Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 23 SEPTEMBER 1884

LEGISLATIVE ASSEMBLY.

Tuesday, 23 *September*, 1884.

Maryborough School of Arts Bill.—Formal Motion.—Pettigrew Estate Enabling Bill—third reading.—Gympie Gas Company (Limited) Bill—third reading.—Maryborough Town Hall Bill—third reading.—Skyring's Road Bill—third reading.—Local Authorities By-Laws Bill—third reading.—Crown Lands Bill—committee.—Adjournment.

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

MARYBOROUGH SCHOOL OF ARTS BILL.

Mr. BAILEY, as Chairman, brought up the Report of the Select Committee appointed to inquire into this Bill, and moved that it be printed.

Question put and passed.

The second reading of the Bill was made an Order of the Day for Thursday next.

FORMAL MOTION.

The following formal motion was agreed to :—

By Mr. MACROSSAN—

1. That the Townsville Gas Company Bill be referred for the consideration and report of a Select Committee.

2. That such Committee have power to send for persons and papers, and leave to sit during any adjournment of the House, and that it consist of the following members, namely :—Mr. Black, Mr. Beattie, Mr. Aland, Mr. Lissner, and the Mover.

PETTIGREW ESTATE ENABLING BILL —THIRD READING.

On the motion of Mr. FOOTE, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council, by message in the usual form.

GYMPIE GAS COMPANY (LIMITED) BILL—THIRD READING.

On the motion of Mr. SMYTH, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council, by message in the usual form.

MARYBOROUGH TOWN HALL BILL—THIRD READING.

On the motion of Mr. BAILEY, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

SKYRING'S ROAD BILL—THIRD READING.

On the motion of Mr. BEATTIE, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

LOCAL AUTHORITIES BY-LAWS BILL—THIRD READING.

The PREMIER (Hon. S. W. Griffith) moved that this Bill be now read a third time.

Mr. BAILEY said: I wish to move as an amendment that the Bill be recommitted for the purpose of reconsidering clause 2.

The SPEAKER: The proper form for the hon. member to adopt will be to move that the Order of the Day be discharged from the paper.

Mr. BAILEY: I beg to move, then, Mr. Speaker, that the Order of the Day be discharged from the paper, for the purpose of considering an amendment that was made in clause 2; and I do so for the following reason: that the amendment does not form part of the Bill, but it is an addition that has been made to it. It says:—

"And such rates or dues as may be imposed in the form of a tax or charge upon vehicles passing over the roads of the local authorities."

Now that was a surprise amendment. Hon. members had the Bill in their hands, and suddenly this amendment was proposed for a special purpose as an addition to it. It is an amendment which has already been found oppressive in several divisional districts. It is expressly aimed at two classes—carriers and timber-getters. I resisted it when it was proposed, on the ground that timber-getters had already to pay a license fee, and a very heavy one too—namely, £5 a year. That is the license fee they pay the Government for carrying timber. That statement was disputed at the time, and I could not then lay my hand on the law to that effect; but I have since found it in the Timber Regulations of 1877. The 2nd clause of these regulations provides that a separate license must be taken out by each person actually employed in felling, cutting, sawing, splitting, or removing timber from Crown lands. I knew at the time the subject was being debated that every carrier of timber paid a tax of £5 a year to the Government; and I suggested that it would be a much fairer thing if this tax were paid over by the Government to the divisional boards; but it would be a shameful injustice if every carrier of timber had to pay first of all a tax of £5 a year to the Government, and then be liable to be taxed by every division through which his waggon passed. The same argument would apply to carriers. They, I believe, pay a license; and yet they would be liable to be taxed by every division they passed through; and if one divisional board on the route levied a tax the others would be sure to follow suit, for they would say, "Why should one divisional board in the middle of a journey tax carriers, while we and other divisions who have to find the roads for the carriers let them off?" The Act would press very heavily upon timber-getters and carriers; I do not know if that was the intention of the amendment, but it seems to be specially aimed at these two useful classes of men. I know that there are a great many members of this House directly or indirectly connected with divisional boards, and no doubt they would be very loth to lose the opportunity of levying a tax on a small class of men powerless to resist it; but I appeal to the justice of the House not to allow this class legislation, and not to impose this additional burden on men who are already heavily taxed. That is my reason, sir, for moving that this Order of the Day be discharged from the paper and the Bill recommitted with the view of reconsidering clause 2.

The PREMIER said: This matter was, I think, Mr. Speaker, fully discussed last Wednesday evening in committee. The amendment was in no sense a surprise, because in moving the second reading I pointed out that my attention had been drawn to what apparently was an omission—to the doubt whether the words of the clause, as framed, covered power to impose a wheel-tax—and I stated that in order to remove any doubts on the subject I proposed to introduce an amendment to that effect. So far from it being a surprise, special attention was called to the object of the amendment on the previous day. The hon. gentleman who wishes to recommit the Bill speaks of this as class legislation. It appears to me to be the very opposite of class legislation; it is general legislation. The object of the power given by the amendment is this: that if divisional boards, who spend the ratepayers' money in making good roads, find that these roads are being destroyed by persons who contribute nothing towards the cost of making them, they may be empowered to levy a tax upon these persons. It was pointed out that this object might be effected by erecting toll-gates, but that it would be much more convenient to both the divisional boards and the general public if it were done in a direct way than by that indirect, cumbrous, and very inconvenient method. The matter was very fully debated the other evening, and I do not propose to offer any further observations. I hope the clause will remain as it is.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—I think the hon. member is in error in saying that the matter was fully debated. I remember distinctly that it was taken for granted by the House that the contention made by myself was correct—that the tax or license was paid by the men for cutting and getting possession of the timber and not for carrying it away. But there is no doubt now that the tax is imposed on the carriers simply for carrying the timber, and that it has nothing to do in any way with the cutting or the proprietorship. The tax was imposed for the purpose of keeping the roads in repair; and now that the roads are under the charge of the divisional boards, why should we have the anomaly that the Government tax men for carrying on roads with which the Government have nothing to do—except paying the subsidy? The hon. member is quite right after all, and we were wrong when we contended against that. There is another point which was not fully debated. As the hon. member for Wide Bay has distinctly shown, the only privilege these men receive from the Government in return for the tax is the right of using the roads; and the tax should, therefore, be paid to the divisional boards.

The PREMIER: It ought to be taken off altogether.

The HON. SIR T. MCILWRAITH: Very well. There is another point which was not sufficiently considered, and would have received much more consideration had it not been for the impression that the Bill was designed to accomplish a certain object. The hon. member for Rosewood put the point very clearly—what was to happen to a carrier in the country who passed through three or four divisional boards, if he were blocked by the

power given in a clause of this kind? The hon. the Premier did not reply to that at all, but the difficulty seems to me a very great one. The matter has not been sufficiently discussed, and I should suggest that we adopt the advice of the hon. member for Wide Bay and discuss it. He has evidently shown that we were under a wrong impression with regard to the object of the licensing fee. I confess to have been so myself; and I think it would be an injustice.

The MINISTER FOR LANDS said: As a matter of fact, this tax on the removal of timber is simply a license for cutting it. It all falls on the man who cuts the timber, and not on the carrier; for if he has to pay a license he charges so much more for carriage. As a matter of fact, he very often cuts as well as carries it; and, as in many cases it would be impossible to get at the man who cuts it, this is the only way of enforcing the payment of the license. You may not always get at the man who is cutting the timber, but you can always get at the man who is removing it. Then again, as to the carrier on the road: if he had to pass through two or three divisions, I do not think he would object to paying a wheel-tax, if he received a corresponding benefit in the way of improved roads. And it is not very many divisions that a carrier has to pass through in the back country, away from the railways. He might have to pass through two or three, and though there might be some difficulty in the inside districts where the divisions are smaller, there would be none in those outside unless the tax was an exorbitant one.

Mr. FOOTE said: I regret I was not in the House the other evening when this Bill was in committee, but I certainly fall in with the ideas of the hon. member for Wide Bay on the subject. Almost every timber-getter who lives in the southern portion of the colony, in conveying timber to market, has to pass through two or three divisions. Supposing each of these divisions levies a rate of £5 a year, he will have to pay £15 a year for a heavy waggon. That is an enormous tax to have to pay. It is all very well to say it is not a heavy tax provided he has good roads to go upon, but where shall we find good roads? I do not know where they are; I have heard a great deal about the divisional boards for the last two or three years, and have heard of the great benefits which have accrued from their establishment, but I have great difficulty in finding any good they have done. It is not to be found on the roads. I know men who are paying £100 a year on ratable property in various divisions, and they are not getting 8s. 4d. worth return on that £100. These timber-getters are to be taxed by each division for cutting up the roads. Sometimes in wet weather they help to make them bad, but in fine weather they do the reverse, and make them better to travel upon; and that is almost all that is being done to the roads. It is a very arbitrary thing to do to place a power in the hands of the divisional boards to levy a tax of this sort on those men, because the parties who will be taxed will not derive anything like a sufficient benefit from that taxation. I look upon any measure giving the divisional boards such a power as the Bill proposes, as an oppressive measure; and I hope the House will recommit the Bill for the purpose of expunging this amendment upon clause 2.

Mr. MELLOR said: I regret I was not present when the discussion was raised on the subject, as I did not know when it would be brought on. My hon. colleague (Mr. Bailey) is quite right in his statement in reference to the timber licenses. The timber-getter has to pay a license for drawing the timber as well as for cutting it. I do not speak of this from hearsay, as I have had practical proof and experience of it. I have on many occasions kept gangs of men at this work, and I have always had to pay licenses for the drawers as well as the cutters. I may state that on one occasion a timber raft of mine was seized at Maryborough after it had been brought down some miles by the tide, simply because the ranger thought I had not paid the licenses; showing that the licenses have to be paid up to the time the timber is disposed of. The license is imposed upon the drawer or carrier of the timber as well as the cutter, and if a man employs men to get timber he has to pay a license for the drawer and also for the cutter. I do not like class legislation, but I hardly know which side to sympathise with in this case—the divisional boards or the timber-getters. There is no doubt that timber-getters destroy the roads in many divisions; and the boards are placed in a very peculiar position with respect to them. Only last month, I think, the Widgee Board were mulcted in very heavy expenses, because a timber-getter met with some accident on account of the roads being cut up by heavy timber drays by the timber-getters themselves. There is no doubt that timber getters and carriers do cut up the roads very much, and they do not pay a sufficient price for making them and keeping them in repair.

Mr. BEATTIE said: I am not at all surprised at the remarks made by the hon. member for Bundanba. We all know he is opposed to divisional boards. He told us he knew people in his division who owned ratable property worth £100—that would give a rate of 5s.—and they only got 8s. 4d. worth of benefit on the £100 from the divisional board.

Mr. FOOTE: I must correct the hon. member. He has not understood what I said. I said I knew of ratepayers paying £100 in mere rates to various divisional boards, and from that £100 the ratepayer was not getting 8s. 4d. worth. He was not getting 8s. 4d. worth of benefit from the £100 he was compelled by law to pay as rates to the divisional board.

Mr. BEATTIE: All I can say is that I have no sympathy with a man paying £100 as rates who does not see that his roads are kept in order. No doubt the divisional boards have a great deal to put up with. They are not anxious to see the timber-getters or anybody else taxed excessively. What do the ratepayers in a division contribute rates for, if not for the making of roads?

Mr. FOOTE: What do the boards do with the money?

Mr. BEATTIE: I think they do good with it.

Mr. FOOTE: I do not see any signs of it.

Mr. BEATTIE: If the hon. member will come around with me for about twenty miles outside Brisbane, he will see some capital roads made by the divisional boards, and which would never have been made had it not been for the divisional boards. It is very hard upon ratepayers contributing rates to keep the roads in repair, and to have outside traffic destroying those roads upon which their rates are expended; and it is only fair that they should ask some amount from the individuals who destroy the roads, to assist in repairing them. The argument is a very simple one. In the country districts it cannot be expected that macadamised roads will be made, and we know that timber getters and carriers must destroy the roads very much. The timber-getter pays a license for permission to take timber off Crown lands, and we have heard the difference of opinion expressed on the subject by hon. members. The junior member for Wide

Bay tells us that the timber-getter pays for removing as well as cutting. It is generally the timber-getter who removes his own timber.

Mr. BAILEY: No, no!

Mr. BEATTIE: I differ from the hon. member. My information on the subject is very different to what he has told us. He may know of isolated cases in which the timber-getter does not remove his timber himself. I know of isolated cases in which he does. The Government of course pay a subsidy of £2 to £1, but they do not contribute anything for this special wear. Within twenty or thirty miles of the metropolis where there are macadamised roads the injury done may not be very great, but in the country districts it must be very great. On country roads the injury must be very severe indeed, and I do not think the timber-getters themselves would object to pay a small tax. Speaking of the divisional boards throughout the colony, I do not think they err greatly in making their taxes oppressive. The members of boards are generally ratepayers, and they are not anxious to be excessively rated themselves. Therefore I think the argument is not a good one; members of divisional boards are not anxious to drag every drop of blood out of the ratepayers, because they themselves would suffer in proportion. I really cannot see the object of recommitting the Bill, although it might, in the opinion of some hon. members, be advisable to abolish the £5 paid by timber-getters, and allow the divisional boards to charge an ordinary license, whatever it may be.

Mr. SMYTH said: A regulation was made charging the carriers a license for carrying timber out of scrubs, because the roads were made by the Government before the Divisional Boards Act came into operation. Now, however, that there are divisional boards the revenue derived from timber licenses should be given to the boards; if not, the license should be abolished, and power given to them to levy a wheel-tax. The Bill as it stands is a very good one, with the concession from the Government that they would abolish the tax for carrying timber, and let the divisional boards charge a license instead. There is at present, as has already been stated, a case where a man proceeded against a divisional board for damages. The man had his horse killed, and although it is believed that he himself made the road bad which caused the death of his horse, yet he did not contribute anything towards the revenue of the board. Therefore I think it is quite right that the board should have power given them to tax people who cut up the roads.

Mr. KATES said: It is necessary that the ratepayers should be protected. My experience of timber-carriers is that they cut up and destroy roads very considerably. The timber trollies carry two tons of light wood, and from five to six tons of hardwood, and in wet weather their wheels sink eight or nine inches into the ground. The damage is not merely confined to the wheel-tracks; it is several square yards in extent, and I believe that the injury done by each trolly, during wet weather, costs from £40 to £50 for repair. We have been told that the timber-carriers have to pay a license of £5. They may do so for removing timber from Crown lands; but I know that a great deal of the best of it, such as cedar, comes from selections, which selections are taken up for no other purpose than to get the timber off them; and those men do not pay anything for removing the timber. In the interests of the ratepayers a special tax should be levied on those timber-getters, so as to pay for the roads damaged by them.

Mr. NORTON said: I must say I think this tax is a very bad one, because it is aimed at two particular classes of men. If it was intended as a general tax it might not be so much objected to; but it is simply to fall upon timber getters and carriers, more especially the former. One hon. member has said that those men ought to be taxed because the Government made their roads for them before the passing of the Divisional Boards Act; but the facts of the case are different. The timber-getters or carriers have made far more roads for themselves than the Government ever made for them. It is nearer the fact to say that they have made roads which, but for them, would never have been in existence, and that in that way they have saved hundreds of pounds to the colony. It is true that in some cases men engaged in the timber trade pay a tax for their carriers. That is done by the large timber-dealers who have men constantly in their employment; but there are many men—selectors—who are employed in odd jobs of timber-getting, and who have to pay the license themselves. It would come very hard upon those men if the divisional boards had power to levy an additional tax upon them. There is no limit to the amount proposed. The boards may make the tax £10 or £20 a year.

The PREMIER: It must be reasonable.

