Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 5 AUGUST 1884

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LEGISLATIVE ASSEMBLY.

Tuesday, 5 *August*, 1884.

Questions.—Maryborough Election.—Skyring Road Bill.—Pettigrew Estate Enabling Bill.—Crown Lands Bill—second reading.—Messages from the Governor.—Crown Lands Bill—second reading.—Bills of Exchange Bill—committee.—Messages from the Legislative Council.—Adjournment.

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

QUESTIONS.

Mr. J. CAMPBELL asked the Minister for Works—

1. Have the working plans and sections of the extensions of the Highfields Railway to Crow's Nest been completed?
2. When will this House be asked to approve of the working plans, sections, and books of reference?
3. When will tenders be called?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

1. No.
2. Parliamentary plans, sections, and book of reference are ready, and can be laid on the table of this House in a few days.
3. As soon as the working plans are sufficiently forward and additional funds voted.

Mr. NORTON asked the Minister for Works—

1. Why, and on what date, was Mr. Surveyor Amos taken off the survey of Railway Line from Gladstone to Bundaberg?
2. Is survey to remain at standstill until Mr. Amos has completed work on which at present engaged?
3 About what date is it expected that Gladstone-Bundaberg survey will be recommenced?

The MINISTER FOR WORKS replied—

1. Mr. Amos was temporarily taken from the Gladstone and Bundaberg survey on the 6th June, to re-survey a portion of the Port Douglas route.
2 and 3. It is intended to send another surveyor as soon as possible to complete the work.

Mr. NORTON asked the Minister for Works—

At what time did it come to his knowledge that Mr. Gold Warden Hodgkinson had received a bribe for sending in a report on certain Palmer Gold Fields claims which was intended to ruin the public?

The MINISTER FOR WORKS replied—

The fact that large sums of public money were paid under unusual circumstances to Warden Hodgkinson shortly before and immediately after the making of the report referred to, first came to my knowledge about a month ago. The precise circumstances attending those payments will no doubt be disclosed to the Select Committee appointed to inquire into the matter.

MARYBOROUGH ELECTION.

The SPEAKER announced that, consequent upon the seat of Mr. John Hurley as a member for the electoral district of Maryborough having been declared vacant, he had issued his writ for the election of a new member, which writ had been duly returned to him, with a certificate of the election of John Thomas Annear, Esq., endorsed thereon.

SKYRING ROAD BILL.

Mr. BEATTIE, as chairman, brought up the report of the Select Committee appointed to inquire into the Skyring Road Bill, and moved that the second reading of the Bill stand an Order of the Day for Thursday, 14th August.

Question put and passed.

PETTIGREW ESTATE ENABLING BILL.

Mr. FOOTE, as chairman, brought up the report of the Select Committee appointed to inquire into the Pettigrew Estate Enabling Bill, and moved that the second reading of the Bill stand an Order of the Day for Thursday next.

Question put and passed.

CROWN LANDS BILL—SECOND READING.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Mr Speaker,—In rising to move the second reading of this Bill, I may be allowed to refer to an opinion which has been expressed, I think, in this House and which I know has often been expressed outside of it, by many thinking men, that a Land Bill should not be made a party measure, but that all parties—men of all shades of political opinions—should unite in making a Land Bill, or framing or fitting one to meet all the requirements of every class of people in the community. I quite admit the wisdom of such a course if a Bill is framed upon such lines as would make it acceptable to the wants and ambitions, or aspirations, of every class in the community; but this is not a Bill of that kind, inasmuch as although it provides the amplest and readiest means of obtaining land upon the most moderate terms, by all men in the community, consistent with a due regard to the interest of everybody in the State, still it does restrict and control or curb the general tendency of a certain class of people in this country who have exhibited a very inordinate greed for the acquisition and monopoly of land. It is not deemed right that people, simply because they happen to possess capital, should obtain land in any quantity which their power of acquiring it in that way would enable them to do. This Bill does not meet the wishes, the aspirations, or ambitions of that class in the community, but simply makes land available to those who will make use of it, and who will not simply buy and acquire it, that they may let it lie by and enable them to grow rich by the efforts of others without any efforts of their own. In framing a measure of this kind one great object that always has to be kept in view is the necessity of so fixing the terms, and so adjusting the requirements of all the people in the country who are desirous of obtaining land, as to make it accessible to all, without enabling any number of people who desire to obtain undue quantities of land to get it in such a way as to exclude those who really desire to acquire it for use and for settlement. The difficulties in the way of a Land Bill in this colony, and, I may say, in all the Australian colonies, has been to check the tendency to irregularly acquire, and this has been attempted hitherto by declarations and oaths. What effect that has had upon that class of people is only too plainly apparent in the working of our land laws here, and in the working of the land laws of all the Australian colonies. To effect the object attempted to be attained by declarations and oaths, other restrictions, which I believe will apply very much more effectually, have been introduced into this measure. Oaths and declarations are entirely laid aside by it; a man can take his land without any promises or declarations of any kind excepting certain conditions which are laid down in this Bill. No one can have failed to observe, under the operations of such Land Bills as we have had in this colony, what the general tendency has been, in the desire to obtain large quantities of land. Whenever large quantities of land have been obtained in this country, we find it has raised an insuperable bar to settlement. The acquisition of large estates everywhere has had that effect. Large estates have been acquired in the southern portions of this colony, and the result has been that men who really desire to settle have to go away into the interior, hundreds of miles beyond the reach of such markets and conveniences as would enable them to exist on their land and work it profitably. Admitting the fact that there always have been—and probably, unless some restrictive power is provided such as this Bill embodies, there always will be—classes of people who desire to obtain land, not for settlement but for speculative purposes, we cannot fail to recognise the fact that they exist, and exist in our midst. I assume this class of people in this colony are represented in this House. I do not say they are, but I suppose that every important and influential class in this country is represented here. The reason I have given why this Bill should be made a party measure is that we have to contest this measure with the parties represented in this House. In doing so, I maintain that the principles and opinions embodied in this Bill render it a matter of necessity that we must recognise the fact that that party and their opinions have to succumb. In dealing with the opinions of such men there can be no truce, no compromise, no concessions; either they must go under, or else the men whose opinions and principles are embodied

in this Bill; either one or the other must go; it is not possible to have an Act combining both interests in this colony and giving effect to the opinions of both parties. The departure in this Bill from the true principles of leasing, I may explain, is a concession to the sentimental objections and prejudices of a large class of people in the country. If we attempt to do what a large number of people are not prepared for—if we try to enforce the truth upon them, however unassailable or irrefutable it may be, before they are prepared to receive it—the result must be a failure; and any politician who attempted it would be considered by all men to be a fool. Still, I consider that the principle of leasing is the only true one; and I am perfectly satisfied that those people who now require these lands to be freehold, with the right of purchase, before the time for purchase comes round will be glad to avail themselves of what I look upon as the true principles of a Land Bill—leasing, pure and simple. Still we do not deny to them the right to exercise their wish to purchase, if they desire, on the most liberal terms. It is often said that there is no real necessity for this Bill, because we have been so extraordinarily prosperous under the Acts now in existence—the Acts of 1868 and 1876, as well as smaller Acts in which amendments have been made. I do not deny the good that these Acts have done; but at the same time I say that under them there has been an enormous amount of mischief done; and those men who think that the creation of big estates is a great injury to the whole of the people of the colony will agree with me. There are those, I believe, who conscientiously believe that large estates are a desirable condition of things. That I entirely deny; and I believe that a very large number of people in this colony regard it as a very injurious and mischievous opinion. It is one that has led to the most dire results in other countries, and would be the same here in the future if we were left in the same position as many of the older countries of Europe, which are now struggling against the evil — an evil which the efforts of their best men have been unable to find a remedy for. Here we have in our hands now an opportunity—a rare opportunity, even as far as we have gone on the road to mischief, as I conceive—to avert the evils under which those older countries in Europe are suffering. Before proceeding further I should like to pass in review, shortly, I may say, the operation of the two Acts under which the greater portion of the land in this colony has been dealt with or alienated—that is, the Act of 1868 and the Act of 1876. I do not approach this subject in any spirit of bitterness; and anything I may say I hope hon. members will not interpret as savouring of bitterness or anything like animosity. To those Acts we owe a great deal. The principles embodied in this Bill are the outcome of the mischief that others have seen have arisen from the operation of those Acts. The Act of 1868 was, I think, a very admirable one, and I have no doubt that, under a certain condition of things, it would have given results that would have been beneficial to all. But that Act for its successful working depends on a higher general sense of honesty than prevails among men. If we are dependent on any Land Act on the sense of honesty, and a general observation of the laws of the country, the results are bound to be a failure. I look to this Bill to produce different results from existing Acts, because the temptations to dishonesty and roguery are scarcer; they are reduced to a minimum. This Bill will reduce rascality and roguery to a minimum. Although I maintain that it is not possible under any Land Act to altogether prevent all ingenuity that may be brought to bear upon it, yet I say that under a law like this you may reduce the temptations to wrongdoing to a minimum, and that is what I believe will be done. The Act of 1868 had the effect of settling a great many people near many of the chief centres of population; but it soon came to be understood that there were greater opportunities under that Act for unscrupulous persons than was ever anticipated by those who originally framed the Act, and than was thought of by the men who were in the House at the time; that, in fact, there was a rare opportunity to acquire large tracts of country in available parts of the colony at the lowest possible terms—terms on which it was never intended the land should be available. In many cases, at that time, leaseholders, upon their leases being thrown open, exercised those powers which false declaration enabled them to do, and set the law at defiance. On the Darling Downs, where, I believe, the Act first came into operation, and in East and West Moreton, nearly the whole of the country fell into the hands of a few large holders; and, in fact, all the southern districts of Queensland were held by a few large freeholders under the Act of 1868. Whether, under the agricultural provisions of that law, shameless evasions of that Act took place, I leave hon. members to say for themselves. There is no doubt in my mind how it was obtained: the law was not observed, but set at defiance. In saying that, I am not attributing any serious blame to the men who took action in that way. In any districts where men are given to operations of that kind, if a man sees his neighbour or his friend making use of advantages and opportunities which a law of that kind allows for evasion, by which they are enabled to secure large tracts of land—though in the first instance, because he is too scrupulous, he has not availed himself of the Act in the same way, yet he will soon see that he must act in the same manner or he must go under. That is the general tendency; and will be until there is an Act to protect men who would be honest, against the unscrupulous acts of those who would be dishonest. I think the action of such men, in the first instance, demoralises their neighbours, and very soon demoralises the whole community. The majority of men must go under, and I am not surprised at it, because they feel that they must keep pace with their fellows, and, when they find that the Government is indifferent to prevent their wrongdoing, they can only assume that this is the way in which those who framed the Act have intended it to be administered; and, whatever their sense of right may be, they soon fall in with the existing state of affairs. They do not exercise their own sense of what is right and just, but adopt the same views as the country generally has adopted; and I do not think you can think hardly of them for so doing. It was found, after some few years of the operation of the Act of 1868, that it was not working altogether satisfactorily; and those who were at that time in power, and others who had recently resigned it, came to the conclusion that some improvements or alterations might be made in the framing or working of the Act, and the result was the Act of 1876, in which there are, no doubt, very many improvements upon the Act of 1868 and very many defects. Indeed, in some respects it was a great deal more defective than the Act amended; and one of the real defects was the introduction of the homestead clauses; these homestead clauses having been taken from the American Act, which could not apply to the condition of things which existed here, and they were the greatest failure of the whole Act.

HONOURABLE MEMBERS on the Government side: No.

The MINISTER FOR LANDS: There may be some districts in which those clauses have not proved failures, but I am speaking of the colony as a whole. I am not limiting my remarks to any particular district. They have been successful in some districts, I admit, and are still applicable, but taken as a whole they are a failure, because they enable men to get land at the lowest possible rate—2s. 6d. an acre; those men at the same time being in many cases in the employ of some large property holder. The men receive wages, occupy these homesteads, and then turn them over to the large landed proprietor at a pound, thirty shillings, and sometimes more, per acre. That has been the operation of the homestead clauses in this country, and they are still in operation in many portions of the colony. Before I go any further in justification of the opinion I have expressed on that point I should like to read one or two quotations. I am not going into figures, because I attach very little value to them, but I have a report of the Land Commissioner for the Darling Downs, which was supposed to have been laid upon the table of both Houses of Parliament, but which, as far as I can ascertain, has not been laid upon the table of this House.

An HONOURABLE MEMBER: What is the date?

The MINISTER FOR LANDS: 1881. This report says—

"In accordance with verbal instructions given by the Minister, on the 13th instant, at the Lands Office, Brisbane, I have the honour to report on the state of settlement in the district of Darling Downs under my charge. The whole land question is enveloped in a fictitious halo: those called upon to speak or write upon it, as a rule, not venturing to tell the whole truth for fear of giving offence—glossing over all that is unpleasant, and dwelling solely on its attractive points. But there is a small minority not satisfied with anything, who, when an officer will not ignore public interests, or those of adjoining selectors, for the selfish benefit of one, immediately proceed to obtain political pressure for the purpose of compelling it—write one-sided and abusive letters to the papers, and do not hesitate broadly to state that they are victims of personal animus. The various Acts and Regulations contain all due necessary provisions for the selection and alienation of lands, and it is reasonable to be supposed were intended to be carried out in their integrity. But so far from the letter of the law being rigidly adhered to, it is constantly relaxed, and it is no exaggeration to say that not a week passes without the department committing an illegal act; but, be it noted, not for the purpose of adding to the burden of the selection but to relieve it. With regard to the holders of pastoral selections who do not pretend to farm at all, there seems to be a growing tendency to treat holdings, not as estates to be made homes of, but as chattels or goods to be realised upon as soon as possible. To trace this effect to its legitimate cause, it is necessary to go back to the passing of the Act of 1868, when 10,000 acres could be selected under conditional purchase; the consequence being that most of the best land in the reserved halves of the runs was 'acquired' by large landholders. When the leased halves were thrown open under the Acts of 1872, 1875, and 1876, the maximum areas were restricted, in order if possible to give the small holder a chance. But whilst this stopped wholesale 'dummying,' it also stopped profitable selection for pastoral purposes, inasmuch as all maximum areas allowed since 1872 are too small (in my opinion) for a man to live upon."

