Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 14 OCTOBER 1880

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LEGISLATIVE ASSEMBLY.

Thursday, 14 *October*, 1880.

German Lutheran Church Land Sales Bill—second reading.—Contractors Debts Bill—second reading.—Motion for Adjournment.—National Association Land Sales Bill—committee.—Bathurst Burr.—Marriage with Deceased Wife's Sister.—Improvements on Selections Bill—second reading.—Motion for Adjournment.—Retiring Allowances to District Court Judges.—The late Mr. W. Todd.

The SPEAKER took the chair at half-past 3 o'clock.

GERMAN LUTHERAN CHURCH LAND SALES BILL—SECOND READING.

Mr. GROOM, in asking the House to consent to the second reading of this Bill, said that it

would not be necessary for him to make many observations. It was one of those cases—one of many, in fact—which had arisen in the town of Toowoomba, arising in the altered circumstances of the town as it was originally laid out by the Government of New South Wales. There was another case of a similar kind that was likely to come before the House next session. The facts relating to the present Bill were briefly these :—Two acres of land were granted to the German Lutherans in a position of the town which was then considered to be one of the leading thoroughfares ; but, owing to the railway taking the course it did over the Main Range, this piece of land was now quite out of the way, and the German community had been obliged—and, indeed, all the religious denominations of Toowoomba, except one, had been obliged—to purchase a piece of land in a more central locality. The German Lutherans had done this, and erected a building which cost £2,000, and they were in debt £500. They were anxious to erect by the side of their building a residence for their minister, and the object of the Bill was to enable the trustees to sell the piece of ground he had referred to and devote the proceeds to the building of a church and parsonage in a more convenient situation. The matter had been under the consideration of a select committee of the House, who had heard the evidence of the clergyman of the church, and the treasurer, who was one of the chief members of the church, and who had both concurred in the object of the Bill. He might also state that the matter had the full concurrence of the Rev. Mr. Schirmeister, who occupied the position of chief pastor of the German Lutheran Church in this colony. He had no right to that title, but being the oldest minister it was given him, and they generally acted upon his advice. This gentleman had given his concurrence to the sale of this land. It was not necessary to enter further into particulars, and he would now move the second reading of the Bill.

Question put and passed, and the committal of the Bill made an Order of the Day for Thursday next.

CONTRACTORS' DEBTS BILL—SECOND READING.

Mr. GROOM said that, in moving the second reading of a Bill for better securing the payment of debts due to workmen, as he had explained on a previous occasion, he sought to deal with a difficulty which presented itself not only in this but other colonies, and to enable workmen employed upon work on which a lien could not be acquired, and for which their employer had failed to pay them, to obtain payment from moneys due to their employer for the work done, and his object was to protect workmen in the employ of private as well as public contractors. He had given a good deal of consideration to the forcible remarks which fell from the Premier when he asked permission to introduce the Bill, and especially to the hon. gentleman's suggestion that the Bill should be made of a comprehensive character, and should have embodied in it clauses which would successfully attack the truck system, as carried out on the railway works ; but, on consultation with legal members sitting on each side of the House, he had ascertained that to introduce this clause would jeopardise the passing of the Bill this session. It was the opinion of many experienced members that the truck system should be dealt with by a separate Bill. He had consequently yielded to the advice he had received upon this point, and must now ask the House to consent to the second reading of the Bill in the form in which it stood. If the second reading was passed and the Bill got into committee, and if hon. members insisted upon the truck system being embodied in the Bill, he should bow to the decision ; but some of the legal members had advised him that it would be unwise to introduce it at present. Another objection had been indicated to him privately, viz., that it would be injurious at the present time to pass the Bill, because the Commissioner for Railways had entered into certain contracts, and that there was a clause in them which secured to the workmen twenty-four days' wages. One of the gentlemen interested in contracts had told him they were responsible for twenty-four days, and the impression existed that by the passing of this Bill suddenly the position of the contractor in relation to the sub-contractors would be affected. But in order to obviate this difficulty he had done precisely what had been done in New South Wales, and provided that the Bill should not come into operation until six months after it became law. That would sufficiently protect the interests of the contractors. He had not the remotest idea of injuring the business of any of the contractors or sub-contractors ; his sole object in introducing the Bill being to clearly define how the wages of workmen should be secured. Instances were numerous in various parts of the colony where the want of such a measure was clearly proved. He might illustrate it in this way : A took a contract, say for £10,000, and it was divided into different portions, such as stone work, masonry work, and timber work. A sub-let the contracts to B, C, and D, who employed workmen to carry out the work. B, C, and D, however, had undertaken the work at a price which would not pay, and someone had to suffer—either the parties who supplied the material or the men who did the work. So far as his observations had gone the parties who suffered most had been the unfortunate workmen, who had to accept either no wages at all or something like 5s. in the £. It might be said that these men might sue under the Masters and Servants Act, or might sue their employer in the petty debts court, and get a judgment ; but it too often happened that when this was done the man found that the person whom he sued had no effects or had gone into the insolvency court. Very often the principal contractor had money in hand belonging to the contract, but the man was unable to get an order from the courts to attach it. In this Bill, supposing a number of men got a judgment for the recovery of wages from a sub-contractor, they could get an order from the court to attach any money which the chief contractor had in hand. This was a very desirable provision. When he introduced the Bill before he mentioned a case that would bear repetition now—that of two men who were engaged in a contract under the Crown for the removal of telegraph wires and insulators and the erection of new ones. The men were not paid, but at the time he spoke of the Postmaster-General had £170 belonging to the two contractors. They quarrelled among themselves—one man had nothing and the other still less ; they were sued in the petty debts court and judgment was given. The bailiffs went to their houses and found that the men had nothing. If this Bill had been in operation they could have got an order from the police magistrate, and the wages might have been secured out of the money in the possession of the Postmaster-General. This was a case which actually occurred, and it showed how necessary it was to take steps of this kind to protect workmen. In New South Wales, according to the speech of Mr. W. H. Suttor, in introducing a Bill of a similar kind, there were numerous instances, perhaps twenty or thirty, in one sub-contract on the line where 150 workmen were defrauded out of three months' wages ; and it was because of such circumstances that the hon. member in New South Wales was induced to ask the Legis-

lature there to pass an Act which, he might mention in passing, met the case, but was not so clear to the comprehension of magistrates as the one now before the House. At the instance of the House in New South Wales, Mr. Suttor, when he first introduced this Bill, made it simply to apply to contracts entered into by the Government; but the House thought that it ought to extend over a much wider range, and instances were mentioned by members to show that in private contracts as well as in public contracts these grievances existed. He (Mr. Groom) had accordingly framed his Bill to meet both sets of cases. He had paid considerable attention to the observations of the Premier, and had made inquiries from persons engaged on the different lines with regard to the truck system; and although he found there had been instances where the truck system existed, he was bound to add that some of the contractors did not discountenance the system. There were contractors on the Queensland lines who, he was happy to say, would have nothing whatever to do with the truck system in any shape or form. There might be sub-contractors who got shanties, and compelled the men to drink a miserable stuff called grog and to take stores; but from the information he had received, he was able to say that the instances were not numerous, and he did not believe the system extended sufficiently to cause alarm. There would be large contracts entered into by-and-bye for the transcontinental and branch lines, and it might be that the principal contractor would let to sub-contractors, and the truck system might be extensively practised. It was therefore advisable that there should be a statute to prevent it, but, as he had said, he had been advised that it would be unwise to introduce it in the present Bill. It was, however, for the House to consider whether a clause should be introduced or whether the subject should be dealt with by a separate Bill. If he consented to the amendment suggested by the Premier he would virtually have to re-draft the Bill; and that was why he now asked the House to accept it in its present form. He believed the Minister for Works and other hon. members were of opinion that a measure of this kind was absolutely desirable. It had nothing to do with party politics, but, as hon. members would see, was simply for the protection of workmen, and to enable them to secure their wages. With these observations he moved that the Bill be now read a second time.

Mr. AMHURST said he was certain the hon. member had acted with the best intentions in introducing this Bill, and was firmly convinced that it would meet certain cases of hardship; but the hon. member must be well aware that working men, as a rule, knew very well how to take care of themselves, and were perfectly aware when masters were good and when they were bad. No proof had been given that hardships existed to an extent which warranted special legislation of this kind. He (Mr. Amhurst) did not believe that it was at all required. There might be cases in which working men were taken in, as everybody else was, at some time or other; but that was no reason why an Act of Parliament should be passed to protect men who were very well able to protect themselves. If this Bill were passed they would be making so much law that people would be prevented from entering into contracts altogether. There would be nothing but lawsuits, and he was almost inclined, until he saw how foolish the Bill was, to think that it had been got up by lawyers. He objected to the Bill, believing it would do no good either to the contractor or workman. He doubted whether the hon. member believed in it himself, and if he imagined that it would increase his popularity he was greatly mistaken. It was the most fallacious Bill he had ever seen; indeed, it was a fraud.

The PREMIER (Mr. McIlwraith) said he understood the principle or foundation of the Bill to be that a workman should have security for the payment of his wages for a certain time back for work he had actually done, and the principle was no doubt correct. Working men ought to have security on the work in which they had been engaged, and he did not think any hardship would be suffered by the contractor, or what was called in the Bill "the principal employer," by the principle embodied in the Bill. In working out the details, however, there were some clauses that would require alteration. Take clause 3, for instance, in which workmen sueing a contractor might obtain a certificate in respect of sixty days' wages. Fourteen days in his (Mr. McIlwraith's) opinion was the greatest amount that should be allowed. All workmen should be paid every fortnight, and if they were paid within that limit there ought to be no remedy by law. The workmen should insist upon being paid at least every fortnight. Upon the railway works in England and elsewhere they were paid every week; but once a fortnight was long enough even for this colony. Owing to the particular position of the Works Office, the workmen at present were paid once a month; but that was a course which should be remedied, because the longer the interval between the payments the greater was the liability to the operation of the truck system. He did not agree with the hon. member who introduced the Bill, or with the legal advisers whose opinion he had taken, that a remedy for the truck system should not be introduced into the measure; because that system was intimately connected with the subject, as the very title of the Bill indicated. If in a court of law a storekeeper's bill was not allowed to be put as an offset against the wages of railway workmen, the truck system would be very soon at an end. That was the proper remedy, and if the hon. member would turn his attention to the matter he would find that he could, by a very few words introduced into clause 3, make a remedy. It was a very important part of the question, and certainly should not be omitted from the Bill. His (the Premier's) principal objection was to the proviso in clause 3, because it would give the workman an unjustifiable amount of power to claim security of the work in which he was employed for sixty days. If he could sue for his wages for fourteen days, he got all the advantages he was entitled to. However, when the Bill got into committee he hoped it would be amended in the direction he had indicated.

Mr. BEATTIE said he thoroughly agreed with the Bill, and would agree with it still further if the amendment proposed by the Premier were inserted; but there was one thing he could not agree with—namely, the common system of tendering in this colony. He should like to see some such plan as was adopted in Scotland, where, in the case of contracts for buildings, every individual tradesman tendered for the particular work which concerned him. In this colony the system was that a tender was accepted for the whole of the work, and consequently the bricklayer or stonemason was very often a loser. Bricklayers, more especially, he had heard it complained for many years, were the first at a job and the last to be paid. There were men here who had entered into contracts with the Government on a most pernicious system. When they got the certificate from the architect, or surveyor, or whoever was superintending the work, they were in the habit of paying the people who supplied them

with the material with promissory notes, making them payable just a day or two after they knew they would get the money from the Government; and then they walked off to New South Wales, or became insolvent. This had been done again and again. If the Government themselves set the example by inviting tenders from the different kinds of tradesmen employed in public works an alteration would soon be effected. The change might cause a little more work for the Colonial Architect, but it would be the means of preventing people from taking contracts which they never intended to complete.