Mr. NORTON: It depends upon what is reasonable. There has been no definition of that term, and each man holds his own idea about it; but the tax may be made excessive, and if it be correct, as stated by the hon. member (Mr. Kates), that the timber-getters destroy the roads to any great extent, the chances are that those men will have to pay a heavier tax than other persons; and I do not think that was the object of the Premier in proposing the amendment. As far as the timber license is concerned, I do not think those who deal in soft wood get so much out of that privilege as they might do, although with hardwood it is different. It might be advisable to hand over those licenses to the divisional boards, and abolish this wheel-tax altogether.

Mr. STEVENS said: I was under the impression that most of the timber-carriers were men who paid rates and taxes, and it seems also, according to the hon. member (Mr. Kates), that a large number of them are men who have selections. If so, they already contribute towards the construction and maintenance of roads, and I not see why they should be asked in addition to pay a wheel-tax. There is no doubt that this Bill has been introduced for the purpose simply of imposing a tax upon these timber-getters. The hon. member for Port Curtis is quite correct in stating that the timber-getters have opened more roads, and done more in the way of making roads, than the divisional boards or the Government have ever done for them. In the most difficult parts of the country, where the best timbers are, the roads have been opened by the timber-getters. In the southern portion of the colony, in places that were considered quite impracticable for wheel traffic, roads have been opened in a dozen different directions entirely by the timber-getters. I think myself that the hon. member for Wide Bay is to be much commended for the persistent way in which he has tried to get the clause in question amended

Mr. KELLETT said: I cannot agree with what the last speaker has said, because I believe that in some districts there should be a tax or special rate of some kind levied upon these timber trollies. I know that in one divisional board with which I was connected—Tarampa—there were a great number of timber-getters. They

came down the Range to Murphy's Creek, and, not living in the division, they paid nothing at all. There is no doubt that one of those timber-carriers cuts up the roads more than twenty farmers. The consequence was that we passed a by-law, whether rightly or wrongly, making them pay a tax, and it is enforced unto this day. I know several other districts that are in the same position; and I cannot see where the hardship comes in. I think these men should be called upon to contribute something towards keeping the roads in repair. At the same time I do not think they should be made to pay twice over. If they are charged by the divisional boards, they should be no longer charged by the Government; but that they should be charged for the use of the roads is perfectly justifiable. I can see the difficulty that has been referred to about carriers passing through several divisions; but I do not think this clause is intended to apply to general carriers. It is intended more for timber-carriers, and I do not think any divisional board would impose a tax upon ordinary carriers passing through. I take it that the Bill is simply intended to get at the men who use the roads and do not contribute anything at all towards their maintenance, and therefore I consider it a very good one.

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

The House divided :—

AYES, 22.

Messrs. Fraser, Aland, Smyth, Isambert, Jordan, J. Campbell, White, Kellett, Buckland, Kates, Foxton, Beattie, Ferguson, Black, Donaldson, Sheridan, Dutton, Macdonald-Paterson, Dickson, Griffith, Brookes, and Miles.

NOES, 19.

Sir T. McIlwraith, Messrs. Archer, Morehead, Norton, Lalor, Macrossan, Bailey, Foote, Higson, Annear, Scott, McWhannell, Govett, Lissner, Mellor, Palmer, Stevens, Grimes, and Midgley.

Question resolved in the affirmative.

Question—That the Bill be now read a third time—put.

The HON. J. M. MACROSSAN said: I think the position the Government have taken up is a very unfair one—to try and burk discussion upon an important question of this kind. It is an important matter; and, as has been clearly pointed out by the hon. member for Wide Bay, the question in dispute was not considered by the House. I think the Government have acted very unwisely. There are several matters in connection with clause 2 that require further consideration; and one point which escaped my attention until it was raised by the hon. member for Port Curtis, is as to the word "reasonable." Who is to decide what is "reasonable"? I think it would have been much better if the Government had undertaken to recommit the Bill, so that there might have been reasonable discussion on the clause, and then we could have decided the question fairly. I myself believe in a wheel-tax, but nevertheless I voted so that the question should be reopened; and I think some hon. members on the Government side made a mistake in voting the way they did. We are not voting against any particular part of the Bill, but we simply desire that the question should be reopened and thoroughly discussed. It is out of my power to take any action in the matter now, or I should do so.

Mr. ISAMBERT: My remarks lately upon the clause were not with regard to its imposing a tax, because one cannot expect the divisional boards to maintain roads without funds any more than one can expect the Government to carry on without replenishing the exchequer. All I contended was, that a carrier having to go from one board to another should not be overtaxed; at the same time, no one abuses or cuts up the roads so much as a timber-getter. I think it is a matter of indifference whether this clause is amended now or not, as every year finds some amendments made to the Divisional Boards Act. The whole Divisional Boards Act was forced upon the country under false pretences, as it was understood that the Government were to maintain main roads. The contention of the hon. member for Wide Bay was, that carriers going from one board to another, and thus using main roads, should not be overtaxed, which would be the case if the divisional boards were at liberty to tax every carrier who went through their districts. Still the boards are in want of a power to regulate traffic.

The MINISTER FOR WORKS (Hon. W. Miles) said: This Bill does not apply to timber-getters alone: it applies to all wheel traffic. I think it is very necessary that the Bill should make provision for taxing carriages, buggies, and everything that cuts up the roads. This provision is not stringent to the timber-getters, who will only be taxed with other people. Whatever taxes are proposed by the boards must be submitted to the Governor in Council before they can be approved of, and it is not likely that they will permit any board or municipality to charge an excessive rate. I think it is a very proper provision to make—that all people who keep carriages or buggies should contribute towards the repair of the roads.

Question put and passed.

On the motion of the PREMIER, the Bill was passed, and ordered to be transmitted to the Legislative Council by message in the usual form.

CROWN LANDS BILL—COMMITTEE.

On the motion of the MINISTER FOR LANDS (Hon. C. B. Dutton), the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider the Bill.

Question—That clause 6 stand part of the Bill—put.

The MINISTER FOR LANDS said that, before the discussion on the clause went any further, he might inform the Committee that the Government were prepared to accept the amendment of the hon. member for Stanley (Mr. Kellett). He could not say that in every respect he preferred it to the original clause; but still it mended many defects, and it secured the country against many abuses of the 54th section of the Act of 1869 as it originally stood. It removed his chief objection, as it proposed to restrict selection and confine men to their improvements. It supplied a great defect in the Act of 1869, so that instead of doing away with that clause they would allow people to select where they had made improvements of a certain character and up to a certain value, which value was to be proved within a certain time. By doing that a man would secure his improvements, which, he understood, was the object of the clause in the Pastoral Leases Act of 1869. He should therefore be prepared, when the clause in the Bill was put, to have it negatived.

Question put and negatived.

Mr. KELLETT said he did not think it necessary to read his amendment again; if it was taken as read, it would save a great deal of trouble.

The HON. SIR T. MCILWRAITH: We will excuse you.

Mr. KELLETT: He had said what he had to say the other evening, and, therefore, there was very little for him to add now. But he had since been considering the amendment, and he thought

that subsection *(a)* might be amended by striking out the words "or contracted to be made"; and by substituting "passing of this Act" for "26th day of February, 1884." He therefore moved that these amendments be made.

The HON. SIR T. MCILWRAITH: You have not moved the new clause yet.

The CHAIRMAN: The hon. member can make any alterations he pleases in the clause before he moves it.

Mr. KELLETT said he would read the new clause with the alterations which he proposed should be made in it:—

6. It shall not be lawful for the Governor in Council to sell any portion of a run to a pastoral tenant under the provisions of the fifty-fourth section of the Pastoral Leases Act of 1869, except for the purpose of securing permanent improvements actually made upon the portion so sold, and consisting of permanent buildings, reservoirs, wells, dams, or fencing; nor unless the following conditions exist, and are performed respectively, that is to say—

(a) The improvements must have been made before the passing of this Act;

(b) A sum not less than one thousand two hundred and eighty pounds must have been actually expended upon the improvements;

(c) The land applied for must not comprise any natural permanent water, nor must it, except when the improvements consist of a reservoir or dam, comprise more than one side of a watercourse;

(d) Application to purchase the land must be made to the Minister within six months after the passing of this Act, accompanied with particulars of the improvements, and proof of the time when they were made, and of the money expended upon them.

Upon application duly made and proof given within the period aforesaid the application shall be approved and recorded, and the pastoral tenant shall thereupon be entitled to purchase the land comprised in the application on payment of the sum of ten shillings per acre at any time before the land applied for has by resumption or otherwise been withdrawn from, or ceased to be subject to, the lease.

Provided that any pastoral tenant of a run who takes advantage of the provisions of the third part of this Act in respect of such run shall not be entitled to purchase under the provisions of this section any land comprised in such run.

For the purpose of giving effect to the foregoing provisions of this section, and of performing any contract heretofore lawfully made by the Governor in Council for the sale of a portion of a run, the said fifty-fourth section of the Pastoral Leases Act of 1869 shall continue in force.

Except as aforesaid the said fifty-fourth section is hereby repealed.

This section takes effect from the passing of this Act.

He was satisfied that that clause would meet the wishes of most of the squatters, and everyone whom he had consulted in the matter. The original intention of the Act was to allow pastoral tenants to make those pre-emptives for the purpose of securing improvements. Those who did not choose to come under the Act were paid compensation for the improvements. He was satisfied that very few indeed would ever take advantage of that part of the clause, because pastoral tenants would wait until selection came near them, and then prefer to be paid for their improvements, sooner than take up pre-emptives. What would be the use of a pre-emption of 2,560 acres when all the rest of the country was taken away? The pastoral tenant would have his house and his woolshed there, but his piece of land would be useless. He (Mr. Kellett) was satisfied that pastoral tenants who would wish to make their homesteads freehold would be allowed to do so by the amendment he now proposed. He thought, therefore, that it would meet all their demands. All except those who tried to get more land than they were entitled to would be satisfied with it. He had, therefore, much pleasure in moving that the clause he had read stand clause 6 of the Bill.

Mr. MACDONALD-PATERSON said he did not intend to say much, but he had a few remarks to offer on the new clause. He did not think the hon. member for Stanley had generously interpreted the circumstances of the colony or of the squatters in endeavouring to pass that clause; while the alterations in subsection *(a)* made it worse than it was before. He had never heard them suggested before that moment, though possibly he might have had something to do with them. At any rate it seemed to him that it was a "thank-you-for-nothing" to strike out the words, "or contracted to be made," and insert "before the passing of this Act" in place of "26th February, 1884." Anyone acquainted with the business of the men whom this clause would affect would know well that for the last two or three years, and in some cases for a longer period, works in the nature of substantial and permanent improvements had not only been at a complete standstill, but had been utterly and emphatically impracticable in many portions of the colony. He knew one instance of a man—whose name he could give to any member of the Committee if desired—who was a contractor for dam-making. He had several large contracts, but at the time he (Mr. Macdonald-Paterson) was in the Mitchell district he had been compelled to stop work, and no one would assume that since then he had been able to proceed with any contracts of that nature. These contracts, for all he knew, were in force still, and, notwithstanding all they now heard with reference to the breaking up of the drought—with which he entirely disagreed—it would be utterly hopeless to expect dam-making, or even wire fencing, to be resumed for a period of less than eighteen months hence, as, even if rain were to come to-morrow, the carriers had no cattle with which to haul the material for fencing out west. The squatters in those districts were financially paralysed. He did not think it was a wrong thing for him, as a comparatively old colonist, to say what he very much regretted to say—that he believed three-fourths of the men west of the coast range were in a worse condition than that in which the sugar-planters were alleged to be. Now, the original subsection was:—

"The improvements must have been made or contracted to be made before the 26th day of February, 1884."

The amendment was not so good, and he was surprised that it had been made. It was certainly going back in the matter of liberality towards those the clause would affect. He should prefer the clause to stand as it was. He knew many contracts had been entered into, and by this they would all be wiped out, as it would be impossible to have the improvements finished before the passing of the Act. He assumed the Bill would pass within two months. He assumed that the Government intended to press it through the House, and that they would receive it from the Upper House within five, six, or seven weeks. Therefore, how was it possible for the improvements to be completed before the passing of the Act? Under the amendment, as Mr. Kellett originally intended it, a man who had made a contract for improvements would have had the right to complete them within a longer period. Referring to the clause marked *(b)*, he thought £1,280 was an unreasonable sum to require the lessee to expend to secure 2,000 and odd acres of land. Under the original Act there was no sum named; the words were—

"For the purpose of securing permanent improvements"—

and that was all; he referred to the essential ground upon which the application was based. He wished to call the attention of the Committee to this: that in the Pastoral Leases Act of 1869

there was no measure given for the value of the improvements. There was not even what had been noticed with regard to the license fee of the timber-carriers—the word "reasonable." The improvements need not even be reasonable—there was no measure fixed at all—but simply for the purpose of securing permanent improvements it was lawful for the Governor to sell a certain area of land at a certain price. Therefore, while approving of the general principle suggested, he disagreed with the sum named as being too high. He thoroughly approved of part *(c)*; but in regard to *(d)* it was a little out of harmony with part *(a)* as it now stood. It seemed fair that if the application to purchase the land was to be permitted to be made six months after the passing of the Act they should give the pastoral lessee the right to complete his improvements within that period. Now he should proceed to make a few general observations. As he had already stated, the condition of a great part of the country comprised within the schedule was such—and no one should know it better than the Minister for Lands himself—that the squatters had been at their wits' ends to know how to get even rations for themselves and their families. Many gentlemen had pluckily gone out to the far West in the hope not only of making fortunes for themselves, but of doing a good thing for the country; but thousands and tens of thousands of sheep and cattle had perished for want of water and grass, and all these hopes had for the time being vanished. The securities were very much prejudiced indeed by the drought, but much more by the discussions which had taken place on this pre-emptive right. The pre-emptive right was very much over-valued by mortgagees, especially by those in the old world; and if they swept it from the Statute-book it would result in a charge against the Government of the colony that they had not kept faith with those who were far away. Local capitalists and pastoralists were, many of them, aware of the true state of the country, but there was one thing he wished to point out. The pastoralist in those districts did not seek those pre-emptives for the purpose of having more pasturage upon them—although he had hinted so in some cases—nor did he seek the pre-emptives for the purpose of picking the eyes out of the country. It was principally for—and he defied contradiction of this statement, as applied to a number of instances of which he was cognisant—it was principally to give a backbone to his security; because the tenure under which the land was held in the country was only partially and imperfectly understood by those who would advance capital to develop the country. So much was that the case, that he knew of some squatters in the country who were prepared to give back their pre-emptives for what they gave for them, and let any improvements upon them go for nothing, because the country was not worth the 10s. per acre they gave for it. With the clause now before them, and with honest and useful administration, and if the Government would give three years in the outside districts to complete improvements, he did not believe that one squatter out of ten would seek for the pre-emptives. There had been far too much made of them. At the same time it was a matter of public faith, and he thought the interest of one man should not be interfered with if they could in a fair and reasonable way so amend the clause as to ensure that a fair thing would be done, at the same time taking care that the country would not be "had" in the future—as was the term applied to it some time ago—by any pastoralist in the mode of obtaining those pre-emptives. He should be glad to hear the discussion proceed on that matter; at the same time he must record his disapproval of the absence of something that would reasonably and justly suit the circumstances of the country, and at the same time keep faith with those who were outside the colony, and who had invested an enormous amount of money to enable them to develop the colony. He hoped the matter would be fully discussed, and as much from a party view as any man liked to put it. He did not care how much a party man the hon. member was who discussed it, if he considered it in the broad, keen, business-like view of Queensland as it appeared to themselves—especially with regard to the pastoral interest—as it appeared to themselves, to the other colonies, and to those in the old world who were interested in it. He could not but come to the conclusion that the clause did not go so far as to sustain what he considered a fair and reasonable conclusion of that matter of the pre-emptives.

The MINISTER FOR LANDS said he supposed the hon. gentleman who had just sat down repeated the views or opinions of a certain number of capitalists in the colony, but he was certainly rather surprised to hear him say that the only security the capitalist had to look to was the amount of freehold property the squatter would get by his pre-emptive.