And the conclusion to which he comes to is this—

"That whilst reasonable prosperity may be looked for in the future, for selectors in certain agricultural centres, by far the greater part of the selections in pastoral localities will gradually be absorbed in the large freehold estates."

That, I say, is a very correct summary of the condition of things that obtain in almost every district in the colony where homestead selections have been taken up under the Act of 1876.

The HON. J. M. MACROSSAN: I do not want to interrupt the hon. gentleman, but I think he should lay that paper on the table of the House.

The MINISTER FOR LANDS: I have no objection. It ought to have been laid on the table before, because it was printed with that intention. Well, the restrictions that have been put upon all small homestead areas have undoubtedly had that effect; and where a man has got hold of a small homestead in rich agricultural land, that land has eventually fallen into the hands of the large holders, because a man restricted to 160 acres cannot possibly live upon it; and the temptation to take it up at all is that with such a small area he may be able to comply with conditions which will enable him to live upon it until he can get rid of it to the large property owner, at a substantial profit. It has been a matter of congratulation lately in the newspapers, that large amounts of land have been taken up under the Act of 1876, particularly within the last two or three years, and more especially Northern lands. I notice by the last returns, we have at Ingham 91,205 acres of land taken up, and that is in a district which can only be devoted to agricultural pursuits. There may be a little pastoral country in it—but very little, and out of that area only 243 acres are cultivated; at Herberton, we have 24,106 acres taken up, and 300 acres cultivated; at Cairns, 130,000 acres of land have been taken up, and 1,900 acres cultivated; at Cardwell, 129,181 acres have been taken up, and 2,775 acres cultivated; at Mackay—that great agricultural and sugar-growing district—296,000 acres have been taken up, and 10,000 acres cultivated; at Port Douglas, 44,475 acres have been taken up, and 656 acres cultivated; and at Bowen, 148,685 acres have been taken up, and 1,618 acres cultivated. Such is the result of the selection of that enormous area of the richest land in Queensland. No one can refer to the Act of 1876 as having worked satisfactorily in any shape whatever. Nine-tenths of that land must be in the hands of men who, when they took it up, had no more desire or intention of using it for the only purpose for which it ought to be used—that of cultivation—than I have, standing here this moment—and I never intended to become a sugar-grower or agriculturist. Can it be desirable that those men should hold the land in that way at the expense of those who would work it properly? I myself have had men in my office during the last month—men from the mining districts—to inquire where they could get land in the neighbourhood of Cairns, Port Douglas, or Cardwell. They had been there, and had gone through the land commissioners' maps, and got all the information they could get. Unless they went back to where no man could work the land profitably, there was no land available. If they wanted land near those towns, they could only get it by paying to those speculators from £3 to £10 an acre—men who had taken up the land without any intention of using it. If a man who had gained some money at mining wanted to make a home there, on the bank of a river or within reach of population, that was the tax he had to pay those men for permission to do so. That is not an isolated case. The same thing has occurred in the districts around Brisbane, where there is certainly a large population, and where many small holdings have been secured and worked in the manner which was intended. But even here in these inside districts such men have been excluded from some of the finest tracts of the country. Some of the finest parts of East and West Moreton are at this moment held as grazing lands, and nothing more, simply because the only safeguard which those two laws have ever provided between the speculator and the *bonâ fide* occupant is that a man should make a declaration. I have had some experience of

declarations since I have been in office, and I never before thought there could be such a complete disregard of anything in the shape of truth as has been revealed to me since I have been there; in many instances declarations bore to my mind conclusive evidence that the man was lying. The declarations I have seen in the office on that subject are positively astounding. Whatever other mischief those Acts may have done, there is nothing they have more to answer for than the utter demoralisation they have produced—I can only describe it as shameless. The loss of the land to the State I consider to be altogether a secondary matter, so far as it has gone, compared with the low moral tone which it has produced in the minds of the people. They have come to regard the declaration as nothing; and I have heard men, who would no more think of telling an untruth in the ordinary concerns of life than they would think of flying, tell me they did not consider it anything more than a trifling matter to make a false declaration to obtain land. It is a common thing to hear men say they can see no harm in dummying, and we know that dummying simply means lying. A man cannot be a dummier without making a false declaration, and we know there are hundreds of them anywhere. These are some of the facts which have led me and my hon. colleagues to the conclusion that something must be done to alter such a deplorable state of affairs, and to save the public estate from being any longer disposed of in so objectionable a manner; and also that the people may be saved from the demoralising effect of land laws that necessitate declarations and oaths which can neither be controlled nor investigated. I have made many efforts in that direction since I have been in the office, but I greatly fear that most of them will be futile. You have no chance of getting evidence against them. Attempts in the same direction have heretofore been made, but they have all broken down. I need not go so far back as the prosecutions that occurred under the Act of 1868. Those prosecutions failed, and yet there was not a man who was not morally convinced that every person charged was guilty. So far, I have done nothing more than condemn the operation of those two laws; and, indeed, so far as their actual practical working has gone, there is not a man who knows them who will not condemn them wholly. In whatever shape a Land Bill may be when it leaves this House—however carefully it may have been framed to meet the wishes and wants of all—nothing can secure the administration of it from the failings that result from the political connections of that administration. That is the weak point of all Land Bills, I do not care by whom they are administered. A Minister of the Crown must of necessity be a political partisan, and although he may administer a land measure honestly, as far as in him lies, he can never remove from himself the suspicion of partiality. I do not care what his character or reputation may be: he may be a man of the most immaculate purity; but as long as he holds the position of a politician, which he must necessarily do, no man invested with such large discretionary powers can always apply them fairly and justly. I propose now to go through the Bill, and explain its operations, part by part, as well as I can. There has been a good deal of misconception as to the meaning and application of many parts of it, and I hope to be able to remove those misapprehensions and misconceptions, and to make it clear what the intentions of the Bill are, however people may regard its principle. This Bill is divided into ten parts—first, preliminary; second, administration; third, existing pastoral lease; fourth, agricultural and grazing lands; fifth, scrub lands; sixth, occupation leases; seventh, sales by auction; eighth, special grants and leases and reserves; ninth, resumption and compensation; and tenth, general. Then we have clauses 3 and 4, the former providing for the commencement of the Act, and the other the interpretation clause. The 5th clause affects the part of the colony described in the first schedule to which the Bill will apply. Clause 6——

Mr. MOREHEAD: What about the first schedule to clause 5, please?

The MINISTER FOR LANDS: The 5th clause applies to that part of the colony described in the first schedule. I do not know what further explanation the hon. gentleman wants, seeing that the schedule is on the maps before him. I suppose hon. gentlemen opposite are able to understand a map as well as members on this side.

MESSAGES FROM THE GOVERNOR.

The SPEAKER announced to the House that he had received messages from His Excellency the Governor, assenting on behalf of Her Majesty to the Marsupials Destruction Act Continuation Bill and the United Municipalities Act of 1881 Amendment Bill.

The SPEAKER further announced that he had received from His Excellency the Governor a Bill to make better provision for the Defences of the Colony of Queensland.

On motion of the PREMIER, the message was ordered to be taken into consideration in Committee to-morrow.

CROWN LANDS BILL—SECOND READING.

The MINISTER FOR LANDS, resuming, said: The 5th clause provides:—

> "The third and fourth parts of this Act extend and apply to—
>
> (1) The part of the colony described in the first schedule to this Act."

That is, the third part applies to existing pastoral leases within the boundaries defined by the schedule, and the fourth applies to grazing and agricultural holdings, also within the same boundaries; and by proclamation by the Governor in Council the boundaries of the schedule may be extended to any other portion of the colony if there is any necessity for it. As to the boundaries themselves, as defined in the first schedule, the intention was to avoid opening land under the operation of this measure near the border of New South Wales until we are prepared with our railways to provide for settlement there. If we had run the boundary of the schedule down to the border of New South Wales, there would probably be a good deal of settlement come over from that colony. In fact, I know that a great many people there are prepared to take advantage of the passing of any Bill of this kind that will enable them to settle upon our lands in that locality, and the result would probably be that, before we have provided railway communication to carry on our trade there, a large portion of that business would be taken to New South Wales. Consequently, I thought it was desirable that the operation of the Bill should be confined to those portions of the colony that we are able to reach by our own railways. However, as I have said, the boundaries of the first schedule may be extended at any time. They are simply a matter of form as they stand now, inasmuch as they are not by any means fixed for any period, and may be extended to any districts it may be considered advisable—to the borders of New South Wales, or the whole colony, for the matter of that. By

the 5th clause, the third and fourth parts of the Bill also apply to—

"The land comprised in any run, the pastoral tenant whereof makes application to the Minister to bring such run under the operation of Part III. of this Act."

That is, that lessees of pastoral holdings within the boundaries of that schedule may, as provided for hereafter, bring their runs under the provisions of this Bill. Clause 6 provides that the 54th section of the Pastoral Leases Act of 1869 shall be repealed; the 2nd subsection of the same clause saving all existing rights lawfully acquired or accrued under the said Act or in respect to which any claim may have arisen; the 3rd subsection provides that the repeal of the clause referred to shall take effect from the passing of this measure. A good deal has been said at different times about the repeal of the 54th section, and I suppose almost every hon. member is aware of the terms of that section—that it gives the squatter the right, in order to secure his permanent improvements, to purchase any portion of his run, not being more or less than 2,560 acres, at 10s. an acre, without competition. That is what it amounts to. Of course the Crown has the right to refuse that; but I know pretty well how that clause has been acted upon in the past, and it is not necessary for me to go into that matter very largely; but what I wish to show is what we propose to offer the pastoral tenants in lieu of that. In the old times, when the Act of 1869 was framed, we knew that pastoral holdings were, as a rule, not fenced. I suppose there was scarcely a fence anywhere when that Act was passed. There were none but paddock fences. I do not think there were any sheep fences in the colony, or, at any rate, very few. This was intended to cover such improvements as dams, or anything that might be considered a permanent improvement. Now, the most valuable improvement that a pastoralist has on his run is probably his fencing, which extends over the outer boundary and intersects the run at different points; and this he cannot secure under the Pastoral Leases Act, except by the purchase of his whole run. By having a 2,560 acre selection or pre-emption, he might secure two miles of fencing—heep fencing, perhaps, if that can be considered a permanent improvement. This selection would be in the corner of a block of country; he would run a sheep fence along the boundary on one side, and for that, it is asserted by some, he is entitled to secure 2,560 acres at 10s. without competition, in order to secure two miles of fencing—a break, perhaps, in a twenty-mile line. Now, sir, this Act proposes to secure to the pastoralist every improvement he puts on his land, no matter what it may be; they are entirely his own, and the State cannot dispossess him of a shilling's worth. Whenever the land is resumed, or at the termination of his lease, he is entitled to receive compensation for all the improvements he has put on his holding. If that does not give him the most ample equivalent for the repeal of this clause, I do not know what would. The present Act does not serve to protect his improvements at all; and if he only desires to take advantage of the clause to acquire land then I consider he is not entitled to any consideration at the hands of this House. Not only that, but under this Bill, when a portion of his run is taken from him—and every pastoralist must know that a time will come when he must give up a portion of his land to make room for the expansion of settlement—he is to be fully compensated. That, sir, I think, fully disposes of the charge of inequitable dealing with the pastoral tenant, and of all suspicion of anything that can assume the shape of repudiation. I deny altogether that this House has not a right to step in, when a bargain has been made that is injurious to the interests of the State, and say that if there is no mutuality in that bargain it shall not go on. At the same time, it is right that we should give every man an ample equivalent for that of which we deprive him. The 7th section secures all rights that have arisen under the other Acts which it is proposed to repeal, and which I may as well now refer to. They are—

"39 Vic. No 7—An Act to authorise the making of a Railway from Dalby to Roma, and to provide Funds for the construction of the same by the Sale of Crown Lands;

"40 Vic. No. 15—An Act to consolidate and amend the law relating to the Alienation of Crown Lands;

"40 Vic. No. 16—An Act to provide for the Leasing of Runs in the Settled Districts of the Colony;

"41 Vic. No. 11 An Act to set apart certain Lands as Railway Reserves, and to provide Funds for the construction of Railways, and to amend the Western Railway Act;

"43 Vic. No. 12—An Act to amend the law relating to the Alienation of Crown Lands;

"46 Vic. No. 11—An Act to amend the Settled Districts Pastoral Leases Act of 1876."

