the matter before the House, because, really, he did not feel that he was authorised to undertake any responsibility of the sort, when he was not quite sure that the House would support his action.

The POSTMASTER-GENERAL said he felt he must rise, upon the call of the President, in reference to the reporting of proceedings in committee. Personally, he should be very glad to hear the sentiments of honorable members with regard to the matter. On such an important measure as the Land Bill, he thought it was desirable that the salient points of the debate should be recorded. If the feeling of the House was that it should be so, he did not see any objection on the part of the Government to make proper provision for the necessary assistance being accorded to the Shorthand Writer for the Council. It must be evident to honorable members that if the House was going to sit three days a week, and do a far greater amount of work than had hitherto been done in the week, they would really impose on their reporter more than could be done by one man; and the work that he would be called upon to perform would be altogether out of proportion to the work that was expected of each of the three reporters of the Assembly; so that if their reporter had to report, in addition to the ordinary business, the debates in committee of the whole House, and also on an extra sitting day, it must be perfectly clear that he should have assistance. If it was the wish of the majority of the House that the proceedings in committee should be reported, he would endeavor that satisfactory provision should be made for any extra expenditure that was required by the Council. Indeed, with regard to any action that the Government would be prepared to take, he had no doubt at all that they would be glad to accede to the wishes of the House.

HONORABLE MEMBERS: Hear, hear.

The Hon. F. T. GREGORY: There were certain occasions on which the Shorthand Writer should be relieved from the necessity of reporting in committee; but the measure to come now before the House was one in connection with which he certainly thought the public would feel somewhat aggrieved if they could not be placed in possession of the discussions upon the various amendments that would be proposed and carried or lost.

The PRESIDENT trusted that, after the explanation given to the House, honorable members would consider that the arrangement for the Shorthand Writer's Department was in the hands of the Government, and that their President was not responsible. He then put the question—

That the President leave the chair, and that the House resolve itself into a Committee of the Whole for the consideration of the Crown Lands Alienation Bill.

Agreed to.

CROWN LANDS ALIENATION BILL.

The House resolved into Committee of the Whole.

Clause 2—Repeal of existing Acts and regulations saving existing rights.

The POSTMASTER-GENERAL, on making the usual motion, that the clause stand part of the Bill, observed that when the Bill was under discussion in the House, on the second reading, there seemed to be a misapprehension on the part of one or two honorable members as to the position in which the lessees under the Crown Lands Alienation Act of 1868 would be if the Bill became law; and he stated then that the Bill would not in any way affect those lessees, because there was no special provision in it in any way affecting them, and there was no provision in it at all for the resumption of lands at present under lease. In order, however, to place the matter beyond doubt, and that every honorable member should feel satisfied, he had framed an amendment, which, if no honorable member had another amendment to come before it in the clause, he should move as an addition at the end of the clause. There might possibly be a certain amount of ambiguity, if the clause ended as printed. He proposed to add, at the end of the proviso in the clause, the following words :—

"Or the leases thereof or other existing title shall become determined."

The question for the addition of the words was put and agreed to.

Clause 10—Commissioners and land agents to be appointed.

The Hon. A. H. BROWN, with reference to the appointment of those officers, considered that the powers with which it was intended to clothe them were very large, and greater than those held by a judge of the Supreme Court. He spoke from personal knowledge of some persons who filled the positions provided for by the clause, and they were persons he could not entirely trust with the administration of important affairs. They were not eligible men, such as the Minister for Lands would appoint, and had not been selected for the duties devolving on them. He named especially the Commissioner for Mulgrave, who was Sub-collector of Customs and Police Magistrate at Bundaberg, and charged with other duties; and who protested against the duties connected with the land being thrust upon him, because of his inability to perform them; and this was the opinion of the people there. It was very desirable that the selectors and the public should feel confidence in the administration of the lands; and it was of the greatest importance that the persons authorised to act should have the confidence of the Government. One fit man could well be entrusted with the duties of two or three districts which he could visit periodically, and officers who had other duties to perform would be relieved from duties for which they were not qualified. He asked for an assurance from the Postmaster-General that properly qualified persons would be appointed as commissioners and land agents under the Bill.