The HON. SIR T. MCILWRAITH: He did not say that.

The MINISTER FOR LANDS said that was certainly the drift of the hon. member's whole argument: that the capitalist lent money to the squatter upon the security of the amount of freehold he could get by his pre-emptive. If they lent money to the squatters upon that principle and with that hope, the sooner that hope was cut away from them the better. No man ever lent him money with a prospect of securing a freehold on his pre-emptives. He knew well he was lending money upon leasehold security, and not on the probability of being able to secure a freehold by absolutely irregular means. That sort of thing had been done in a majority of cases in an utterly irregular and unlawful manner, and, no doubt, in some instances capitalists had looked to that, and said "So-and-so" among their acquaintances, and others, "had acquired large freehold properties in this way, and if they did so, why cannot we do the same?" That was why he spoke of immorality in connection with that subject, and he meant to say that had an immoral tendency, and had an immoral effect upon the whole of the squatters when they found that it was possible for them to secure property in an immoral and illegal way. It had been argued that the squatter might exercise a pre-emptive right in every block of country he possessed, without reference to improvements at all; and it seemed to him a monstrous presumption that that clause should be so interpreted. That it had been so interpreted in the self-interest of a large number of people he was quite prepared to admit, but he said that in the interests of the people of the colony it should be restricted; and that was why he was inclined to accept the amendment, because it restricted them to a certain thing; it defined the amount to be taken up and did not leave it to any Government to interpret the clause as they pleased. Some hon. members might think it was a right thing to do to read the clause in that way and give the country away, but others took a totally different view, and thought it was the worst thing that ever happened to the country, knowing the way in which that clause had been administered and dealt with here before. He did not know that there was anything further to comment upon in connection

with what had fallen from the hon. member who had last spoken; but he certainly could not agree that capitalists took as security the possibility of being able to secure large freeholds in their leaseholds. He believed in the amendment because it defined what could be taken up and what could not be taken, and did not leave it to any Government to say what was to be done. There were certain other amendments or additions which he should like to see made before the clause passed.

The HON. SIR T. MCILWRAITH: May I ask if you adopt the clause as proposed by Mr. Kellett?—because he has altered it very considerably from the printed clause put into our hands.

The MINISTER FOR LANDS said there was only one amendment on the clause as first proposed by the hon. member for Stanley, and that was in subsection *(a)*, and was to the effect that the improvements must have been made before the passing of the Act. He did not see much to object to in that.

The HON. SIR T. MCILWRAITH: I only want to know if you have adopted the clause?

The MINISTER FOR LANDS: Yes, I have.

Mr. MACDONALD-PATERSON said he rose for the purpose of making a short explanation. The hon. Minister for Lands evidently misunderstood what he had said. It was evident the Minister for Lands did not understand that part of his speech with reference to mortgagees outside the colony. The position of those third parties should be regarded with much higher honour than that of those who were in the colony and could protect themselves; their interests should not be prejudiced. He wished to exclude all reference to capitalists, of whom the Minister for Lands seemed to have a very great dread. Indeed he did not represent a single capitalist except himself—and that was a very poor one, although if an overdraft would make a capitalist it was all right. The Minister for Lands was wrong in saying that he (Mr. Macdonald-Paterson) stated that those mortgagees regarded the pre-emptives as their only security. What he said was that some squatters had been compelled to put a little backbone into the security to suit the want of knowledge of persons who had money to lend outside the colony—the want of knowledge of our land tenure. Those persons wanted a certain amount of freehold, and they were supplied with it; and it was greatly to the injury of the squatter that he had to take up his pre-emptive to supply that freehold. It was well known to hon. members on both sides that those pre-emptives were not taken up for the sole purpose of securing the best parts of the country. The Land question was not a new one with him. As a young man, he discussed the question with the hon. member for Blackall (Mr. Archer), contributing his time and money to the Central Queensland Land League, the result of which was the Act of 1868. He could reasonably claim, therefore, that his utterances should be heard with respect, because it was exactly eighteen years since he first began to speak in public on the Land question, and during the whole of that time he had given a very large amount of attention to it. He was very sorry to hear the Minister for Lands say that those who had advanced money to graziers on the possibility or probability of getting the pre-emptive as security, should suffer because he had changed his mind. Under the law as it stood, those persons were justified in looking for that security, and it was only because of the maladministration of the law that the question had arisen at all. The hon. gentleman had declared that it was unlawful to grant the pre-emptives. He (Mr. Macdonald-Paterson) asserted that it was lawful to-day for the Government to grant them so long as there were improvements on the land to be secured, and so long as the public interests with respect to the land applied for were not prejudiced. Therefore he wished the hon. gentleman distinctly to understand that anything he said, had said, or might say was on the supposition that the law should be thoroughly carried out—that the Act should be administered in the spirit intended when it was passed.

Mr. BROOKES said he attached the same meaning to the hon. member's words as the Minister for Lands had done, and he did not think the Minister for Lands had misunderstood the hon. member. When the hon. member's argument was condensed into the smallest compass, it simply amounted to this: that, in the view of persons in England who had advanced money to squatters, the laws of Queensland must be subject to no alteration.

Mr. MACDONALD-PATERSON: Without reasonable notice being given. That is what I contended for.

Mr. BROOKES said the hon. member said a great deal more than that. He understood him to say that money had been lent by persons in England on squatting properties in Queensland; that Parliament was now altering their securities; and that they had always looked to the exercise of the pre-emptive right, and the advantages that right gave the squatter, as a valuable part of their security. He did not wish to misconstrue or misrepresent the hon. member, but that was the way he understood him to put it. What the Committee were about seemed a very simple thing. There had been a good deal of talk as to whether the pre-emptive right should be granted or not. He (Mr. Brookes) was rather in favour of those who thought that it might be granted in the form contemplated by the amendment of the hon. member for Stanley; but he hoped the hon. member for Moreton was not going to insist that they should adapt their legislation to the views and peculiar interests of people in England.

Mr. MACDONALD-PATERSON said he never asserted anything of the kind. He was in favour of the abolition of the pre-emptive right, as hon. members were well aware. He was only urging that there should be something like a reasonable compromise—if he might use the word—with regard to the time within which notice should be given, and the improvements carried out. But he was strongly in favour of the repeal of that particular law which gave the pre-emptive right.

The HON. SIR T. MCILWRAITH said they would get on to much surer ground if the Minister for Works would refrain from introducing bits of sentiment with regard to his own acts, into his speeches. For instance, the hon. gentleman had told them, and had claimed it as a virtue—and he had heard him do so twice before—that he had refused to take advantage of his pre-emptives. But the case was this: the Minister for Lands had stations out on the Thompson, and sold them five or six years ago. If the hon. gentleman had taken up his pre-emptives he would have been a fool, because the land was not worth anything like 10s. an acre to him. He did not take them up, because it was not worth his while to do so; 10s. an acre meant 1s. an acre rent per annum. Did the hon. gentleman mean to tell the Committee that if the land had been worth £1 an acre to him he would have actually refrained from exercising his pre-emptive right, because he did not think it just? The thing would not stand arguing for a moment. The hon. gentleman knew, as a practical hard-headed business man ought, that if the squatter had that right it ought to be granted to him. It

was not whether the hon. gentleman considered it immoral or against the interests of the people. The question was—What actual legal right had the squatter under clause 54? The 54th clause had been argued on these grounds: They had claimed that the squatters had a certain right given to them under the law of 1869. The Government had contended that up to the present time the squatters had not that right. That had been the contention all through; because the question as to whether it was a good or a bad thing for the colony that the pre-emptive right should exist had been thrown aside by both sides as surplusage in the debate. He did not care about arguing that point at all, because it had nothing whatever to do with the question at issue. The point was this: If the squatter had a right, in common justice let him have it, or grant him some provision equal to it. Had he that right or not? The Government had all along maintained that he had not, and that was their reason for bringing forward the abrogation of the 54th clause. It was rather curious that the hon. member for Stanley (Mr. Kellett) should have been put forward to move the amendment. As it stood, it was a Government amendment; and yet the hon. member (Mr. Kellett) was presented as the proposer of it, although by his speech it was clear that he did not understand it, and it was also pretty certain that he never wrote it. He (Hon. Sir T. McIlwraith) put that aside as surplusage, because the hon. member had really nothing to do with it, and it was the amendment of the Minister himself. That hon. gentleman said nothing when the amendment was proposed, and yet to-night, before any discussion took place — before hon. members were given any intimation that the Government had changed their minds as to the squatters having actually no right under the 54th clause, which was to be wiped off the Statute-book—he came forward and said that he was prepared to accept the amendment. He (Hon. Sir T. McIlwraith) should like to know if that was parliamentary government—was it government under parliamentary discussion, or was it government by intrigue? He contended that it was government by intrigue. The Government, after hearing the discussion on the question, and without giving the slightest intimation of having changed their ground, and without giving any reasons, immediately accepted an amendment which was perfectly different from all their previous contentions. He held that for an amendment of that sort very sound reasons should have been given, and also that the amendment itself should have been upon the lines of the discussion that had taken place. Hon. members on that side of the House had shown that the pastoral lessees had an actual right by the Act of 1869; that by subsequent legislation that right had been confirmed; and that by the practice of the department and of the colony that right had been still further confirmed, as every squatter who had applied for his pre-emptive right had had it granted to him up to the present time. In addition to that they had shown that the whole financial operations of the pastoral lessees outside and inside the colony had been conducted —with the knowledge of the Government and of the country—on the distinct understanding that the pre-emptive right was a substantial right which they could exercise whenever they chose. That was the position they had taken up; and now the Government turned round, changed their ground, and said they would make certain concessions. Of course, if any concession was to be made it should be to the men who were interested in existing pastoral leases; but he made bold to say that the men who were interested in the right of pre-emption under the 54th clause were very little touched indeed by the amendment of the Minister for Lands. His contention was that every man who had taken up a lease under the Act of 1869 possessed that right, and it should not be taken away from him. Whether a pastoral lessee had had it only one or two years it did not matter—he still had it; and if the Government demanded that something should be done that was not required by the Act to be done before he could exercise pre-emption, that was taking away from his right. He would show how, in a great many cases, the amendment did that, by providing that the pastoral lessee must do certain things in order to get his right which were not required by the Act of 1869. It provided that the improvements must be actually made on the portion of land claimed as pre-emptive. There was nothing in the Act of 1869 requiring that. It was evident from the very formation of that Act that the freest scope was given to the pastoral lessee to make improvements all over the run. That he should have been required to make his improvements upon the part to be pre-empted would actually have been against public interest at that time, because he would have been forced to spend money where it was not wanted. Therefore his improvements were not required to be on the block to be selected; and it had never been asked for in the further concessions given by the Legislature in the Railway Reserves Act, the Western Railway Act, or at any other time. That portion of the amendment was, therefore, an additional condition to what was imposed by the Act of 1869. Then—

"The improvements must have been made before the passing of this Act."

The hon. member for Moreton might very well remark that there was very little use in the hon. member for Stanley making the amendment he did by omitting the words "26th of February, 1884," and inserting "before the passing of this Act," because it was perfectly plain to anyone who understood the matter that practically it amounted to the same thing, or, if anything, made the provision somewhat worse. That also was a condition not required by the Act of 1869. Why should they give this concession only to the pastoral lessees who had made improvements up to the present time, and deny it to those who, for no doubt very sound reasons, had withheld from making their improvements? Why should the pastoral lessees be divided into two classes, and the right be acknowledged to those who had made improvements because it was to their interest to do so, and they could afford it, and be denied to the other classes whose poverty had actually prevented them from making improvements up to the present? Those men were to be set aside altogether without the slightest consideration. Hon. members would observe that the amendment dealt with two classes of men—those who had wealth enough, and who had found sufficient inducement to justify them in putting up improvements on the particular blocks they wished to pre-empt, and those who, for reasons sufficient for themselves — and, no doubt, very good reasons — had not made improvements. Not only did the amendment do that—handicap the struggling man, and give great advantage to the wealthy man, by placing him in a position to be perfectly sure of getting his pre-emptive right—but it went a great deal further. It enabled him to claim it from any Ministry, because if the present Minister, when application was made, said it was all right—because proof was almost nothing—if the Minister said it was all right, it would force on all following Ministers the obligation of acknowledging the right whenever it was claimed. Was not that perfectly preposterous? They were not only taking away the rights of a large

class of squatters, but they were giving an additional right to a class beyond what they had before. He should like the Bill to stand as it was, as then all pastoral lessees would be in the same position, whereas by the proposed clause the Minister for Lands could grant a right that no Ministry could take away—even with the very best reason—a right which was obligatory on any Ministry who succeeded him to grant to those particular men. Why should the Minister for Lands, or any Government, have such a power as that? They could give a right to a class of squatters who were the least deserving of it, and who had not had that right before. That was very clear: it was as plain as possible. It was a piece of intrigue to assist one class of squatters whilst it left the large body of them outside. It was simply put on to satisfy a class of men whom the hon. gentleman could not get out of his head. It was done by intrigue, and not by any discussion which had taken place in that Committee. It had been done by talking to people outside, and the amendment had been agreed to by what they were pleased to consider the squatting party on the Government side. Mr. Kelletc, the senior member for Stanley, came forward and proposed the present amendment. He did not care whether that hon. gentleman talked over the squatting party or not; he (Hon. Sir T. McIlwraith) spoke for the people of the colony. He did not see why squatters should not have rights that should be insisted upon to the letter, and he did not see that Parliament had a right to take away one iota of their rights; or why Government should give one class of squatters a right that was not given to all. It was in the power of the Committee to stop such a thing. He was not a supporter of the squatters, but he would support them so long as he thought their rights were being taken from them; and if he thought the rights of the colony were being infringed by the squatters he would defend those rights.

The PREMIER said the argument of the hon. gentleman proceeded upon the basis that the pastoral lessees had a pre-emptive right —that they had a right to acquire four square miles of their run. He (the Premier) had already conceded that if they had that right then the clause they were proposing to introduce was quite wrong. There was no doubt of that. Before they could continue the discussion they must have a common basis—if the squatters had that right the Committee had no right to take it away from them. But the Government said the contrary: that they had no such right—no legal right—but that they had a right to come to the House and ask for fair treatment. In repealing the clause in the Act of 1869, they should do so in such a manner that if any man had actually incurred an obligation on the faith of his having a right he should be guarded in his position. Every man had a right to ask that; and that was the way every Parliament should deal with persons who put forward claims of that kind. Then the hon. gentleman complained that the Government had accepted a clause professing to deal with the matter on that basis. If there was no legal right, how else could the Government deal with the matter? Surely they must discriminate between the different classes of persons! If they were all in the same position they either had no right at all, or they had an absolute right. The Government maintained that they had no absolute right, and therefore, if the hon. gentleman's contention was correct, they could have no right at all. But they were prepared to concede that there might be some cases entitled to special consideration. Surely to concede that was not unjust! Even from the hon. gentleman's own point of view, what was the object of the Legislature in allowing the pre-emptive right? It was declared in the section itself—to secure permanent improvements. The hon. gentleman asked, what had that got to do with the improvements on the land? To secure the permanent improvements; but the improvements need not be on the land! What singular argument was that! Did the Legislature mean, when they used the words, "to secure permanent improvements," to say this: "We wish you to make improvements on the land, and in order that you may be able to keep them for ever, we will give you a right to select any piece of land; not that on which the improvements are, but which will serve to command the country and exclude anybody from coming near you; and for that purpose we will give you a right to make a pre-emption"? That must be the argument of the hon. gentleman. He should be glad if the hon. gentleman could point out any other way in which the selection of land on which the improvements were not situated would be calculated to secure permanent improvements. The Legislature never intended to give the pastoral tenant a right to any land except that upon which his improvements were situated. The hon. gentleman must be reading the word "secure" as if it was written "induce." It could not be otherwise, and perhaps that was what the hon. gentleman meant, but he had not ventured to say so. If the intention of the Legislature was that pre-emptions, if granted at all, were to be secured to persons who had expended large sums of money on improvements, then in considering whether any particular class or division of the pastoral tenants was entitled to consideration, they were entitled to ask, who had made the improvements in respect to which they claimed to have a right? It was important to notice that when compensation was payable for improvements under the Act of 1869 it was payable only on the resumption of the land, and he was a little in error the other night in that respect. It was payable on resumption of the land and not on the termination of the lease. They were, therefore, brought into this position: that if they were going to consider any persons, surely those were entitled to consideration who had put themselves into a position to say that they wanted pre-emption to secure the permanent improvements they had made. If they had not made any permanent improvements, what had they to secure? They might say they intended to make improvements. Possibly they did; but if in the meantime, before they incurred any expense, they were told that they would have no right to pre-emption in respect of them, what cause of complaint would they have? They could not say that they had expended their money under a misunderstanding. If they were told plainly in the Bill that they would have no privilege conferred upon them by making improvements, they were not entitled to complain on that score. Having ascertained that, how were they to ascertain what were the permanent improvements which the Legislature meant to protect? Not as he saw in a paper laid on the table the other day—a hut of the value of £20 for improvements to four square miles of land, or a few panels of fencing; not that, but improvements such as permanent buildings, reservoirs, dams, and wells. Those improvements, if they were of considerable value, were ones that were worth securing. The value of the improvements suggested in the clause was £1,280; that was an arbitrary sum, and he thought a very fair one. Then the hon. gentleman complained that the clause would give an absolute right to some and violate the right of others. He also objected that they were recognising a right.