The MINISTER FOR LANDS (Mr. Perkins) said he would preface his remarks by saying that he had been an employer of labour to a considerable extent since 1858, sometimes a large employer, and he could see no necessity whatever for the Bill. It was quite true that frauds and impositions had been perpetrated and workmen cheated out of their wages, but the same thing occurred in every branch of industry. He had never yet met with working men occupying the position of artisans who wished their wages to remain unpaid for more than a fortnight, and he had never expected them to wait longer. Knowing that they would want to be paid he had never undertaken any work if he could not discharge his liabilities within that time. There were, he knew, a number of persons going about the world saying that they had made a well or sunk a shaft or driven a tunnel and had not been paid for 6, 8, 10, or even 12 months; but he had never found any of those men to do business with him—they always wanted to be paid. There were contractors and contractors; there were a set of people not peculiar to this colony who were determined at all hazards to have a contract. If they were not qualified themselves, they by some contrivance—oiling down or an untruthful story—got someone to share the responsibility with them, managed to secure the contract, and after the first or second payment skedaddled out of the way. The hon. member who introduced the motion had dwelt upon the calamities that had overtaken sub-contractors, and invited the House to take it for granted that great frauds had been perpetrated weekly owing to the sub-letting and re-letting of contracts; but he (Mr. Perkins) denied that *in toto*. He knew that the majority of those men were men of honour, who would not enter into a contract without intending to carry it out—even, if necessary, at a loss to themselves; and he had no sympathy with men who took a Government contract merely for the sake of having a contract, and who wanted to be let off or who scamped the work. The hon. member had gone to New South Wales to find excuses for the Bill, and had stated that the Hon. Mr. Suttor said he knew of twenty or thirty cases; but why did not the hon. member say what had taken place at Toowoomba—an illustration from there would be more forcible and homely, as he understood the hon. member's experience of public works was limited to that locality? A good many contracts had been let there, but he did not know of a single instance in which the workmen had been cheated. There were men who were not contractors—who cheated workmen and repudiated bargains by all sorts of shifts and contrivances; but the contractors in most parts of the colony were, as a body, honourable men who carried out their engagements to the letter, both to the party from whom they took the contract and to the workmen they employed. This Bill was only a cheap means of popularity-hunting. The working man knew perfectly well the character of the contractor or sub-contractor, and did not require to wait sixty days to find out what his intentions were. He knew from his own experience that any workman who let his wages remain in arrears more than fourteen days did not deserve to recover them; and the idea of sixty days was out of the question altogether. Perhaps it might be inconvenient on Government works, on account of the necessity for making payments in coin of the realm, to pay every fourteen days, but at most the amount of wages that might be recovered should be four weeks. No doubt on the Northern and Central line a few cases of sub-contractors levanting might have occurred, but similar cases occurred in every branch of industry, and they ought to teach the workmen a lesson they would recollect. When contractors knew that their character was at stake, they would take care to sub-let to men who had the means of carrying out their engagements. This was an attempt at over-legislation, and, if successful, it would surround respectable and honourable men with so many conditions and responsibilities in connection with sub-contractors that the expenses of carrying out contracts would be considerably increased. As to the recommendation of the hon. member (Mr. Beattie), that one part of a contract should be let to a carpenter, another to a plumber, another to a stonecutter, and so on, he should like to know how many overseers and clerks of works would be required under such a system? That would not work at all. There was no necessity for the Bill, and he should vote against it.

Mr. McLEAN said from the remarks of the hon. gentleman (Mr. Perkins) one would naturally conclude that the Bill was to apply only to Toowoomba, because the hon. gentleman asked the hon. member (Mr. Groom) to point out one case in Toowoomba where men had been defrauded out of their wages. The hon. gentleman had made one of the best possible speeches in favour of the second reading of the Bill, because if, as the hon. gentleman said, there were sub-contractors who were in the habit of cheating workmen out of their wages, that in itself showed the necessity for some such legislation. He believed such a Bill was very much wanted and would not be over-legislation. Men who had been cheated out of their wages on the Southern and the Central railways had come to him for advice. In one case a man had been cheated out of eighteen weeks' wages by some sub-contractor——

The MINISTER FOR LANDS: Serve him right.

Mr. McLEAN said that in another case where the applicant had been cheated out of a very large amount in the same way he had brought the matter under the notice of the Government, but they were powerless to obtain redress. Instead of the hon. gentleman (Mr. Perkins) throwing cold water on this attempt, he should assist in carrying such a Bill through the House. It was not necessary to look to New South Wales for illustrations; there were plenty in the colony, both among Government contractors and contractors for private works. Many of them were in the habit of taking contracts too low; he knew of one case in Brisbane where a contractor carried on his contract for a time and then cleared out, leaving his workmen without their wages. Nearly every hon. member knew of similar cases, and the sooner some legislation dealing with the subject took place the better it would be for the interests of both workmen, contractors, and sub-contractors. Contractors would then frame their tenders so that they could not lose, and competition, without being lessened would be made more honest. He should support the second reading.

The MINISTER FOR LANDS, with the permission of the House, explained that he did not intend by his remarks to convey the impression that the Bill would apply to Toowoomba alone. He had only pointed out that the hon. member's (Mr. Groom's) experience of public works was confined to Toowoomba.

Mr. BAILEY said if anything would have induced him to vote for the Bill it was an observation made by the Minister for Lands. When the hon. member (Mr. McLean) mentioned that a number of men had been cheated out of their wages through the default of sub-contractors on Government works, the Minister for Lands ejaculated, "Serve them right."

The MINISTER FOR LANDS: Hear, hear.

Mr. BAILEY said he maintained that a man who had done a fair day's work deserved a fair day's wage; and if any legislation could be introduced to enable such men to recover their fair wages he should vote for it. The hon. gentleman might therefore thank that observation of his for the vote which he (Mr. Bailey) should give.

The MINISTER FOR LANDS said his remark referred to the case of men who allowed a contractor or anyone else to owe him eighteen weeks' wages. With such a man he had no sympathy, and it was with regard to such a man he used the expression "Served him right." The man should have been paid every fortnight, or at least every month.

The MINISTER FOR WORKS (Mr. Macrossan) said he could not allow some of the sweeping observations which had been made to pass without notice. It had been stated that a large amount of cheating took place on the different Government railways, and the hon. member for Logan said that in such cases the Government were powerless. The fact was that in every case in which workmen had been able to prove that money was due to them it had been obtained for them, on application being made. There was a clause in all railway contracts which prevented a contractor from sub-letting without the written permission of the Minister for Works, and if he disregarded that condition he became liable for all debts which the sub-contractor contracted in carrying out the work. The only case in which workmen had been unable to recover wages was one in which a few men had been employed to get sleepers on the Central line, and they did not get their wages because he (Mr. Macrossan) could not find out for certain whether the men got the sleepers or not. In every other case he had compelled the chief contractor to pay the sub-contractor's debts.

Mr. McLEAN said the cases he referred to occurred long before the hon. gentleman came into office. A man got a judgment at Rockhampton against a sub-contractor, but the latter cleared out without paying.

The MINISTER FOR WORKS said the same condition was in all contracts at that time, and the Minister had power to enforce the payment of wages. No doubt the men referred to were defrauded simply because, not being aware of the condition, they did not make application to the then Minister who had power to compel the contractor to pay.

The HON. S. W. GRIFFITH: Had he not permission to sub-let?

The MINISTER FOR WORKS said no one had permission. It was simply because men thought the Government were powerless that they did not make application to the proper quarter, and, therefore, he desired to correct the hon. member. There were many dishonest sub-contractors, and the enforcing of that condition made contractors-in-chief take care to whom they sub-let their contracts, knowing they were responsible for debts incurred. He believed in the principle of the Bill, and should support it. The period of sixty days appeared to be far too long, however; men should get their wages at least once a-month, and if they allowed that time to pass they should be to some extent responsible.

Mr. GRIFFITH said he did not consider that the powers of the Government under contracts with railway contractors were by any means sufficient to prevent the injustice often done to workmen under the present system. But if, as he understood, the Government were enforcing their power of making a contractor pay a sub-contractor's debts after the contractor had paid the sub-contractor, they might be doing a great injustice to one man in order to remedy an injustice done to another.

The MINISTER FOR WORKS: It is done, and I will do it always.

Mr. GRIFFITH said it seemed to him to be rather unfair to make a man pay twice over. It might be according to the terms of the contract, but it seemed to be rather hard lines. He should not like to have to pay a debt twice over because the Minister for Works said he should. No doubt the Minister for Works had a great power over railway contractors, and it might not be worth their while to resist his *fiat;* but it did not seem to be a sufficient answer to the complaint that workmen had been defrauded, to say that he could and would exercise his arbitrary power at the expense of doing another injustice. It was not only under Government railway contracts that these things took place. The construction of enormous works by private enterprise in the colony was contemplated, and sub-contractors would be engaged on that work who would be not much better than other sub-contractors. He had known instances on other than Government works, during the last two or three years, where men had been shamefully defrauded, and had been obliged to accept a dividend of a few shillings in the pound. Monstrous cases of injustice had occurred. A contractor might make sub-contracts for the supply of material and labour, and after getting his money on the certificate of the engineer might spend it in some other way and leave the sub-contractor with a dividend or nothing. This was a crying evil both here and in New South Wales; and he could see no reason why it should not be remedied. When the motion was made in committee to affirm the desirability of introducing this Bill, he understood the Government to agree that some effort ought to be made to remedy such evils. He did not understand the opposition now made to the Bill. He could see that it might be inconvenient for large employers to have to pay a number of small sums, but no one could wish that a contractor should receive payment for the produce of a man's work and that the workman should go unpaid. He knew that the Bill was very much wanted, and he most sincerely hoped that it would be passed in its present or some analogous shape.

Question put and passed.

The Bill was read a second time, and the committal was made an Order of the Day for Thursday next.

MOTION FOR ADJOURNMENT.

Mr. SIMPSON said he moved the adjournment of the House in order to read two telegrams which had been placed in his hands since he entered the Chamber. He was sorry that the hon. member for Northern Downs was not pre-

sent; he had told that hon. member that the telegrams he referred to were in his possession and that he intended to read them. The first telegram he should read was signed by Mr. Jessop, whose name was brought so prominently forward by the hon. member (Mr. Thorn) the other day. It was as followed :—

"Please contradict statement made by Thorn and Miles It is false Their statement is made entirely on what is told them by Landy who is interested Neither self nor Skelton saw the papers prior to their coming before the bench I am not an electioneering agent I did not sit to stuff the roll Ask for an inquiry The whole matter hangs on the fact that about four applications for the Northern Downs roll were rejected on account of the residence not being given as within the electorate simply stating Southern and Western Railway Yaldwyn concurring with self and Skelton."

Mr. Jessop had evidently read in *Hansard* the statements that were made, and he flatly denied them. The other telegram, as followed, was from William Jeynes, who was accused of forgeries by Mr. Thorn and Mr. Miles :—

"Please deny charges made by Thorn and Miles against Messrs. Skelton and Jessop They never saw the papers prior to going into court and they are not forgeries."

He could not avoid reading those telegrams as they were from gentlemen against whom such serious charges had been made. He hoped the Colonial Secretary would make the inquiries he had promised. He knew that there was a very considerable amount of enmity between Mr. Landy and the other two magistrates, Messrs. Jessop and Skelton, and that the former had vowed to do everything he could against them. Such statements as were complained of were very unfair and unjust, and some inquiry should first have been made by the members who made them. He gave the telegrams for what they were worth: they flatly denied the charges, and stated that they were false.

Mr. MILES said he was not at all surprised that the individuals referred to should deny the charges which had been made, but he was perfectly satisfied about the matter. He had received the following letter, dated 6th October, from one of the magistrates :—

"The Revision Court sat yesterday. Present: Messrs. Skelton, in the chair, Jessop, and Landy. After an adjournment for lunch a large bundle of applications were handed in by Jeynes."

After some further remark the letter continued—

"I objected to receive them on the ground that application papers should be delivered by the applicant himself, or sent through the post to the clerk of petty sessions. I was overruled; the papers, nearly all of them, were allowed. The majority of them were made out and signed by Jeynes."