The POSTMASTER-GENERAL concurred thoroughly in the remarks of the Honorable Mr. Brown. It was highly desirable that the Government should have confidence in the officers they appointed. By whatever name called, it was necessary that some officers should be charged with the administration of the law as proposed by the Bill. It was impossible that the Minister in Brisbane could have personal knowledge of everything that took place throughout the country in connection with the lands. The officers could be appointed in two ways, by the Governor in Council, or by Parliament. He did not think it would be consistent with constitutional Government, or any Government, that the Executive should delegate to either House the responsibility which was properly on them. The Government would perform their duty; and he took it, that no Government amenable to popular opinion would attempt to appoint officers in whom the public had not confidence; so that the objects desired by the honorable gentleman would be attained. When the twelfth clause came on for consideration, the matter to which the honorable gentleman referred could be more appropriately discussed; but he should refer to it at once. As the Bill was originally framed, it did not provide that the Commissioner's decision should be final as regarded certificates of performance of conditions; but that they, like other matters under the Bill, should first receive the sanction of the Minister for Lands. However, an amendment was adopted in another place to that effect, so that practically commissioners' certificates of performance of conditions would be final. That was a question that might be open for consideration. The idea at the bottom of it possibly was, that the Minister might be actuated by political motives, in withholding his sanction, or that occasionally cases would occur that might possibly involve other motives; whereas a fixed officer would be removed from those influences and give a correct decision. It was for the committee to decide whether it would accept this amendment or not. For his own part, he thought the decision of the commissioner should be subject to revision by the Minister. It would certainly obviate the possibility of blunders that might have afterwards to be set right. However, on the main question of the tenth clause, the Government would appoint officers in whom they would have confidence, and in whom the public would have confidence; and the officers would be qualified for the proper performance of their duties.

The clause was agreed to.

Clause 12—Commissioner's decisions.

The POSTMASTER-GENERAL, continuing the remarks he made on this clause when clause ten was under consideration, pointed out that

the proviso was inconsistent with, and diametrically opposed to, clause fifty of the Bill, which said that the commissioner's decision as to fulfilment of conditions should not have effect until after confirmation by the Minister. The proviso to the twelfth clause said, indirectly, that the decision of the commissioner as to performance of conditions, should be final; that no decision of the commissioner, except in the case of certificates of performance should be conclusive without the consent of the Minister.

The Hon. F. T. GREGORY said the reason given for the exception in the proviso, apparently in contradiction of clause fifty, arose from the commissioners having frequently given certificates for fulfilment of conditions, which the Minister of the day refused to confirm by issuing deeds of grants, but required additional certificates. In certain cases, the matter had been referred back to the commissioners two or three times after they had given a certificate that all necessary conditions had been fulfilled. He spoke from personal knowledge, that deeds had been kept back for three years on the pretext that further certificates were required. He did not speak of a solitary case; he had heard many complaints to the same effect. It was proposed by honorable members in another place, that an amendment should be moved to prevent the Minister from interfering with certificates, and he thought that, as embodied in this clause, it was one the committee could endorse.

Agreed to.

Clause 14—Governor may proclaim lands open to selection.

The Hon. F. T. GREGORY pointed out what he called an ambiguity in the clause regarding proclamations of the Governor to open land for selection and to withdraw it from selection. The second paragraph of the clause might be taken to refer to a proclamation to withdraw, though it was obvious that a proclamation to throw open lands was what was intended.

The POSTMASTER-GENERAL did not think that any ambiguity would arise; but as attention had been called to it by one honorable member, it might strike other minds as ambiguous. He moved the insertion of certain words in the clause, so that the second paragraph should read, "every such 'first-mentioned' proclamation," &c.

Amendment agreed to, and clause as amended passed.

Clause 16—Land Agent to keep application book.

The Hon. F. T GREGORY said he should propose an amendment, with a view to making a further amendment in clause seventeen. In order that honorable gentlemen might understand the object of his amendments, he would state that on the seventeenth clause he intended to offer a proposition making all applications lodged during the official day simultaneous, which would necessitate an amendment in the sixteenth clause, to omit "and hour" from the eighteenth and nineteenth lines, and this amendment he formally moved.