The HON. SIR T. McILWRAITH : I said more than that.

The PREMIER : He said the Government were not only recognising a right, but were giving one class an additional right. The Government said this : They could not afford to allow that law to stand upon the Statute-book, because the experience of past years had shown that it had been shamefully abused from time to time ; they therefore said they could not afford to allow it to remain, and accordingly they proposed to repeal it; but in repealing it they would recognise every fair moral claim which might be brought forward by any person who had such a claim—namely, persons who had made improvements under the belief that the Legislature had promised they should be entitled to secure them. They recognised that with respect to those there was a kind of moral right, and they proposed to turn it into a legal right. He did not think there was any harm in that. They only accepted the hon. member's arguments so far as they had any sound moral and rational foundation. What was the harm in that? Those people had expended their money with the expectation that they would be entitled to get the land, and to say that they should be entitled to get it was only carrying out an implied promise, although they had no legal right to its performance. Surely nobody could complain of giving them that right? Then it was said, "Why should not that right be given to them for the remainder of their leases?" Again came the question as to how the Act might be administered. If they were to leave it open and say that for the remainder of the lease all persons could claim to get a pre-emptive on those conditions, there would be evasions precisely similar to those in the past. They would have in the future some Minister for Lands saying that evidence was not necessary ; that it was not necessary to ascertain whether £1,000 or £1,200 had been spent on improvements. They would have such a Minister saying, "I do not want evidence of that kind ; I am perfectly satisfied ; the request is granted." They would have a Minister for Lands saying, when it was pointed out to him that the conditions had not been completed, "I do not care for Acts of Parliament," and granting the application. It was, therefore, necessary to draw the line somewhere ; and accordingly it was proposed to fix a term within which persons might claim that they had existing moral rights, and turn them into legal rights. He thought that it was absolutely necessary that the line should be drawn somewhere, and if they tried to draw a distinction between people who had a right and others who had not, then some such mode must be adopted. Then the hon. gentleman alleged that this was legislation by intrigue. He could scarcely have weighed the force of his words. The new clause was formally announced to hon. members before the House adjourned last Tuesday. Immediately on the resumption of the Committee, the Minister in charge of the Bill intimated, as he was bound to do, the action the Government proposed to take with respect to it, saying that they intended, generally, to accept the basis it contained. What was there to complain of in that? What else could the Government have done? Where did the intrigue come in? The hon. member surely did not understand the word. He (the Premier) merely desired now to answer the singular arguments brought forward by the hon. member against the adoption of the clause.

The HON. J. M. MACROSSAN said the hon. gentleman who led the Government would scarcely get away from the dry legal aspect of a question ; whenever he was beaten in argument he always resorted to the legal technicalities of the question. He had begun by again denying that the squatters had any legal right. The legal right had not been tested in a court of justice ; and he was not quite certain whether, if it were so tested, the hon. gentleman would not be found to be in the wrong, as he had been on one occasion before. Whether it was so would depend on what ground the test was made. If a case were submitted on the ground that the Minister had refused a pre-emptive to a squatter on public grounds he had no doubt the squatter would lose, because such power was given to the Minister ; but if it were put on the ground that the Minister had refused the pre-emptive because the law did not give the squatter such a thing, he (Mr. Macrossan) was inclined to think the squatter would be put in possession, on what the hon. member denies to be a legal right. The hon. gentleman had more than once raised a discussion on the question, and challenged any man to test the matter in court ; but he would take good care that if the challenge were taken up the case would be submitted on the former ground —namely, that the Minister refused on public grounds to grant the pre-emption, and not because the law did not give the squatter the right to pre-empt. But there would be a difference of opinion on what the hon. gentleman said as to the moral right of those people who had made certain improvements. If they had that moral right, then the men who had not made such improvements had a right to make them up to the termination of their leases. The hon. gentleman laughed, but it was because he knew it was true. If there was any moral right at all, the possession of money by a man who had made improvements certainly was not giving him a moral right. If there was a good moral right in one case, there was also in another, because the law made no distinction as to the time when improvements were made. The hon. gentleman also talked about the intention of the Legislature. He (Mr. Macrossan) knew the judges often interpreted Acts of Parliament according to the intentions of the Legislature ; and he thought that if they interpreted the 54th section in the Act of 1869 according to the intention of the Legislature—as indicated by the only means of arriving at it outside the Act —it would be in favour of the interpretation put upon it by all Ministers up to the present. A great deal had been said in that Committee about the 54th clause, and about the evasions of the Act. He should like to know from the Minister for Lands or from the Premier in what respect those evasions arose, and whether they had any proofs supported by documentary evidence of the general assertions they had made. The Minister for Lands in moving the second reading of the Bill, in order to establish a feeling against the homestead selectors, made use of expressions which he was not entitled to make, and which he had since modified and partly withdrawn. He also contended that an insufficient amount of land had been selected ; and in speaking of the amount of cultivation in different parts of the colony he (Mr. Macrossan) knew that the hon. gentleman was not correct in one instance. In a district he (Mr. Macrossan) partly represented, the hon. gentleman stated that there were only 243 acres under cultivation ; but he (Mr. Macrossan) knew of 5,000 acres under cultivation. The hon. gentleman made that rambling statement for the same reason that he made the statements about the evasion of the Act or the abuses connected with it. Why had he not before now tabled the return he (Mr. Macrossan) moved for on Thursday last with regard to abuses, as well as many other returns that hon. members applied for? The whole conduct of the

Government had been to keep hon. members in the dark, and make random assertions to try and influence opinion both inside and outside the Committee against the admission of the 54th section by all previous Governments. He challenged them to produce proofs, as they had been challenged on more than one occasion before to produce proofs of other charges they had made against the late Government. It did not do for hon. members to get up and make these random statements; it was far better to produce one scintilla of fact than to make use of a whole bagful of statements like those of the hon. member who had just sat down. He objected to the clause entirely on the ground that it was repudiation. He had always opposed the pre-emptive right, and would abolish it if he could without a breach of faith, but that could not be done. It was all very well for the hon. member to talk about the technicality of the case. The hon. member for Moreton had very well said that it was a breach of faith with people who had lent their money to the squatters, not because they supposed the pre-emptive right was the only security, but because they put a higher value upon that security than it was really entitled to bear. No matter how they amended the clause it was repudiating the 54th section of the Act passed in 1869—passed by an Assembly quite as good as the present one. He was surprised to hear the hon. gentleman who represented Toowoomba give the other night as his only reason for supporting the repudiation—it was the only reason he could give, because he had acknowledged that at the time the clause was passed it was believed to be conferring a perfect right—that he had never believed in the right. Surely that should not affect the right of any man! There were many laws which he (Hon. J. M. Macrossan) did not believe in, but rights had accrued and would accrue under them, and should remain whether he believed in them or not. He hoped hon. members would discuss the clause. He believed they had negatived clause 6 which would have repealed the 54th section, and now all they had to discuss was the new clause. In discussing it, hon. members must not forget that they were discussing what was just as much an act of repudiation as the clause they had negatived.

The MINISTER FOR WORKS (Hon. W. Miles) said that up to the present he had expressed no opinion at all upon the so-called pre-emptive right. In the first place the pre-emptive right was an agreement between the agriculturist and the pastoral lessee. The agriculturists complained that, though they held their land as freehold, they had to compete in the market with the squatters, who held their runs at a rental of £10 a year. The consequence was that the Imperial Government, in forwarding the Orders-in-Council, gave to the squatter a pre-emptive right to enable him to purchase land so that he could dispose of agricultural produce. There was not a single word in the Orders-in-Council about securing permanent improvements. It would, perhaps, be within the recollection of hon. members that during the first session of the Queensland Parliament a majority of the members of the House was composed of Darling Downs squatters, and that they passed a Bill to give themselves a renewal of their tenure, though their leases had a very long time to run. By the Pastoral Leases Bill they retained the right of pre-emption on all runs taken up under Orders-in-Council, but all taken up under Queensland laws were deprived of the right. He would like to know whether there was any repudiation there? It was simply that the majority of the House was composed of Darling Downs squatters, and they passed laws to benefit themselves.

The HON. SIR T. MCILWRAITH: You are doing the same by this amendment.

The MINISTER FOR WORKS: Years and years before their leases expired they took time by the forelock, and gave themselves a renewal. They also passed a law proclaiming agricultural reserves for the farming population, and in setting aside these reserves they selected the stony and barren ridges for the agriculturists and retained all the best land in the colony for themselves to take up as pre-emptive rights. There was no repudiation in the proposals now made. The members of the House at that time passed a law to benefit themselves, and now that the agriculturists were represented in the House it was a fair thing that they should remedy the evil that had been inflicted upon them, and repeal that much-talked-of pre-emptive right. At that time the colony was ruled by the pastoral tenants of the Crown, and they passed laws for their own benefit.

The HON. SIR. T. MCILWRAITH: You are one of them.

The MINISTER FOR WORKS said he was very glad to hear one remark made by the hon. the leader of the Opposition. At one time at Roma that hon. gentleman complained that the squatters had been a burden on his back, but now he said he would defend them as long as he lived. He (Mr. Miles) had never done any injury to the squatters. They were a very useful class of people so long as they were kept within proper bounds. They had done good service in times past in occupying and settling the country, and they had had every consideration. Under the Order-in-Council there was no limit placed upon the quantity of land that might be taken up under the pre-emptive right; but there was this condition: that no land could be taken up at less than £1 an acre, and that was a sufficient safeguard to prevent the right being abused, because he did not think squatters, as a general rule, could afford to give £1 an acre for land for grazing purposes. Under the present law—under the Act of 1869 as it had been administered under the late Government—they appeared to depart altogether from the condition of improvements, and it appeared that whoever chose to apply for a pre-emptive right of 2,560 acres got it without any condition whatever, whether there were improvements on it or not. He thought it would be well in the interest of the squatters themselves if they were restricted from exercising that power. Those who endeavoured to give them the power of borrowing money for the purpose of acquiring land for grazing purposes were doing them a serious injury. As he had stated before, he had never been hostile to the squatters, but he thought they had had due consideration; they occupied their lands almost at a nominal value, and if they considered the amount of rent they paid under leasehold, it was as great an advantage as to even give them an opportunity of acquiring freehold for grazing purposes. He thought that if the pre-emptive right, or so-called pre-emptive right, was to be retained, he would strongly advise his colleagues to throw the Bill into the waste-paper basket, because he knew that it would be utterly impossible to hold out inducements to people to settle on the land if it was retained. If the squatter was allowed the right to pre-empt more than 2,560 acres out of every twenty-five square miles of country, as had been observed very truly by his hon. colleague, a sort of stockade would be formed behind which they would be able to defend themselves against all comers. He could only say that if the pre-emptive right was to remain in force the sooner the public understood it the better, because it was important that people should be induced to come and

settle upon the western lands of the colony; but if the squatter were to have the right of picking the eyes out of the country they might abandon all hope of settling the colony. He was of opinion that a very fair proposal had been made in the shape of the amendment of the hon. member for Stanley. The object in allowing squatters to pre-empt was, in the first instance, simply that they might secure their permanent improvements, such as head-stations and so forth, and so long as it was confined to that, it could do little or no injury; but if squatters were to have the right of selecting 2,560 acres out of every block of country, it simply meant that they would retain and hold the lands of the colony for all time to come. He thought that the proposal made was a fair one, and ought to be accepted. If, however, the right was a legal one, it would be better for the Crown to compensate the pastoral tenants just in the same way that Great Britain compensated the slave holders of Jamaica—better to buy the land back, so that it could be retained for close settlement. He knew that the present Bill was not one that was likely to be accepted by the squatters. They abominated and hated anything like a disturbing element, but the Bill was a fair one, dealing straightforwardly with them—giving them half their runs for a fixed period, with an indefeasible lease, and enabling them to turn their runs to the best account, without harassing them, or holding over them the fear of their land being resumed. He maintained again that the Bill, as a whole, was fair and just to the squatter, and left ample room for the settlement of the people upon the lands of the colony.