That letter was signed by Mr. Landy. It appeared that the whole of the body of the applications was in the same handwriting, and it was generally supposed that they were produced by Jeynes. At all events, Mr. Landy objected, and the other two magistrates overruled him and allowed the names to be placed on the roll. On the following day he requested the police magistrate to allow him to look at those papers, it being a matter which in his opinion ought to be made public. They were produced by the clerk of petty sessions, and on looking over them he came to the conclusion that twelve or fourteen of them were filled up in the same handwriting. The police magistrate gave him every facility for inspecting the papers, and produced the books of the police office containing the name of one of the men written by the man himself, and on comparing the two signatures they were no more alike than chalk was like cheese. He should like to know how the charge could be denied, when it had been pointed out by the police magistrate that all the papers were signed in the same handwriting. On that day the police magistrate was absent at Miles, holding a court. On the following day, the 6th, another revision court was held at Dalby, and the police magistrate was on the bench. Another application was made by the same man to place a number of names on the Northern Downs roll, when the police magistrate, observing that the papers were filled up and signed in the same handwriting, refused to receive them. Perhaps the hon. member for Dalby would deny that? As far as its magistrates were concerned, Dalby was about the most equivocal place in the colony. One of those who sat on the bench on the occasion referred to had been twice removed from the commission of the peace. He was not astonished at their action, for he believed them capable of doing anything. They were all magistrates at Dalby, except the town crier and bellringer. It would have been as well if the hon. member had lighted his pipe with those telegrams. The magistrates were already notorious, without his being compelled to get up and expose them in the House against his wish. The majority of them were dummiers, and the hon. member (Mr. Simpson) was the king of the lot. He regretted that he had been compelled to make the exposure he had done, but they had brought it upon themselves and must put up with it.

Mr. AMHURST said he was amused to hear the hon. member accusing the Dalby magistrates of being dummiers, for when the hon. member was in office he did things which anyone else would have been ashamed of. The hon. member took up large areas of land without paying for them, simply by closing roads. The last thing the hon. member ought to do was to accuse other persons of malpractices.

Mr. GARRICK said he happened to be Minister for Lands when the roads alluded to were closed. There was nothing informal about the transaction, and the hon. member paid a very high price for the land when the roads were closed.

Mr. BAILEY said that if in any part of the colony rolls had been stuffed for political purposes, the magistrates in doing so had degraded themselves by descending to the very lowest class of political agents. The friends of those magistrates should have been silent until the matter had been inquired into. After the promise of the Colonial Secretary—in whose promise both sides had every confidence—that an inquiry should be made into the accusations, the hon. member for Dalby ought not to have read the telegrams of denial, thus bringing on the statement made by the hon. member (Mr. Miles), which on the whole he preferred to believe. It was evident that the senders of the telegrams were prevaricating to a certain extent. When the inquiry was made, he believed such things would be disclosed as would upset a great deal of the "shenanikin" in political matters that had been the fashion on the Darling Downs for some years, and which had for years been a disgrace to it and to those who had lent themselves for electioneering purposes. Other parts of the colony had not yet, he was glad to say, followed the bad example set by some portions of the Darling Downs. He had no doubt the charges would be properly inquired into, and would be content to await the result.

Mr. SIMPSON said he did not believe he had gone out of his way in reading the telegrams. The hon. member for Northern Downs (Mr. Thorn) had made statements which, if borne out by facts, would be very prejudicial to the character of certain residents of Dalby; and those statements were endorsed by the hon.

member for Darling Downs (Mr. Miles). The hon. member (Mr. Thorn) commenced by saying that fifty names had been put on the roll; the hon. member (Mr. Miles) said there were fifteen; and, now, the same hon. member said there were twelve or fourteen. Perhaps in time the number would be reduced to five or six. He (Mr. Simpson) did not profess to know anything about the case; but, as he had said before, he did not think the gentlemen referred to were capable of doing the things imputed to them. It was his duty to give their denial the same publicity that the accusation received. No doubt the inquiry would take place, and if the facts as stated by the hon. members were correct those guilty of such malpractices would suffer—and quite right. He was not defending them, but simply fulfilling what he deemed to be a duty in making public their denial of the accusation. A member had no right to slander anybody he pleased without allowing anyone to give a denial. The hon. member (Mr. Miles) was very grand when he began to talk about dummiers, but he treated the insinuations with the scorn they deserved. He did not intend to retaliate by reminding the hon. member of what he himself had done; but he could not allow gentlemen for whom he had some respect to be slandered in the House without making their denial as public as the charge against them.

Question of adjournment put and negatived.

NATIONAL ASSOCIATION LAND SALES BILL—COMMITTEE.

On the motion of Mr. RUTLEDGE, the House went into Committee to consider this Bill in detail.

The Bill passed through Committee without amendments, and, on the adoption of the report by the House, the third reading was made an Order of the Day for to-morrow.

BATHURST BURR.

On the motion of Mr. GROOM, the House went into Committee to consider the following resolutions :—

1. That it is desirable that a Bill be introduced to provide for the more effectual Destruction of Bathurst Burr, Thistles, and other Noxious Plants.

2. That an Address be presented to the Governor, praying that His Excellency will be pleased to recommend to the House the necessary appropriation for giving effect to such Bill.

Before making a motion on the resolutions, Mr. GROOM moved that the Chairman leave the chair.

The PREMIER said he could not see the wisdom of such a course, for, if adopted, it would nullify the Bill on the subject that was before the House. He was willing to consent to the resolutions passing *pro formâ*, without pledging the Government to the Bill to be introduced.

Mr. KING suggested that the first resolution should commence by affirming, "It is desirable that provision should be made for the more effectual destruction," &c.

The PREMIER said he did not think he could consent to that, for it would imply that he approved of the principle that appropriation was required. He wished it to be distinctly understood that this was to be a mere matter of form to enable a message to be brought down, although he did not admit the principle on which the appropriation was to be made.

Mr. AMHURST thought the difficulty could be best met by allowing the order to lapse and proceeding with No. 6, "Burr Destruction Bill reported: adoption of report."

Mr. GROOM said that when No. 6 came on he intended to move on behalf of his colleague, who was unwell, that it be postponed for a week. The present resolutions would do no harm to that measure.

Mr. GRIFFITH suggested that the resolution should be made to apply especially to that Bill, and should run as follows :—"That an address be presented to the Administrator of the Government, praying that His Excellency will be pleased to recommend to the House the necessary appropriation for giving effect to the Bill to provide for the more effectual destruction of the Bathurst burr."

Mr. GROOM said he would adopt the suggestion.

The HON. J. M. THOMPSON questioned whether, if a Bill had been improperly introduced, it could be afterwards set up by a resolution.

Mr. GRIFFITH said there was no objection to the Bill as originally introduced. It was only in committee that a clause was introduced requiring an appropriation. He submitted, however, that that clause could be taken out upon the motion for the adoption of the report, and re-introduced after a message had been brought down. He quite agreed that if a Bill had been improperly introduced it could not be set up by a subsequent resolution; but that was not the case with the Bill under consideration. The language of the Constitution Act specially provided for the emergency which had arisen. The Act said it should not be lawful for the House to pass a Bill requiring an appropriation unless the appropriation had been recommended by message. He understood those words to mean, however, that the message must precede only the particular resolution pertaining to the appropriation.

The CHAIRMAN said he felt it his duty to state his opinion that if the resolution was intended to apply to the Bill which has already been before the House it would not meet the difficulty, which it seemed to him would still exist when they came to pass the Bill. The 18th clause of the Constitution Act said—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill, for the appropriation of any part of the said Consolidated Revenue Fund, or of any other tax or impost, to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

And the 216th Standing Order said—

"Every Bill not prepared pursuant to the order of leave, or according to the rules and orders of the House, will be ordered to be withdrawn."

Mr. KING said he would point out that the Bill, as originally introduced, did not come within the scope of the clause requiring a recommendation. The necessity for the recommendation had arisen from the introduction of a clause in committee.

The PREMIER: What shape will the message take if not in the shape of a Bill?

Mr. GRIFFITH said it was quite a recent innovation for recommendations from the Crown to come down in the shape of a Bill. The recommendation was for an appropriation to give effect to a Bill.

Mr. MILES urged the hon. member for Toowoomba to postpone the matter until his colleague was present.

Mr. GROOM said his object in asking the House to assent to the resolution in its amended form was to advance the Bill. There could be no harm in passing the resolution.

Mr. AMHURST said he gathered from a telegram which he had received from Mr. Davenport, and which he had handed to the hon. member for Toowoomba, that Mr. Davenport wished the matter to be postponed.

Mr. GROOM said he had received a subsequent telegram, in which he was requested to secure a postponement of the Bill. The telegram, however, said nothing as to the resolution with which he was now proceeding.

Mr. KATES thought the resolution should be proceeded with. The Bill had been before the House for some weeks, and it was very desirable that it should be passed this session.

The PREMIER said he had understood the Chairman to rule that the resolution would not have the desired effect—that was to say, that the passing of this resolution would not justify them in passing the Bill already introduced. If that were the case, the hon. member would do better to commence *de novo* at once, and ask the Committee to pass the resolution in the form in which it appeared upon the paper.

Mr. GRIFFITH said that if proceedings in connection with a second Bill were commenced, four weeks would elapse before it could be taken into committee. If there were anything wrong in the present Bill it would not be cured by commencing *de novo*, but by dropping the obnoxious clause.

The PREMIER said he should like to see the obnoxious clause dropped out altogether. The Chairman's ruling, however, had not yet been dissented from, and from that ruling it would appear that the hon. member for Toowoomba was endangering the Bill in proceeding as he now proposed to do.

Mr. GRIFFITH said the Bill had been properly introduced, and would not be endangered. The only mistake was the introduction of the obnoxious clause, and that mistake could be remedied when the House next went into committee. That having been done, the Bill would stand in the position of a Bill properly introduced, and the question would then arise whether it could be amended by the insertion of the clause now objected to, upon the recommendation of the Crown. If it were found that that could not be done, a ruling would be given to that effect, and the clause, he presumed, would not be inserted. But the question did not arise now, and would not arise until the motion for the reintroduction of the obnoxious clause was submitted.

Mr. AMHURST contended that the obnoxious clause having already been inserted in the Bill the measure became bad *ab initio*. The clause should not have been inserted; it would inevitably upset the whole Bill.

Question, as amended, put and passed, and the adoption of the report made an Order of the Day for Thursday next.

MARRIAGE WITH DECEASED WIFE'S SISTER.

On the motion of Mr. RUTLEDGE, the House went into Committee to further consider an address to Her Majesty the Queen.

Mr. RUTLEDGE said it would be remembered that in committee last week he submitted a resolution proposing a certain form of address to Her Majesty. In deference to the suggestions of the Colonial Secretary and other hon. members, he had deemed it advisable to defer the consideration of the matter to that day, with a view to making the address a little stronger in some particulars, while not less respectful. Having so amended the resolution, he asked leave to withdraw it, as originally proposed.

Withdrawn accordingly.

Mr. RUTLEDGE said the address that he submitted to the House last week was almost identical in its terms with an address having a similar object in view, which was adopted by the South Australian Legislature. He agreed with what had been said by the hon. Colonial Secretary, that the terms of the address might partake a little more of the character of a protest, and that they might endeavour to make it appear that they felt somewhat strongly on the subject, seeing that the Legislature of this colony had passed a law which had received the Royal assent legalising the marriage of a man with the sister of his deceased wife. He might state that, in deference to the opinion of the hon. gentleman and also to that of the hon. member for North Brisbane, he had made it in accordance with clause 7 of the South Australian Address, and he did not think it would be advisable to make the language too strong, as it was addressed to people who were not accustomed to such language. There were one or two parts in the South Australian address which seemed to him to require some amendment, particularly in clauses 5 and 8. He fancied, on reading clause 5, that they would be rather confessing an amount of ignorance that they were not guilty of respecting the state of the law; and he had been glad to find that his hon. friend, the member for North Brisbane, intended to propose an amendment in that clause, and also one in clause 8—both of which would be improvements. He did not think it was necessary for him to say anything with regard to the anomaly which now existed through the present state of the law. He might inform the Committee that he had considered it necessary to make an alteration in the heading of the address, and the Clerk of the House had been kind enough to suggest to him that, instead of heading it "To the Queen's Most Excellent Majesty," it should be "To Her Most Gracious Majesty Victoria, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c., Most Gracious Sovereign." The address he had prepared would now read as follows:—

To Her Most Gracious Majesty Victoria, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.:

We, your Majesty's most faithful subjects, the members of the Legislative Assembly of the colony of Queensland, in Parliament assembled—

Humbly represent to your Majesty:

I. That we approach your Majesty with the assurance of our devoted loyalty to your Majesty's throne and person.

II. That in the year 1877 the Parliament of this colony duly passed an Act, 41 Victoriæ, No. 55, intituled An Act to Legalise the Marriage of a Man with the Sister of his Deceased Wife, and the said Act was reserved by the Governor for the signification of your Majesty's pleasure thereon.