The POSTMASTER-GENERAL understood that the honorable member intended to amend the Bill so that all applications lodged at the office on the same day should be treated as if lodged at the same hour;—so that if the land office was open at nine o'clock, and a person then applied to select a piece of land, and another applied for the same piece at two minutes to four o'clock, just before the office closed, both applicants should be treated as if they had applied at the same time. He could fancy that if such a plan was adopted, the way would be open for all sorts of frauds and collusion between the land agent, if he was a corrupt and untrustworthy person, and any speculator or capitalist. He understood that the present system worked well. It was right that the person who was first in point of time should have all the advantage of it. He did not see what difficulty would arise in determining who was present in court when applications were lodged. Persons who displayed by their punctuality an earnest desire to select and purchase a piece of land, should have the benefit thereof. If more persons were present and applied for the same land, they would be in an equal position. Do not offer a premium to remissness. But, above all, do not encourage land-jobbing! That ought to be discouraged by every effort. Let the person who showed an earnest desire to select land, and promptitude in attending at the land office to lodge his application, get the benefit of his promptitude and earnestness. If A B applied for a particular selection, and the land agent happened to have a friend interested in land speculation, and the particular piece of land applied for was very good; from the time that A B, an earnest man, applied in the morning until the close of the land office, there were eight hours in which the land agent could inform his friend, and in which the latter could arrange his application for a valuable piece of land; and, before the office closed, at four o'clock, C D could lodge an application, and stand on equal terms with A B. The man of small means would be deprived of the land he desired, and under improper circumstances. Unless the present system was liable to injustice and to work unfairly, the House should not alter it in favor of a system that it was certain would work unsatisfactorily and possibly do harm. On the grounds stated, he should oppose the amendment.

The Hon. A. H. BROWN coincided in the object of the amendment. It was admitted that the land agent might be a person who would commit fraud. Supposing that the applicant who presented himself at nine o'clock had precedence of one who lodged his application at ten o'clock, it was quite possible for the land agent by his marking

the reception of those applications to serve any improper purpose that he might desire. But there was something more certain to guard against, the unseemly rush that would be made to the land office on its opening, when the weakest would go to the wall, when the strongest would have the first chance; and he thought the House would get rid of that by the amendment proposed. For his own part, he saw a difficulty in carrying out the arrangement proposed in the Bill, and the amendment was very important. He hoped the Postmaster-General would take that view of the question.

The POSTMASTER-GENERAL: To anticipate other objections of a like nature, he might say that the case put by the honorable gentleman who spoke last could not arise. A land agent could not be guilty of improper conduct in the way supposed under the clause as it stood, which gave an absolute right to all persons present at the opening of the court; whether the land agent denied it or not, would not affect the question, as, if he gave an improper decision, he could be compelled to put the land up to competition, so that every applicant present could exercise the right which the Bill gave him. The land agent could not act corruptly in the way put forward by the Honorable Mr. Brown. If the object of the amendment was to prevent a rush, do not give the applicants or intending applicants a whole day; say that all the applications should be lodged within the first hour. The object of the Government was to avoid the possibility of fraud. Honorable members must see, that if other persons were allowed a whole day to lodge their applications for a piece of land which one person had already applied for, there would be collusion in the way he had suggested. An absolute right was given to a selector who applied in time for a piece of land that was applied for by more than himself to have the land put up to auction. If he could prove, either by his own testimony alone or by the corroborative testimony of others, that he was present at the right time, at the opening of the court, and that the land agent gave a wrong decision adverse to him, he could demand that the land for which he had applied should be put up to auction, so that he should exercise his right to bid for it such a price as he could afford. He could appeal to the Government and establish his right to buy the land at auction in the ordinary way.

The Hon. F. T. GREGORY should give the explanation that he had intended to give on clause seventeen. The objection of the Postmaster-General was purely theoretical; whilst his (Mr. Gregory's) amendment was a practical remedy for obvious evils. Referring, for example, to the rush to the tin fields, where he had a large experience, he admitted that it might be desirable that the first come should be first served. Some persons who went there were themselves qualified to select a piece of land without having the leisure or the wish to take advantage of others. Many persons did nothing but watch about the land office; and if they saw a person in whose judgment they had confidence lodge an application, they would lodge one too, for another piece of land, in the hope of getting an allotment also. But that was quite another thing from selecting land under the Bill in an area where land was newly thrown open. Every man had to go on to the area to make his selection. He would not necessarily, if he saw the land, and saw another marking a selection, go for the same lot. The several selectors would go to the land office on the day of the opening of the court; but how was one to interfere with or supplant the other in his application? He (Mr. Gregory) did not care whether two men applied or two hundred. Practically, it had been found that men first availed themselves of the plans, having already determined to become selectors; and then they prepared their applications. When they attended on the court day, the clerk went outside and called over the names of the applicants in attendance, and took down their names; and they then lodged their applications in the order of their names being taken down. A train might arrive, bringing ten, fifteen, or twenty selectors, who, either through accidental circumstances or intentionally, came together; and they might be a party that had no intention to clash with the first body. By the end of an hour another party might come, that would be kept waiting while the commissioner or land agent was disposing of the previous arrivals, or even whilst dealing with the first batch of applicants. Who was to tell, of all those people, who came first or last? Nor was it necessary to do so. Again, if it was first come first served, what was to prevent a man taking a couple of stout burly laborers to shoulder other men out of the way and to enable him to get in first, if only by a minute? It was not customary for intending selectors to keep their intentions secret from one another. He could say that at Toowoomba they went to a land agent, a professional man and a surveyor, to fill up their applications, and he knew that agent to have filled up sixty applications following one another. The selectors knew of that; they would either say, "Let it go;" or, "Never mind, we will draw lots for it;" or, "I won't interfere with So-and-so; I'll go elsewhere; fill me up another form;"—so that the thing was arranged before they got to the land office. When the applicants got to the office, they just signed the register and paid their money; as the diagram was not put in then, but subsequently. Nothing was probably done with the applications until next day, if there was a crush, and it generally took the commissioner several days to digest the whole. He (Mr. Gregory) knew of one case, in which nine applications overlapped. Drawing lots, he thought, originated with himself; but long before he left office,