Mr. MOREHEAD said that apparently they had aroused at last a nest of Land Acts in that House. The Minister for Works had, in his speech—which he (Mr. Morehead) might not unfairly call a rambling one—referred to Acts which did not in any way affect the contention raised by the hon. member for Stanley that night. He had told them a great deal of the evils that existed or were supposed to exist under preceding Land Acts. The hon member was a gentleman whom he thought he was right in saying, or whom at all events the newspapers said, held a large amount of land in freehold which was obtained under existing Acts, and he was not aware of the Minister for Works complaining of people holding freeholds up to the time he parted with his own. They knew as a matter of fact that he had parted with his own freeholds, and now the hon. member said that there should be no more cakes and ale for anybody else. When the Act of 1869 was brought before the House, was the hon. gentleman then opposed to the pre-emptive clauses? He would ask him to reply to that question. The hon. gentleman knew very well he was not. Those clauses passed with his full knowledge and consent. The hon. gentleman had told them, when the Act of 1869 was going through, that he would not consent to an indefeasible lease being granted to any squatter in this colony; and now he absolutely told hon. members that he would repudiate engagements entered into—solemnly entered into—by the Parliament of the colony, and that he would give to the squatter an indefeasible lease—a lease which, before he (Mr. Morehead) knew the hon. gentleman either inside or outside the House, he protested against. The Minister for Works could see for himself in *Hansard* that what he said was absolutely true; his memory was good on some occassions, but he seemed to have forgotten that he had protested year after year against indefeasible leases being given to the squatter. The amendment introduced by the hon. member for Stanley was not one as it appeared to him which could be utilised or made any use of at all by the pastoral tenant. He would ask the hon. Minister for Lands if he really thought that it was believed that the amendment of the hon. member for Stanley had not been introduced without the knowledge and full consent of the Government? It could hardly be believed to be otherwise, seeing the anxious and greedy way in which the Minister for Lands himself, and the Government generally, had jumped at what he (Mr. Morehead) assumed they considered a solution of the difficulty in which they had been landed. For his part, he held that the clause was not a solution of the difficulty, and he would point out that if it was to be accepted it could only be a benefit to the very wealthy holders of land under the Act of 1869, and to them in only a very limited way; because he thought that hon. members who knew anything about the condition of the country held under squatting tenure would admit that very few improvements on a run, no matter how large it might be or how much money had been expended upon it, would reach a total value of £1,280 on any particular block on which the pre-emptive right under the clause could be secured. He himself, with some knowledge of the way in which pastoral holdings had been taken up and improvements made, did not know of one run where more than four or five pre-emptives could be secured under the clause as it stood at present. He would defy the hon. the introducer of the clause to point out one single instance of where more than that number of pre-emptives could be taken up. Now the Premier had said—and his argument was to him (Mr. Morehead) a strange one—that those persons who had improved their runs had a moral right to have their improvements secured. The hon. gentleman had previously denied their legal right, and expressed a wish that that right should be tested in a court of law. Of course, as had been pointed out by the hon. member for Townsville (Hon. J. M. Macrossan), the hon. gentleman would like to have the question tried in a court of law. No doubt he would like it extremely. Hon. members had seen how cases taken into the courts had resulted, and what the cost had been to the country; and he could quite understand why there should be a desire on the part of the legal member who led the Government at the present time, to have that cause tried before a court. The hon. gentleman said there were certain moral claims which he considered had been established by those persons who had improved their runs, which were taken up under the Act of 1869. The hon. gentleman must know, and many members of that Committee must know, that there were many runs in the colony where £50,000, £60,000, £70,000, £100,000, and even more, had been expended on improvements. As he (Mr. Morehead) pointed out a few nights ago, a run held at one time by the hon. the Minister for Lands had only 5,000 sheep and 800 head of cattle on it before it was sold, and now it had 200,000 sheep and 10,000 head of cattle. All the benefit in a case like that would not go to the individual or the corporation, but a considerable proportion would go to the State. The increased benefit was brought about by judicious expenditure on improvements, which probably amounted to not less than £70,000. He only mentioned that as one case. In regard to the remark made by the Premier as to the moral right of the lessee, was that idea carried out in the amendment proposed by the hon. member for Stanley? He (Mr. Morehead) maintained that it was not. He maintained that there were a number of stations where not more than three or four pre-emptives could be secured

under that clause. How would the Premier deal with such cases as those? The hon. gentleman must know, and almost every member on the Government side of the House must also know, that to work a sheep station properly an enormous amount of money had to be expended; but the whole amount could not be spent, in sums of £1,280, on a few blocks. The establishment was one great whole and should be treated as such; and if the pre-emptive were to be given on the lines proposed to be laid down, which he held was wrong, it should be given on the money expended on the whole holding. The leader of the Opposition had clearly shown that the contention of the Premier, even on those lines, was unjust. The hon. member for Mulgrave had shown, according to his (Mr. Morehead's) lights, and he believed according to the lights of most members of the Committee, that due consideration had not been given to the smaller man in either the clause which the Government had allowed to be negatived or in the amendment introduced by the hon. member for Stanley. No sufficient consideration had been shown to the man who had gone out into the country with the belief, with the knowledge, that the pre-emptive right existed, and who had taken up country and done his best with it, and borrowed money on that very pre-emptive right. That man, if the clause under discussion or any similar clause were passed, would receive no consideration at the hands of the Committee. He could not for one moment suppose that the Ministry could have considered the full effect of that clause when they consented to allow its insertion in the place of the one which they had abandoned. He hoped that the Minister for Lands would inform the Committee what he intended doing with regard to the small men who had improved their holdings. The hon. gentleman had himself sold his pre-emptive right, he believed. He (Mr. Morehead) would ask him honestly to answer this question—whether in selling his property at an enormous price to Melbourne or foreign capitalists, whatever they might be called, he did not have regard to that right? If the hon. gentleman told him "No," he would not say he did not believe him; he could only say the hon. gentleman had greatly over-estimated the value of his property irrespective of the pre-emptive right. He thought they should have some fuller explanation from the Minister for Lands as to the reason that had induced him to agree to the adoption of the amendment. It appeared to him (Mr. Morehead), and he believed it appeared to many members of that Committee as well as many persons outside, that the hon. gentleman was a much more squeezable individual that he got credit for being. He gave way on the homestead question after having told the House that the homestead clauses had been a curse to the country, and now he had given way on a point that he had always said he never would give way on—namely, the pre-emptive right. As had been said before—and it could not be too often repeated—either there was or there was not a pre-emptive right given to the Crown tenant by clause 54 of the Act of 1869. That was a tangible issue to raise. The question was no doubt arguable. He said that, although he held very strongly the opinion that an absolute right was conferred—a right which had been bought and sold, and which had been treated as an absolute right by Liberal Governments. Still there was something tangible in a Government coming down and saying, "We believe there is no right, and to make this perfectly clear we will insert a clause to that effect in our Bill." But the Government were afraid to take up that position. Why they were afraid to face that was a matter belonging to the secret history of the Administration—a secret history that would some day be revealed. But they came down to the Committee without any just reason so far as external evidence showed, and proposed an altered pre-emptive, which simply gave the right of pre-emptive selection to men of great wealth, and certainly made absolute that which was before arguable. That was the position the Government had now taken up. The first pre-emptive rights he (Mr. Morehead) ever had anything to do with were on Mount Abundance, and they were granted by the late Mr. T. B. Stephens. He should have thought that that gentleman was one of the Liberals—a man than whom there was, perhaps, none more conservative, according to his own lights—yet he so regarded that right that he granted pre-emptives in a part of the colony which was looked upon as a portion that should be thrown open to agricultural settlement. The connection between those pre-emptives—some 42,000 acres—and the Government was seen by the action of the Government, of which the present Premier was a member, going into the auction system under the Western Railway Act by which they allowed the aggregation of one of the finest freeholds in Australia. Since then accusations had been levelled by the organ of the party opposite that the estate was created by the action of the McIlwraith Administration. He had before contradicted that statement, and he took the opportunity now of doing so again. The aggregation of that estate was caused wholly and solely—and he had something more to say before he left the subject—by the action of the Government of which the present Premier was Attorney-General. After that there was still some land which had not been made freehold. And how did that land which remained—some 70,000 or 80,000 acres—come to be made freehold? Under the Railway Reserves Act and another Act passed by the Ministry of which the Premier was a member. The whole of that estate was the work of what was called the Liberal Administration; yet they were coolly told by the Premier that the Government desired to settle people on the land. So much for liberality; so much for their liberality to-night in their adaptation of the clauses of the hon. member for Stanley, when they absolutely proposed under the moral right that those who had improved their runs—those who were in the happy position of having been able to obtain money to improve their properties—should be benefited by the clauses, while those who had taken up country believing and knowing, as they thought, that their tenure would not be interrupted, beyond the provisions in the Act of 1869 for resumption—those who had not been fortunate enough to have made such extensive improvements were to have no sympathy. They must either put up improvements of such a nature as it was impossible for them to make, or their pre-emptive right was to be swept away. That was the position in which the Liberal Government had landed the leaseholders under the Settled Districts Pastoral Leases Act of 1869. The moral right of the capitalist was to be respected; but the moral right of the man without capital—the struggling man who had gone through financial trouble, loss, and disaster—was to receive no consideration whatever. Those were the amendments actually brought in by a supporter of the Government, and accepted by them as a *quid pro quo* for that great inducement which was offered to people to buy or take up country.

The MINISTER FOR LANDS said that at one time the hon. member for Balonne posed as the friend of the selector and the working man, and now he was the champion of the poor squatter. The amendment, he said, was intended to give every advantage to the rich man, while cutting away every prospect of advantage from the poor

squatter. The fact of the matter was that the struggling man did not want to waste his money on pre-emptives, but to have his improvements secured on the resumption of his land or the termination of the lease. The squatter pure and simple did not want to waste money in purchasing land; and until the influx of Melbourne men there were very few who purchased pre-emptives. The representatives of large companies and men from the other colonies and the old country set the pre-emptive business going, and since then it had worked up to its present magnitude. The leader of the Opposition had reproved him for having alluded to some of his private concerns while debating the question before the Committee. He admitted that private affairs ought to be left aside, as it was unseemly, as a rule, to refer to them; but on every occasion on which the Land Bill had been discussed he had been abused, vilified, and calumniated by members on the other side entirely on account of his private affairs. Evening after evening, since the measure had been under discussion, the hon. member for Balonne had gone through the whole of his history and his occupation of lands in the Mitchell district dating back to the year 1862. The hon. gentleman stated that his firm got hold of one of his (the Minister for Lands') properties, which they sold to one of their constituents, and that £70,000 or £80,000 had been spent on that run; and that the owners now looked to the Government allowing them to buy land to recoup themselves for that expenditure. All he could say was that if they held a place for twenty years without getting anything out of their necessary improvements they were excessively bad managers, and the sooner they gave it up and let someone else in the better. The hon. member assumed, of course, that the pre-emptive right was to extend to every portion of the run—that the £70,000 or £80,000 should be expended in 140,000 acres of land at 10s. an acre. If that were the case they might as well hand the whole of the property to the holders of runs at once. He was glad the hon. member had made a clean breast of the matter at last, and stated what he wanted. The hon. member wanted every stick of improvements to be secured, though the squatter might have had the use of the land for twenty years. If that was his claim, no doubt it would be fully contested. If the hon. gentleman were successful in getting the Committee to accept his view, well and good; but, if so, he put the Land Bill out of the question—it would be no longer a question he could entertain in any shape or form. It was absolutely essential to the success of the Land Bill that some restriction should be placed on pre-emptions. They must be absolutely and clearly defined by law, and not left to any Government to interpret. The hon. member for Townsville had charged him with having made statements he had never been able to verify—he believed the hon. member referred to his statement that pre-emptions in many cases had been granted illegally, and had still more illegally been exchanged for consolidated blocks. He repeated that statement now, and added that the hon. member was one of the Government who carried out that plan—the first who ever attempted it outside the railway reserves, where it was a legal consolidation. He would give one case connected with some papers he laid on the table relating to the Urana exchange. He knew the run intimately. There was one block of really rich and valuable country, the size of about six blocks. The rest contained patches of fairly good country, but very small, scarcely large enough to enable one to pick out four square miles without getting into bad country. The leaseholder saw that he might secure the whole of that valuable block in one lot by giving up the rest of his selections. None of those pre-emptives had been surveyed. The application was simply made contingent upon the exchange being granted. The hon. member for Townsville stated that the only reason for refusing to grant pre-emptives should be that to do so would be against the interests of the country. Was it to the public interest that an exchange of that kind should be made? Was any interest considered but that of the man who desired the exchange? Then he would refer to the Lansdowne exchanges. In that case there was no statement of improvements on any of the pre-emptives—they were not even surveyed and located on the runs. They simply applied for 62,000 acres in one block, as the value of their improvements. That he denied, and there were many other blocks in Lansdowne where there were no improvements, except fencing, which would justify any Government in granting a pre-emption for their permanent improvements. The Tambo exchange was in a somewhat similar condition. They wanted their pre-emptives in that block on which were certain improvements. What were those improvements? He looked at them the other day, and found that they were improvements which he himself put upon the run before he sold it. That gentleman sent a telegram to a man there whose word, he had no hesitation in saying, was not worth the snap of a finger—a man who could not tell the truth—a fact which no one knew better than the hon. member for Balonne.

Mr. MOREHEAD: I know nothing of the sort.

The MINISTER FOR LANDS: Do you know anything of him?

Mr. MOREHEAD: I know a great deal of him.

The MINISTER FOR LANDS said that if the hon. member knew anything creditable of him it was more than he did. That gentleman did not tell the truth in that case, and yet the hon. member read a telegram from him, to the Committee the other night, conveying the impression that everything done on the place had been done by him, whereas it was in a highly improved state when the man took it, with the exception of the dwelling-house. He must again apologise for referring to private matters, but it was only fair that he should reply to such misstatements——

Mr. MOREHEAD: They are not misstatements.

The MINISTER FOR LANDS: They are.

Mr. MOREHEAD: We will very soon prove it by other evidence.

The MINISTER FOR LANDS said the next case he would refer to was a proposed exchange at Goondiwindi. That proposition was for four acres or thereabouts for one; but it was too monstrous a thing to be entertained, even by the then Government, and two of them—the hon. member for Balonne and the Minister for Lands—with one of the land commissioners, went up to inspect it. The result was another proposition of two acres to one, and that was being considered when he (Mr. Dutton) came into office. The hon. member for Balonne then appealed to him to carry out the exchange, and, on his objecting, urged him to send up somebody to inspect it.

Mr. MOREHEAD: Or go yourself!

The MINISTER FOR LANDS said he did not choose to go; it was not part of his work, and he had something better to do in town. Then, at the hon. gentleman's suggestion, the Surveyor-General was sent up, and the result of his report was an offer to exchange a little over acre per acre. Having satisfied himself from the report that that was a fair exchange, he consented to

carry it out on those conditions; but they could not see it. They wanted something a great deal better than acre per acre; their main object was to consolidate their pre-emptives in one large block in which there were many patches of land still retained by the State, and which he hoped would be made better use of than by handing it over to them. On many selections that had been applied for since the 1st January, 1884, the improvements had been given, and the value of those improvements had in some cases been certainly enormous. In one block on the Warrego, the value of the homestead, paddocks, horse-yards, and cattle-yards was put down at £10,000. He did not mean to say that that was absolutely untrue, but it was not a statement to be accepted without inquiry, and he had never seen improvements of that kind on any head-station in Queensland worth £10,000, or the half of it. There was another case where the woolsheds and fencing were put down at £9,600. He had seen some very extravagant woolsheds on the Darling Downs, but he never saw anything approaching £9,600 given for woolsheds on one pre-emptive selection of 2,560 acres.

Mr. MOREHEAD: What places are those?

The MINISTER FOR LANDS said the hon. gentleman ought to know very well, as he himself sent in the applications. One of them was No. 1 block on the Warrego, and the other was the TDG block on the Warrego. It might be of some interest to the Committee if he stated the number of acres the pre-emption of which had been applied for between January, 1879, and December, 1883. The total number of acres was 545,280, and, of that quantity, 422,400 acres were applied for by the firm of B. D. Morehead and Company, as agents; and 122,880 acres were applied for by lessees, agents, bankers, and other people. He had no intention to impute any dishonest motives or conduct to the hon. member for Balonne, but it seemed to him very undesirable indeed that a member of a Government which had to consider and pass the pre-emptives applied for should also be the head of a commission agent's firm, and, as such, interested in putting them through. The value of the improvements on those 545,280 acres was stated at £27,239, although he believed it was much greater. In many cases the head-stations and dams were only incidentally mentioned by the surveyor, and the value of them was only given in one instance, that of the hon. member, Mr. McWhannell, who sent in full particulars of his improvements. The pre-emptives applied for since the 1st January, 1884, amounted to 345,600 acres, and of those, B. D. Morehead and Company applied, as agents for others, for 320,000 acres, the other 25,600 acres being applied for by other people. The value of the improvements on the 345,600 acres was estimated at £101,891. That was a very large sum; and if they were estimated in the same way that the other two blocks he had referred to were estimated, he thought that if the amount was halved it would be nearer the mark. Without knowing anything at all of the improvements, but simply from his knowledge of what was necessary for carrying on extensive concerns of that kind, he was satisfied that half the amount would be nearer the mark. There might be extensive wool-washing movable plant in some of those cases, which might account for the largeness of the sums, but that would not be a "permanent improvement," because it could be shifted anywhere. Those matters only showed how necessary it was that some definite value should be fixed by the Legislature to entitle any man to take up pre-emptives. No matter how small or how large the sum might be, it should be definitely settled what it should be, and not be left to any Government to interpret what they considered a fair amount of permanent improvements to justify the granting of pre-emptives to any leaseholder. They knew how that had been interpreted in many instances in the past. For several years no demand was made for particulars of improvements, and nobody thought it worth their while to send them in. In one case in the Burnett—that of Messrs. Goldsborough—when they applied for their pre-emptive for Auburn Station, a demand was made for particulars of the improvements; but in the great majority of cases no demand was made; and no doubt people thought they were entitled to have their pre-emptives whether they had actually made the improvements or not. He had very little doubt that they were induced to form that opinion, not only from the actions of the late Government, but from the expressions of the leader of the Opposition and the hon. member for Balonne, who had always maintained that, for every twenty-five miles of country held, the lessees were entitled to take up four square miles without reference to the actual value of the improvements. It was for the purpose of checking that wholesale alienation of the public lands that the amended clause had been introduced. He would much rather have seen the pre-emptive right swept away entirely. He had not the slightest hesitation in saying so, believing, as he did, that in offering the lessees compensation they were doing everything that any reasonable man could desire. There was no one who had more sympathy for the squatter than he had—he did not care who or what he was—but as soon as the squatter tried to become a freeholder he at once looked upon him as an enemy of the State. As long as the squatter recognised his position as the owner of the grass rights, he was the most valuable producer they had in the colony; but the moment he attempted to go beyond that, and acquire large freeholds, the State should at once interfere in the interests of the people, and say, "You shall not do so; you must confine yourself to the terms upon which you went on the land—and that is, that you may have the use of the grass until the country is required for purposes of settlement." He maintained that the offer made by the Bill was as fair and as reasonable as anyone could honestly desire.