Clause 7 secures all rights that may have accrued under those Acts. Clause 8 empowers the Governor to grant land in fee-simple or for any term of years, subject to the reservations and conditions authorised by the Act. By clause 9 the Governor is empowered to proclaim counties, parishes, towns, villages, or township reserves. Now, sir, I come to Part II. of the Bill, which, as I have said before, I consider the most important part of my measure—the keystone of the whole fabric. Without it I should have very little faith in its securing much better results than the Acts which have preceded it. Objection, I know, has been taken, and probably will be taken, to this method of administration, which, it is asserted, will take the power wholly out of the hands of the Minister, who ought to be responsible to the House for the administration of his department. Now, that is altogether misconceiving the purport of this method of administering the Act. The board, in most cases, will be empowered only to recommend a certain course to the Minister, who, in a great many instances, can only take action on their recommendation. But he may refuse to act upon the recommendation of the board, and in that case he will take upon himself a very much more serious responsibility than any Minister does now under the existing Act. The recommendations of the board will be a record of the office, and may be called for by the House at any time; and if a Minister should have taken upon himself to refuse to act upon the recommendation of the board he will have to justify his action to the House, and justify it in a way that he is scarcely required to do now. At present he can always say that the course he took appeared, in his judgment, to be the best one; but if he had refused to act upon the recommendation of a board such as this it would be a very much more serious matter. The men composing this board will of course be appointed from time to time by the Governor in Council. Clause 12 provides that they are to receive an annual salary of £1,000. They are not allowed to take part in any business or trade of any kind, but will have to devote themselves exclusively to the business of their office; and that being so, it is proper to remove them from any influences likely to militate against the impartial administration of their duties. The Ministers who administer an Act of this kind, as every member must well know, are liable to influences, political and otherwise—unconsciously I mean—in the administration of the law; and there has also in many instances been shown a great want of knowledge of their duties. I suspect there have been many Ministers who knew absolutely nothing about the country except from hearsay, and who

have had no practical knowledge of the work they have undertaken; and have had no training for the discharge of the duties particularly appertaining to their offices. By training I mean practical knowledge, which is an essential thing in a man who has to administer a Land Bill. Consequently, a board, consisting of two members who are judiciously chosen, will be an improvement on the present system. I have very little doubt that any Government, no matter from which side of the House they may be chosen, would only select men fit to discharge the duties; and that being so, I cannot conceive any method of administration more likely to secure impartiality in the working, than by having two men, removed from political or any influence—entirely removed from any influence that will be likely to militate against the impartial exercise or carrying out of the functions of their office. They are not amenable to any power exercised by the Government; they are perfectly free from any influence of that kind, and have nothing to fear from any Minister. They are simply servants of the Parliament, and only amenable to Parliament for the proper discharge of their duties. They are appointed by the Governor in Council, and nothing can move them from their position except an address presented to the Governor in Council by both Houses of Parliament. They may be suspended during any recess; and that suspension may be—and can only be—removed by an address to one of the Houses, requesting that they be returned to their offices. If that action is not taken the suspension is final. Clauses 14 to 16 relate to the appointment of deputies. The powers of the board are, in many respects, analogous to those of the judges of the Supreme Court so far as relates to the discharge of the duties they have to perform. Their inquiries are always to be held in open court, and their decisions are to be pronounced in open court. Any party to any such inquiry or appeal may be sent for, and any party can be represented by his counsel, attorney, or agent. In the discharge of their duties, there is no power or right of appeal; and that is a provision that has been taken exception to as being objectionable. I may say that I do not regard it in that light. I have always looked on the power of appeal as a most dangerous one to put into the hands of any man. It simply means that a rich man can crush a poor man. In almost every case that is the rule. If a rich man has the power of appeal, he can come in time after time until he has crushed the other. That is the effect of this power in all law matters, and it will be the same if the power is given, in this. I should be better satisfied to trust to the certain decision of two men placed in a position of this kind, than if I had any power of appeal, or by submitting my case to any other tribunal of the land. There are only two members of this board, and I have no doubt that some may take exception to that, because there will be no means of arriving at a decision if those two should disagree. However, I cannot conceive it possible that two men should disagree on such matters as they will have to deal with. That is my opinion: that two men fit to discharge the duties of that office cannot possibly disagree on any matter, except in very small details, but not in matters of principle. Clause 17 deals with the mode of assessing, rent, and compensation. I think that this is a very simple and effective way of getting at the value, not only of rent, but also of the value of improvements. The board shall require the commissioner to inspect and make a valuation on any improvements, and the owner of the improvements is also required to send in his claim. The two are then laid before the board, who have to determine between them. If any further investigation is necessary, the board have the power of summoning witnesses and calling people before them, so that they may be examined; and in that I consider that they have the most effective machinery they could have for giving compensation fairly, as well as determining rent. Clause 18 decides that questions of boundaries should be settled by the board; and clause 19 provides that the Governor in Council may create districts and appoint commissioners, on the recommendation of the board. This board are men who, certainly, by their training at the Lands Office—it will take some time for them to master their duties, but when once they have, they will be better able to judge of the land which should be thrown open from time to time, under the different parts of the Bill, and the price to be put upon the land. That has been entirely left to the Minister, in the past; but if the Minister dissents from the view taken by the board he has it in his power to render their recommendations null—he does not act upon it, but if he does not he may be called upon to show cause why. He certainly will have to justify himself before this House and before the country for having refused to act upon the recommendation of the board. So that I maintain that the Minister will be in a position of very much greater responsibility under this Bill than he is in at present. He simply acts now upon his own opinion, and is scarcely responsible to any man. He simply says, "It is my opinion against somebody else's;" but when he takes it upon himself to act in direct opposition to the recommendation of a board he will be placed in a very different position. Clause 20 provides that the commissioner shall hold a court at least once in each month. Clause 22, the next important clause, provides that every decision of the commissioner shall be subject to confirmation by the board. So that all matters have to be referred to them, and the commissioner cannot force the hand of the Minister as he can now.

Mr. MOREHEAD: Is not this clause an admission of the appeal system?

The MINISTER FOR LANDS: You can hardly call this an appeal, because, whatever action the commissioner takes, he must submit it to the board before it can be confirmed, and the clause provides that the board may confirm, vary, or reverse any such decision. At present the commissioner is partially supreme and there is no control over him, and this clause gives an effective control over him. I now come to Part III., concerning "Existing Pastoral Leases." Clause 23 provides—

"At any time within six months after this part of this Act becomes applicable to any run, the pastoral tenant thereof may give notice to the Minister that he elects to take advantage of the provisions of this Act with respect to such run."

The clause goes on to say—

"In the case of two or more continuous runs being held by the same pastoral tenant, the whole shall be dealt with as one run."

Where any run consisting of two or more blocks contains in the aggregate more than 500 square miles the board may require that before being subdivided that run shall be considered as two consolidated runs, and may make a resumption from each part of it instead of taking from the whole. The last paragraph of the clause provides that—

"For the purposes of this section, the lease of any run the term whereof has expired by effluxion of time since the thirty-first day of December, one thousand eight hundred and eighty-two, shall be deemed to be a subsisting lease until the expiration of the period of six months hereinbefore mentioned."

The HON. J. M. MACROSSAN: What is the object of dividing the runs into two blocks?

The MINISTER FOR LANDS: The object is that in cases where the squattages are too large or the tenants hold too large areas they may be reduced to holdings of smaller size. The consequences of surrender—that is, after the runs have been brought under this Bill—are provided for in clause 24:—

"Upon the receipt of any such notice by the Minister, the following consequences shall ensue, that is to say,—

(1) The Minister shall cause the run to be divided into two parts, one of which, hereinafter called 'the resumed part,' shall be thereafter deemed to be Crown lands (subject to the right of depasturing thereon hereinafter defined), and for the other part the pastoral tenant shall be entitled to receive a lease for the term and on the conditions hereinafter stated."

If a tenant gives his notice within the six months required by law, the Minister may require some person appointed for the purpose to divide the run into two portions, and the method of division will be in accordance with this scale:—In the case of a run held for twenty years or upwards—that is, from the date of the first license to occupy—one-half will be surrendered. In the case of a run held for a term of ten years and under twenty, one-third will be surrendered. In the case of a run held for under ten years, at the time of this Act coming into operation, one-fourth will be surrendered. On that proportion the resumption will be made from the whole run. Of course, different blocks may be held under different terms of years, but it is on this scale the resumption will be made, whatever the proportion may be to the whole. The whole resumed block will be in one part. The portion to be taken from each is first ascertained; and the run is treated as a consolidated run, and the portions taken from each separate run under the scale here mentioned are added together; and the total area of these portions will be the quantity included in the resumed part of the consolidated run. After this has been done, the tenant receives for the portions of country that have not been resumed a lease of fifteen years; and of that part which is resumed, if it is not required to be immediately opened up for occupation, the tenant still continues to use it at a certain fixed rental. That portion of the resumed part that is not open for selection the tenant pays for at the same rate as he was paying for it at the time of the resumption; and for the part which may be opened for selection, and which he still has the power of grazing over until it is selected, he pays one-third less than the price he was originally paying at the time of its resumption. There is one provision here in subsection 5 of clause 25 in reference to improvements:—

"Provided that in estimating the increased value the increment in value attributable to improvements shall not be taken into account except so far as such improvements were necessary and proper improvements without which the land could not reasonably be utilised."

That is a provision to which, I suppose, some will take exception.

Mr. MOREHEAD: We should like it explained.

The MINISTER FOR LANDS: That I consider a necessary provision. The increased value of land could not be properly arrived at if it were allowed to remain grazing land, unfenced, and in the condition in which it was taken up. If it were allowed to continue for many years in that way, it could not be used and could not have any value except by the mere fact that water was put upon it. It would have no value if it were not for these necessary improvements, without which no work could be done upon it. It could not be utilised in any way unless that were done; but it would be only such improvements as were absolutely necessary before it could be occupied, that would be considered as improvements that were necessary for the proper usage of the land, and not as improvements that might be considered to be the kind that was necessary for its more profitable working. It was considered necessary to exempt improvements of that kind from the provisions which other improvements in other classes would necessarily come under. Then as to the rents in the case of runs in the settled districts. For the first five years the rents are fixed at 40s. per square mile, and not less than 60s. for the second period. The first period of the lease will be for ten years in the settled districts, and fifteen years in the unsettled districts. Clause 26 provides that—

"When any portion of a run is resumed under the provisions of this Act, the lessee of the remainder may continue to depasture his stock upon the resumed part or any part thereof until the same has been selected under Part IV. of this Act or otherwise disposed of under the provisions of this Act; but he shall not be entitled to exclude any person from entering upon it for the *bonâ fide* purpose of examination or inspection."

To secure the grazing right, he must, after the resumption has taken place, give notice that he desires to exercise that right over the resumed portion. Failing to do that, then the land can be dealt with in any way provided by this Act. If any of the land is selected or otherwise disposed of, a proportionate amount of rent will be taken off the yearly payment. Clause 27 provides that, if a lessee is over-stocking the land, the board has the right to prevent him. This, I think, is very necessary and proper; though it is a matter in which, no doubt, a very careful and judicious exercise of power will be required; and I do not think anybody could exercise it better than the board will be in a position to do. Clause 29, "Description of leased lands," and clause 30, "Use of timber or material by lessees," are transcribed from the old Act. Clause 31 is also transcribed; but there is a slight alteration, by which cattle and sheep are required to be moved the same distance. At present sheep are to be moved six and cattle eight miles a day; but anybody who knows anything about them knows that sheep can travel in a day as far as cattle. Clause 32 provides a penalty for any person driving horses, cattle, or sheep, and depasturing them, contrary to the preceding section. Clause 33 says that—

"If any lease under this part of this Act is forfeited or otherwise determined before the expiration of the term thereof, the Governor in Council may, by proclamation, declare the land which was comprised in such lease to be open to be leased to the first applicant for the remainder of the term of fifteen years, subject to the same conditions as were applicable to the former lessee."

There are not to be sales of leases by auction, as stated in the marginal notes; that is an error. Clause 34 provides that—

"If the lease of any run held under the Pastoral Leases Act of 1869, situated in any part of the colony in which this Act is in force for the time being, of which the pastoral tenant has not elected to take advantage of the provisions of this Act, is forfeited or vacated, the run may be offered for sale by public auction for the residue of the term of the lease computed from the nearest first day of July."

That is, that if any runholder under the operation of the present Act neglects to avail himself of the provisions of this Act, then the run will be sold at auction. Now we come to Part IV., which deals with agricultural and grazing farms. Clause 35 provides—

"The Governor in Council, on the recommendation of the board, may by proclamation define and set apart any country lands as agricultural areas."

Clause 36 says that—

"The Governor in Council, on the recommendation of the board, may by proclamation declare any country lands to be open for selection under the provisions of

this part of this Act, and may by like proclamation, on the like recommendation, withdraw any such lands from being so open."

That is somewhat similar to the method of procedure up to the present day. Clause 37 provides that the proclamation declaring the land open to selection shall appoint a day on which applications may be received for the selections. The proclamation will specify whether the land is an agricultural area or not, and fix the annual rent per acre to be paid. In the case of agricultural farms, the land may be purchased after ten years' occupation. Subsection 3 fixes the maximum area of the different quantities of land. I will read this subsection 3—

"Such maximum area shall not—

(1) In the case of land in an agricultural area, exceed nine hundred and sixty acres, or, except as next hereinafter provided, be less than three hundred and twenty acres;

(2) In the case of other land, exceed twenty thousand acres, or, except as next hereinafter provided, be less than five thousand acres."

There has been a misunderstanding about that. That means that there are two maximums. The maximum may be 960 acres, or 320 acres, according as it is declared by the board, and it may be fixed also at any amount between 320 and 960 acres, but there is no minimum. Half-an-acre may be taken up, or 960 acres, according to the proclamation issued by the board. The next subsection means that the maximum shall not exceed 20,000, or the minimum be less than 5,000 acres, for a grazing farm. A man might take up 20,000 acres as a grazing farm, but it is not desirable that the minimum of such farm should be made less than 5,000 acres. There is no maximum in either case, for an agricultural or grazing selector may take up any quantity he likes, from 1 acre to 960 or 320 in agricultural area, or 1 acre to 5,000 or 20,000 in grazing area. Subsection 4 directs that the land shall be applied for in blocks as surveyed, and that the land may not be taken up otherwise than as surveyed. If a man takes up a surveyed block he will have to take the boundaries as surveyed, and not take them otherwise. Subsection 5 makes provision for the annual rent to be paid, and what the amount shall be; and subsection 6 says—

"In the case of land in an agricultural area, the proclamation shall further specify the price (not being less than twenty shillings per acre) at which the lessee may purchase the land in fee-simple, as hereinafter provided."

That is that the fee-simple may be purchased, ten years after the receipt of the leases, at the price at which the land was fixed by proclamation, not being less than 20s. an acre. After that period, two years is allowed to purchase in; and after the twelfth year the price of the land will be increased in the same proportion as the rent will have increased. Subsection 7 relates to the declaration of the value of any improvements upon land declared open to selection.

Mr. MOREHEAD: In the 4th subsection the word "minimum" is used.