III. That your Majesty in Council was graciously pleased to give your Royal assent to the said Act.

IV. That by proclamation in the *Queensland Government Gazette* of the eleventh day of April, 1878, your Majesty's pleasure in respect to the said Act was made known in the colony of Queensland; and the said Act became thereupon, and now is, part of the law of the said colony.

V. That we have learned with surprise and regret that doubts exist as to the position and rights of the parties to such marriages, and of the issue thereof, beyond the limits of the said colony.

VI. That we respectfully submit that a marriage entered into in accordance with the law to which your Majesty has given your Royal assent should be for all purposes a valid marriage in any part of your Majesty's dominions, and should confer all such rights as would be conferred on the same parties if they had been lawfully married in that part of your Majesty's dominions called the United Kingdom.

VII. That a state of the law which is productive of uncertainty in the minds of a very numerous class of your Majesty's subjects on a question so vitally affecting their legal and social rights and privileges cannot be regarded by us otherwise than as distressing in its operation, and as c nstituting an anomaly for the further continuance of which no good and sufficient reason can be urged.

VIII. That we are greatly aggrieved by the existence of doubts and uncertainty on a subject of such great importance, and humbly pray that your Majesty will be graciously pleased to direct that such steps may be taken as may be necessary to remove all doubts as to the effect of such marriages as aforesaid, and to provide that such marriages shall confer all such rights as are conferred in the United Kingdom and Ireland.

And your petitioners, as in duty bound, will ever pray.

He might mention that he was in error last week when referring to the places where it would now be lawful for a man to marry his deceased wife's sister. He omitted to state that it was the law in New South Wales, Victoria, South Australia, Natal, and Tasmania. The only colonies which had not adopted this law were New Zealand and Cape Colony. In the Legislatures of both those colonies it had failed to become law, he believed, by the narrow majority of one vote. In Canada, also, it had failed to become law by the vote of one member in the Upper House of that colony. He thought by the action of the Queensland Legislature an example would be set to other colonies to follow, and that some influence would be brought to bear on the Imperial authorities to have the present anomaly removed, as it involved a state of things which could not be regarded otherwise than as a great grievance.

Question—That the address be adopted—put.

Mr. GRIFFITH suggested that an alteration should be made in the wording of clause 5, as he did not think they should express surprise and regret—they ought merely to express their knowledge that doubts existed.

Mr. RUTLEDGE moved that the words "with surprise and regret" in clause 5 be struck out.

Question put and passed.

Mr. GRIFFITH said he would also suggest an alteration in the latter part of the 8th clause. At present it assumed that Her Majesty could constitutionally direct the law to be altered, but of course Her Majesty could not do that: Her Majesty could only direct her Ministers to introduce a Bill to alter the law. With respect to the first part of the clause, he did not think it was suitable language to use, to say "we are greatly aggrieved by the existence of doubts and uncertainty," and he would suggest the use of the words "greatly regret" instead. In the latter part of the paragraph, instead of asking Her Majesty to take such steps, &c., he would suggest that Her Majesty be asked to take the premises into her Royal consideration, and direct such steps to be taken for the redress of the grievance of which they humbly complained as might to Her Majesty seem meet.

Mr. RUTLEDGE said he had not the slightest hesitation in accepting the suggestions of his hon. friend, and to retain the word "grievance" in the latter part of the clause, although striking out the word "aggrieved" in the early part of it. He might state that he did not like the language of the clause himself when he saw it in the South Australian Address, as they all, of course, knew that it was not in the power of Her Majesty to direct anything of the kind to be done, but he presumed that Her Majesty would give such direction to her Ministers as would result in their introducing a Bill to do what was asked for. He begged to move that the words in section 8, "Are greatly aggrieved by the existence of doubts and uncertainty on a subject of such great importance and," be struck out.

Question put and passed.

Mr. RUTLEDGE moved that in the third line of section 8 all the words after "to" be omitted, with the view of inserting the following: "Take the premises into your Royal consideration, and to direct such steps to be taken for the redress of the grievance of which we humbly complain as may to your Majesty seem meet."

The ATTORNEY-GENERAL (Mr. Beor) said he did not object to the amendment just proposed, but the question before had been put so quickly that something he had to say respecting it he was now compelled to keep to himself. He should like to point out that the address had been considerably emasculated by the amendments of the hon. member for North Brisbane and by the hon. member for Enoggera. They had been told by the last-mentioned hon. member when he first brought the matter forward that the strongest reason why the address was brought forward by him was that persons in the colony had married under these particular circumstances, and were under the impression that their children would be legitimate all over the British Empire. They had afterwards found it was not so, and as long as they kept in the words "greatly aggrieved" the condition of these people was referred to; but now it did not appear that there was any reason for presenting the address to Her Majesty, except an abstract one. If it was not too late, it might be stated somewhere in the address that a number of persons had married in the colony under the belief that the produce of such marriages would be legitimate everywhere, and were considerably astonished to find that such was not the case.

Mr. RUTLEDGE thought it might be very fairly assumed, from the language of the address, that the House was cognisant of instances within their own colony. He could not agree with the hon. gentleman that the address had been emasculated by the amendments of the hon. member for North Brisbane, but thought that on the other hand it had been strengthened, because by adopting the language of the address of South Australia they would be confessing that they were ignorant of the law. He thought that by implication they said that there were people in this colony who were subject to disabilities by the existing state of the law.

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

Question—That the words proposed to be inserted be so inserted—put and passed.

Address, as amended, agreed to.

The House resumed, and the CHAIRMAN reported that the Committee had agreed to an address to Her Majesty.

On the motion of Mr. RUTLEDGE, the address as reported was adopted, and was ordered to be transmitted by address to the Administrator of the Government, praying His Excellency to be pleased to forward the same to Her Majesty's Secretary of State for the Colonies for presentation to Her Majesty.

IMPROVEMENTS ON SELECTIONS BILL —SECOND READING.

Mr. PERSSE, in moving the second reading of the Bill, said he should not occupy much time, for the Bill consisted of only one clause which he wished to add to the Crown Lands Alienation Act of 1876, to enable selectors to comply with the conditions which had been in force in Queensland since 1869. All he wanted to do was to

provide as a condition that fencing should be a sufficient improvement, instead of the selector having to expend a certain sum of money before he could obtain his certificate. According to the Act of 1876, section 28—

"The lessee shall during the term of the lease expend in substantial and permanent improvements on the land a sum equal to the amount of the whole of the purchase money thereof, but that in no case shall such sum exceed the rate of 10s. per acre of such land."

He had always considered it a very hard thing for the selector to be bound to expend money on substantial and permanent improvements on a place which might be of no possible benefit in many ways to him. There was not even a word about cultivation inserted. A man might cultivate a certain number of acres of land this year; and next year he might not be able to carry out his original ideas, and the land would therefore have to go back to grazing or fallow, and the improvement which had been made would not count when the bailiff inspected the property. Independently of this, he maintained that the best use a selector could put his land to was to fence it in; and after he had done that, if he had any spare money, he could buy stock and cultivate, or do what he considered of most benefit to himself, without being obliged to run into debt. At present, if a man did not expend a certain amount of money, according to the Act, he would not be able to get his certificate. When a man resided on a selection for a certain number of years and fenced it in, all that was required to make him a *bonâ fide* colonist was done, and he was sure that members on both sides of the House would agree with him that what the State desired was for a man to show himself to be a *bonâ fide* colonist and settler on the land, and not to hamper him in any way. It might he said that he, as an individual member, had no right to bring in this Bill, and that it ought to have been brought in by the Minister for Lands; but there had been quite enough Bills brought in by the Government without their bringing in a Land Bill this session. It was in order not to hamper the Government in any way, and at the same time to give assistance to the selectors, that he had brought in this one-clause Bill. The member for Rosewood had tabled a Bill also, but that had several clauses, which would probably be considered much more elaborate than the present Bill, which, however, could only be considered as an honest intention to simplify the Act of 1876. He had taken the matter in hand himself, because he had no land except freehold, and was content with the amount he had at present in the colony. He therefore took it up simply on behalf of the settlers in his own and other electorates.

The MINISTER FOR LANDS said this was an open question, and the Government had no intention to interfere in one way or another; they did not encourage the Bill, nor did they oppose it. Speaking personally, from his own experience in the Lands Department, he could say that the effect of having to spend a maximum sum of 10s. per acre, or any lesser sum, had been a great hardship and inconvenience. It had militated against the taking up of land, and he might further say that if he chose to bring people forward whom he could name to verify his statements, he could show that in many cases selectors had paid two, three, and four years' rent, and were just hanging on at the present time to see whether there would be any change in the law by which they would not be put to the necessity of expending 2s. or 3s. per acre when it would be unprofitable for them to do so. He held the individual opinion that that which was not wrong could not be made wrong by Act of Parliament; and as they desired settlement, if they imposed restrictions and unnecessary conditions it was bound to tell unpleasantly sooner or later. He happened to know of some men who might expend 10s. per acre with perhaps profit, and in some cases double the amount. In small selections this might be done profitably, but not on large. The Act said that the expenditure must be incurred, and the consequence was that all those crimes which had been so ably exposed by the member for Darling Downs—such as false declarations, false swearing, and the things which followed in their train—came into full play. In this country it had been discovered that there were many places where occupations and industries had been forced upon the people which subsequently proved to be not suited to the climate, and the selectors had then found out their mistake. It was obvious that if the country was to be settled by a yeomanry class the law must assist rather than hamper them. He was aware that an effort had been made in many cases to evade the Act. In many other cases he knew from his own personal acquaintance with the parties that they did not intend to stick to the land, but would sooner forfeit what they had paid than fulfil the conditions. A selector, for example, held conjointly with someone else from 5,000 to 10,000 acres of land, taken up at 10s. an acre with conditions necessitating the expenditure of another 10s. per acre before they could get their certificates. Then they would find that the thing did not pay, and that the only improvements absolutely needed was a substantial fence. In some cases the selectors might have to make provision for water, but beyond this it was idle and unreasonable to ask men to expend 10s. per acre upon large selections of land amounting to, perhaps, 10,000, 15,000, or 20,000 acres. The result was that some persons felt they must procure somebody to make false declarations; but he was happy to say he knew of many who objected to that altogether. Through the transactions of the Public Lands Department he knew that many selections had been thrown up under that clause in the Land Act to which the hon. member had referred, and that many more were holding aloof; they had not paid their rents on the 30th September last, and he was satisfied they would throw up their selections notwithstanding they had paid two or three years' rent. He knew what it was to be altering the land laws of the colony every two or three years, and nothing could militate more against settlement than to be continually disturbing those laws. He would not say anything now of the Land Act of 1876. All the information and experience available at the time was laid before the House when the Act was being discussed, and it would be only doing the hon. member for Maryborough (Mr. Douglas) justice to say that his intentions were good, and that he intended to settle people upon the land. Unfortunately, in many respects, the Act had had the opposite effect. The hon. member for Darling Downs, this evening, talked about dummying, levelling it as a charge against another hon. member; but were he (Mr. Perkins) to proceed to put the law into force for the dummying and false declaration that he had known to occur in consequence of the operations of this clause of the land Act, Brisbane gaol and St. Helena would not be large enough to hold the quantity who would go there if it was any crime to try and evade the law. While the Government were bringing people out here at great expense, he held the opinion that it was much better to keep the people they had than to go in search of others they knew not of. While the conditions in certain cases had, for reasons stated at the time, been relaxed and not rigidly enforced, there were many other cases where forfeitures