The HON. SIR T. MCILWRAITH said the hon. the Minister for Lands had complained that all the terms of vilification that could be mustered by hon. members on that side of the Committee had been brought forward to injure his private character—that his private affairs had been brought before the House; and he concluded his speech—the longest he (Hon. Sir. T. McIlwraith) had heard him make—by making an attack upon the private affairs of B. D. Morehead and Company. It was because the hon. member had himself commenced that system of vituperation of hon. members on the Opposition side that he had been attacked as he had been; and, considering the circumstances, the attacks had been mild compared with what the hon. member deserved. Long before he heard the hon. gentleman's voice in that House and before he had a seat in it, he (Hon. Sir T. McIlwraith) had read in the newspapers the vilification that he dealt out to the late Government. And the hon. gentleman, in his Land Bill, could not possibly separate his own private affairs from the Bill itself. Hon. members could see part of the hon. gentleman's own private character going right through the Bill. It put him (Hon. Sir T. McIlwraith) in mind of the story of the old philosopher who looked out at the world from a cave. All his knowledge of the world was gauged by looking at it through one little hole.

He could see nothing on one side or the other or behind, but he saw something directly in front of him; upon that he was very positive, and he founded upon it the whole philosophy of the world. That was what the hon. gentleman had been doing. He had spent his life in a sort of cave on the Barcoo, or some other outside district, and then came down and made a Bill such as they might expect from a man of that kind. The Bill was entirely such a Bill as they might expect from a man who knew nothing practical about the settlement of the colony, and who, at the same time, thought he could introduce a new system of squatting and make it adaptable to the whole country. That was the Bill all through; and he maintained that if it was wrong for hon. members on that side to vilify, it was absolutely wrong for the hon. gentleman to stand up and retaliate as he had done against the firm of B. D. Morehead and Company. B. D. Morehead and Company might have done a great deal of business with the Government. It was impossible to get members in that House who were completely disassociated from all connection with the Government; and for a charge of that kind to come from the member of a Government who had just bought a property which was for sale for £7,000 twelve months ago, and who paid £14,000 for it through one of their members, the present Colonial Treasurer, was perfectly monstrous. The newspapers had reported that the Colonial Treasurer had sold, as an agent, the property of Mr. Robert Douglas to the Government for immigration barracks for £14,000, while he (Hon. Sir T. McIlwraith) knew that that property was offered—in fact, that it was actually sold—for £7,000 within the last twelve months, although the sale fell through, because the purchaser would not complete the bargain. The hon. the Minister for Lands, in speaking upon the Bill, had nothing whatever to tell them except the large amount of business that B. D. Morehead and Company had done with the Government, and that consequently there must be something rotten there. He (Hon. Sir T. McIlwraith) could safely say that he had never known anything but honourable transactions to come from that firm. He could also say that in all transactions in connection with the Lands Office, where those matters came before the Cabinet, B. D. Morehead and Company received as much consideration as any other applicants, and got no more than justice. It was never a recommendation to the Cabinet or to the Minister for Lands that B. D. Morehead and Company were the agents for any man who applied for his rights or anything else from the Lands Office. For the hon. member, therefore, to go into all those details was simply to do what he himself deprecated—introducing, perhaps, a milder form of vilification; because they all knew perfectly well the inference he wished hon. members to draw. The hon. gentleman could not get away from one idea, and that was that the late Government had brought immense wrongs upon this country by granting squatters pre-emptive rights that they ought not to have obtained. He (Hon. Sir T. McIlwraith) would take up that ground and challenge the hon. gentleman to lay plans upon the table showing what pre-emptive rights had been granted by the late Government and by previous Governments; and he would guarantee to prove, before the Committee, that the previous Government were far more careless of the rights of the public than the late Government were in every case that had come before them. The hon. gentleman kept looking out of his little hole in the cave, and could not see anything beyond Wealwandangie. He (Hon. Sir T. McIlwraith) remembered that case perfectly well. He did not require to look up the papers connected with the case, which were these: The squatter who owned Wealwandangie applied for his pre-emptive rights. He held that that squatter had an absolute right to have those rights, and in the proportion he asked for—that he had an absolute right to get 2,560 acres out of each block. The squatter applied, and his application was received favourably. He afterwards applied to have his pre-emptives consolidated in a certain portion of the run. He (Hon. Sir T. McIlwraith) had never held but one opinion, and that was this: he believed in what the Hon. John Douglas brought before the House in 1876—that under proper precautions it was a good thing to allow consolidated pre-emptives to exist in preference to having a run dotted over with what the hon. Premier, in quoting from a report drawn up in New South Wales, which he did not acknowledge——

The PREMIER: I did not read it.

The HON. SIR T. McILWRAITH said the only eloquent portion of the hon. gentleman's speech was taken almost verbatim from the report of those two gentlemen in New South Wales, Messrs. Rankin and Morris. He might not have read it, but he (Hon. Sir T. McIlwraith) had read it, and had seen it quoted over and over again. At all events, to prevent a run being dotted all over with those "castles," as they were termed, to keep off selection elsewhere, the Government thought it would be a good thing if they exchanged on terms which would be profitable, both for the country and the squatters. He had always upheld that, and voted for it in 1876. His Government proposed to exchange, and the hon. Minister for Lands had led the Committee to believe that the late Government allowed that land to be picked from the very best part of the run——

The MINISTER FOR LANDS: So you did.

The HON. SIR T. McILWRAITH: Picked from the very best part of the run in exchange for pre-emptives which necessarily, being scattered over all his runs, could not be all the same in quality. The hon. gentleman said so, and he (Hon. Sir T. McIlwraith) heard it for the first time. He could tell the hon. gentleman plainly that it was not the fact, and, moreover, that the machinery adopted by the Government to carry out what was their policy was this: they employed the Surveyor-General, who was entrusted with the exchange. He was asked to value the blocks of country which would be pre-empted; and he was asked to value the land where the exchange was asked for at per acre. The amount was calculated, and the squatter only got an amount of land in proportion to the value put upon the separate blocks. If the hon. gentleman would read the papers he would see that that was the case. It was purely a departmental matter; and he believed that Mr. Davidson, the Deputy Surveyor-General, was an honourable, upright man, who was perfectly incapable of saying that the land was worth 15s. or 10s. per acre when it should be worth £1. The late Government took his valuation. He had never seen the land himself, and he did not suppose the Minister for Lands had ever seen it. The valuation was made by the best officer obtainable, and according to the valuation made, and perfectly legal under the Act of 1878, the Government consented to the exchange.

The PREMIER: Who was the man who valued the land?

The HON SIR T. McILWRAITH said the hon. gentleman need not try to catch him by little things of that sort. He remembered the transaction perfectly well, and could read up the

papers again. It was a transaction made, not in the interests of the squatter, but in the interests of the State. He prevented that run from being dotted all over with pre-emptives, and gave a block perfectly consistent with the value of the separate pre-emptives—that was, that they did not get acre for acre to the amount of the separate pre-emptives, but so much less according to the value put upon them. He took good care, and his Minister for Lands who was administering the department also took good care, that they had the very best means of coming to a proper conclusion. That there was nothing wrong about it he was quite satisfied the hon. gentleman, if he went into the matter impartially, without coming down with his head in a flame about something that had been done by the late Government, would see for himself. The man who valued the land was, he believed, a political antagonist of the hon. Minister for Lands, and when that hon. gentleman talked about him he showed a great deal more temper than justice. He had stated the facts to the Committee, and would justify what he said, wherever he was. There was no undue influence brought to bear upon the Government. If there was any wrong done, it could only be done by having wrong information given by the trusted officers of the department—officers who were all trusted at the present time. To get back a little closer to the clause: he had pointed out that the proposed clause gave a pre-emptive right to a small class of squatters—namely, those who had made their improvements up to the present time—and denied it to those who had not made them yet. The hon. gentleman's answer to that was that those men who had not made their improvements did not want to waste their money in buying land; or, in other words, they would not take up pre-emptives. The only argument of the hon. gentleman was that there was not the slightest chance of their taking them up. The hon. gentleman had thus given the best possible proof why they should allow the 54th clause to stand as it was. The hon. gentleman admitted that the men whose interests were consulted in the clause had a moral right, and he proposed to legalise that moral right. What he should like to know was, why should that moral right stop with the men who had made their improvements? It dealt with only one class—those who had made improvements up to a certain time; but he (Hon. Sir T. McIlwraith) had pointed out that those men were, from the very nature of things, not the men most worthy of the consideration of that Committee. The Committee had no right to tamper with a man, whether he had made the improvements already or was leaving them till towards the end of his lease. With regard to the argument made use of by the hon. the Premier—that certainly all the improvements ought to be made on the block that was consolidated—if that were the intention, surely some indication would be given that the improvements would only be allowed on the block of land that would ultimately be consolidated. Any common-sense man would make his improvements so that he might carry on his business to the greatest profit; and necessarily those improvements were scattered in the shape of small dams, fences, and other things. He could also take the case of a place where there was a big woolshed, that perhaps cost double the money. Why should one man have the right of selection and not the other? The Act said as plainly as possible that it was not necessary that any amount of money should be spent in order to give a right. It said, "to secure improvements," and a man was bound down to take no more nor less than 2,560 acres. Surely it would be admitted that if on that selection there were £500 worth of improvements, the owner was certainly entitled to secure those improvements just as well as if there was £5,000 worth! The man who had spent £500 had as much right as the man who had spent £5,000. Why should he be debarred? Let him take it in the only way he could, and that was by taking neither more nor less than 2,560 acres. He did not see how the hon. gentleman could possibly break through an argument of that sort. To confine, therefore, the right of pre-emption to those men who happened to be in that peculiar condition that they had no woolsheds and dams was a singular thing. He (Hon. Sir T. McIlwraith) said again that he had not the slightest sympathy with the clause. It acknowledged the right of one class of men and swept away the rights of another. There was no doubt that it was repudiation tempered by some consideration on the part of Ministers for a peculiar class of squatters. That class of squatters had been considered, but the rights of the bulk of them were swept away.

Mr. KELLETT said he had a few words to say with reference to what fell from the leader of the Opposition when he first spoke that evening on the clause. With his usual "cheek," the hon. gentleman said that the hon. member for Stanley did not understand the clause; but the hon. member for Stanley knew as much, and perhaps more, about the clause, and about the present and every previous Land Bill, as the leader of the Opposition. The hon. gentleman had showed his ignorance very plainly that evening. He should remember that if he used language of that sort others must answer him. Several members on the other side—and the leader of the Opposition especially—were in the habit of using that kind of language, and they were astonished when members on the other side answered them. The fact was that the answers were a great deal too moderate; and he believed they ought to go in for the same language as was used to them. It was said that he (Mr. Kellett) did not originate or write the clause. He could tell them at once that the clause emanated from himself alone without the help of anybody. Of course, after he had prepared it he asked the opinion of others about it.

Mr. STEVENSON: Somebody else drafted it!

Mr. KELLETT said it emanated from him, and there was no intrigue of any kind. Every hon. member on the Government side of the Committee would know that he never spoke to them on the subject beforehand. He prepared the clause, and then he asked several members on that side, including the Minister for Lands, what they thought of it. He had pointed out that there were men who had made improvements who were entitled to them. There was nothing like repudiation in the clause. It came well from the leader of the Opposition to talk about repudiation to the squatters! Why, who was it who tried repudiation to them in the Transcontinental Railway Bill? Did they not propose to take every second block of the squatters' runs right through from Charleville to the Gulf of Carpentaria? That was repudiation pure and simple, and it was to be carried out by a syndicate—a lot of moneyed men from England—and some of the members on the other side joined in with it. That, he repeated, was repudiation pure and simple. But there was no repudiation in the present clause. He considered that under it there was no danger to the squatters, because they could be paid for their improvements. He was satisfied that every squatter in the Committee knew that he would be in a better position if he were paid for his improvements than if he had to take up a pre-emptive. And then hon. members opposite

posed as the squatter's friend, and the friend of the poor man. They were so anxious to retain the homestead clauses because it was in the interests of the poor man! But it was no use their trying on that. If there was a general election to-morrow, the working men—the agricultural population—all the poorer classes—would show that they did not believe in the other side; they would not be able to get around one single constituency—in fact, the result would be that there would be more on the Government side of the House than there were even now. That was his opinion, and he would be perfectly satisfied to try it.

The HON. SIR T. MCILWRAITH: What about the Triennial Bill?

Mr. KELLETT said he did not think hon. members on the Government side of the House were very anxious about that Bill. They were not allowed to pass it last session, and it was very likely that it would be one of the "innocents" at the end of the present session. He did not care whether it was so or not. He had always said that he did not believe in triennial parliaments; but if it were made part of the policy of the Government he should vote for it. He could only say that he thought the leader of the Opposition and other hon. members on that side might be a little more courteous in their speech, and not talk so much about ignorance when they were so ignorant themselves. If they gave so much license to their tongue, they should allow other hon. members a little license in reply.

Mr. MOREHEAD said there was no man so bitter as a renegade. The hon. gentleman who had just sat down was once one of the strongest supporters of gentlemen who now sat on the Opposition side when they were on the Treasury benches; but unfortunately, owing to circumstances which did not redound to his credit, he turned round and was now as bitter against them as he possibly could be. With regard to what fell from the Minister for Lands, and the information obtained from Mr. Hamilton, the manager of Tambo Station, as to the improvements, if the hon. gentleman doubted the statements of that gentleman he could easily obtain information from the same source as other hon. members had done. He (Mr. Morehead) sent a perfectly fair telegram, and expressed no opinion with regard to the accuracy or otherwise of the statements made by the Minister for Lands. He simply stated what the Minister for Lands had said in the House, and asked the manager to let him know what were the improvements on Tambo Station when he took delivery for the purchasers. He (Mr. Morehead) expressed no opinion one way or the other. As to the remarks with reference to his firm, the hon. gentleman had read a large mass of figures, and had shown that the business of the firm had not diminished even since the advent of the hon. gentleman into office. He (Mr. Morehead) was glad to find that, notwithstanding the corruption of his firm, there had been no relinquishment of its business with the Lands Office since the hon. gentleman came into power. But that did not at all appear to be the case, judging from the statistics about his business which the hon. gentleman had been kind enough to furnish to the House, and which he was very glad to receive, since, as he did not take a very direct interest in that branch of his business, he had not been aware of the extent of it himself. The hon. gentleman had made statements about two pre-emptives, in respect of which declarations had been made for improvements to the value of £9,600 and £10,000. He (Mr. Morehead) knew nothing of the merits of the case, and at the present moment did not know who was the party concerned; but what to his mind was evidence of the honesty of the declaration was the fact that the amounts mentioned were, according to the hon. gentleman's own showing, very much greater than was necessary to entitle the holder to a pre-emptive. He was perfectly certain that, whoever might have been the principal in the transaction, he knew perfectly well what the improvements were, and no doubt they were scheduled in the application. He thought it was hardly in place for the Minister for Lands or any other Minister to bring forward letters unless they were prepared to deal with them on some particular point. The only point there could be in this for argument was that the man who made that application either richly deserved his pre-emptive or was a liar. If the statement were false, it was unnecessarily so, because a very much smaller sum would have covered the application according to the existing 54th section of the Act of 1869. The hon. gentleman had taken exception to an allusion he (Mr. Morehead) had made as to his having lately owned a run on the Warrego, but he had only brought that in as a case in point to show how the country had been developed by people who came after the hon. member. He would point out further that at the time the hon. member sold this run, had he (Mr. Dutton) been Minister for Lands, he would have forfeited his own runs for not being sufficiently stocked in accordance with the Act.