he saw that it did not answer, and he communicated with the Government, recommending auction. He might tell honorable members that in suggesting the amendment and talking it over with one of the largest land agents in the country, he agreed that it would be found to answer. He could say that it worked beneficially in another colony where he had the charge of one branch of the Lands Department: applications lodged from ten to three o'clock, the official day, were treated simultaneously. The possibility of lodging fradulent applications was guarded against; even though persons came round to the back of the office and thrust their applications through the windows into the hands of the junior clerks, so anxious were they to lodge them.

The POSTMASTER-GENERAL: The last argument was conclusive that there should be no change. It showed what anxiety might be displayed to get applications in after the proper time had elapsed, and that the House could not be too careful in drawing a hard-and-fast line. With regard to the statement that his objection was a purely theoretical one, since he spoke last, he had received information that it was a practical one; for it was known in the Lands Department that where one person had lodged an application for a selection, another lodged a second application for it solely for the purpose of compelling the first applicant to buy him off. The only argument in favor of the amendment was, that a crush would be avoided by giving a day for the reception of applications. As he said before, if that was the only objection to the clause, it could be met by fixing a limited time for receiving applications.

The Hon. F. T. GREGORY contended that it was a perfect fallacy to suppose that to give the whole day for lodging applications would be of any advantage to one person over another, as information of prior applications lodged could not be got at the land office. He should not have moved the amendment, and he would not press it, if he thought it gave the smallest chance to the man of better means to supplant the poor man.

The Hon. H. G. SIMPSON said if the Postmaster-General adhered to the suggestion thrown out by him that all applications should be treated alike for one hour, or two hours, it would guard entirely against the rush which his honorable friend, Mr. Gregory, said took place. There would then be no necessity for the two stout laborers to assist to get a person into the land office in time. It would guard against collusion amongst parties inside and outside, and it would provide for the selectors who might come by train. He had himself seen the difficulty of the rush at the opening of the land court.

The Hon. F. T. GREGORY: The immediate moment at which one hour ended and another began was really a mathematical point of time.

The Hon. H. G. SIMPSON: The office clock settled the opening and closing of official business.

The Hon. J. C. HEUSSLER had no experience in this colony, but he had seen in the old country applications for loans, when the people assembled and waited all night for the opening of the office in the morning. In a business point of view, it was first come first served, and he thought the House should adhere to that rule. It struck him that leaving the whole day open for applications might be a great benefit to some; but it might prevent many applicants from getting any land at all. If a man knew at once that he could not get a certain selection after a certain hour, he might apply for another, which he would not do if he had hope that his tardy application for the first selection gave him a chance of getting what he desired with a large number of other applicants. It appeared to him (Mr. Heussler) that the Government might make some arrangement by which applications should be received at certain fixed stages of the day.

The Hon. W. F. LAMBERT: The best way would be for all applications to be under cover; and that for the whole day, the agent should be in his office for the receipt of applications, which should not be opened until the close of the day. When opened, each application must be endorsed with the name of the applicant, the parish or district, and the number of acres proposed to be selected. It would be impossible, then, that a speculator or land-jobber could get any advantage over the *bona fide* selector. Perhaps the Honorable Mr. Gregory would take that matter in hand.

The Hon. F. T. GREGORY said the suggestion of the last speaker was, no doubt, very good. The Government could make regulations in any form they chose for the receipt of applications.

The Hon. A. H. BROWN suggested that the land agent should simply endorse applications and drop them into a ballot box to be opened by the commissioner next day. He deprecated a crush, and pointed to the Yanko Reserve, in New South Wales, as an illustration of the danger that might result from a crush; the authorities had called out the police on the occasion of throwing the reserve open to selection, having apprehended a struggle or a disturbance amongst the selectors.