had taken place, and where prosecutions ought to have taken place; but he was warned and guided by the idle attempts made on previous occasions, when there were cases much more likely to be successful. It was not the business of the State to be continually bringing persons into the police court. There were other reasons which had influenced him. For example, they had had two years' drought, and perhaps that operated on his mind for the time being; at any rate, taking all the circumstances into account, nothing had been done; but if the member for Darling Downs wanted to localise the matter he could go back to Dalby, where he would find that not only did the father make a false declaration for himself, the father for the son, and the mother for the daughter. He did not know a place where the game had been played to such an extent as Dalby. He was making no charges in saying this, but mentioned it to illustrate the fact that if the Legislature made that a crime, or endeavoured to make that a wrong which in nature was no wrong, it was easy to see the consequences that would follow. These things were painful for him to reflect upon, but, as he mentioned before, the drought and many surrounding circumstances prevented him from initiating criminal proceedings against persons evading the law. The fact was that, when dealing with land, the majority of the people he had been brought into contact with, and who had come to excuse themselves, did not regard anything they said in the way of misrepresentation as a crime. They were determined to have the land, and would have it. The Government wanted to dispose of the land, and that also operated upon his mind. There had been, therefore, no prosecutions, and it did not do for one member of the House to levy charges against another. His object in administering the Land Act was to secure settlement, and not to be bringing bogus cases before the court which would only end in failure. It was not for him to be running about looking for witnesses who would be wanting when an investigation took place. Since he had been in the colony, wherever he might have been—at a railway station, at a bar, or wherever the people were assembled—he heard continual stories as to what everybody did and knew about dummying. One could always get plenty of information of a certain kind about this matter; men were fond of taking you aside and whispering in your ear all that they knew and could prove against somebody else. But he found that when these people were brought to the test—for instance, when the Attorney-General was sent up to Toowoomba to make inquiries—these people, who were so willing to communicate previously, were not to be found when the time came to call upon them to substantiate their statements, and there was no machinery of the law to summon them or punish them for not attending. If there was anything defective about the Land Act it was the Act itself, and not the administration. He knew that in some of the most prosperous places in the colony selection had been the greatest failure, and the selectors after paying one or two years' rent discovered the mistake they had made. They selected the land at 15s. per acre, and had ten years to pay it in—namely, 1s. 6d. a-year—and had to spend 10s. an acre upon it in improvements. They frequently paid the first and the second year's rent; but when the third year came the 10s. per acre was too much for them, and the consequence had been that many men and women had been ruined through becoming selectors and making improvements which they had to relinquish. If that state of things were to continue, and this clause remain in the Act, the class of persons of whom hon. members had spoken with so much enthusiasm would be prevented from settling on the land. He was simply giving the result of his experience without any reference to his colleagues. He need scarcely state that he had not himself selected a single acre of land; but he was desirous that people should be attracted to the colony. He never went to Melbourne without inducing some few to come up and look round at the state of things in this colony, the principal inducement being the broad acres of the colony and the liberal terms upon which they might be obtained. The principal objection with which he was met was that the conditions as to improvements were too severe and that a man could not profitably spend 10s. an acre in parts where it was desirable to combine pastoral and agricultural pursuits. He was not going to argue for the clause. The action taken by the hon. member for Fassifern was a voluntary one, and the Government did not propose to interfere with the Land Act in any way whatever, because such alterations tended to raise doubts in the minds of the people. Whether the Act of 1876 was good or bad, it was now on its trial, and it ought to have a fair trial. So far it had worked tolerably well, though it had enabled some who came to settle to make misrepresentations—to use a mild term. On behalf of the Government, he might state that they would not offer any opposition to the Bill introduced by the hon. member for Fassifern.

Mr. GRIFFITH said the House had heard a rather extraordinary speech from the Minister for Lands. He found some difficulty in following the argument of the hon. gentleman, but his remarks appeared to be a general abuse of the land system of the colony which he was entrusted to administer. If that were the case why did not the Government amend it? Why should hon. members have to listen week after week to abuse of the laws by the hon. gentlemen who were sworn to administer them? Why did they not administer the law or else alter it?

The MINISTER FOR LANDS: It is administered.

Mr. GRIFFITH said it was—after a fashion. In an important matter of that kind it was for the Government to propose any alteration that might be necessary; the land laws should not be altered piecemeal in that way. It was as much the duty of the Government to take that in hand as it was for them to take up the tariff question—the land laws being quite as important as the tariff, and probably more so. The capital of the colony consisted to a great extent of the land; a great part of the revenue of the colony was derived from it, and the hope of the colony to attract a population and become a great nation depended almost entirely upon the administration of the land. No subject demanded more particular attention from the Government; and yet, when a Bill of this kind was brought forward, the Minister for Lands devoted his attention to pointing out that the land laws could not be administered as they stood. There were twenty points upon which amendments in the land laws could be suggested; probably there was scarcely an hon. member who could not make what he thought a useful suggestion; but on previous occasions when suggestions had been made, it had been the practice of the Government to contend—and generally with success—that it was the province of the Government to attend to such matters. He fancied that the Government on this occasion did not see their way to take high ground; they had to propitiate and conciliate hon. members on their side of the House. If it was to be understood that the land laws might be altered piecemeal in this way other hon. members would no doubt like to try their hand. He might himself be desirous of pointing out some changes which might be made with advantage in the

Pastoral Leases Act of 1869; but it was very doubtful, if he did so, whether the Minister would say, "Mr. Speaker, this is an open question, and hon. members may vote as they please." He did not say what the amendment he should propose would be, but he believed that the question it would raise would be by no means an open one—it would probably be a question which would produce very close ranks on the Ministerial side of the House. This amendment was one in favour of large selectors exclusively.

The MINISTER FOR LANDS: No.

Mr. GRIFFITH said it was no use saying "No:" it was. The old law of 1868 made fencing a sufficient improvement alone, and the result was that large selectors had to pay much less per acre than small ones. For illustration he would mention an average case in which the expenditure of 10s. per acre on improvements and the fencing of the selection came to the same thing. A selection of 320 acres of the shape provided by law would be 80 chains by 40, and the external boundary would be 240 chains or three miles. At £50 per mile, a fair average price where material was at hand, the fencing would cost £150, or as nearly as possible 10s. per acre. As the area became less, the expense of fencing would become more per acre, and as the area became greater, the cost for fencing per acre would continually diminish. This Bill would therefore be of no advantage whatever to the selector at 10s. an acre whose selection was less than 320 acres in area: the concession was entirely in favour of those whose selections were larger. The same argument applied whether the amount to be expended was 10s. or only 5s. per acre; the advantage was only conferred upon the man who had an area larger than the area the cost of fencing which would be equal to the cost of improvements at the rate per acre he had to pay. The principle of the land law of the colony was that the selector should pay for his land partly in cash to the Treasury and partly in the expenditure of money in improvements estimated to be of permanent advantage to the colony. That being the case he could not see why the price should vary with the size; why a man who held 320 acres should pay 10s. an acre, and one who held 3,000 of equal value only 6s. or some other amount. That seemed to be an anomaly. Of course, he could understand that the man with 3,000 acres should prefer to pay only 6s., but he failed to see what the country would gain. So long as the present principle was adhered to the price should be estimated at per acre. If a man who took a large selection could not afford to pay the price he should take a smaller area, and not ask the House to relieve him of part of the purchase money. That was what this Bill did, whatever it might be called. Such a Bill was not one for which the support of the Government could be expected unless they were going in for buying the support of a particular class of selectors. The present principle of the land law might be radically wrong; if so it was a matter of policy for the Government to take up. He did not think the principle was radically wrong; but, whether it was so or not, while the price of land was paid partly in one form and partly in another, it should be the same in all cases. There might perhaps be some reasons why large selectors should be relieved of part of the burden of their bargains, but he could not see it. If it was desirable that fencing should be considered a sufficient performance of the conditions of selection in the case of the large selector, that concession, in order to be fair, should be accompanied by a corresponding concession to small selectors. If the large selectors were to be benefited in that way, why should not the smaller selectors also be benefited? Had the Minister for Lands suggested some alteration of that kind the matter might have been reduced to a question of principle—fair, equitable, and applicable to all alike. As the amendment stood it simply benefited the large speculator in land. This was not the first time such questions had been raised, and on previous occasions no attempt had been made to meet arguments against the proposition, except by the statement that the large selectors could not afford to pay. The matter was very fully discussed in 1876, and last year an attempt was made to alter the law in a Bill dealing with the Allora lands. In that case the hon. member for Fassifern made an amendment to the same effect as the present one, but he received no encouragement, and ultimately withdrew it. On the present occasion it appeared that for some reason or other the matter was to be left in the hands of private members. He hoped, at all events, that the Government would maintain their prerogative. The amending of the land law should proceed upon some definite principle, and be equally applicable to all classes. His object was not to favour the poor man before the rich, but to see that no advantage was given to one class that was withheld from another; and he strongly objected to this amendment unless it was accompanied by a corresponding alleviation in favour of the small selectors. Then the subject could be properly discussed as a matter of principle.

Mr. KELLETT said the hon. member for North Brisbane had a faculty for misrepresenting anything that came from the Ministerial side of the House. The hon. gentleman stated that this Bill would benefit the large selectors and would not benefit the small ones; but that was not correct. The greater number of the selectors in the colony at the present time were those who held at least 640 acres; they were called small men. Those who held less than that were entirely agricultural selectors; but most selectors combined grazing with agriculture. A selection of 640 acres could be substantially fenced for £160, or 5s. per acre; but the holder was called upon by the law to expend 10s. an acre in improvement, the consequence being that 5s. per acre was in most cases wasted instead of being laid out in the purchase of implements or stock. He could state from his own knowledge that many selectors were asking for this relief day by day. He had always considered that a great injustice was perpetrated by the Act of 1876;—by nine-tenths of the people of the colony it was regarded as the most illiberal measure that had ever been introduced. As brought in by the so-called liberal Government it only allowed the homestead man 80 acres, though the cry of the country had made it necessary since then that the amount should be increased to 160 acres. According to the Act of 1868, fencing alone was considered to be a sufficient improvement. It was well known that in only a few favoured spots men were able to live by agriculture alone; in most cases they required grazing land to enable them to keep stock, in order that they might have something to fall back upon if their crops failed them. He was certain this would be a great boon, more especially to the small selector, and he only regretted that it was too late in the session to make any permanent improvement in the very bad Land Act of 1876. Hon. members ought to be very much obliged to the hon. member who had brought the motion forward, and he hoped it would be fairly considered on its merits, because there were many intelligent members on the Opposition side of the House who knew that the country was crying out for the change. At the present time money was not plentiful among selectors, and they required for the purchase of stock what they were now compelled to spend in useless improve-

ments. He should heartily support the motion, and he was satisfied that as soon as the change was made there would be a cry of gratitude from the farmers and small selectors to the hon. member who had brought the Bill forward and to the House that had passed it.

Mr. McLEAN said no doubt the hon. member was right in thinking that the Bill would give relief to those who had selected 640 acres and upwards, but it would not be a relief to those who had selected much smaller areas. The Bill would not accomplish its object so far as selectors of 320 acres and under were concerned. This amendment proposed that where a man had enclosed his selection with a good and substantial fence the fencing should be considered equal to the amount of improvements required by the Act. There were many instances of selections on the banks of rivers where £20, £30, or £40 would be sufficient to substantially fence in 2,000 or 3,000 acres, and he did not see why that class of selector should be particularly encouraged to the disadvantage of others. The land laws, to be just, must be equal to all classes. In introducing the Bill, the hon. member (Mr. Persse) said that cultivation was not reckoned as an improvement; but if the hon. member would read the interpretation clause of the Act he would find the definition of the word "improvement" included clearing, re-planting trees, &c., and such work was certainly cultivation. If the commissioner was satisfied that £2 an acre or upwards had been expended in cultivating land, that would certainly be reckoned as an improvement and go towards the fulfilment of the conditions. The Minister for Lands had stated that he knew numbers of selectors who held selections of from 2,000 to 10,000 acres; but if that were the case there must have been some dummying, because, under the Act of 1876, no selection could contain more than 5,200 and odd acres. The hon. gentleman also said that many were hanging on, waiting for a change in the law. If the hon. gentleman knew that, he, as the Minister in charge, ought to have introduced the necessary change, and not have waited for it to be done by private members. He agreed with the hon. member for North Brisbane that it was the duty of the Government, and especially of the Minister for Lands, to initiate any alterations in the land laws. There was also, he noticed, another motion on the paper for an alteration of the Land Act; but surely the Government ought to know better what was required than any private member did? He was not one of those who advocated these conditions. He considered there were too many, and that the removal of some of them would conduce to settlement on the land; but the Government should take the matter in hand. As he had before stated, he was of opinion that the time had arrived when a Royal commission should be appointed to inquire into the working of the land laws, so that the Government could take some action to benefit all classes of selectors. He did not approve of legislation which would give one class the advantage over another; nor did he think that the Bill would accomplish the object of the hon. member, seeing that it would only relieve those selectors who had taken up more than 320 acres.