The MINISTER FOR LANDS: There is no minimum, and that is simply a mistake. No minimum is intended at all, and that is perfectly clear by the two preceding subsections. Clause 38 requires maps to be prepared and exhibited where land is declared open to selection; all particulars as to the land will be given in those maps, and they will be exhibited in the Lands Department and in the district in which the land is open to selection. Clause 39 declares that the commissioner shall keep a register of applications; and clause 40 names those persons who are incompetent to apply for or hold land under the provisions of the Act. Clause 41 provides the method of making an application, and requires that the applicant shall pay the full amount in cash of the first year's rent; and the application is to be accompanied by a survey fee. The real difficulty at the present time is that under the existing Act a number of persons make application for the same land, and they have in consequence to go to auction. In this case the applications will be decided by lot, and that, I think, will be a much better condition of things than the auction system, which brings people into competition with one another, and causes a great deal of bitterness. Clause 43 provides a method of marking selections, and says—

"Every selection applied for must, before the application is lodged, be marked at the starting point of the description by a marked tree or post at least three feet out of the ground and six inches in diameter, and such mark or post must be maintained until the boundaries of the land have been surveyed.

"A statement that the marking has been duly effected must accompany the application."

By that it will be seen that every selection must be marked out by a post sunk in the ground as a starting point. A great deal of difficulty has always been experienced in finding a starting point—sometimes there has been a blazed tree—but nothing that can be clearly recognised as the starting point described in the application. The starting point will now have to be clearly shown in the application, and must be maintained until the boundaries of the land have been surveyed. That will be a great improvement upon the system of allowing a man to apply for land when it is almost impossible to fix or determine the survey starting point. Clause 44 provides for the proportion of frontages of a selection to a main watercourse or main road. No fixed law can be made upon that point, but it is intended as far as possible to enact that an agricultural area shall not have a greater breadth of frontage than two-thirds of the depth to a main road. Clause 45 enables a selector to employ a licensed surveyor within a certain limit, if the survey is not made within three months: and clause 46 says that when a selection has been surveyed, and the board has confirmed the approval of the commissioner, the selector may apply for a refundment of the survey fee. Clause 47 provides that when a man has taken up land, if there are any improvements on the selection, he will have to pay the value of them to the commissioner within sixty days from the date when the value of them has been determined. Such value will be stated in the proclamation declaring the land open to selection. Clause 48 is certainly a novelty in land legislation here. It provides that—

"No person shall, at the same time, either in his own right or as a trustee for any other person, except as hereinafter provided, hold in the same district two or more farms of the same class, the aggregate area of which is greater than the maximum area of land for the time being permitted to be selected as a farm of that class in that district."

That, I think, is a very necessary provision to prevent the accumulation of large properties, whether leasehold or freehold; and without some restriction of this kind the very same evils that have existed everywhere else will go on increasing here. It may be said that a clause of that kind will have the effect of limiting the operation of capital. That I totally deny. It does not by any means limit the legitimate operation of capital. The legitimate operation of capital is capital being made available for labour when it enters into the land; not where it is allowed to monopolise land to the exclusion of labour, and where labour has to pay capital, not only for the land but for the increased value which the actual operation of the monopoly has produced. It will give capital its proper return in the shape of interest; but the owner of capital will obtain a larger legitimate return for it by the occupation

of large quantities of land by small holders than by monopolising it; and he will not be allowed to get the double profit of interest on his capital, and the increasing value of a monopoly beyond certain limits. In that way, I maintain, a great impetus will be given to the demand for capital, but it will be restricted to its legitimate use, and not that which the monopoly of land will enable it to accomplish. Clauses 49 to 53 relate to the issue of leases. When the application is made for land, all that the commissioner can do is to issue a license, and that is after it has been referred to the board. After receiving the license to occupy, the selector can enter upon the land at once to commence his improvements, which he must complete within two years after the issue of the license. Those improvements are fencing; and, when finished, he must give notice to the commissioner that he has fenced in the whole of his selection with a good and substantial fence. Upon that, the commissioner, or some person on his behalf, will inspect the land and ascertain if such be the case. If it is, he will grant him a certificate, and upon the granting of that certificate and its receipt by the Minister, who hands it over to the board, the lease for the land will issue—in the case of grazing farms, for thirty years; and, in the case of agricultural holdings, for fifty years. Within two years, the land, whatever it may be, must be fenced in; but if there have been any unavoidable difficulties, such as want of water, or other things, which may prevent the selector from carrying out his work with regularity, he may ask for an extension of twelve months' time, and the board has power to grant him that extension; so that in many instances, probably, there will be an actual three years permitted to the selector to complete his conditions. When that is done the lease will issue, the actual time being thirty-two years, and in many instances thirty-three years, for grazing farms; and fifty-two years, and in many instances fifty-three years, for agricultural holdings. After he has received the license to occupy the land, the license is not transferable, although he can transfer his lease, the 49th clause providing that—

"When the land comprised in any application to select has been surveyed, and the application has been confirmed by the board, the applicant shall be entitled to receive from the commissioner a license to occupy the land comprised in it according to the boundaries as defined by the survey.

"Such license shall not be transferable.

"If upon the survey it appears that, by reason of a prior application, or any other reason, the applicant cannot obtain the whole of the land applied for, he may abandon the application, and demand back the deposit of the first year's rent, and the survey fee.

"If for any other reason he wishes not to proceed with the application, he may demand and receive back the deposit of the first year's rent, less twenty per centum thereof, but shall not receive back the survey fee."

The latter provision is not a very severe penalty. When once the land has been surveyed, and the money has been paid for it, it will be open on those conditions for anybody else to come in, so that the Government will not lose anything, either in the cost of surveying or in the matter of time between the first application and the second coming in. Subsection 5 of clause 53 is different from the present Act. After stating that the lease shall be forfeited if default is made in payment of rent, the subsection declares that the lessee may defeat the forfeiture by payment of the full annual rent within ninety days from the date appointed for payment thereof, with the addition of a sum by way of penalty, calculated as follows:—If the rent is paid within thirty days, 5 per cent. is to be added; if the rent is paid within sixty days, 10 per cent. is to be added; and if the rent is paid after sixty days, 15 per cent. is to be added; but unless the whole of the rent, together with such penalty, is paid within ninety days from the appointed day the lease shall be absolutely forfeited. Subsection 6 provides that the lessee shall occupy the land continuously and *bonâ fide* during the term of the lease.

Mr. MOREHEAD: That means that in all cases he shall live thirty or fifty years after the issue of the lease.

The MINISTER FOR LANDS: The following words in the same subsection show what is meant by the phrase:—

"Such occupation shall be by the continuous and *bonâ fide* residence on the land of the lessee himself, or some other person who is the actual and *bonâ fide* manager or agent of the lessee for the purpose of the use and occupation of the land, and who is himself not disqualified from selecting a farm of the same area and class in the district."

Subsection 7 provides that the lessee shall keep the land fenced with a good and substantial fence during the whole term of the lease. If he does not fulfil that condition he will have to give up the land. Subsection 8 provides that if, at any time during the currency of the lease, it is proved to the satisfaction of the commissioner that the lessee has failed in regard to the performance of the condition of occupation or fencing, the Governor in Council may declare the lease forfeited; but, under subsection 9, if it is proved, in the case of a grazing farm, to the satisfaction of the board that the failure to occupy was caused by the unavoidable want of water, the board may excuse such failure; but such excuse shall not be given for a period of more than twelve months, unless the want of water continued for a longer period, nor shall it be given more than once during the term of the lease. Clause 54 provides that no person who is a lessee under Part III. of the Bill, or a trustee for any such lessee otherwise than under a will, can select or become lessee of a grazing farm in the district in which his pastoral holding is situated. He is to be restricted entirely to his business as a pastoral tenant. He cannot come into competition with the men who are prepared to take up 20,000-acre holdings. He must confine himself to his proper occupation as a pastoral tenant on the holding he has got; nor can he take a grazing farm in any other district if it is less than ten miles from any part of his holding. Clause 55 relates to restrictions on freeholders. It provides that no person who is beneficially entitled to any freehold in any district may become the lessee of any farm in the same district, the aggregate area of which, together with the leasehold, exceeds the area allowed to be selected by one person. If he is a freeholder to the maximum extent allowed under Part IV.—20,000 acres—he is not eligible to become a selector in the district in which his freehold is situated. But it provides that, in the case of there being several joint holders of freehold land in one property — say two or three partners—each man would be taken to be the holder of a proportion equal to the number of joint holders, so that if they held, say, 600 or 700 acres each, they could take up the difference between that and 20,000 each. Clause 56 provides that these restrictions are not to apply where a man has come into the possession of a farm or farms as executor or administrator of a deceased lessee. He cannot become the beneficial owner of the holding, but as executor or administrator he may hold it for the benefit of the persons he represents. Under clause 57, where a person becomes, by will or operation of law, beneficially entitled to hold more than the area of land allowed under the provisions of the Bill, he must sell or dispose of the additional holding within twelve

months after having become possessed of it. That is carrying out the intention of the Bill—that a man cannot by any means whatever become possessed of more than the maximum area that is proclaimed as open to be held or taken up by one man in any one district. Clause 58 provides means for dealing with cases in which the provisions of the Act are violated—that if, at any time during the term of the lease, it is proved that the lessee is holding the farm in violation of the provisions of the Act, the Governor in Council, on the recommendation of the board, may declare the lease absolutely forfeited. Clause 59 is to the effect that the land comprised in forfeited leases may be proclaimed open to selection for the remainder of the term of the lease on the same terms as those then applicable thereto, or it may be proclaimed open for selection or occupation in any manner in which the Crown lands in the district may be selected or occupied. Clause 60 provides that a register of leases shall be kept in the Lands Department, in which all leases issued under the Bill will have to be entered, together with particulars of mortgages and under-leases. Now we come to mortgages. Under clause 61, any leasehold may be mortgaged, but every memorandum of mortgage must be in duplicate, and one original must be deposited in the Lands Department; but, under clause 62, such mortgage shall not have the effect of an assignment of the lease, but only as a security for the sum of money lent upon it. Mortgages may be transferred on payment of a certain fee. In the event of anyone failing to pay the money secured by the mortgage, the mortgagee would take proceedings as under an ordinary mortgage —take possession of the holding, which he may retain for six months, but he cannot carry it on under his mortgage. He must sell it by public auction or private contract to some person qualified under the Bill to become a lessee. Clause 64 provides for transfer of the lease on sale under mortgage. We next come to underleases, which are provided for by clause 65. The holder of an agricultural or grazing farm may cut it up and sublet any portion or the whole of it, but the sub-lessee must be qualified under the Bill to become a lessee; and before the underlease is effected it must receive the approval of the board; and such approval is not to be given unless special reasons be shown to the satisfaction of the board for granting such approval. But the sub-lessee has to carry out these conditions of occupation and improvement in the same way as the original lessee, and if he should fail to comply with the conditions the whole lease is liable to forfeiture. No doubt that may seem to be a very stringent condition, and very probably it will have a deterrent effect upon any kind of subleasing; but I do not know that it is not a wise thing to have a clause discouraging a general practice of subletting, and that is provided for in clause 108, which enables a man to cut up his holding and sublet it to so many different people. It provides as the most ready means of dealing with a holding which a man cannot use himself, and which he is desirous of subdividing into several portions, that, upon application accompanied by a certified map by a licensed surveyor, leases will be issued for each of the several subdivisions in the name of the original lessee or of such persons as he may direct. Thus he may divide his land into as many portions as he likes, and sell them to different people, each of whom can take out a lease from the Government for his subdivision. I think it will be a much more satisfactory condition of things for the holders of these subdivisions to be lessees of the Crown than for one man to have a number of sub-lessees under him. Clause 67 provides that all selections under the Act of 1867 may be brought under the provisions of this Act, if the holders so desire; and half the rent already paid in respect of the selection will be placed to their credit as rent paid in advance under their new lease. In a great many parts of the country there are men who have been so terribly handicapped by the price put on the land they have taken up, that it has been a question with them whether it is worth their while to continue, or whether they should abandon their holdings. There are a great many selections on the Downs which I observed, when I came into office, had not paid their rent for the last three or four years. What is to be done with these men? I could not take upon myself to turn them out. They have been allowed to continue in the occupation of their holdings so long without paying rent; and they write the most piteous letters saying that they have no means of paying it—that bad seasons and the high prices demanded render it utterly impossible to meet the annual payments; and, as for arrears, that is simply out of the question. If I wanted to exact arrears of rent from them I would have to bundle them out, and I could not find it in my heart to do that. This means of dealing with them suggested itself, and will, I believe, be the readiest and fairest way of meeting the difficulty. It will enable them to hold their land on fair and easy terms, and will in some cases relieve them of the payment of rent for three or four years. There is no doubt that in many cases the holders of these arable lands have been handicapped out of existence, and have been obliged to abandon their holdings, which by law were restricted in area to such an extent as to be quite insufficient for a man to live on. Some men this year, to my knowledge, have sold their plough horses for money to pay the rent, and have gone away to work during the winter in hope of earning enough to replace them so as to commence operations afresh. Clause 68 describes the method of acquiring a freehold title, which I have already explained. The only part of the clause to which I need further allude is the last subsection:—

"When a holding is vested in an executor or administrator of a deceased lessee, the residence on the land of any person who is beneficially interested in the holding shall be deemed to be personal residence of the lessee for the purposes of this section."

I think this is a very wise provision indeed, because without something of the kind many difficulties might arise. Now we come to Part V.—dealing with scrub lands. Clause 69 provides a similar process of opening land to occupation to that in Part IV. The Governor in Council may proclaim any country lands, overgrown by scrub of various kinds, as those which may be taken up in areas not exceeding 10,000 acres. The kind of scrub this clause deals with are defined by name—brigalow, gidya, mallee, sandalwood, bendee, oak, and wattle. I am inclined to think bendee ought not to be included, as it is good brush scrub, and the younger portions of it are certainly very good forage for cattle. It should be expunged from this clause; it was by a mistake that it ever got in. All the rest are utterly worthless scrubs, and only found on land suitable for grazing, never in agricultural districts, or only in patches here and there.

Mr. MOREHEAD: What about cypress pine?