The POSTMASTER-GENERAL said these were practical objections to the adoption of the suggestion of the Honorable Mr. Lambert.

The Hon. J. F. MCDOUGALL thought that the mover of the amendment, in spite of his practical experience of matters connected with the land, looked at the question too much from the commissioner's point of view. With all his experience, neither he nor any commissioner could cite a case in which any man had failed to get his application in within

the required time; so his honorable friend had best withdraw his amendment. The present plan was better than to fix even one hour as the period for receiving applications that were to be considered as simultaneous.

The Hon. F. T. GREGORY: He was in the hands of the House. Having ventilated the subject, he was satisfied.

The Hon. J. C. HEUSSLER: For the sake of the commissioners, it would be a very pleasing thing to see the day and hour certain.

Amendment, by leave, withdrawn.

[The Hon. A. H. BROWN moved an amendment to the effect, that each applicant shall "himself or by his duly constituted attorney" sign his name to the entry in the agent's application book.

Agreed to, and the clause, as amended, was passed.

Clause 17—Selections to be lodged by the applicant personally and shall pay first annual payment and cost of survey.

The POSTMASTER-GENERAL moved verba amendments in the clause, so as to make the first paragraph read as follows:—

"Every person desirous of selecting Crown lands by conditional purchase or as a homestead shall lodge with the land agent for the district an application in the prescribed form and shall himself or by his duly constituted attorney sign the entry of his application in the register of applications."

The Hon. A. H. BROWN asked, what was "the prescribed form?"

The POSTMASTER-GENERAL: "Prescribed by the regulations made under this Act," as in the interpretation clause.

Amendments agreed to.

In answer to the Hon. T. L. MURRAY-PRIOR,

The POSTMASTER-GENERAL pointed out that by the second proviso in the fifth paragraph of the clause, the homestead selector would get priority over the conditional purchaser, should both have applied for the same piece of land at the same time, on the grounds that the homestead selector devoted himself personally to the improvement of the land, and that he required only a small area. The policy of the Bill was that the homestead selector proper was a person who did a great deal of good to the State by taking a small area of land on which he intended to expend his own personal labor, and make a home for his family. It was only where the applications had been lodged simultaneously that preference would be given over the conditional selector to the homestead selector.

The Hon. A. H. BROWN had a very strong objection to the proviso, which placed the conditional selector in the most invidious and unfair position. If the conditional selector applied for 640 acres, and the homestead selector applied for only 40 acres—probably containing the only water, as a contingency—the conditional selector's chance would be ruined.

The POSTMASTER-GENERAL: The two could not be placed in the same position. They were applicants of different classes altogether; and they could not be made to compete at auction. The same conditions did not apply to them both.

The Hon. T. L. MURRAY-PRIOR moved the omission of the following words from the 17th clause:—

"And provided further that any application for any land as a homestead shall have priority over any application for the same land by conditional purchase lodged at the same time."

The POSTMASTER-GENERAL: What would the honorable gentleman do when the two did come together?

The Hon. F. T. GREGORY: There was very great force in the argument advanced against the proviso which gave an exclusive right to the homestead selector; and he failed to see why in every instance priority of right should be given to him over the conditional selector, who was, on the whole, a very much superior man for the country. Fifty conditional selectors would do a greater amount of good to the country than the same number of homestead men. Certain advantages were continued to be provided by legislation for a certain class, and that class must have the preference in every thing. Could it not be provided that the claims of the two selectors should be settled at auction, by each having to make a proportionate advance on the upset price at which land was open to them under the Bill? Suppose the conditional selector advanced from one shilling to two shillings a-year; the homestead selector must advance from sixpence to one shilling. He (Mr. Gregory) should support the amendment.

The POSTMASTER-GENERAL: The conditional selector could take up 5,120 acres, and it would be no material detriment to him if a homestead of 160 acres was out of it. The man who was contented with a small selection, and who fixed himself permanently on the soil, to cultivate it, did more benefit to the country than the large selector, who did not utilise his large area. All advanced statesmen throughout the Australian colonies and throughout the world held that opinion. It was the policy of the existing law of the colony and of the Bill to encourage the man who permanently settled on the soil to cultivate it.

The Hon. H. G. SIMPSON was afraid the argument of the Postmaster-General went too far, as the honorable gentleman assumed that the conditional selector must be a man of capital, and the homestead selector a man with no capital. That, however, was not the case actually in the colony. The conditional purchaser might not want more land than the homestead selector. The advantage given to the latter in the lower price of his land ought to be sufficient for him.