The PREMIER said the hon. member who had just spoken said that he had always regarded the conditions enforced by the Act of 1876 as too onerous upon selectors, but that he objected to the measure of relief proposed by the hon. member for Fassifern because it had not been introduced by the Government. From his experience in office the leader of the Opposition must know that there were some matters which required immediate attention, but which the Government could not possibly undertake during a session. Had the Government proposed a short Bill, amending some of the most objectionable features in the Land Act of 1876, they would have been at once met by numberless amendments from every part of the House and demands for a comprehensive measure. The passing of a Land Bill by this Parliament was the work of a session. Points were often raised by private members, and when they came forward in the shape of a Bill of this kind, the Government took advantage of the opportunity in order to ameliorate some of the grievances that might exist in the present laws. He had been astonished to hear the hon. member for North Brisbane blaming the Government for allowing a private member to bring forward an amendment on the land laws. The hon. member for Fassifern, who had introduced this Bill, brought in a Bill to amend the Homestead Areas Act and the Crown Lands Alienation Act only the last session the hon. member was in office, and the then Government had helped him to get his Bill through; and that was what the Government intended to do here. The principle in the Act of 1876 which enforced certain conditions on selectors was one which he had always objected to. He held that the conditions were too onerous, and that fencing was sufficient to allow a man to get his certificate at the end of three years. He was now speaking not for the Government but for himself, and he was glad to see the Minister for Lands take the same view of the question. The hon. gentleman seemed to object that the Bill did not give relief to small selectors. It was admitted that less money was required per acre to fence in a big selection and a small one, and he admitted that the Bill had not for its special object the relief of very small selectors. It would chiefly affect those who held over 320 acres; but the fact that it did not affect men holding under 320 acres was surely no reason against the Bill. Why should not those who held more get relief as well as those who held less? He had met more poor men among the 640-acre class than among the 20-acre class in the colony. He had a very strong objection to the existing clause, for another reason—namely, that it was stopping selection. Looking at the question from a Treasury point of view, he knew that a large amount of land in the Leichhardt district would be at once selected were it not for the too onerous conditions of spending so much money per acre in improvements. It would be to the advantage of the State to dispose of all these lands to *bonâ fide* selectors who were willing to take it up, but the fact that they had to pay a maximum amount of 10s. per acre on improvements actually stopped all selection. But for those conditions thousands of acres of land in the Leichhardt district would be selected at the present time—and the Government wanted money very badly. The argument of the hon. member for North Brisbane that they were virtually letting off the selector from a part of his purchase money might, by a strained reasoning, apply to the men who had already selected land. He would except those, and then it would be seen that the hon. member's argument did not apply to future selections, because the Minister for Lands, in fixing the price at which land was open for selection, might take into consideration the fact that the conditions were not so onerous, and increase the price accordingly. Thus, they would get better selectors and of quite a *bonâ fide* kind for the future, giving that increased price which the hon. member said ought to be obtained.

Mr. GRIFFITH: What advantage would the selector gain by that?

The PREMIER said he did not look upon the Bill as a Selectors' Relief Bill merely, but he

held it would be a good thing for the country, considering merely future selection. If the Minister for Lands knew that the conditions of improvement were merely to be fencing, he would take that into consideration in fixing the price of the land. Thus an encouragement would be given to settlement, and work would be going on and money spent in districts where work was stopped at the present time owing to the too onerous condition of the law. The hon. gentleman then argued that those who had selected at the present time, having selected under the condition that they should spend a certain amount on improvements, if those improvements were not effected they were actually relieving settlers from a certain proportion of the purchase money of their selection. No doubt that would be true, if at the time of purchase it was considered by the selector to be a portion of the purchase money; but he (the Premier) did not believe it was, and that most of the selectors who had selected since the passing of the Act of 1876 hoped that the Act would be repealed; and were it not for the fear every Ministry had of bringing such a big subject before Parliament, he believed it would have been repealed before now. Most hon. members on the Government side of the House were in favour of the repeal of that measure, and the hon. member for the Logan had expressed his belief in it now. There was only a very small minority who really believed in the Act, and he felt certain that a large majority would be only too glad to see the House relax the conditions on selections. As Colonial Treasurer he spoke from that point of view more than from any other. The passing of a law of this sort would increase the amount of selection. He was anxious to see as much land selected as possible, and he believed that the Treasury would soon feel the beneficial effects of the Bill.

The HON. J. DOUGLAS said he did not think any Land Bill ought to be viewed by the Government apart from their responsibility. Both the Premier and the Minister for Lands had spoken in reference to their private opinions, instead of supporting the Bill on the responsibility of the Government. The Bill unquestionably raised very considerable issues, and surely the Premier or the Minister for Lands ought to be able to tell the House what the operation of the Bill would be—in what districts, and over what area. Instead of doing that, the Minister for Lands had told them stories about what he had heard at bars and at stations and other public places about people who had stories about dummying. The hon. gentleman often treated them to that gauge of public opinion, but that was not the kind of information that ought to be vouchsafed to a Legislative Assembly. The Premier had said that the Bill would affect the northern districts more than the southern; but, with regard to that, what the House wanted was full and positive information. The hon. gentleman also told them that from the Treasury point of view he was anxious that selection should go on as rapidly as possible. Did the hon. gentleman remember that if selection went on as rapidly as possible he was also parting with the public estate? If it came to a question of parting with the public estate from the Treasury point of view, could not the hon. gentleman find the means of parting with a great deal of it even by sale by auction? What difference was there between sales by selection without improvements, and sales by auction? Nothing whatever, except that in one case there were deferred payments, and in the other there were cash payments. From the Treasury point of view, he might tell the hon. gentleman that there was much land like Peak Downs and the choicest parts of the Leichhardt district that even now would sell readily at an upset price of 10s. per acre; and people would be only too glad to get it at that price. But he could not understand the soundness of the Premier's argument, even from the Treasury point of view. If they parted with their land they required one of two things in exchange—either money or residence, improvement and cultivation. If those conditions were done away with—and they had hitherto been looked upon as real value—they sacrificed so much of the public property. The hon. member for Stanley (Mr. Kellett), who had no doubt a good deal of information on those subjects, and had an opportunity of seeing a good many selectors in West Moreton, stated that the 640-acre men, whom he considered the majority of selectors, could fence-in their selections at a cost of about £160. He was willing to accept that statement, although he had his doubts about it; but no one would reside on a 640-acre selection without building a house, out-houses, stables, stockyards, and some little cultivation. No real selector took up 640 acres without all those accessories, and any man who so resided on and occupied a 640-acre selection would find no difficulty in complying with the conditions imposed by the existing Act, even taking the argument of the hon. member for Stanley, if the selector was a real selector and not selecting in order to qualify to sell to somebody else. There was a large number of selectors of that class, and to them it would no doubt be an immense boon to obtain a relaxation of those qualifications, for directly they got their certificates they would hand over the land for cash to ready purchasers. Before legislating in that direction they ought to be careful. The Premier also stated that there was a large number of persons who, at the passing of the Act, took up land knowing full well that in all probability the Legislature would be induced to forego those conditions. What were they doing now? They were encouraging those speculative selectors who were working into the hands of men who were seeking to acquire land for less than the upset price at auction. They might be falling into a trap, and be really undermining the resources, if not of the present Treasurer, yet of future Treasurers. The public estate would not last for ever, and they were bound to make the best they could of it; and if they could not get money they ought to get real occupation, improvement, and settlement. What was now happening in New South Wales? There was a movement there to do away with the interest on the capital amount paid for selections. It was a popular cry, and the selector, especially the speculative selector, was anxious to get rid of as many of his liabilities as possible. That did not matter so much to the real selector; but the speculative selector, if his object was to acquire freehold as rapidly as possible, would try to get rid of the encumbrances in order that he might alienate. Proposals were made there which would have the effect of reducing enormously the available capital and revenue of the colony; but it would certainly follow that if they did away with what was due by the selectors, they must unavoidably look forward to a land tax. If in this colony they unwisely alienated their land for less than its full worth they would find themselves in the position that before long they would have alienated the whole of their available public estate, and the time would come when it would be necessary to impose a land tax, in order to make up the deficit which would stare them in the face when they had reached the end of their land revenue. A fundamental objection to the Bill was that it was not supported by the Government as a Government, nor opposed by the Government as a Government—and it ought

to be opposed by the Government as a Government, not necessarily on its merits, because the Government might, if they pleased, adopt the principle; but no Government should allow a matter of such importance to be taken out of their hands by a private member. The Minister for Lands—he was very sorry to have to say it—talked the greatest rubbish he had ever heard in the House when he said that an Act of Parliament could not destroy a natural right. Were they to live in virtue of their natural rights? What was the use of legislation if they were to hie back to the rights of nature? It seemed to be the opinion of the hon. gentleman that it was a natural right of man to go upon the soil, and that because that was so people were to be relieved from all restrictions imposed by legislation. Where would they get to if once they recognised that principle? They would simply get back to barbarism. Without law there was no civilisation; and when they passed over law to natural rights they would get into such a mist and fog that they would lose their way. Such a statement illustrated the incompetence of the hon. gentleman to gauge his position as the responsible adviser of the Governor in a matter of such high import as the administration of the Crown lands. He should oppose the Bill on two grounds—first, that the Government ought to have taken a definite stand on their own responsibility; and secondly, because it was absolutely necessary that, before such a Bill could be entertained, positive information as to its operation should be forthcoming. In the absence of that information it seemed very improper to deal with so important a subject.

Mr. SHEAFFE said that many struggling settlers would look upon the Bill as a very great benefit indeed—especially selectors who held from 1,000 to 5,000 acres. To them the passing of the Act would be a great boon, for it would allow them to use a good deal of their capital for the purchase of stock and effecting improvements of various kinds. He knew the trouble attending agricultural pursuits in Australia, and from what they heard last night it did not seem that the colony could place much reliance on its agriculture for its prosperity. For many reasons which it was scarcely necessary to mention, he should have much pleasure in supporting the Bill.

Mr. MILES thought the hon. member for Fassifern would do well to withdraw the Bill, although he believed as strongly as anyone that their land laws required revision. The course of land legislation since 1866 had been demoralising to the whole community. That fact could not be better illustrated than by reference to the case of 21,000 acres of land illegally taken up upon the Canning Downs, in which it was proposed to compensate the parties possessed of the land. They had reached a deplorable state of things when they heard a Minister for Lands saying that a rigid enforcement of the law would have the effect of filling the gaols. Personally, he thought a great improvement would be effected by increasing the price of the land. He believed that course would to some extent arrest speculation; because, if the speculator paid a high price for the land, he would not be able to part with it so easily. He must admit, however, that if they increased the price they must extend the time for payment. The selectors, for instance, might be allowed twenty years instead of ten. He assured the Government that if they would bring in a Bill to substantially amend the land laws he would give them all the assistance which lay in his power.