The MINISTER FOR LANDS: They were fully stocked.

Mr. MOREHEAD said he maintained they were not, and he would prove they were not, and that other runs held by the hon. gentleman were not sufficiently stocked. That showed clearly that some consideration should be shown by the hon. gentleman, and by this Bill, to those who came after him, for the amount of money the squatters had expended, and for the way they had made that country. It was perfectly true that money had been taken out of these properties; but at the same time, only for those who occupied them and for others in the same way, the colony would have remained in a very backward state for many years. It was by judicious expenditure of capital, and in many cases foreign capital, that Queensland had been made what it was; and some consideration should be shown to those who had risked an enormous amount of money, possibly some of them with gain to themselves, though, he was sorry to say, very little within the last year at any rate. That consideration, however, it did not appear to be the intention of the present Ministry to extend to them.

Mr. KELLETT said he wished to say a few words with regard to the hon. gentleman's remarks about himself. The hon. gentleman had commenced by saying that the hon. member for Stanley was a renegade. As to that, he could only say it was a pity that, knowing what those on the other side were, he had not been a renegade sooner. The hon. gentleman had said he could mention matters which would not redound to his (Mr. Kellett's) credit. He defied the hon. gentleman—he defied anyone in Queensland — to prove a single disgraceful action of which he had been guilty. The fact of it was that, from the day he refused to sign the round-robin about the mail service, the members on that side of the House —the leader of the Opposition and the hon. member for Balonne, especially—had hunted him as much as it was possible for any body of men to hunt one man. They engaged in transactions the most blackguardly ever carried on in Queensland, in the hope of wiping him off the face of the earth; but they were not able to do it, and so he was there in the House to represent a

good constituency. The only way they could have harmed him—and he knew they would stop at nothing—was through the National Bank, of which they were the administrators; and so he removed his account. It was a necessity for him to do it, or he would some day have been popped on at a moment's notice and wiped out. Every business man knew how ruinous it would be if he were called on at a moment's notice to pay up an overdraft or something of that kind. They did everything in their power to get at what they now called a "renegade." They had stooped to transactions that a decent member of society would hardly credit; but he had taken no trouble to mention it till the hon. member had chosen to say that there were matters which would not redound to his credit. He defied anyone to prove that any action which he had committed in Queensland was disgraceful in any way. He had nothing to be ashamed of, and he could defy anyone to say a word against his character. He would not call the hon. members opposite blackguards, because that would not be parliamentary; he would not stoop to the language they stooped to, nor the actions they stooped to; but he warned them to leave him alone, or he could bring to light many transactions they would be ashamed of.

The MINISTER FOR LANDS said the hon. member for Balonne had charged him with making false declarations as to the number of stock on his stations.

Mr. MOREHEAD: I did not say you made false declarations.

The MINISTER FOR LANDS said that if he had not the runs stocked as the hon. member alleged he must have made false declarations. The facts of the case were that he had 350 square miles of country, and when he sold it he sold with it 7,000 sheep and 800 head of cattle. Anyone could calculate those figures and see whether the run was stocked in accordance with the Act of 1869.

Mr. MOREHEAD: What about Wimmera?

The MINISTER FOR LANDS said he did not stock that station; it was arranged by his partner; but he did stock the one the hon. member had alluded to. It was sold through the firm of the hon. member's father, and he could find out the particulars if he wished. He knew he had more stock than was required for 350 square miles.

Mr. MIDGLEY said he thought it would be in the interests of the debate if they endeavoured to get back to the subject under discussion, and dropped these recriminations, which had no interest to the bulk of the members present. He had certain opinions with regard to the amendment which raised a very fever in his veins, and the only way of curing it that he knew of was to speak at once. He did not suppose, from the tenor of his remarks upon the motion as it originally stood, that the Government, if they had given the matter thought at all, would expect that he would support the amendment of the hon. member for Stanley. He might say he listened, as he always did, to the speakers who had gone before him, with the greatest attention, and while the Premier was speaking he thought of what he had often noticed in his horse-riding. When his horse was going home, and there was something good at the end of the journey, he went along merrily and pleasantly; but going away from home he did not go half as well, and there seemed to be a reluctance and hesitancy, which probably other riders had also noticed. He had the impression that there was nothing of home—nothing really attractive—nothing into which the Premier could throw his soul thoroughly—when he was speaking that night. The most serious objection made to the continuance of the present system was that there would be a continued liability to abuse in the Lands Office in regard to those claims. He was one of those who believed that the day of abuse had passed away for a time. He was one of those who thought that the present Government would remain in office for a few years. He was one of those in favour of land courts, from which, and a Ministry in power having the interests of the people at heart, they might reasonably expect to have a force sufficient to checkmate anything of intrigue or trickery with regard to those pre-emptive rights. Believing in those forces, and believing that the office was in good hands, he did not think they should be in a state of panic and not do what was right from the fear of that. The chief point of attack in the Land Bill it was easy to see, without being gifted with any remarkable knowledge or wisdom, had been with regard to those pre-emptive rights. The Government had yielded—wisely, he thought—to the pressure of public opinion outside or to their own more matured sense of what was right and fitting, and had receded from the position which they originally took up upon the subject. They had abandoned the outer earthworks of their position and taken up that fortress of defence—that inner circle of defence—contained in the amendment of the hon. member for Stanley. The question now for the Committee to debate was this: Was their present position any better? Was it any more worthy of persistent defence than the position which they previously took? That was the question to which he should endeavour to address himself. Of course their right to discuss the amendments was the same as their right to discuss the original motion. If any member had anything to say in defence of them he was free to do so, and if any member had anything to say against them he was equally free to do so. Perhaps that was a commonplace and needless thing to say, but he said it that night because a certain portion of the so-called literary Press of the colony charged him with something approaching presumption or insolence, because on a previous occasion he ventured to differ from the opinions of the Premier and other members of the Government upon that very subject. The public of Queensland were coolly informed that upon matters of law it was really an act of presumption for laymen to have any opinion at all. They were not there to talk theology—though he could manage a bit of that, perhaps; they were not there to criticise literature, nor yet to experiment in science; but they were there to talk about law. It was all law from beginning to end. It was law making, amending, or repealing, as the case might be; and when an hon. member was asked to give his influence and his vote in the direction of repealing a certain law at present in existence, he had as good a right to ask why he was expected to repeal that law, as to ask why he should assist to make or amend a law. No doubt hon. gentlemen had heard of the North of England countryman who went to be married, and who had not previously been married very often—not, for instance, as often as Solomon, though perhaps that was an instance of Solomon's wisdom. He was not well up in the ceremony of marriage. The Minister asked him if he would have that woman for his wedded wife, and the man looked at the minister in blank astonishment. The minister asked him the question again, and again the man looked at him in blank astonishment. But when the other people present explained the matter to him he said, "Of course he would have her to be his wedded wife—that was just what he came for." That was just the position he was in in speaking upon the amendment of the

hon. member for Stanley. He did not "speak to disprove what Brutus spoke, but he was there to speak what he did know"—from the perusal of documents and papers which were as clear to one man's mind, justice, and criticism, as to another's. His first and chief objection to the amendment was that it did, in a diminished degree but in concentrated severity, contain all the injustice and unfairness of which he complained in the original proposition. Diminishing the extent of the operation of an evil did not alter the nature of the evil. If the original proposition would inflict an evil upon a thousand persons, and the present proposition would only inflict that evil upon five hundred persons, the actual wrong of it would be only less in degree, and in no way less in its nature and character. He did not agree with the original proposition, and he could not agree with the amendment because it proposed to do a less wrong than would be done by the clause as it originally stood. The question still remained—did the Acts of 1868 and 1869 and the two subsequent Acts, the dates of which he had forgotten just then, give the pastoral lessee the right to pre-empt a certain quantity of land on his runs? Undoubtedly, in his opinion, those Acts did give that power. But time was to be an essential element in the contract; time was to be an essential part of every lease. The leases were granted for the period of twenty-one years. Supposing a man held one of the runs for fourteen years, and sold his lease to some purchaser, the lessee always had the idea that he had the pre-emptive right, and when he sold his interest in the lease the purchaser had the same idea that he had the pre-emptive right. It might be that through all those years the stipulated improvements had not been made, and that the pre-emptive had not been applied for; but why should the purchaser be debarred from exercising the pre-emptive right because he had not made the improvements "before the 26th of February," or "before the passing of this Bill," or whatever might be the phrase used in the clause? It was no part of the original bond or agreement, but the improvements should be made within a stipulated time, and such a man might very fairly and very justly reason that he still had the right to pre-empt. A man might not have been in a position to make his improvements during the fourteen years. He might not have chosen to make them during the fourteen years; and simply because he had not done what was not required of him by the law under which he took up the lands, why should faith be broken with him at that stage? He maintained that the Bill had no right to interfere with agreements made in the past. Supposing he leased a piece of land for twenty-one years to a man, and gave him the option of purchasing it at any time during the twenty-one years, at a fixed price, the option of purchase was then with the man to whom he had given the lease. If he were to go to the man at the end of fourteen years and demand that he should either buy the land then or not at all, he would very justly resent such an interference with the tenure which he held. If he took a promissory note from a man for three months, and demanded payment from him at the end of two months, he would be demanding something which he could not by any legal means exact; and very justly so, because that man might, on the strength of three months' credit, have gone into a transaction which he would not gave gone into on the strength of two months' credit only. He maintained that, if this proposal was turned up or down, it was not square or plumb. If it was turned inside out it would not hold water. If it was hammered and battered, and knocked about by full and just criticism, it had the image of a base coin upon it and the superscription of meanness. The most serious statement that had been made in the previous debate was the statement that the pastoral lessee had really no absolute pre-emptive right. It was stated that the 54th clause, read in the light of the Acts Shortening Act of 1867, gave to the Governor in Council a certain power. Undoubtedly it did. It gave to the Governor in Council a discretionary power—it gave to him a power whereby he was to be enabled to serve the public interest and the public good; but it did not give him a power to crush individual enterprise, rights, and claims. It gave him a power which was discretionary. There were to be two powers — the power of the lessee to pre-empt; and there was to be the power of the Governor in Council to say where the pre-emptives should not be, but not to say there should be no pre-emptives whatever. If the Governor in Council's power were absolute as alleged to prohibit the pre-emptive, then what right had a squatter under the Act? If the right of the Governor in Council was to annihilate and swallow up the right of the lessee, what right had the lessee? A dog was a dog, and an alligator was a crocodile or an alligator; but if the dog's right to be a dog was to be swallowed up by the alligator's right to be an alligator—he was getting rather mixed—of what earthly use was the dog's life to it? Those two powers—the power of the Governor in Council and the power of the pastoral lessee—were to be harmonious and supplementary, not contradictory and antagonistic. If the pastoral lessee had the right to pre-empt, the Governor in Council had the right to interfere and see that no injury was done to the remainder of the Government property. He contended that if wrong had been done—if the country had suffered loss—that wrong and that loss were not to be charged to the law of 1869; neither should they be charged so much to the pastoral lessee, but they should be charged to the ineffective—the lax or corrupt—administration of the law on the part of those who had been in office. Although the proposal came from his side of the Committee, and although it might be sanctioned by men who had been placed in authority almost absolute by the votes and wishes of the people, that fact did not lessen the wrong. If the proposal contained in itself the elements of wrong, they ought to eliminate that element from it. Members on his side had already stated their determination, their willingness, their readiness to let the right go if it was a legal right. They had already expressed their determination, their inability, to go with the Minister for Lands as the clause originally stood, because it proposed to inflict a great wrong; and he said neither ought they to assent to the present proposal—a proposal to inflict a lesser wrong in degree only. He should like to go a step further apart from the mere technicality of the question. Not only was the right given to the pastoral lessee in the Act of 1869, but the right given to him was one of the most reasonable things in the world, and he would endeavour to show its sensibleness. The Act of 1869 referred to the unsettled districts. He was not now speaking to members of the Committee, but to his constituents through *Hansard*, and to such others of the electors of the colony who might care to read what he said. The Act of 1869 referred to what were called the unsettled districts—to those districts which were not brought within the operation of the Settled Districts Act of 1869. The Act gave the pastoral lessee a lease of twenty-one years. He was to be restricted to taking up runs of not less than twenty-five square miles or more than 100 square miles in extent. The

Government were to have the right to resume from the lessee in blocks of 2,560 acres. They had the power by the Act to resume the land piecemeal in that way; but they had the power to resume absolutely, at one fell swoop, all the runs they thought fit, subject to the proviso of six months' notice, and, the proposal not being dissented from by the House, the squatter had no security of tenure, and he was liable to a sort of ejectment at any time. What inducement was there to the pastoral lessee to dig and delve and fence and build? He maintained that the inducement and protection were contained in the 54th and 56th clauses of the Pastoral Leases Act of 1869. Under the 54th clause the squatter was permitted to pre-empt, so that he might have a share in what was going, and have something to look forward to as a home. He was permitted to pre-empt 2,560 acres, for which he had to pay the stipulated price, which was then considered a fair market price, of 10s. an acre. There was no special favour in that. The man might have made improvements on his run, and he dared say many had made two, or three, or four, or five, or ten thousand pounds' worth of improvements. What reward was it—what protection was it to him—that he only got 2,560 acres for which he paid 10s. an acre? But then the 56th clause was added, which gave the pastoral lessee the right to be compensated for his improvements which might be resumed by the Government for the benefit of some other incoming tenant or purchaser. The sense of fairness he hoped lay deeper in the minds and dispositions of members of the Committee than party spirit, and when they came to weigh the matter carefully and deliberately they would not take that step in the wrong direction which the amendment indicated. The Minister for Works had alluded to the custom of the old country, that when there had been vested interests or abuses growing up under the sanction of legal authority the interested persons were compensated and the abuses abolished. He maintained that had the Government followed the example of the old country they would not have taken such a step in the wrong direction as the amendment before the Committee certainly was. It would not have been deemed an act of justice if the British Government had said to the West Indian slave-holders, "To the men who hold 500 slaves we will give compensation, but to all who hold only 100 or 200 we will give no compensation." And that was a similar proposition to the one contained in the amendment moved by the hon. member for Stanley. He was very glad to know that the Premier, and other members on that side of the Committee, had very distinctly stated that if a right existed, then, no matter what might be the cost to the colony, that right must be regarded. He thought it could be proved that a right did exist. Indeed, he should be glad if the Government would give him 5s.—if that were not a corrupt proposition—for every clause in the land laws which he could find, in which the power of the Governor in Council was mentioned, where it would never do to give that power the interpretation that was given to it in the 54th clause of the Pastoral Leases Act of 1869. If they would give him 5s. for each case he would get a lot of money; and he would be perfectly willing to give it to the Brisbane Hospital, and he was certain it would be a larger sum than was collected on Hospital Sunday. Then there was another question to be considered. Was pre-emption expedient? Not only, was it right—was it lawful—was it legal; but was it expedient? He had heard members say that it was not expedient; that by all means they should get rid of the pre-emptive right, as it would interfere with the settlement of the colony, and they must consider future generations. He was afraid that some members in their solicitude on that point were really prepared to "swallow a camel and strain at a gnat." There were members on that side of the Committee, he was afraid, who would think it a terrible thing for a squatter to get four or five pre-emptives—a little over 10,000 acres—but who were quite prepared to grant a lease of 20,000 acres for thirty years to a man who might take up ten times 20,000 acres if he were in a position to do so. Yet in the provision allowing selection of that kind there was a greater danger than in anything ever enacted in any previous land legislation in this colony. As to posterity, he thought about posterity as much as other hon. members. He had got some posterity himself, and he was as fond of them as most fathers were, but he did not think it was wise to set the present generation by the ears for the sake of posterity—to needlessly and recklessly interfere with vested interests in a colony like this. Let them be sensible as well as fanciful and philanthropical. Let them consider the importance of the industry and the great area they were dealing with, and not act as if they were parcelling out the backyard of a London lodging-house, or as if they were inhabitants of the Scilly Islands. He maintained that nothing had been advanced to justify, under the present circumstances of the colony, on the ground of expediency, any interference with the pre-emptive right such as was proposed in the amendment. He desired that the Land Bill should pass, and he should like to see it fairly and truly tried. But the point under discussion was the Asses' Bridge at which he stumbled, and over which he could not get. He would be perfectly prepared, when the proper time came, to advocate and defend the interest of the small settlers; but, in the meantime, he maintained that no good could be done by setting class against class, or doing injury to one for the benefit of another.