The MINISTER FOR LANDS: There is not such a great deal of cypress pine in Queensland except in a few spots, and it is a valuable timber. I do not think it is a good thing to induce men to take up poor pine land to ringbark it. It is miserably poor soil as a rule where cypress pine grows, and scarcely worth reclaiming for grazing purposes anywhere that I know of.

Mr. MOREHEAD: The same remark applies to sandalwood.

The MINISTER FOR LANDS: It is useless stuff. The sandalwood is not worth anything.

Mr. MOREHEAD: And what about gidya scrub?

The MINISTER FOR LANDS: Gidya scrub often occupies very rich land. It is not a fodder plant. Cattle will live upon bendee, but they will never touch gidya under any circumstances. If it is good land it is worth reclaiming. I do not think it is likely that these lands will be wanted for some time. So long as there is open land to occupy, I do not suppose that many people will care about taking up scrub; but the time will come when it will be gradually taken up.

Mr. NORTON: The Rosewood Scrub is taken up.

The MINISTER FOR LANDS: There is some brigalow about the Rosewood Scrub, but very little of it. The scrub lands are classed under four classes—

"First class, consisting of land overgrown by scrub to the extent of one-third part of its area;
"Second class, consisting of land overgrown by scrub to the extent of one-half of its area;
"Third class, consisting of land overgrown by scrub to the extent of two-third parts of its area;
"Fourth class, consisting of land entirely overgrown by scrub."

These may be taken up under different conditions. Applications shall be dealt with in the same manner as applications to select land under Part IV. of the Bill. It will be the duty of the commissioner to inspect land and decide under which class it comes, and upon that report the board will issue a license to the applicant to occupy it. The term of lease of these scrub lands is thirty years, as in the case of agricultural lands, taking the date from the first day of July or first day of December nearest to the date of the confirmation. The annual rent reserved under the lease shall be as follows:—

"*(a)* In the case of scrub lands of the first class, a peppercorn for the first five years, one halfpenny per acre for the next succeeding ten years, and one penny per acre for the remaining fifteen years;
"*(b)* In the case of scrub lands of the second class, a peppercorn for the first ten years, one halfpenny per acre for the next succeeding ten years, and one penny per acre for the remaining ten years;
"*(c)* In the case of scrub lands of the third class, a peppercorn for the first fourteen years, one halfpenny per acre for the next succeeding eight years, and one penny per acre for the remaining eight years.
"*(d)* In the case of scrub lands of the fourth class, a peppercorn for the first fifteen years, and one halfpenny per acre for the remaining fifteen years."

I do not know that this will be an exorbitant rate. The lands will probably be taken up in the oak country. The south-western parts of the country are in many places occupied by oak and wattle, and have become almost valueless. So they have in some of the northern districts, particularly the Leichhardt. I believe there are many cases, in certain districts, where a considerable area of land may be taken up in this way and at these rates, which I do not think will prove deterrent.

Mr. NORTON: They are cultivating the wattle in Victoria and South Australia.

The MINISTER FOR LANDS: Not this kind of wattle. This has no value at all for any purpose. The most valuable bark we have is brigalow itself, and even that is too hard to work, to be of any commercial value. Having entered upon his land, the lessee of the scrub land is required to clear off a certain portion of the scrub in each year, until he has destroyed the whole, during the time that he holds the land free of rent. He must also fence it in substantially, within the same time. The effect of the provision is that he must get the whole of his land clear within the time he holds it free of rent; if he does not do that he is not entitled to the land at all. I do not think there can be any object in extending the time during which he will be required to remove the scrub, as, if he cannot do it in that time, he had better abandon the land. There are also some provisions for forfeiture in the event of his neglecting to pay rent. I next come to Part VI. of the Bill, which applies to all lands that are not occupied as under Part III. Whenever there are any Crown lands not subject to a right of depasturing under Part III. of the Bill, the Minister can offer them for occupation at a certain fixed rate per annum, at such areas as the proclamation shall define. There is not a great deal of country unoccupied. In the Burke district there is some, and there is a quantity in York Peninsula, in the Cook district. The land in the Burke has not been taken up, because the price of £2 per acre, which is the least at which it can be occupied, is considered too high, and it therefore remains wholly or, at least, partially unoccupied. This land may be occupied by annual leases, at a fixed rate per square mile of not less than 10s. Some persons may think that the license having to be renewed every year will deter people from taking it up; but I do not think it at all likely that these lands will be required for any other purpose for a very long time; and people will, I think, consider it as good a holding as any that a squatter has now. He can only be dispossessed if the land is required for another purpose; and if he continues to pay his rent every year, the payment of that rent will be considered a continuation of the right to occupy it. Subsection 10 empowers the Minister to give notice to the licensee that the next year's rent will be increased. That is a reasonable provision too. If these lands are thrown open at 10s. per square mile an increased value would attach to them; and it is only right that extra rent should be paid for them. Subsection 11 provides that the license shall be determinable at the end of any year, at six months' notice. That is the same as the present tenure of squatters; the only thing is that subsection 12 empowers the board, if they find that the land has been injuriously used, to give the licensee notice that his right of occupation has ceased by a similar notice. Part VII. deals with sales by auction; and clause 74 is almost a transcript from the present law. The only material alteration is that the area of suburban land to be offered at auction is reduced from 160 to 80 acres. Clause 75—"Classes of land to be stated"—corresponds with the clause in the present Act. The proclamation may impose any special conditions with respect to the sale of any specified lot, and may add the value of improvements on any land to the upset price. Clause 77 provides that—

"The upset price shall not be less than—
Eight pounds per acre for town lands, and
One pound per acre for suburban lands.
Provided that the upset price may be fixed at any larger sum."

Clauses 78, 79, 80, and 81 are similar to the provisions of the present law. Clause 82 is also somewhat similar. It provides that if the value of the improvements is acknowledged by the purchaser of the land, a receipt in full for such value will be accepted by the auctioneer or agent, on behalf of the Government. Clause 83 provides that the proclamation of sale may notify that land not bid for is open to selection. Any land not sold can be taken up by anyone at the upset price; but that will not be allowed unless the proclamation specially states so. Then we come to Part VIII. —"Special grants and leases and reserves."

Clause 84—"Powers to grant in case of escheat"—is similar to the provision dealing with such matters in the present law. Clause 85 deals with application for closing unnecessary roads, and is also somewhat the same. So also is clause 86, which provides for the temporary closure of roads, and the payment of a certain sum for using of those roads, which may be opened and used at any time, if required by the public. Clause 87 is somewhat different from the law at present. It enables or empowers the Governor in Council, upon application made within twelve months after the proclamation of the first sale of any town land upon which improvements are situated, to sell—

"The allotment or allotments containing such improvements to the owner of such improvements, without competition, at the fair value thereof, in an unimproved state, not being less than twice the minimum upset price as defined by this Act."

Clause 88 is also somewhat similar to the present law, empowering the sale of land in special cases to the holders of adjacent land without competition. Such land is to be sold without competition, and the price is to be determined by the board. Clause 89 provides for the exchange of land under certain conditions and in certain localities. It applies to town and suburban land only, and does not interfere in any way with country lands, except for the purpose of acquiring land dedicated to public roads. Clause 90 provides power to the Governor in Council to grant special leases of land for special purposes, such as for the erection of store-houses, wharves, slips for building or repairing vessels, market gardens, or any special purposes of a like kind. As a matter of fact, special leases have been granted for market gardens in various part of the colony—and more especially in the North—to Chinamen, and it has been considered necessary and advisable to grant those leases, although there is no provision in the law for doing so. It has been thought desirable that legal power should be given to the Governor in Council to meet such cases. Clause 91 is very similar to the powers given by the present law to reserve lands for public purposes, which are named as follows in the clause:—

"The Governor in Council may from time to time grant in trust, or by proclamation reserve from sale or lease, either temporarily or permanently, any Crown lands which, in his opinion, are or may be required for quays, landing places, tramways, railways, railway stations, roads, bridges, ferries, canals, or other internal communications, or for the approaches or other purposes necessarily appertaining to any such works, or for reservoirs, aqueducts, or watercourses, or for the use or benefit of the aboriginal inhabitants of the colony, or for the sites of markets, abattoirs, public baths, or washhouses, mechanics' institutes, schools of arts, libraries, museums, or other institutions for public non-scholastic instruction, public gardens or experimental farms or parks, agricultural and horticultural societies, grammar schools, State schools, hospitals, asylums, infirmaries, establishments for the relief of indigent persons, lockups, police stations or police paddocks, gaols, places for the interment of the dead, or for the recreation, convenience, health, or amusement of the people, or for any other purpose of public defence, safety, utility, convenience, or enjoyment, or for otherwise facilitating the improvement and settlement of the colony, or for any special purposes which may be approved by resolution of both Houses of Parliament."

Clause 92, relating to trustees of public land, is also somewhat similar to the present law. Clause 94 provides—

"The Governor in Council may grant licenses to mine for coal, on temporary or permanent reserves, on such terms as to securing the surface, license fees, royalties, or otherwise, as he shall see fit."

There is no power in the present Act to enable the Government to grant licenses to mine for coal on reserves, and there have been many demands for such permission, but the Government have not been able to grant it. Under the head of "Commons may be resumed," we provide for their resumption when not absolutely required for the convenience of the people. Clause 95 makes provision for the management of commons; and clause 97, placing them under municipal control, is similar to the present law on the subject. I now come to Part IX.—"Resumption and compensation." Clause 98 of this Bill provides—

"The whole or any part of any holding under this Act may be resumed from lease by the Governor in Council on the recommendation of the board, subject to the following provisions, that is to say"—

And then follow certain particulars. The intention of that is of course to enable the Government to resume any leasehold, under whatever tenure and under whatever part of this Act it is held, as they now have the power of resuming any freehold for public purposes. But in resuming any leasehold they must recognise the right of the leaseholder, not only to the full value of his lease, but to the value of the improvements on the land. Where there is only partial resumption they must recognise the claim, not only to the partial resumption, but to any damage that may be done to the rest of the land by being separated from the other parts not required. Clause 99 provides for the amount of compensation for holdings, and says—

"The amount of compensation in respect of the whole or part of a holding shall, irrespective of the compensation payable in respect of the improvements thereon (if any), be such sum as would fairly represent the value of the whole, or of the part resumed, to an incoming purchaser of the whole or that part, for the remainder of the term of the lease."

Clause 100 also deals with the lessee's title to compensation; and a man must come under the provisions of this Bill if he wishes to avail himself of the advantages offered. If he refuse to come under it, I do not understand why he should have the slightest claim under the provisions of the Act. Clause 101 provides for those cases in which a lessee affixes to his holding, machinery or fixtures, for which he is not entitled to compensation under the Act. At the termination of his lease, if a man has expensive machinery on the land, it is hardly to be expected that the Government would remunerate him for a thing that could not be utilised; but ample time is given for its removal

Mr. MOREHEAD: It does not apply to portable engines.

The MINISTER FOR LANDS: Certainly not. All improvements are to be assessed by the board, who will determine the amount to be awarded in all cases. Clause 103 provides that, in case of the resumption of an entire holding, the full value of his lease, and of all his improvements, shall be paid to him at once. In those cases in which there is only a partial resumption he will only be paid for those improvements of which he is dispossessed. For instance, only a portion of his run may be thrown open for selection, and only a small portion of that may be taken up; and it is only for those improvements on the portion taken up that he will be entitled to receive compensation. While he continues to have the privilege of using those improvements, the Government cannot recognise any claim for compensation on behalf of them; nor until he is dispossessed of them will he have a right to claim the value of them. I now come to "Part X.—General." Clause 104 provides that all leases issued under the Act shall contain a reservation of all mines and minerals in the land comprised therein, and shall contain such other reservations and exceptions—including a reservation of the right of access for the purpose of working any mines or minerals in any part of the land that may be resumed from the lease—as may be prescribed. There can be no exclusion of persons searching

for minerals on any leasehold land; and where minerals are found, the Government have the power of reserving or resuming the land for the purpose of working it for minerals. Clause 105 provides that rent shall be a debt to the Crown; and clause 106, for the transfer of leases on payment of a small fee. Clause 107 provides that, in the event of any defective description of boundaries being ascertained after the lease has been issued, the Governor in Council has power to cancel the lease, and to issue a new one in accordance with the amended boundaries. Clause 108 is the one to which I have already referred, as giving a man, having a holding which he cannot use, power of cutting it up and subdividing it by a licensed surveyor; leases to be issued for each subdivision. Clause 109—"Licenses to cut timber"—resembles the clause to the same effect in the present Act. To clause 110, referring to the removal of timber, I have already referred. Clause 112 provides that the Fencing Act of 1861 shall apply. Under that Act, any man fencing his land is entitled to receive half the value on the boundary line from his neighbour. There is a certain defect in this clause which I may as well point out now. Under the Fencing Act of 1861, a man has to pay half the full value of any fence his neighbour may put up. It is possible that one man may desire to put a three-rail fence—which is a very expensive one—on his boundary line, and under that Act he might require his neighbour to bear half the cost of it, which might be very inconvenient and unsuitable to the wants of both. It will be seen that that is scarcely suitable to all who take up land, and the clause will probably require some amendment. Clause 113 refers to licensed surveyors and the restrictions upon them; and clause 114, which gives the Governor in Council power to rescind proclamations of town or suburban lands, is the same as that in operation now. The same remark applies to the next four clauses, respecting the appointment of Crown bailiffs, the removal of trespassers, the penalties for trespassing, and the provision that no commissioner, land agent, or licensed surveyor, may acquire interest in land in respect of which he may be employed. Clause 119 declares that if any person wilfully obliterates, removes, or defaces any boundary mark of any holding under the Act he shall be guilty of a misdemeanour. The next two clauses refer to the limitation of actions, and an appeal from justices to the nearest district court; while clause 122 provides that no proceedings under the Act are to be removable, by *certiorari*, into the Supreme Court. This clause prevents any appeal to the superior court, and I think it a very necessary provision to meet the cases of men who would fight a bad case. Clause 123 defines the amount of survey, and other fees, to be levied in carrying out the provisions of the Act. Clause 124 states the punishment for fraud or evasion. Whether that is likely to have any practical effect or not, I do not know. There is a similar provision in the present law, which has certainly not been of much use. Clause 125 provides that lands acquired by any evasion of, or fraud upon, the provisions of the Act, shall be forfeited to the Crown. It is very much easier to get at fraud and evasion of the Act when you are able to deal promptly and decidedly with such cases; and the forfeiture of the land seems the most effective way of dealing with them. Under the old law a man might be guilty of any amount of fraud and evasion, but if he took care to keep quiet those men who had assisted him in carrying out the frauds and evasions until he could get his title deeds, he was safe from any disturbance. That has been the result of the old law. Under that law a man could not commit frauds and evasions unless he had somebody to assist him; and if he could only keep those persons quiet until he had succeeded in obtaining his deeds, he might snap his fingers at the law, and the Government too. Clause 126 provides that—

"Any person who conveys, transfers, demises, assigns, or becomes assignee of any land acquired or held by any fraud upon the provisions of this Act, knowing the same to have been so acquired or held, shall be guilty of a misdemeanour, and, on conviction thereof, shall be liable to be imprisoned, with or without hard labour, for a period not exceeding twelve months, and all his interest (if any) in the land shall be forfeited to Her Majesty."