Mr. SIMPSON said he could not agree with the hon. member who had just resumed his seat. He hoped the hon. member for Fassifern would not withdraw the Bill. If the Bill was a step in the right direction, why should they not accept the amendment? He would like to see another clause added to the Bill; but he did not wish to endanger the measure, and he would not, therefore, press his amendment. Every sensible man who knew anything about the administration of the land laws must agree with the hon. member for Darling Downs that they needed revision. He was not often able to agree with the hon. member; but some of the suggestions thrown out were in a direction he would be inclined to go himself. It was not right of the hon. member, however, to make assertions which could not be borne out by fact. The hon. member talked about 21,000 acres upon the Canning Downs being illegally taken up. He believed the Government of which the hon. member was himself a member issued the deeds to these persons. Yet the hon. member said that the lands were illegally obtained. He would not then say anything upon the question of compensation; but if the question came before the House he thought it very likely that the money would not be given. One important question in connection with small selectors had not yet been brought before the House. There were very few selectors indeed between 320 and 160 acres. The 160-acre men nearly all gave 2s. 6d. an acre for their land; but the 320-acre men gave a great deal more—say from 15s. to 30s. They were entitled to some relief, therefore, in cases where the 160-acre men were not. But it was almost impossible to draw a line in these matters beyond which there would be no cavilling. The hon. member for Maryborough (Mr. Douglas) said that upon some *bonâ fide* selections of 640 acres it would be found that the selectors would put up a great many improvements. He had travelled about the country, and he had found it very difficult in most places for selectors to put up extensive homesteads. He could assure the hon. member that they could find *bonâ fide* selectors living in miserable bark huts, simply because they could not afford anything better. Every penny they could scrape together had to go to pay the rent, but if they were able to put a fence round their selections a different state of things would ensue. It was absurd to talk of the 640-acre men as agriculturists; they nearly all lived by grazing and dairying;—if they did any farming it was to provide food for their horses and cows—they did not sell their produce. If they could get their certificate by putting a fence round their selections it would enable them to leave their wives and children in charge of their stock while they went to obtain work elsewhere, and in that way the provision would be of great assistance to them, and help them in working out their selections. The hon. member, if he had travelled more, would see that selectors were not able to put up coach-houses and that sort of thing. He would be very happy to think that the 640-acre men were in a position to do such a thing, but they must take the facts as they found them. It was very fine to talk about dummies, but it still remained a fact that men would sell when they thought they could obtain more money for their land than they could obtain by remaining upon the land themselves. The only thing to be done was to give them as much encouragement as possible to remain upon the land. He was surprised to hear the hon. member for the Logan talk about selectors being able to fence in large selections for £30 or £40. No man could obtain more than a certain proportion of frontage to a river. No surveyor would dare to survey a selection in the way the hon. member for the Logan had indicated. Every man could not

go and take up a pocket. If they had a certain amount of river frontage, they also had a proportionate depth. The provision in reference to improvements to the extent of 10s. per acre was injurious, in that it frequently induced selectors to try to show that they had made more improvements than they really had. It was a mistake to force them into such a position. A fence was a good improvement. He would say a very few words in reference to the clause he intended to move himself, but he thought that hon. members should have a little time to consider the matter before the Bill went into committee. They had a great many petitions placed upon the table during the present session, asking for an extension of time for payment. He knew that the position of some of these men was one of considerable trial and hardship. He could not imagine that any harm would result to the country if they were allowed a little extension of time. He had been applied to by a great many to endeavour to procure a reduction in price, but he had told them it was of no use, and that they must endeavour to get an extension of time. He trusted that hon. members would take the amendment into consideration. He did not imagine that it would make any difference to the revenue, because he only intended that the provision should apply to those who paid above 15s.

Mr. KATES said he would confine himself to the Bill. The 320-acre men were not the only men who would benefit by this Bill. He found that the selector of 320 acres could effect a saving of £120; that the selector of 640 acres would save £160; that the selector of 1,280 acres would save £300; and that the selector of 2,560 acres, having to fence sixteen miles, would save £640. He would support the Bill.

Mr. AMHURST said the last hon. member who had spoken was endeavouring to appear virtuous, and perhaps wished to gain popularity among his constituents; but the hon. member's constituents would be able to gauge him and would have a very good idea of the hon. member's object in making such a speech as they had heard that evening.

Mr. FRASER said they were all no doubt very much obliged to the hon. member for Mackay for his very sage and statesmanlike deliverance; but he did not appear to have thrown very much light upon the subject under consideration. He was not going to oppose the amendment of the hon. member for Fassifern, although he considered that there were great objections to dealing with such an important question as their land laws—perhaps the most important question affecting the interests of the colony—in this casual manner. If amendments were to be introduced every session they would reach a state of confusion worse confounded. There was no question but that experience had proved that it was impossible for many selectors to profitably expend, in addition to fencing, 10s. per acre upon their improvements beyond a certain area. If the expenditure upon improvements which was now insisted upon were directed to other purposes it would result in far more advantage—not only to the selectors themselves but to the colony at large. He had listened that evening with surprise to the statement of the Minister for Lands with reference to the startling defects of their land laws, and the impossibity of enforcing compliance with the conditions. He was surprised that in the face of that state of things the hon. member had not prepared a comprehensive measure upon the subject. It seemed to him that there were two vices in land legislation which they should be very particular to avoid. The one was the imposition of conditions which it was impossible to carry out, and the second was the inducement to those who had accepted these conditions to evade them. If they found that the land laws operated in these directions, the sooner the laws were amended the better. It was most undesirable that the Government, having the administration of the land laws, should wink at the evasion of those laws under the pretence of dealing liberally with those concerned. He had not the experience of the Minister for Lands in connection with this question, but he had come a good deal in contact with selectors of various kinds, and he had not found that they considered the conditions imposed were so heavy and oppressive; neither was he aware that selectors throughout the colony had found it so difficult a matter to come up to the conditions. If his memory served him aright, not long ago he saw a statement in the public prints—evidently coming from authoritative quarters—pointing out that the colony could not have been in such a bad position, as there were comparatively few failures among the selectors in the payment of their rents. He could not reconcile the statement that numbers of selectors were compelled to throw up their selections with the statement that there had been few cases of selectors failing to pay their rent. He quite agreed with much that had been said, and certainly to a large extent with the suggestion of the hon. member for Darling Downs, that the land laws required revising. There was no wonder that they did, for, with the exception of the Act of 1876, they had been in operation since 1868 and, all members knew that the circumstances of the colony and of settlement had greatly changed. The best thing that the hon. member for Fassifern could do now would be to withdraw his amendment, for, after all, what was it but a fragmentary proposal—one clause affecting the whole of the extensive land laws of the colony. He believed there was another amendment proposed by way of relief to selectors, which the House would have to discuss in a few days. It would be more sensible, and more in the interest of the very class whom the hon. member wished to benefit, if this matter were deferred, if more consideration were given, and a comprehensive measure were brought in by the Government to deal with the whole question.

Mr. GRIMES said he regretted exceedingly that the Government intended to encourage private members to introduce Bills interfering with the Land Act, for, as had been mentioned by the leader of the Opposition, the proposal embodied in the Bill should have been introduced by a Minister of the Crown. It was very important that the Legislature should not be continually altering and re-altering the Land Act; for that was what had been done ever since separation—in fact, it was difficult to know which Act was in force, there having been so many alterations. When the law of 1876 was passed he had hoped that the question of land legislation was set at rest for some time, but it seemed that, although the Government did not intend to deal further with it, they were prepared to consider any amending Bill which came from private members on their side of the House and suited them. The hon. member for Fassifern had said he had introduced the Bill on behalf of the selectors in his electorate. He (Mr. Grimes) would like to know from that hon. member how many selectors there were in his electorate who would be benefited by the proposed alteration? How many were there who had selected more than 320 acres? It had been ably shown by the leader of the Opposition that the Bill would in no way benefit those who had selected under 320 acres, and if they were to get information from the Lands Office they would find that a large proportion of the selectors of Queensland held considerably under 320 acres each. They would find that a large number had not selected more than 120

acres. What amount would it cost these small selectors to enclose their holdings with fences? It would be 16s. per acre, but no provision was made in the Bill to benefit them—they were not thought of; but large selectors of 3,000 or 4,000 acres were to be benefited. The hon. member for Dalby had mentioned that he could hardly understand how a large area of ground, say of 2,000 or 3,000 acres, could be fenced in at a cost of not more than £40 or £50. Those at all acquainted with the land of the colony would, however, have no difficulty in understanding how it could be done. There were many pockets on the various rivers where a few chains of fencing would enclose a large area. There was nothing in the land law to hinder a man from selecting the pocket of a river—if the area was not more than 5,000 acres—and putting a fence across the mouth and claiming that the land was fenced in with a substantial fence. One argument advanced by an hon. member was that selectors should not be made to spend 10s. per acre upon their holdings when they could not spend the amount profitably. It seemed a strange thing to him (Mr. Grimes) that a selector, after fencing a large area at a cost of, say, 5s. per acre, could not spend 5s. more in a profitable way. He believed that ring-barking would be included and accepted as improvement. Surely a large selector could spend 5s. an acre in that way; or, if there were no trees to ring-bark, surely that amount of money might be spent in some other way—in brushing, or making dams, or in logging waterholes. In times of drought, thousands of cattle were lost through bad approaches to waterholes. Another argument that had been employed was, that it would give the selector more money to use in buying stock and implements. But if they followed that argument out a little further they might ask why not charge nothing for the land, and then the selector would have still more money to spend; so that he thought that argument could not be entertained. Then, with reference to the question of what was a substantial fence, in the Impounding Act it had been found very difficult to define what was a substantial fence or a fence at all. Some benches of magistrates had considered one kind of fence sufficient, whilst others were satisfied with another kind; and, if he was not mistaken, the last time the Impounding Act was amended a fence was deemed sufficient if an animal could not get inside the enclosure without either jumping or breaking the fence. He did not know whether that definition was to be applied to the term "substantial fence," which was used in the Bill, but he would point out that it rested altogether upon the opinion of the commissioner; so that in one part of the colony a fence of one rail and so many wires might be considered sufficient by the commissioner, and in another place, where there was a different commissioner, a less fence might be considered substantial. It seemed to him that if this Bill went into committee it would require a little alteration: he certainly should like to see some amendment whereby the small selectors of 120 acres, as well as the capitalists of 3,000 or 4,000 acres, would be benefited.

Mr. REA was understood to say that if the measure had provided that any holder of 640 acres and less should be considered to have done enough by having fenced in his land, then he would have believed that the Ministry were in reality consulting the interests of the bulk of the selectors. What would be the result if the Bill became law?—that grievance after grievance would be made and remedied until at last the putting up of a hut on the land would be the only condition that selectors would have to fulfil. The colony would become like Mexico or some of the countries of Southern America, where one might travel for days and days and see nothing but stock upon the land. He was astonished to hear the Minister for Lands make the astounding accusation that he did against the selectors—an accusation which was unfounded. If true, it ought to have given him the opportunity of bringing in a Bill bearing upon all the evils of which they had heard that evening, but instead of that the very supposed abuses which the hon. gentleman had found out were made an excuse by him for not touching the matter at all. The Minister for Lands could not plead want of time, as he had all the recess at command up to July to prepare such a Bill. It seemed to him that the Ministry, who had already done so much to protect the men of large means, would lend themselves further and further to extend that protection, as in this Bill. In no other colony would a Ministry which attempted such a thing be tolerated; and in no other colony would such a proposal as was embodied in the Bill be listened to. If they once allowed the policy of granting concessions there would be no end to it. In New South Wales he had noticed, while there lately, the feeling that was growing up; he had observed that a large body of selectors could by degrees become possessed of the idea that they could get rid of all their engagements. And if this measure were passed the result would be that every Ministry would be led to follow the example of the Minister for Lands and plead this Bill as an excuse for granting further and further concessions. If ever there was an occasion when the Ministry should have faced the question it was surely the present. If the Ministry would tell hon. members that all the grievances in connection with land selection would be considered, then it would be for hon. members to give full and fair consideration to any Bill introduced by the Ministry; but he for one should ever protest against the acquisition of land without any condition of improvement. One of the Ministers had said that it would be desirable to sell the land in a certain district without any conditions. No doubt members opposite would like to see that done. The real desire of the Ministry and their supporters was to see the whole colony parcelled into large areas and fenced in with wire fences like so many huge birdcages, and inside those cages nothing but blackbirds. Hon. members must look the proposal contained in the Bill fairly in the face; it was the thin end of the wedge. He hoped that hon. members representing populous constituencies would recognise that this measure would vitally affect the prosperity of the colony, for if it were passed as drafted it would result in nothing being put on the land but wire fences. Unless the operation of the measure was confined to selections of 640 acres and under he should strongly oppose it.