The POSTMASTER-GENERAL: The matter was not worth discussing, because it would seldom or never happen.

The question—That the words proposed to be omitted, be so omitted—was put, and the committee divided :—

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The Honorables L. Hope, J. F. McDougall, T. L. Murray-Prior, F. T. Gregory, A. H. Brown, W. F. Lambert, G. Sandeman, Sir M. C. O'Connell, and H. G. Simpson.

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The Honorables W. Hobbs, E. I. C. Browne, J. C. Heussler, W. Yaldwyn, J. Mullen, and C. S. Mein.

Resolved in the affirmative.

The Hon. A. H. BROWN said, supposing one person applied for 1,000 acres, and another applied for 100, being a corner of the larger area; and the latter got his small selection; what would become of the remainder? He thought that the 900 acres should be given to the applicant who applied for the larger area, and he should offer an amendment to give effect to his opinion. He moved the addition of the following proviso at the end of the clause :—

"Provided that in the case of the land obtained by the successful applicant overlapping in part the area applied for by another applicant and which application was received at the same time such applicant shall be entitled to claim or reject the balance of land left as described by his application."

The POSTMASTER-GENERAL said he believed that the suggestion of his honorable friend was practically carried out in the Lands Department—unless where the remainder was less than one-half of the area originally applied for.

The Hon. F. T. GREGORY did not know where the honorable gentleman gained his information; but so long as the remainder of selection applied for was equivalent to or exceeded the minimum area, it was given to the applicant, or to whomsoever chose to take it.

The POSTMASTER-GENERAL; So it ought to be.

The Hon. A. H. BROWN: Under the circumstances, he should withdraw his amendment.

Amendment, by leave, withdrawn; and clause 17 passed as amended.

Clauses 19 and 20 were amended by the substitution of the word "Government" for "Minister."

Clause 21—No minor or married woman to be a lessee : proviso in case of breach of conditions.

The Hon. W. H. YALDWYN said he must take up the subject on behalf of the rising generation. Still, he saw around him honorable gentlemen who had given hostages to fortune greater than he had given, and he should look to them for support. He moved an amendment for the purpose of reducing the age at which any person could take up land from "eighteen" to "sixteen" years.

The amendment was, by leave, withdrawn subsequently.

The POSTMASTER-GENERAL said the object of the clause was this: The Legislature had to provide against alienation, pending non-fulfilment of conditions. So far so good. The object of the clause was to secure *bonâ fides* on the part of the selector, that he had taken up the land for his own benefit. The selector might make arrangements after he had fulfilled his conditions; but, before that, he should not be in a position to enter into any agreement to alienate his land presently or in future. If he showed his earnestness in taking up the land by fulfilling the conditions, he was allowed to deal with his land; but before that time, any agreement directly or indirectly affecting the land was declared to be illegal and void.

The clause was agreed to.

Clause 22—Payment for improvements.

The Hon. A. H. BROWN and the PRESIDENT suggested the omission of the clause altogether.

The Hon. F. T. GREGORY moved a series of amendments on the last paragraph of the clause, which brought it eventually to this form :—

"In the event of any such improvements having been made by a former pastoral lessee or selector of the same land the value thereof when paid by the selector shall be paid over to such former pastoral lessee or conditional selector."

The Hon. J. F. MCDOUGALL asked the meaning of the words, "any improvements the value of which shall not be payable by law to the former occupier of the land?"

The POSTMASTER-GENERAL said the practical effect of carrying the amendment would be to repeal the proviso of the fourteenth section of the Homestead Areas Act of 1872, which provided that where land was resumed from the pastoral lessee, the lessee should be entitled to the value of improvements on the land, except he had already received his pre-emptive right under the Act of 1868. Honorable members must themselves see that if a pastoral lessee under the Act of 1868 had in respect of certain improvements made his pre-emption, then he was not entitled by law to the value of those improvements when the land was itself resumed; and, therefore, under the clause of the Bill as printed, he could get nothing; but under the amendment proposed by the Honorable Mr. Gregory he would get the value of his improvements twice over—he would get a double right in respect of his improvements. That was not fair; but that would be the effect of the amendment. The lessee would be paid twice over for the same thing.

The Hon. J. F. MCDOUGALL: What about the improvements for which he had not exercised his right—that he was not paid for?