When you consider that a man is never relieved from his liability for this sort of thing during the whole term of his tenure of the land, a clause of this kind, apart from anything else, will be quite sufficient. A man, seeing this clause hanging over him during the whole of his tenure, will hardly attempt to violate it, no matter how reckless and unscrupulous he may be. Clause 127 provides that no forfeiture of any lease for any cause other than non-payment of rent shall be declared until after a notice in writing has been served on the lessee, either personally, or by posting if addressed to him at the holding; and states that the notice shall specify the alleged cause of forfeiture, and call upon the lessee to show cause against it at the next sitting of the land court. Clause 128 provides:—

"Every forfeiture of a holding for breach of any of the provisions of this Act, or for non-payment of any moneys required to be paid by this Act, or breach of any condition imposed by this Act, shall be proclaimed in the *Gazette*."

That is somewhat similar to the provision dealing with such matters under the old law. I think, sir, I sufficiently explained, when I commenced, the reason why the boundaries defined in the first schedule were made as they are. The irregularities of the line are chiefly caused either by the features of the country or by the external boundaries of the runs through which they pass. They must have been irregular in any case. They could not have been carried in a straight line if we are to make this Bill applicable to such runs as we pass through, with the probability of the country being required. That accounts in some measure for the irregularity of the line which defines the boundaries described in the first schedule. The only other question, to my mind, sir, in referring to the Bill, is, what the practical effects of its working are likely to be; and upon that point I wish to express my own opinion. I think scarcely anybody who has had any knowledge of Australia, during the last few years, can have failed to become impressed with the fact that there is no chance whatever for any young men here with small capital who may wish to go in for the occupation of country. No matter what a young man's knowledge of Australian life may be; no matter what his knowledge of stock may be, or his experience of the kind of work that he will be called upon to do, he has not the smallest chance of entering upon the occupation of a grazier unless he has a small fortune of his own—and not only a small fortune of his own, but either a bank or some money-lending institution to back him up. If he has only a small capital he is absolutely excluded from becoming the occupier of country anywhere in Queensland, unless it be on the coast as an agriculturist; and even there such men are practically shut out from the occupation of those lands by the men who have forestalled them — capitalists and speculators, who have taken it up, not for the purpose of utilising it, but for the sake of the increasing value. In New South Wales there are hundreds and thousands of men in the same position, who have been excluded from the land simply because immense areas have

been taken up for grazing purposes—men of knowledge and experience in the country, and possessing small capital. I say it is a disgrace to Australia that such men should be excluded from the land. I know countrymen of my own—many of whom started in life as overseers or stockmen, who have saved something—who have extensive knowledge of the working of stock in all its branches, but they have no more chance of making a better start in life, or of being anything else than overseers or stockmen, than they could have of flying, under the present condition of things. It is so in New South Wales, but, unfortunately, it is even worse in Queensland, because the whole country has been shut up and kept in the hands of enormous holders; and the general tendency has been to swell and increase those holdings. Whenever the opportunity has arisen the large occupier has always bought up the neighbouring stations, so as to command an enormous extent of country in all directions. There has been no tendency to separate or divide into small holdings; but it has been, throughout, to accumulate vast extents of country in the hands of a few men. I say that to continue such a state of things as that would be a disgrace upon every man in the colony who has a practical knowledge of the condition of things as they exist. We should above all things make sufficient land available to those men who, being natives of Australia, have a practical knowledge of the work that has to be done; the men, in fact, who are making money for these capitalists, who are doing the outside work, and who have no chance of doing anything else as long as they remain in the same employment at a yearly rate of wages. At present they have not the slightest chance of becoming partners or of making a start in life themselves; and I say our plain duty is to make certain portions of the country available for those men; that they may be able to make use of the knowledge and experience they have acquired, and the small capital they have at their command, not only for their own benefit, but for the benefit of the State generally. Who can say that small men are not infinitely more valuable to the colony than a few large holders? Why, sir, nine-tenths of the large holders in Queensland are non-resident. They live on the profits and increase of their pastoral holdings and reside elsewhere, in England, Victoria, or somewhere else. It is enough for them that they have a manager and a few overseers resident in the colony. Is such a state of things as that desirable in a colony like this? I say, I do not know anything more undesirable, or more opposed to all ideas of what is just and right. I say that we should settle on our lands men who have an interest in the colony, and not men who take their large profits out of the colony and spend them in other parts of the world, to the impoverishment of the State. Then there is another condition of things arises in connection with the question—that while these men are shutting out valuable settlers, they themselves are practically worthless to the country. Their money in many instances is drawn from institutions belonging to other countries—foreign to Australia—and all the profits go out of the colony. Every penny of money in the shape of interest, and every penny they make in the way of profit from their stations, goes out of the country. None of their money is spent here except what is absolutely necessary to work their stations. I think there could be no greater possible disgrace upon Queensland than that such a state of things should be allowed to go on so long as it has;—that these men of capital, who are unwilling to allow anyone else to come in—who want to absorb everything to themselves—who care for nothing so long as capital is to the fore—who want to monopolise everything, and maintain themselves against every one—who look upon a man's labour as a secondary matter that is to be valuable only to themselves, and hold that labour should have none of the profits of making capital;—that, I say, sir, is a vicious and immoral principle. Hon. gentlemen opposite may laugh, but it is true. Perhaps they have got past the stage where such a condition of things has a serious aspect to them, having been able to secure themselves.

Mr MOREHEAD: They are laughing all round.

The MINISTER FOR LANDS: Well, those laugh who win, and I should like to see more people disposed to laugh on this side, because then we should not have such a large number of people struggling and striving against large holders, and looking upon them—not as those holders would have them do—as their most genuine friends, instead of their greatest enemies. I believe, myself, that this Bill, which has been lying on the table for the last three weeks, will effect a very great change in the condition of things in this colony—and a change that will be very much for the better—vastly for the better. Instead of the country being held in the hands of a few men, whom one can almost count on one's fingers, we shall have thousands of men holding and prospering on their small holdings, instead of being shut in upon areas of 160 or 640 acres, but men who can get space enough to live upon and prosper upon, as they have not been able to do heretofore. I can only conceive the purpose of some hon. gentlemen in this House, who must have known that 160 acres was not enough for a man to live and rear a family upon. Some may, from ignorance of the interior, have thought it was enough; but there were many who knew better, and who can only have affected to believe it because it secured to them the possession of their leaseholds or freeholds without interference.

Mr. STEVENSON: I did not know there were homesteads in the interior at all.

The MINISTER FOR LANDS: If I thought those gentlemen could have believed it, I should have pitied their ignorance; but I believe they knew perfectly well that limiting a man to 160 acres as a homestead would be the most effectual way of debarring him from the successful occupation of the land; and that letting him get it at half-a-crown an acre was the surest means of having it turned over to the large freeholders, by a process they only too well understand.

Mr. STEVENSON: Hear, hear!

The MINISTER FOR LANDS: The idea of hon. gentlemen on the other side saying, "Hear, hear" to that! Their "hear, hears" show that they are consistent at all events in their determination to get the public land by any means. If they can be satisfied with that I am not, and the people of this country will not always remain satisfied with it. They have been hoodwinked long enough by the professions of men whose only desire was to limit and restrict them to what they knew would be no use to them. They desired to hold the people in servitude—nothing else—in absolute servitude; that was the object of men who knew better. If they had not known better I should have attributed a different motive to them.

Mr. MOREHEAD: That is the Premier's Bill you are talking about.

The MINISTER FOR LANDS: I am talking about a measure that unfortunately preceded this. This Bill restricts the operations of greedy cormorant and sordid capitalists who desire to use the land, not for the

good of the State, but for their own exclusive benefit. I believe it will, at all events, effect a change—a very great change—a change that many men do not by any means desire ; but I believe they are in such a minority that, whether they desire it or not, it will come about.

HONOURABLE MEMBERS of the Opposition: Hear, hear !

The MINISTER FOR LANDS: I have no doubt from their "hear hear" they put a very different construction on my words from that which I intend. However, it will come about in spite of them ; and it will lead to what they certainly have never desired—an extensive settlement of the best class of men we could possibly have, not only upon our grazing lands, but upon our agricultural lands. We have never yet had an opportunity of settling men on our grazing land. It has never been properly comprehended by men who tried to do it. There were men in this House all along who knew what could be done with grazing land, but they have carefully shut their eyes to it, and deluded those inside the House and outside into the belief that it was not practicable to carry on grazing except in enormous areas. I can show them by indisputable figures that there are great results to be obtained from small holdings, such as 20,000 acres. A man can draw a very handsome income from such a holding, and there are plenty of men in the colony perfectly competent to carry out such a scheme in its entirety, and occupy their lands with benefit to themselves and to the country. I beg to move that this Bill be now read a second time.

Mr. MOREHEAD moved the adjournment of the debate.

The PREMIER said that no objection would be offered by the Government to the adjournment. It was very desirable that the matter should be thoroughly discussed, and probably, after the exhaustive speech of his hon. colleague, that end could best be obtained by an adjournment of the debate.

Question put and passed.

On the motion of the MINISTER FOR LANDS, the resumption of the debate was made an Order of the Day for Tuesday next.

BILLS OF EXCHANGE BILL—COMMITTEE.

On motion of the ATTORNEY-GENERAL (Hon. A. Rutledge), the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill.

Clauses 1 to 20 passed as printed.

On clause 21—"Inchoate instruments"—being put—

The ATTORNEY-GENERAL said this was the clause to which he had referred as differing from that in the English statute with regard to stamps. An impressed stamp might be used as well as an adhesive stamp, under certain conditions.

Clause put and passed.

Clauses 22 to 26 passed as printed.

On clause 27—

"1. Where a person signs a bill as drawer, indorser, or acceptor, and adds words to his signature, indicating that he signs for or on behalf of a principal or in a representative character, he is not personally liable thereon ; but the mere addition to his signature of words describing him as an agent or as filling a representative character does not exempt him from personal liability.

"2. In determining whether a signature on a bill is that of the principal or that of the agent by whose hand it is written, the construction most favourable to the validity of the instrument shall be adopted."

Mr. MOREHEAD said there was some alteration proposed by the clause in the law, which wanted explaining.

The ATTORNEY-GENERAL said it was exactly a transcript of the English law, and was as it passed the Legislative Council during the present session—not as it passed last session.

Mr. MOREHEAD said the Attorney-General ought to give the Committee some reason for the alteration.

The ATTORNEY-GENERAL said there really was no alteration. Except in places which he should indicate, the Bill was a transcript of the English Act. The alteration the hon. gentleman referred to was made during the passage of the Bill through the Upper House last session. The Upper House struck out words which now appeared, and reintroduced them when the Bill was going through this session. The Bill introduced by the mover of the measure in the Upper House was the same as the English Act, and the Upper House assented to it. He (the Attorney-General) took it as it came from the Upper House, and he asked the Committee to assent to it.

Mr. MOREHEAD said the hon. gentleman had not answered his question at all. He wanted to know the reason for the alteration in the phraseology. He thought the Attorney-General, or else the Premier—who probably knew a great deal more about it—should give the Committee the reason.

The ATTORNEY-GENERAL: The alteration, if the hon. gentleman calls it so, in this section, is the expression in the law as it now stands in England.

Mr. MOREHEAD : Not in the same language ?

The ATTORNEY-GENERAL : Yes ; in the same language.

Mr. MOREHEAD : Then there is no alteration.

The ATTORNEY-GENERAL: No.

Mr. MOREHEAD : Then why did the hon. gentleman say there was ?

The ATTORNEY-GENERAL said that there was an alteration made during the passage of the Bill through the Upper House last session ; but as it was not insisted on, there really was no alteration.

Mr. MOREHEAD : Then I assume that things are just as they were.

The ATTORNEY-GENERAL : Just as they were.

Mr. MOREHEAD : I am glad we have got an explanation from the Attorney-General at last.

Clause put and passed.

Clauses 28, 29, and 30 passed as printed.

On clause 31—

Mr. MOREHEAD said he hoped the Attorney-General would tell the Committee when they came to any deviation from the Bill as passed last year by the Upper House.

Clause put and passed.

Clauses 32, 33, and 34 passed as printed.

On clause 35—"Endorsement in blank and special endorsement"—

Mr. MOREHEAD asked the Attorney-General the meaning of the word "allonge."

The ATTORNEY-GENERAL said the word was used to signify that, where the number of indorsements on a Bill was so great that the Bill itself would not contain them, a paper was pasted at the bottom of the Bill so as to carry all the endorsements that were likely to be put on.

Mr. MOREHEAD: I am very glad you knew it.

Clause put and passed.

Clauses 41 to 43 passed as printed.