Question put and passed, and the committal of the Bill made an Order of the Day for that day fortnight.

MOTION FOR ADJOURNMENT.

Mr. AMHURST moved that the House do now adjourn.

The PREMIER said it was not usual for a private member to move such a motion.

Question put, and the House divided; but, there being no tellers for the "Ayes," no record was taken, and the question was resolved in the negative.

RETIRING ALLOWANCES TO DISTRICT COURT JUDGES.

On the motion of Mr. RUTLEDGE, the House resolved itself into a Committee of the Whole, to consider resolutions affirming the desirability of introducing a Bill to provide retiring allowances for the Judges of the District Courts.

Mr. RUTLEDGE said that in moving the resolutions standing in his name he wished to avoid inflicting upon the Committee any unnecessary remarks, particularly as the object he had in view had been explained by him at considerable length when the estimates of the Attorney-General were submitted. He then pointed out to the Committee that the district court judges were not placed in a position relatively as advantageous as judges of the Supreme Court. The puisne Supreme Court judges had a salary of £2,000 a-year, and the Chief Justice a salary of £2,500 a-year, with a retiring allowance of half the amount at the expiration of fifteen years. If before the expiration of that period they should be disabled or incapacitated for the performance of the judicial functions of their office they had the privilege of retiring on half the usual salary. He pointed out on the occasion to which he had referred that the larger portion of the administration of justice had to be done by the machinery of the district courts, and also that the district court judges in the performance of their duties were obliged to encounter great difficulties, and subject themselves not unfrequently to hardships which resulted in their receiving injuries to their health. He thought that hon. members would bear in mind that a great deal of difficulty had been experienced in the past to induce capable men to undertake the duties of district court judge by reason of the insufficient remuneration which was given: and when they further bore in mind that the difficulty on this score was likely to increase during succeeding years, it would be seen at once that there was a necessity for making the prospects of the district court judges more promising and attractive than they were at present if a suitable class of men were to be induced to take the office. He said this without reference to the present district court judges. They were gentlemen of high attainments, and he believed they were capable of performing their duties in a manner which in most instances, at all events, could not be surpassed. But here was the difficulty. The salary of £1,000 a-year which a district court judge received was not more than sufficient to maintain his position and bring up his family He had shown that the expenses of a district court judge, who necessarily had to keep up a certain position, must be relatively greater than the expenses of some other persons, and when it was known that many of those who were most eligible, from their ability, to fill the position of district court judges, were able in their own profession to make much more than a thousand pounds a-year, with the prospect of obtaining some of the higher prizes of the profession, it would be seen that there might be a difficulty in obtaining competent men as district court judges. Although they might congratulate themselves on having secured the services of the gentlemen who now filled the positions of district court judges, yet they must look to the future, because, as he had pointed out on the last occasion, there was a strong temptation to gentlemen to cling to the position of judge knowing that if they resigned it they were too old to return to private practice, and that they had not been able to save sufficient to support them in their old age. He thought that it was desirable to make a measure affecting judges of the district court in the same way as judges of the Supreme Court were affected when by reason of any disability they were provided for. But he was afraid that if he did so he should be asking the House for so much that they would be likely to reject the proposition altogether. He had therefore, in the Bill he had prepared, made a provision for a retiring allowance to district court judges at the conclusion of fifteen years' service. If, however, the House should in its wisdom think it desirable to place the judges of the district court on an equality in this respect of judges of the Supreme Court, and that a retiring allowance should be granted to them if incapacitated before the termination of their fifteen years' service, he should be very happy to amend the Bill in that respect; but he was not going to jeopardise the passing of it by proposing such a proposition himself. He had been told that there was no necessity for this Bill, as many of the district court judges were young men; but he did not think it likely that a district court judge would retire at the end of fifteen years on half-pay, when by continuing in his position he would receive £1,000 a-year; so that it was not likely they would have to pension off a lot of young men. Again, some hon. members thought there was no occasion to pass a Bill of this sort at the present time, but he thought there was—for this reason, that some of those who now occupied the position of district court judges might not be inclined to continue in that position if they thought there was no probability of provision being made for them in their old age. There was this great argument in favour of his proposition—that there was no possibility of any pension being paid to any district court judge for at least nine or ten years hence. He believed that Mr. Paul was the district court judge longest upon the bench, and he had not been longer than about six years on the bench; so that in his case a pension would not be payable under at least nine years, and there was no immediate prospect of the House being called upon to pay pensions under this Bill. He thought this was very fair. In Victoria the district court judges received £1,500 a-year, and, he understood, retiring allowances. In England the county court judges received correspondingly handsome salaries and retiring allowances; and he did not think there should be such a great disparity between the position and prospects of district court judges and the position and prospects of Supreme Court judges, especially in a colony like this, where a great proportion of the administration of judicial affairs must necessarily, and for many years, be in the hands of district court judges. When the measure was advanced a stage he would advance further reason in support of it. He now begged to move:—

1. That it is desirable that a Bill be introduced to provide Retiring Allowances for Judges of District Courts.

2. That an Address be presented to the Governor, praying that His Excellency will be pleased to recommend to the House the necessary appropriation for giving effect to such Bill.

The PREMIER said there were some kinds of measures which the Government could not allow to be taken out of their hands. He was told to-night that the last Bill was one of that class, but he did not think it was; but he was satisfied that this was one, although the hon. member who had moved the resolution seemed to think it was not. He thought it was a wise provision that the law had provided pensions for their Supreme Court judges, and he was prepared to admit a great deal had been said why district court judges should have pensions also. But the arguments of the hon. member would go a much longer way than that. There were many classes of Civil servants quite as much entitled to pensions as the district court judges, and for the very same reasons that the hon. gentleman had urged. He (Mr. Rutledge) said that, as a rule, after having served a certain time on the bench, a judge could not go back to practise his profession, but he (the Premier) would point out that if a man had been in the Civil service for a number of years he was quite unfit for private employment or to go out and battle with the world. Of course, it was only right to allow the hon. member to go into com-

mittee, but he (the Premier) would give him no encouragement whatever. He had no intention of giving him any, because evidently, upon the hon. gentleman's own statement, the Bill was one which should be merged with the greater question of a Civil Service Bill, which he (the Premier) hoped to see brought before the House. He hoped the hon. member, having served his purpose by making a speech, and making out as good a case as possible for his brethren on the bench, should be satisfied to take a division and allow the House to go into committee upon another small but rather important matter on the paper which came next.

Mr. GRIFFITH said it was not usual to refuse leave to bring in a Bill. The Government seemed to have different rules for different sides of the House. It was ordinary courtesy to allow a Bill to be brought in. He had only known one instance during the last nine years in which leave to introduce a Bill was refused; and the only reason given by the Premier against the introduction of this Bill was that it dealt with a subject which could only be properly dealt with by the Government. But would he say that a Bill of this kind, which at most would grant only £1,500 a-year, which could not possibly be wanted for the next ten years, was equal in magnitude with a measure dealing with the Crown lands of the colony—with the whole subject of selection? The hon. gentleman seemed to have a curious idea upon these matters. He (Mr. Griffith) expressed no opinion upon the merits of the Bill, but simply said that it was only usual courtesy to allow a Bill to be introduced.

Mr. MILES was understood to say that the Bill differed materially from the one which had been previously under consideration. He knew that the object of this Bill was simply to provide pensions for district court judges, and they did not require to see it. He thought it was about time to set the matter at rest, and he should certainly vote against it.

Mr. KINGSFORD said the hon. member had stated that this provision would not be required for nine or ten years, and he thought it was useless to waste the time of the Committee in discussing it. Let the people nine or ten years hence settle the matter for themselves.

Mr. SIMPSON said there was another way of looking at the matter. If the provision was not wanted until nine years hence, they were going to tax the people nine years hence; and he thought those people should be allowed to tax themselves.

Mr. GRIFFITH said that although the money would not be actually wanted before the time mentioned, a question might arise respecting the appointment of district court judges in the meantime. The object was to get good men as district court judges, and although the money would not be wanted until that time, still it was advisable that the subject should be settled with a view of getting good men.

Mr. RUTLEDGE said he was sorry the Premier did not see his way to allow the Bill to be introduced. He (Mr. Rutledge) should like an expression of opinion from hon. members on some future occasion. After they had seen the Bill, and had had time to study it, they might form some opinion upon the merits of the question in a way they were not able to do at the present time—after hearing a mere cursory explanation of its principles. He was sorry the hon. gentleman had not given more encouragement to the Bill, because, although there might be no prospect of passing it this session, if it met with a more favourable reception there might be some prospect of passing it in a future session. There was no force in the argument that because the money was not wanted until nine or ten years hence, therefore they need not trouble about the matter. It might seriously affect a suitable appointment to the district court bench. If an appointment of that kind was made during the next year or two there would be great difficulty in obtaining a suitable person to occupy the position unless there was some better prospect held out than there was at the present time. He had conversed with members of the profession who were quite eligible for the appointment, and they said they would not accept it if it were offered to them and they had to relinquish their present practice and prospects in the profession. With reference to the Premier's statement regarding Civil servants, they knew that as a fact there were Civil servants in the State at the present moment receiving handsome pensions. Many of them came under the old Civil Service Act, and would also receive pensions; and others would be entitled to receive pecuniary benefits after serving a number of years. Even policemen received a pension from the superannuation fund, and it was something to look forward to. He should like the Premier to withdraw his opposition, or rather his promise of opposition, until the Bill came in a regular way before the House and members had seen it, and had an opportunity of forming an opinion upon its merits. Of course, if it was thrown out he would accept the decision; but he should like to be able to gauge the feeling of the House, in order to see if it would be worth while to introduce the measure at some future period.

The PREMIER said the hon. gentleman opposite must have had sufficient experience in the House to know that it was not the practice to allow every member who wished to introduce a Bill to get that Bill introduced, especially if it required an appropriation and a message from the Governor recommending that appropriation. As a matter of courtesy it was usual to go into committee to consider the principles of the Bill and consider whether it should be introduced, and if the committee agreed to its introduction, they were supposed to give a sort of tacit assent to, at any rate, some portion of the Bill. But there was no portion of this Bill that the Government did assent to. They did not assent to a single proposition in it. They had often allowed a matter of this sort to pass, where, as under the circumstances of the Burr Bill, there were a good many parts that the Government approved of. In such a case as that it would be unfair to refuse to discuss the good parts as well as the bad parts of the Bill. But this was a very different matter. They disagreed with the Bill *in toto*, and the sooner they said so the better.

Mr. GRIFFITH said he was inclined to agree with the hon. gentleman, that if the Government intended to oppose the appropriation they should oppose it in the first instance; but he would point out that that had not been the practice hitherto.

Mr. RUTLEDGE said, as he had received so little encouragement, he was not going to allow the matter to look shabby in the public estimation, and he would bring it forward again when the opinion of the House was likely to be more favourable. He would therefore withdraw the motion, and move the Chairman out of the chair.

Question—That the Chairman leave the chair—put and passed.

THE LATE MR. W. TODD.

On the motion of Mr. BEATTIE, the House went into Committee to consider the granting of a gratuity to the widow of the late Mr. Todd.

Mr. BEATTIE, in moving

That an address be presented to the Administrator of the Government, praying that His Excellency will be pleased to cause to be placed upon the Supplementary Estimates the sum of (£100) one hundred pounds, as a gratuity to the Widow of the late Mr. Todd, who lost his life at the Southern Entrance to Moreton Bay—

said he had no further information to give the House. He was happy to say that the Premier had given every assistance he could to get this motion passed. It would only be reiterating what he had said before if he said anything as to how this unfortunate man lost his life, and he would therefore simply move the resolution.

Question put and passed; and the House having resumed, the resolution was adopted, and the adoption of the report made an Order of the Day for the 28th instant.

The PREMIER, in moving the adjournment of the House, said the business for to-morrow would be the consideration of the Legislative Council's amendments in the Railways and Tramways Extension Bill; the Goldfields Homestead Amendment Bill, second reading; and Supply.

The House adjourned at four minutes to 10 o'clock.