The POSTMASTER-GENERAL: Under the Act of 1872, if a pastoral lessee had not

exercised his pre-emptive right in respect of improvements which might be on his run, he was entitled by law to be paid the value of them. But, in respect of those improvements for which he had already exercised his right, the 14th section said he should not get any further right. It practically said he should not be paid twice over for them. The effect of the amendment would be that the pastoral lessee would get the value of improvements that he was not entitled to.

The Hon. T. L. MURRAY-PRIOR contended that what the Honorable Mr. Gregory asked for was just. The improvements were given, not in exchange; but land was given to cover certain valuable improvements existing at the time. It was a piece of injustice to take away improvements which the lessee could not cover by his pre-emptive.

The Hon. E. I. C. BROWNE wanted to know if the honorable gentleman who moved the amendment read it in the same meaning as that put upon it by the Postmaster-General.

The Hon. F. T. GREGORY: Certainly. It was from first to last a great act of injustice to the pastoral lessees who had improved their leaseholds; who were simply allowed to take —they were not given—land, in consideration of their improvements, and of what they had done to the country. There was a vast difference between giving the land for improvements and allowing them to buy and pay for the land. They were allowed to buy a little more land and pay for it. That was all the consideration they got for their improvements. The Act was one of spoliation. He was rather surprised that the Postmaster-General saw only one part of the clause. It was part of the clause that for the value of the improvements referred to by the honorable gentleman, "the selector shall pay the value of such improvements to the land agent." The pastoral lessee was prevented by the clause from putting in his claim; but he (Mr. Gregory) hoped it would not be construed in that way, but that the lessee would be afforded every opportunity to get the value of his improvements, whether the legal consideration did or did not exist.

The Hon. E. I. C. BROWNE: The moral and legal consideration went together.

The Hon. F. T. GREGORY thought he had already explained that the pastoral lessees were not given any compensation whatever for their improvements; but, in virtue of having benefited by their improvements and increased the carrying capabilities of their runs, they were entitled to buy certain land, for which they paid cash, at the full market value. Consequently they never did receive anything as compensation for their improvements.

The Hon. G. SANDEMAN remembered very well the discussion that took place, exactly as the Honorable Mr. Gregory put it, upon the injustice of not allowing compensation for improvements. The only allowance made was the privilege of purchasing a certain amount of land under pre-emptive right, at so much an acre.

The Hon. H. G. SIMPSON: Did the expression "not payable by law," include anything more than improvements covered by law?

The POSTMASTER-GENERAL: It would be well that honorable members clearly understood the question. He had no antagonism to the pastoral tenants, who had done a great deal of good to the country. Under the Crown Lands Alienation Act of 1868, it was provided that the pastoral lessees might, previous to the expiration of twelve months, in reference to a contemplated resumption of lands, make freehold selections at ten shillings an acre. What for? To secure their homesteads and improvements, in lieu of compensation therefor; that was to say, they were entitled to take, without competition, selections wherever they chose on their runs for the purpose of securing their homesteads and improvements, to carry on their business. In doing so they debarred themselves from compensation for their improvements; and they clearly understood what they were doing at the time. After that, they were not legally entitled to any payment in respect of improvements. Then came the Act of 1872, which provided that if the lessees made any improvements after that time, and the land was resumed, they should be paid the full value of such improvements. The Bill did not propose to affect that. But if there were any improvements on the land in respect to which the pastoral lessee had availed himself of his pre-emption, although he had not taken the land where the particular improvements were, he had exercised the privilege that the law gave him in lieu of compensation. The Government had already paid him, and the House should not pay him again. The effect of the amendment was to disregard the compact which was made under the Act of 1868; and to pay the squatter for improvements, although he had deliberately exercised his pre-emptive right in lieu of compensation for those improvements. If the committee liked to adopt the amendment, well and good.

The Hon. T. L. MURRAY-PRIOR: The Postmaster-General did not enter into the merits of the case. What the honorable gentleman said was true, that a certain pre-emptive was allowed to secure improvements when parting with one portion of their runs. The object was to induce persons to improve their land. If the improvements happened to be within the four square miles of the selection taken up under that pre-emptive, they were secured, and in such a case the lessee had all his improvements. But it might happen that some of them could not be included in the selection. There might be a fence running for ten miles away from his selection, and he could not secure that at all, though it represented money expended, and

the Government paid him nothing for it. If the lessee selected afterwards, and there was on the land a fence which he had erected with his own money, the Government actually charged him for it, and pocketed the money. Again, if any other conditional purchaser selected the land, he paid the value of the fence, not to the lessee who had erected it, but to the Government, who pocketed the money. The Government had done nothing to get those fences, and that was totally unjust.