On clause 44—"Dishonour by non-acceptance, and its consequences"—

The ATTORNEY-GENERAL said he desired to refer here to a remark made by his hon. colleague, the Colonial Treasurer, when the Bill was under consideration the other night. The hon. gentleman was then of opinion that, according to the existing law, when a bill was dishonoured by non-acceptance presentment was necessary afterwards. He (the Attorney-General) had since carefully looked into the existing law, and had found that not only was the provision the same here as in the English statute, but that there were numerous authorities which clearly established the fact that no presentment was necessary after dishonour by non-acceptance. If the practice had been as his hon. colleague stated the other evening it clearly was not in accordance with the law.

Mr. MOREHEAD said he was certain the hon gentleman was perfectly right in the present instance.

Clause put and passed.

Clauses 46 to 52 passed as printed.

On clause 53—"Duties of holder as regards drawer or acceptor"—

Mr. MOREHEAD asked if the clause was the same as that originally passed by the Legislative Council?

The ATTORNEY-GENERAL: Yes.

Clause put and passed.

Clauses 54 to 74 passed as printed.

On clause 75—"Presentment of cheque for payment"—

Mr. MOREHEAD said he objected to the use of the words "within a reasonable time." He had known cases of shepherds and other people in the bush who held cheques for one, two, or three years before presenting them for payment. Would that be considered a "reasonable time"? If not, those men might suffer a great wrong. Surely the liability did not cease because the cheque was not presented for payment.

The ATTORNEY-GENERAL said that the "reasonable time" would always be decided by reference to the circumstances under which the cheque was held. What would be a reasonable time for a cheque given to a man in Brisbane would not be the standard by which a man's liabilities would be judged who had a cheque given him in the country. Circumstances would govern the law of each case as to what was to be understood by "reasonable time." No hard-and-fast rule could be laid down, and if a shepherd in the interior were to keep his cheque for a number of months, and had not an opportunity of forwarding it for obtaining payment, the court would probably hold that a number of months would be "a reasonable time"; whereas, in a case in Brisbane, a week might be considered an "unreasonable time."

Mr. MOREHEAD said the hon. gentleman had given them a legal explanation of the clause, which simply amounted to saying that if an unfortunate man held a cheque for some time without presenting it—in order to discover what was a "reasonable time" he would have to go to law and employ a lawyer to ask a jury to determine it for him. The thing was too absurd. Surely some limit should be fixed in a Bill like that as to what was a "reasonable time," instead of allowing it to be settled by an appeal to a court. He could quite understand that such an arrangement would suit the members of the Bar, but he, as a representative of the people, could not allow the clause to pass without expressing a hope that an alteration in it would be made from the other side. If a man accepted a cheque, knowing the law, he took the responsibility; and unless the time was definitely fixed great injustice might be done. Many old hands were in the habit of hoarding up their cheques, which they looked upon as being as good as bank-notes or gold.

Mr. CHUBB said the clause did not refer to the matter mentioned by the hon. member for Balonne and the Attorney-General. It did apply to the case where a man drew a cheque and paid it away; it was held for an unreasonable time and not presented; in the meantime the bank failed, the drawer was discharged to the extent of the cheque, or the amount of funds which were in the bank to meet it when the bank failed.

Mr. MOREHEAD said that even if that were so, which he very much doubted, it did not interfere with his argument. Country storekeepers sometimes held cheques for months, which they had taken in the same way as bank-notes, and they should not be placed in a worse position than the original holder of the cheques.

The ATTORNEY-GENERAL said he had pointed out that there was not so much danger of banks failing here as in countries where they were kept by private persons; and that it would be impossible to fix a hard-and-fast line as to what was a "reasonable time," because they would have to make provisions to meet the case of all classes of the community. The circumstances of the country were continually altering; there were now much greater facilities for presenting cheques than formerly, there being branch banks in almost all parts of the country. If it were known that a long time were allowed, men would be encouraged to be careless in presenting cheques. He did not see any harm in the provision, or any necessity to fix a special limit as to what was a reasonable time.

Mr. MOREHEAD said there was a good deal of nonsense in the remarks of the hon. Attorney-General. He said that as there were many branch banks in the interior of the country it was very easy for a person holding a cheque to present it at the branch of the bank upon which it was drawn; but supposing a cheque was drawn by "John Smith," who had an account in a bank in Brisbane, and it was presented at a branch of the same bank at Muttaburra or Aramac, there would be no power to retain it in the hands of the bank there. It would have to be sent to Brisbane, and, in the meantime, there was nothing to prevent the balance to the credit of John Smith, in Brisbane, being withdrawn. He did not exactly see how the difficulty was to be remedied. Perhaps the Premier, with his legal knowledge, would be able to suggest something so that it might be left less indefinite than it was at present.

The ATTORNEY-GENERAL said the hon. gentleman was rather extending the meaning of the clause. Even if a man did not present the cheque within a reasonable time he had his right against the drawer as long as he was solvent; but in the event of the failure of the bank in which the man's account was kept, and the holder had not presented it, he could not say "I want my cheque paid," because he did not present it within a reasonable time.

Mr. MOREHEAD said the Attorney-General had given three explanations as to the meaning of the clause, and he believed the last was correct.

Clause put and passed.

On clause 77, as follows:—

"1. Where a cheque bears across its face an addition of—

(*a*) The word 'bank' or the words 'and company,' or any abbreviation thereof respectively, between two parallel transverse lines, either with or without the words 'not negotiable'; or,

(*b*) Two parallel transverse lines simply, either with or without the words 'not negotiable'—

that addition constitutes a crossing, and the cheque is crossed generally.

"2. Where a cheque bears across its face an addition of—

(*a*) The name of a bank, either with or without the words 'not negotiable,' or,

(*b*) The word 'credit,' or any abbreviation thereof, followed by the name of some individual or firm, either with or without the words 'not negotiable'—

that addition constitutes a crossing, and the cheque is crossed specially, and to that bank or to that individual or firm, as the case may be.

"3. But where a cheque, crossed specially to an individual or firm, also bears across its face, either before or after the name of the individual or firm, the name of a bank, the cheque is, so far as regards the duties and liabilities of the bank on which it is drawn, a cheque crossed specially to the bank whose name it so bears across its face."

The ATTORNEY-GENERAL said the clause made an important departure from the provisions of the English law. He pointed out on the second reading of the Bill that this provision had been introduced into the measure, although it did not exist in the English Act, Although the principle of the thing already existed in the Bills of Exchange Act, it was necessary, in order to make it harmonise with the nature of the Bill, to alter the shape of the provisions, though they amounted to nearly the same thing. Hon. members would see that by subsection 2 of the clause—

"Where a cheque bears across its face an addition of—

The word 'credit,' or any abbreviation thereof, followed by the name of some individual or firm, either with or without the words 'not negotiable'

that addition constitutes a crossing, and the cheque is crossed specially, and to that bank, or to that individual or firm, as the case may be."

Then the following was entirely new :—

"But where a cheque crossed specially to an individual or firm also bears across its face, either before or after the name of the individual or firm, the name of a bank, the cheque is, so far as regards the duties and liabilities of the bank on which it is drawn, a cheque crossed specially to the bank whose name it so bears across its face."

It was hard to overrate the importance of provisions like that, to which the mercantile community became accustomed, and which operated as an important safeguard in this colony, where so much business was carried on by means of cheques; and prevented the loss which might ensue from the miscarriage of a letter containing such a cheque.

Mr. MOREHEAD said he should like to hear from the Premier, or the Attorney-General, a longer exposition of the subject of crossed cheques. The question was a very large one, and the efficacy of crossing cheques at all was a matter very much to be doubted. He was not sure whether, if he held a crossed cheque—even if specially crossed—he could not cash it at the bank if there were sufficient funds to meet it. It was a very vexed question, and he doubted whether the proposed clause settled it. In fact, he doubted very much whether it was advisable to give such a protection to crossed cheques. He hoped that the Premier, who was recognised as the highest authority in the House on legal questions, would give his opinion as to the law in existence on the subject of crossed cheques.

The PREMIER said the law of crossed cheques was rather confused in England until lately; and it differed in some respects from the law in this colony. In this colony the only crossing in practice was crossing generally to a bank or crossing specially to an individual. The latter was peculiar, he thought, to the law of Queensland; it certainly was never the practice in England. There was another slight difference with respect to the crossing here and in England: in England it was the practice to use the words "and company"; here it was always the word "bank." The effect of crossing a cheque was that it amounted to a direction to the bank on which the cheque was drawn to pay to a bank: he was referring to what was called the English crossing—in England, the words "and company;" in the colonies, the word "bank." That was the English law and also the law here. With respect to writing across a cheque the words "credit of" a particular person—which was not the practice in England—that operated merely, according to the existing law, as a direction to the bank receiving the cheque to place the money to the credit of that particular customer. That was a thing continually done in commercial circles, and was a convenient mode of practically obtaining a receipt for money sent by post to a person at a distance. In the previous Bill these provisions were left out, and he had asked hon. members to consider them before the Bill went into committee, but on further consideration the omission appeared so serious that he thought it better to withdraw the Bill in order that they might be inserted. If hon. members would look at clause 77 and the three following clauses, they would see what he had pointed out, embodied in words analogous to those of the English Act. He would point out that the Bill introduced another innovation—the crossing a cheque with the words "not negotiable," which simply had the effect that a person who took a cheque so marked had no better title than the man from whom he received it; if he received it from a thief, he would have no more claim to insist upon payment than the thief would have had. It was a purely arbitrary rule; it was the rule of the English law, and they had adopted it in that Bill. The 77th clause defined the different modes of crossing cheques. In order to harmonise the two schemes which were combined in the measure, a provision was inserted that where a cheque crossed specially to an individual was also crossed to a bank, then so far as the duties of the paying bank were concerned it should be deemed simply a cheque crossed to the bank; and they were not to be concerned as to who got the money. Then the 80th section provided what the consequences of crossing were to be as regarded the paying bank and also the receiving bank. So far as crossed cheques in England were concerned, the receiving bank had nothing to do with the matter; it only affected the paying bank, which was bound to see that it paid some bank if the cheque were crossed generally, or a particular bank if crossed specially. The 2nd subsection provided that—when the bank on which a cheque is drawn—

"(*a*) If the cheque is crossed specially to more than one bank (except when crossed to an agent for collection, being a bank), pays the cheque; or,

"(*b*) If the cheque is crossed generally, or is crossed specially to an individual or firm, and is not also crossed specially to a bank, pays it otherwise than to a bank; or,

"(*c*) If the cheque is crossed specially to a bank, pays it otherwise than to the bank to which it is crossed, or its agent, for collection, being a bank—

such bank is liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid."

The drawer or holder of a cheque might cross it to a bank and so secure himself. If a cheque were crossed to more than one bank, it was provided that the bank on which it was drawn should refuse payment. That was a case which he thought was not provided for by the existing law. If people were foolish enough to cross a cheque to two banks, they would have to adopt other means for obtaining their money. If a cheque were crossed generally, or specially to an

individual or firm, it must be paid to a bank, and if crossed to a bank it must be paid to that bank. The 3rd subsection of clause 80 provided for the duties of a receiving bank when a cheque was crossed to an individual. The receiving bank was to pay the money to the credit of that individual, otherwise they would be liable for any loss which might accrue. He was glad to have had an opportunity of explaining the changes introduced.

Mr. MOREHEAD said he was certain that every member of the Committee clearly understood the clause after the explanation of the Premier. The Premier was as good as three or four Ministers rolled into one, and it would have been far better if he had had charge of the present Bill instead of the Attorney-General. The best thing the Attorney-General could do would be to hand it over to the Premier, as that would save a lot of time.

Clause put and passed.

Clauses 78 to 83 passed as printed.

On clause 84—"Promissory note defined"—being put—

Mr. MOREHEAD asked if a promissory note really was a promise in writing? He asked the question because he thought he had reason to believe the clause was not a transcript of the English law.

The ATTORNEY-GENERAL: Yes, it is actually so.

Clause put and passed.

Clauses 85 to 96 put and passed.

On clause 97—

"1. A negotiable bill, other than a cheque, and a negotiable note, other than a postal note, shall not be drawn or made for any sum less than twenty shillings.

"2. An instrument which contravenes this rule shall be void, and any person who issues or negotiates it shall be liable, on summary conviction before two justices in petty sessions, to a penalty not exceeding twenty pounds, and not less than twenty shillings.

"3. Provided that no complaint under this section shall be entertained if made after the expiration of thirty days from the commission of the offence."

The ATTORNEY-GENERAL said at the present time it was not lawful to draw a cheque for any amount under 20s., but the clause would permit it, although that permission was not extended to any other negotiable instruments.

The COLONIAL TREASURER (Hon. J. R. Dickson) said that on the second reading of the Bill he made some objections to the proposed change, but was overruled on account of the Bill being in strict accordance with the English law of Bills of Exchange, notwithstanding that the practice of the banks here, and elsewhere, had been dissimilar. He believed that in the present case he was correct in saying it was not sanctioned by the law of the colony, and it was his duty to protect the revenue. If cheques were permitted to be drawn under 20s., the Stamp Act would be evaded and there would be a consequent loss of revenue. He should object to the clause going through in that shape, and should move that the words "other than a cheque" be omitted.

Amendment put and passed.

Mr. BLACK said he thought that was a subject that required some discussion. The question of revenue was of secondary consideration to the convenience of the public. He could quite understand that the Treasurer did not wish the revenue that he derived from postal notes diminished.

The CHAIRMAN: I would point out to the hon. member that the omission has been carried.

Clause, as amended, agreed to.

On clause 98—"Repeal"—

Mr. ARCHER said he was sorry he did not notice the previous clause sooner. A negotiable bill or cheque was not to be under 20s. He had drawn a cheque for under £1.

The PREMIER: Not a negotiable cheque.

Mr. ARCHER: If anyone drew a cheque for under that sum he would be liable to be summarily convicted before two justices of the peace.

The ATTORNEY-GENERAL said it would be illegal where a man drew a cheque for a sum less than 20s. and put it into circulation; but not if it was paid to the bank "to order," and the bank paid the cheque, and in that way absorbed the funds that might be standing to the credit of the individual who drew the cheque.

Clause put and passed.

Clauses 99 and 100 passed as printed.

On clause 101, as follows:—

"Any person who shall commit any of the following acts shall be deemed to have committed an offence, and shall be liable to a penalty not exceeding five pounds, to be recovered in a summary way, that is to say, every person—

(*a*) Who after the issue thereof defaces any bank-note by writing, printing, stamping, or marking thereon his name or the name of any other person, or any matter relating to the trade, business, occupation, or affairs of any person;

(*b*) Who, being party or privy to any bank-note defaced as aforesaid, pays away, parts with, puts in circulation, demands payment of, or deposits, or offers to deposit in any bank, any bank-note so defaced as aforesaid.

"Provided always that it shall not be deemed an offence within the meaning of this provision, where any person indorses any bank-note for the purpose of identification, or for any other lawful purpose."

On motion of the ATTORNEY-GENERAL, a verbal alteration was made in the 1st line.

Mr. BLACK said he did not see in what way the offence was going to be prevented in the future. If a defaced bank-note was still a legal tender, in what way was the holder likely to be affected?

The ATTORNEY-GENERAL said he was not likely to be affected unless he put it into circulation.

Mr. ARCHER said this was a very decided departure from the common practice, unless the law of England had been altered. If a person went into any shop in London and tendered a £10 note, he would be asked to put his name on the back of it.

Mr. MOREHEAD said he took it that the whole object of the clause was to prevent bank-notes being made an advertising medium, which they had been made. He thought the clause a very good one.

Mr. CHUBB said the clause could be amended by a few words being put in to prevent notes that had been defaced being re-issued, because any person who had a defaced note in his possession might be prosecuted, and he would have possibly to show his innocence. *Primâ facie*, it might be argued that because he had possession of the note he had defaced it. The question might also be raised whether a bank could compel a man to take notes which had been defaced—although a person might not have defaced a note or been privy to defacing it, yet there was nothing which would entitle him to refuse, from the bank, notes which had been defaced.

Mr. BROOKES said he could not help thinking that the clause might just as well be left out, because it might cause a deal of trouble. He could not see that it ought to be a legal offence to print or stamp a bank-note, and he did not see anything particularly wrong in doing so. No public inconvenience could arise from bank-notes being printed upon, or stamped, or used as

advertising mediums. There was an amount of ambiguity about the clause which might lead to trouble. He believed the rule in the Bank of England was that no note was issued twice; and if it was intended to protect the banks here from fraud, that would be an explanation of the clause, but that was scarcely sufficient reason for inserting the clause. Referring to subsections A and B, it would be as well to have a clear understanding as to what was meant by the words "or for any other lawful purpose." He thought the clause might be left out without prejudice to anyone concerned.

Mr. MOREHEAD said, having regard to the fact that the circulation of a bank was very heavily taxed, they should have some means, so far as they could, of protecting any defacement of notes. He believed every member of the Committee would admit that the more a note was blurred, the more likely it was that frauds would be perpetrated. It had been said that printing on a note was not defacing it, but it was at any rate altering the figuration of the note, and making it less likely to pass as a legal tender, than if it were left unmarred, as the clause proposed that it should be. Some protection should be given, not only to the bank, but to the outside public. The clause was a very material one. If a storekeeper in the outside districts wished to imprint an advertisement on all notes passing through his hands, he should be prevented from doing so, because that was a material alteration, and injury to a negotiable paper. It was only with the intention of saving the public that the clause was introduced, and for no other reason. As far as regarded the objection made by the hon. member for Mackay to the re-issue of bank-notes, he was willing that a clause should be introduced preventing their re-issue, because he did not think it at all likely that a bank would re-issue a note that had been tampered with.

The COLONIAL TREASURER said the bank was not taxed any more because notes were impressed with the names of traders; and if the notes were recalled the banks were not subject to any additional taxation. It was not a matter of very much moment—except the question as to how the public were to be protected in the matter of the notes at present in circulation; under the clause as it stood, no person would be able to deposit a note which came into his hands in a defaced condition. The clause, if applied at all, should only apply to notes issued by the banks, and dated on or after the first of January. That would be a protection to the public. The notes at present in circulation might be defaced; and why should the public be placed in the position that they would be unable to deposit those notes for fear of prosecution? The Bill should only apply to notes hereafter to be issued.

Mr. NORTON said if the object was to prevent bank-notes being used as advertising mediums it would not have that effect, because the clause provided against the defacement of notes, and it could not be said that a note was defaced by having an impress on the back.

The COLONIAL TREASURER: That is what it means.

Mr. NORTON: Then the clause does not say what it means—it does not say what it is intended to mean.

Mr. MOREHEAD said he must put the Colonial Treasurer right in his interpretation of subsection B. The subsection read:—

"Who being party or privy to any bank-note being defaced as aforesaid, pays away, parts with, puts in circulation, demands payment of, or deposits, or offers to deposit in any bank, any bank-note so defaced as aforesaid."

The man who did so must be either a party or privy to it, and therefore it would not in any way affect the innocent holder. The clause, he held, was a very useful one to all concerned—to the outside public as well as to the banks.

The ATTORNEY-GENERAL said that the first subsection of the clause pointed out what was intended by defacing a bank-note, although it might easily be made a little clearer. It was made to apply to men who used bank-notes for the purpose of giving prominence to themselves or their business affairs—a thing which had become far too frequent since the introduction of the rubber-stamp. He did not see why the public should have advertisements thrust before them in that objectionable way. With a little verbal alteration the clause might be accepted.

Mr. MOREHEAD said the meaning of the clause was anything that was calculated to destroy the efficiency of a bank-note or other negotiable instrument.

The PREMIER said that, if that was the meaning intended to be conveyed by the clause, apt words were certainly not used for the purpose. It was not a clause for which the Government was responsible. What was meant by defacing a note? A note was not defaced by putting a mark on the back of it, nor would painting a picture on the back of it impair its efficiency. He did not suppose anybody ever advertised on the front of a bank-note. He did not think much of the clause, but if hon. members would state what they actually wanted to arrive at, the wording of the clause might be modified so as to meet it. He could not see any harm in a man simply stamping his name at the back of it.

Mr. BROOKES said that if the clause passed it would inflict injury on a great number of innocent persons for many years.

Mr. MOREHEAD: Read subsection B.

Mr. BROOKES said that might be held to authorise the banks not to receive the notes.

Mr. MOREHEAD: It does not exempt the banks from receiving them.

Mr. BROOKES said it was, at all events, very ambiguous, and it would result in loss and injury to country storekeepers and other holders of those defaced notes, because they would not all be in for the next ten years. He did not think the clause ought to pass.

Mr. MOREHEAD said the clause was in the interests of the public rather than of the banks, for, if the defacing was allowed to go on, it would deteriorate the material of which the note was composed, and the less chance there would be of the note being presented to the bank for payment. If banking institutions were desirous of benefiting themselves they would be anxious to maintain the existing state of affairs, but they did not wish to avoid any of their responsibilities. Personally, he did not care whether the clause passed or not, but in the interests of the public it was better that it should become law.

The COLONIAL TREASURER said it had never yet been held illegal for a man to put his name on the back of a bank-note. Supposing a note so marked were put into circulation, and that, in the course of ten years, it came back to the person who originally marked it, why should he be liable to prosecution for presenting that note to the bank? He thought the best remedy would be to provide that all defaced notes should be withdrawn from circulation as they came into the bank, and that the Bill should only apply to notes issued from the 1st January, 1885, the time when it would come into operation.

The ATTORNEY-GENERAL said there was nothing in the clause that suggested that a

bank would be justified in refusing what certainly was legal tender. Although a note might be defaced, so long as it was an instrument that had been lawfully issued by a bank, bearing the signature of the manager, it was a legal tender, and the bank could not refuse to accept it. Neither was there anything to show that an innocent person would be liable to the punishment mentioned, even though he presented the defaced note two or three times. It must be shown that he was a party to the defacing before he could be punished. It was not as if the presentation of a defaced note was to be taken as *primâ facie* evidence that the party presenting it had been a party to the defacing, and that the onus of proving his innocence was thrown upon him. Had that been so, he should not have felt justified in maintaining the clause as it stood. The party presenting a defaced note must be shown to have been privy to the defacing before he could be punished; and he (the Attorney-General) could not see any mischief that was likely to ensue from the clause. With a few verbal amendments it would be a very good clause.

Mr. NORTON said, if the clause were amended as suggested by the hon. the Colonial Treasurer, there would be no objection—that was, that it should apply only to notes issued after a certain date. That appeared the simplest way out of the difficulty.

Mr. BROOKES said it seemed to him that, if a woman went to a bank and deposited twenty notes—some of which were defaced—in the name of her husband, she would be "privy" to the defacing within the meaning of the clause.

Mr. MOREHEAD: No; she must be privy to the defacing.

Mr. BROOKES: He did not see that. The words "being privy" meant something very different from being the person who actually committed the offence. The question also arose, what advantage would the passing of the provisions be to the public? And, again, supposing there would be some advantage, was the advantage or the disadvantage the greater so far as the public were concerned? He could see no advantage at all in it.

Mr. CHUBB said it was admitted that there were some germs of good in the clause, and he would, therefore, suggest that the Attorney-General should move the Chairman out of the chair, and allow the two clauses in question to stand over, so that hon. members might have an opportunity of making them more intelligible than they were at present.

Mr. BLACK said it was evident that the clause might be easily evaded. In the first place, it was very vague as to what constituted "defacing." According to the strict reading of the clause, it would be perfectly legitimate for any person to put a stamp on the back of a note. That was not "defacing" according to the interpretation of the word. Then, again, they had this proviso—

"Provided always that it shall not be deemed to be an offence within the meaning of this provision, where any person indorses any bank-note for the purpose of identification."

There was nothing to prevent a bank-note being stamped on the back for the purpose of identification.

The PREMIER: "Or for any other lawful purpose."

Mr. BLACK: The clause was exceedingly vague, and he thought the suggestion of the hon. member for Bowen ought to be accepted in the way it was offered, so that the clause might be worded to attain the object they intended.

The PREMIER said it was evident the clause would have to be almost entirely reconstructed. One interpretation of it was that certain acts should be deemed an offence, and that then it was provided that none of those acts was an offence, because none of them were made unlawful. That was certainly an ambiguity. He did not see why such a clause should be inserted in the Bill, which was a measure dealing entirely with mercantile matters. It might very well be introduced in a Bank Act, but he did not see why the Bill should be encumbered by it; and unless a better attempt was made at expressing their meaning than was found in the clause, he thought the best thing to do would be to negative it altogether.

Mr. MOREHEAD said he did not know whether he was sitting under King Attorney-General or King Premier. He was sure they on his side of the Committee were very happy to have thrown the apple of discord into the opposite camp. It was really very refreshing to those who sat in those dim shades to find that there was such a difference of opinion amongst the occupants of the Ministerial benches. It showed that the measure had been brought in in a very undigested state by the Government. There was no one more in favour of it than the hon. the Attorney-General, who was almost violent in his approval of it; and he (Mr. Morehead) admitted that he thought the Attorney-General was right. Then the current of his thought was changed when he heard the remarks of the hon. the Premier throwing the cold light of reason upon it; then they had the perfervid Colonial Treasurer, who appeared to have exhausted himself, and, after getting through 100 clauses, had gone home, it was to be hoped, to rest. As far as he was concerned, he did not care whether the clause was kept in or not. The measure was one the Ministry had brought down; they had heard the Attorney-General in favour of it; they had heard the Premier against it; and it was for the hon. gentlemen opposite to decide which of those two legal luminaries they should follow.

The ATTORNEY-GENERAL said it was not a Government measure. He took the Bill as it was brought down from the Upper House, and he did not see why he should have done anything towards the excision of a clause inserted by the Upper House, until it was shown that there was some good reason why it should not be part of the Bill. He thought it was a very good provision.

Mr. MOREHEAD: I quite agree with you.

The ATTORNEY-GENERAL said that if there were anything like unanimity on one side or the other with regard to it he should have been ready to divide on the question, but as there was no unanimity he thought it was better to agree to the excision of the clause.

Mr. MOREHEAD: I will divide with you.

Mr. ARCHER said that, if the clause was excised after being inserted by the Upper House, it would probably only lead to its being again inserted in another place; and he did not see why the Attorney-General should not accept the advice of the hon. member for Bowen to reconsider the clauses, and put them in such a form as would express what the Upper House evidently intended to express.

The ATTORNEY-GENERAL said he did not think there would be any difficulty in remodelling the clause in a few minutes to make it express what was intended by the Upper House. What they intended was perfectly clear, and only a few verbal alterations would be necessary to make it accurately express their meaning; but it was evident that many

hon. members on both sides of the Committee objected to any provision of the kind, however expressed, and he did not see how it would advance matters at all to accept the suggestion of the hon. member for Bowen, and let it stand over till another day.

Mr. CHUBB said his only reason for suggesting an adjournment was that those two clauses had been twice inserted in the Bill, or a similar Bill in another Chamber; and if they negatived them now they might be reinserted and insisted upon, and thus a very useful measure might not become law during the present session.

Clause, as amended, put and negatived.

Clause 102—"Definition of bank-note"—put and negatived.

Schedule put and passed.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

The report was adopted, and the third reading of the Bill was made an Order of the Day for to-morrow.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

The SPEAKER announced that he had received messages from the Legislative Council approving of the plans, sections, and books of reference of the following railways:—Cooktown Wharf Line; Southern extension from Stanthorpe to the Border: and the third section of the Brisbane Valley Branch Railway.

The SPEAKER also announced that he had received messages from the Legislative Council returning the Registrar of Titles Bill and the Public Officers Fees Bill to the Legislative Assembly without amendment.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said that the Immigration Act of 1882 Amendment Bill would stand first on the paper for to-morrow, and after that the Patents, Designs, and Trade Marks Bill, and the Triennial Parliaments Bill.

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