The Hon. F. T. GREGORY: When the squatters passed the Act of 1868, it was on the understanding, or in the belief, that they were to get their pre-emptions for nothing but the improvements they had made on the land, and that they were to be paid for them in land. When the Act came into operation, he recollected being called upon by the Minister of the day to draw up for him a code of regulations, and amongst other things he made a synopsis of the Act, showing what would be the effect of its various provisions. As the land had been granted to the lessees in compensation for the value of their improvements, it was quite clear they were to get the land for nothing. But when he submitted that to the Minister, the honorable gentleman was quite taken aback. They were to get the land, and that was the consideration. While the discussion was going on in Parliament, many members told him (Mr. Gregory) that that was their impression. He had followed it up very closely, and assisted members in making and drawing up various amendments. The Minister submitted the matter to his colleagues, and it was decided that the Government should pay. But they never did pay; the lessees never did get compensation. The only attempt to give them an equivalent, was the concession that they might hold more land under the Act than their neighbors. With regard to the statement that the pre-emption covered all their improvements, how could they, when there was a reservoir here and a dam there, and thirty, forty, or fifty miles of fencing somewhere else? How could the lessees select their improvements, when they were restricted to the size and dimensions of the block of land they could take up. Taking the average, the lessees did not select twenty per cent. of their improvements. It was a very great hardship, as many of them had enhanced the carrying capabilities of their runs by their improvements. In many instances, where there was not a drop of water for years, the lessees had dammed up the creeks and sunk large holes for accumulating water, and insured a permanent supply; in fact, enabled the conditional selector to occupy the land, which he could not have taken up otherwise.

The Hon. J. F. MCDOUGALL: As the clause stood, it was quite clear that the proceeds of the improvements went into the pockets of the Government. He asked the House whether it considered the Government or the pastoral lessees, who made the improvements, were entitled to them?

The question was put, and the amendment was carried; and the clause as amended was agreed to.

Clause 23—Areas for conditional selections.

The Hon. L. HOPE said he thought the clause was a great injustice to one class of conditional purchasers under the Act of 1868. The holders of pastoral leases, half of whose runs had been resumed, gave up their land for what was represented as a valuable position under that Act, and they were very shabbily treated. The clause proposed to reduce the area of selection from 10,000 to 5,000 acres, and that the maximum holding of any conditional purchaser should not exceed the number of acres laid down by the Bill. He should move the addition of the following proviso to the clause:—

"Provided that nothing herein contained shall apply to conditional purchasers the value of whose lands were resumed under '*The Crown Lands Alienation Act of* 1868.'"

The PRESIDENT: Before that amendment was put, he had one to move in the preceding part of the clause. The clause limited the area to be selected by a conditional purchaser to a maximum of 5,120 acres. He could not see that whilst the law contemplated the substitution of one grazier for another, so small an area should be the limit of occupation. He had no doubt whatever that the Bill and similar measures preceding it were violations of the original contract between the occupant of Crown lands outside the surveyed boundaries and the Crown. The original contract between those who occupied the land unsurveyed, because the Survey Department was not able to keep up with occupation, was that when the lands should be surveyed and when proper boundaries, such as could be substantiated in law, were established, the holders of the lands should have the means of obtaining freehold tenures of their lands. He had, he thought, in his possession a document which, when necessary, he could show, and which would prove what he stated to be the fact, and an incontrovertible one. The power given to the Legislature was a qualified power by the Constitution Act, enabling the Legislature to deal with the Crown lands so far as it should not interfere with any understanding previously existing between the Crown and the occupiers of the lands. There could be no greater tyranny exercised on the part of any Government than that of interfering with the occupier of land who had expended a great portion of his capital—who had expended a great portion of his life—who had passed years, in his endeavors to improve his location. It seemed to him (the President) that the clause now under consideration was one which attacked very materially and very unjustly the right of the subject to exercise his opinion as to what quantity of land he

would choose to carry out his business upon —in this country, which a British subject entered under his birthright. Therefore, he should propose that the maximum area to be held by one selector should be increased from 5,120 acres to 10,240 acres.

The POSTMASTER-GENERAL said, as he foresaw that there would likely be considerable discussion on the clause, and as it was not desirable to wear out honorable members, if it was the wish of the committee, he should move the Chairman out of the chair.

The Hon. L. HOPE: As honorable gentlemen did not understand the object of his amendment, and as the President's came first, he should withdraw it.

Amendment, by leave, withdrawn.

On motion put and passed, the House resumed, and the Chairman reported progress, and obtained leave for the committee to sit again.