Mr. GOVETT said, having been a tenant of Crown lands in this colony for twenty-one years, he wished to say a few words about pre-emptive rights. He held that the amendment of the hon. member for Stanley would do a great injustice to a very great number of people. It would give the pre-emptive right to certain people who had made their improvements, while those who had not had the time or money to effect the necessary improvements would be shut out from its advantages. Hon. members had only to look at the difficulty the Government experienced in carrying on works, such as water storage, and other improvements in the outside districts, to see the difficulties the *bonâ fide* settler had to contend against in making his improvements. Then there was another aspect of the question. The lessee could not tell from his original blocks exactly where he would be required to take up the pre-emptives on each block, if he were not allowed to consolidate them. If he had a run of 100 square miles he could not possibly tell where to fix his improvements so as to secure the pre-emptives to which he would be entitled. Another objection to the amendment, and a very important one, was that the money had actually to be laid out on the land pre-empted. To spend money in that way would be simply squandering it. It would be a perfect farce to lay out as much money as would be required to work the run on so small an acreage—£1,280 on each pre-emptive. He contended that it was a mistake to compel people to lay out money on the particular land to be pre-empted. He believed that if a lessee had expended the money required to be spent on every twenty-five square miles of country he should be allowed to take up his pre-emptives outside his improvements, but in that case he should not be entitled to

compensation. The pre-emptive right he had always regarded as a perfect right, and had worked along on the faith that no Government would ever take it from him. If that faith was now shaken, all he could say was that he should think that the people who came after him, and took up new runs, or grazing farms under that Bill might find that some Government during their term of lease might upset their tenure. It was a great misfortune that the hon. member for Stanley had not provided in his amendment that every leaseholder should have his pre-emptive, and that he should be allowed the whole of the term of his lease in which to make the necessary improvements. Hitherto it had not been considered necessary that a large amount of improvements should be made. In conclusion he might add that the speech just made by the hon. member for Fassifern was one which might be read with advantage by hon. members and the country at large.

Mr. PALMER said he had always held the opinion to which the hon. member for Fassifern had given expression—that the clause would be the *pons asinorum* of the Bill. The amendment introduced by the hon. member for Stanley (Mr. Kellett) was supposed to do away with a great grievance, but the hon. gentleman would exonerate him from any personal reflection when he said he really thought the amendment was constructed in order to throw dust into the eyes of those who had spoken against the 54th clause. It seemed to be framed on the principle of a well-known object in natural history—the cuttle-fish—which darkened its surroundings in order to escape from danger. He did not know of anyone the clause could possibly benefit. The Premier had talked of shoals of applications coming in for extensive areas, but he would ask for some solid evidence of that extensive demand for the lands of the colony. He was sincere in saying that he did not know of anyone who would take advantage of the 54th clause of the Act of 1869 to the detriment of the colony. The proposed clause acknowledged the right in some cases—that was the extraordinary part—to the pre-emptives. Those who would get the benefit were those in possession of means, but those who had not the means would be refused the right. He agreed with the last speaker that no great harm would be done if the right were extended over the existence of the present leases. They were taken up in the confidence that the lessees would receive the benefits of the Act of 1869, and it was rather late in the day for the Government to step in to do away with what was generally conceded to have been a right—conceded by Governments on both sides—which had been in existence for fifteen years, and had never been called in question. Individually, he was quite disinterested in the matter, for he would not take up any quantity of land at 10s. an acre; but he could understand the motives some people would have in claiming land to secure their improvements. He quite agreed with the hon. member for Townsville in his objection to one-sixth of the lands of the colony being placed in the hands of the squatters. But whom had they to thank for reducing the area to twenty-five square miles but the present Premier, thereby enlarging the area over which pre-emptives could be made?

The PREMIER: I had nothing to do with it. That is in the Act of 1869, and I was not in the House then.

Mr. PALMER: I referred to the Western Railways Act.

The PREMIER: The area was reduced in 1869.

Mr. PALMER said if the Government were to carry out the same principle of repudiation with regard to the conditional purchaser, who had not gone through the same hardships as the pioneers, there would be a great outcry. He scarcely thought they would undertake such an act of repudiation, though the principle was the same in both cases. He believed that the Act of 1869 had done a great deal to settle the lands of the colony; and the pioneers—the squatters—had very good cause of complaint when their rights were cut from under them by the introduction of such a clause as the present. He scarcely thought the Government were acting wisely in forcing the clause upon the Committee. The squatters were, he might almost say, in the hands of the Philistines, from whom they could expect no mercy; but though the passing of the clause was a foregone conclusion he should certainly oppose it as much as he could.

Mr. DONALDSON said the subject had been debated so exhaustively that it was hardly possible for him to adduce any new argument against the clause. It was certainly the difficult point of the Bill, and when they were once safely over it they might well take a holiday. When speaking previously upon the pre-emptive right question, he stated that any amendment of the existing Act which would take away from the squatter his right of pre-emption he could not but look upon as an act of repudiation. The law, it was true, might probably be against the alienation of pre-emptions, but custom and the intention of the Legislature when the Act was passed pointed to the fact that the squatters had that right. For many years the custom had been so well established that persons purchasing runs never thought of consulting their lawyers to find out that defect in the Act. Indeed, they had always looked upon the pre-emptive right as a very great consideration; whatever future legislation might take place, they reckoned upon always having, at any rate, the right to secure their improvements. A new departure was now proposed to be made, and whenever land was in future to be resumed it was intended to pay for the improvements upon it, and it was contended by the Minister for Lands that that would be sufficient compensation instead of allowing the right to pre-empt. The hon. gentleman also said that some restrictions should be put on pre-emptions. Probably there should be. The right was originally given for the purpose of securing improvements, but it was no doubt a fact that pre-emptives had been granted without any improvements upon them whatever; and in all probability that had been the cause of the present action being taken. The hon. gentleman also said that some restraint should be put upon them for the purpose of preventing the wholesale alienation of the land. It could hardly be called wholesale alienation, because it was not likely that every squatter would exercise his right. Some hon. members argued that the alienation would amount to the sixth portion of a run, but it would be nothing of the kind, because a vast number of runs were not available for the purpose; and there was no doubt a large extent of country in Queensland where the pre-emptive right would never be exercised. Without further criticising the clause, he would offer one or two suggestions which, if adopted in the amendment proposed by the hon. member for Stanley, would meet with his approval. With respect to the first portion of the amendment, which read as follows:—

"1. It shall not be lawful for the Governor in Council to sell any portion of a run to a pastoral tenant under the provisions of the fifty-fourth section of the Pastoral Leases Act of 1869, except for the purpose of securing permanent improvements actually made upon the portion so sold, and consisting of permanent buildings, reservoirs, wells, dams, or fencing; nor unless the following conditions exist and are performed respectively, that is to say—"

He should like to see it amended by the substitution of the word "run" for the words "portion so sold." The first two subsections were as follow :—

"*(a)* The improvements must have been made or contracted to be made before the twenty-sixth day of February, one thousand eight hundred and eighty-four.

"*(b)* A sum not less than one thousand two hundred and eighty pounds must have been actually expended upon the improvements."

With regard to the former, it was evident that people who had already made their improvements would have a very great advantage over those who had not yet done so. It must be borne in mind that a large number of leases in the colony had from six to fifteen years yet to run, and that many lessees had not yet completed the improvements they contemplated putting on their runs. He should therefore like to see the period extended to enable such persons to have a longer time within which to make those improvements. He did not contemplate many would take up the land to secure their improvements, but there were many who might do so, and it was only fair that they should have the privilege of doing so. With regard to the expenditure of £1,280 on one block—or 10s. per acre—it was hardly possible, without erecting valuable woolsheds, a head-station, or a very large dam, to put up improvements of that value on one block of 2,560 acres. By the amendment he suggested, the lessee would be allowed to select on any portion of the run he chose, unless there were objections of a public nature in the way of the selection being granted. It had been referred to by other hon. members, but he might point it out once more, that people who were asked to advance money on station property knew that leasehold land was not good security, and thought that by having the right of purchasing pre-emptives at any time they were perfectly secured, and they were thus prepared to lend money at lower rates of interest than could otherwise be the case. If those rights were now to be taken away, it could not but be looked upon as a breach of faith on the part of the Government; and they ought to pause before doing anything on which that interpretation could be placed. Personally, he did not care whether lessees had the right to pre-empt or not, as he had not the slightest intention of ever exercising it; but he knew numbers who would exercise that right, but it would be very hard that they should not have that right if they wished to avail themselves of it. Without detaining the Committee longer, he would move that the words "portion so sold" be omitted from the amendment, with the view of inserting the word "run."

Mr. McWHANNELL said, after the many able speeches that had been made by hon. members on both sides of the Committee, he thought the question under discussion must be pretty well digested, and probably anything he had to say would not interest hon. members very much. With regard to the right of pre-emption, it could only be looked upon as an established right by all honest and honourable men. There could only be one opinion on that matter. It was a right established before Queensland became a separate colony; it had been confirmed by repeated Acts of Parliament, and it had become a right by usage and practice for many years. The present Government were the first who had attempted to repudiate that right; and although they had agreed to the amendment brought in by the hon. member for Stanley, he considered that so far as the constituents he had the honour to represent were concerned, that amendment did not give them any benefit whatever more than was contained in clause 6 as originally proposed in the Bill. He looked upon it that the proposed repudiation of the right of pre-emption would simply mean a precedent for all time to come for the repudiation of the provisions of any Act of Parliament, and therefore hon. members ought to consider well before voting for any measure that would repudiate any previous Act of Parliament. To establish a precedent in that way would be very dangerous to many other interests besides the pastoral interest; and it would very likely be acted upon in regard to the increased leases held out by the Bill; because, as settlement progressed, population would become settled in the neighbourhood of permanent waters; the people would clamour for more land to be thrown open in the immediate neighbourhood; and they all knew what that meant. They knew that the people ruled the country through their representatives in that House, and there could not be a shadow of doubt that they would agitate to have the indefeasible leases repudiated; and in the same manner they could equally well repudiate the clauses of the Bill relating to compensation for the leases or the improvements made upon the runs. With regard to the amendment of the hon. member for Stanley, it seemed to him to be legislating for a section of a class. Take, for instance, the constituency of Gregory North and South: the settlers there had had great difficulties to contend with. The runs in some instances had not been taken up for more than five or six years, and the difficulties of obtaining the necessaries of life alone had been so great that the holders had been, in a measure, prevented from erecting improvements; so that by the passing of the amendment those men would be deprived for ever of the power of exercising their pre-emptive right. At the present time the rates of carriage to that district averaged from £30 to £60 per ton according to the distance to be travelled; and, seeing that those settlers now only got up the bare necessaries of life, when they came to get up large quantities of goods—material for fencing, dam-making, and the like—their expenses would be increased very considerably, and, of necessity, the difficulties of making improvements would increase. In his opinion, the hon. member for Stanley, before drawing up such an amendment, should have consulted some of the lessees of runs in the far West. He had not considered that class one iota, but was simply legislating for a section of that class who were situated in the settled districts, and who had had all the privileges of regular communication by which they were able to obtain supplies, and consequently had been able to get their improvements erected prior to the passing of the Bill. Struggling men in the outside districts who had great difficulties to contend against were not considered at all. There were many men in the Gregory, North and South, who went out there with very small capital indeed, and they had not the influence to command capital. Those men, according to the amendment, would be entirely deprived of the right to pre-empt, and that would deprive them of the ability to so finance as to be able to make their improvements. As had been ably pointed out by the hon. member for Moreton, it was of great assistance to a pastoral lessee to have freehold property in conjunction with leasehold to offer as security to financial institutions, because they accepted it much more readily and at much lower rates than otherwise, as they looked upon it as a better class of security. They did not estimate it at the actual value of the mere grazing right, but they regarded it as a security that could not be touched—as a means of securing the improvements on the run, and as something tangible to

lay hold of in the event of having to take possession of the property. Looking at subsection *(b)* of the clause, it was not in the terms of the leases under which the pastoral lessees held the country. There were no such terms laid down by the Act of 1869, and that such conditions should be imposed now simply meant repudiating, in a measure, the right to which they were entitled by the Act. Subsection *(c)* he took to mean that no pre-emptive could be taken up alongside permanent water. In connection with that, he would point out that when a settler went out to take up country the first thing he looked for was a good situation for his head-station, as near permanent water as he could possibly get it. He generally erected his head-station, house, and outbuildings as near permanent water as possible, and his woolshed was generally a short distance from his house. But under the portion of the clause he referred to the lessee would be entirely prevented from securing those improvements. In many instances he knew head-stations that had cost from £6,000 to £10,000, and that was a large amount of money to expend in improvements upon which they could get no hold. The amendment was not at all applicable to the colony. It was simply legislating for a section of a class, and a section of a class which did not urgently require it—a class who were well able to protect themselves. He thought that on the whole the amendment would have to be considerably altered before the Committee would deal with it.

The MINISTER FOR LANDS said he would correct one misconception of the hon. member who had just sat down, and that was with regard to the right of taking up pre-emptions on permanent water. A man was not prevented from doing so, as, if he had a creek running through his land, he could take up one side. Head-stations were generally on permanent water, but no one could take up both sides of a waterhole and shut out other people. The hon. gentleman also harped upon the old story that it was absolutely a repudiation of a right—or what the Government refused to acknowledge as a right—to take up four square miles out of 25,000 acres. The hon. gentleman's object was to secure the land whether he had the necessary improvements upon it or not, and it was the purpose of the amendment to exclude him from doing so. It was to confine him to the meaning of the original clause, which said it should be for the purpose of securing improvements.

The HON. SIR T. MCILWRAITH said the hon. Minister for Lands would persist in giving his own meaning to the word "improvements." It was never contemplated that the improvements should all be on the part selected. To show the absurdity of the statements made by the Government, let him take the case of a run of, say, forty-five square miles, which was about the average size in the colony, and of which the lessee had the right of selecting 2,560 acres. If that squatter spent equally, over the whole of that run, £14,300—that was, if it was so equally distributed over the run that there was no 2,560 acres having £1 more than any other —by that clause, although he had spent £14,300, he was not entitled to the right of pre-emption. But if he happened to spend £1,280 only, but all on one particular 2,560 acres, than he was entitled to that right. Did not that look absurd? He would talk to the Minister for Lands a little. The pre-emptive right applied to any run of over twenty-five square miles, which was the minimum, and 100 square miles was the maximum. His argument did not at all depend upon the average he had taken. In the case he had quoted, a man might spend £14,300; he could run it up to £14,399 19s. 11d. and it would still hold good. The hon. gentleman considered that an average of forty-five square miles was too much, so he would adapt the argument to twenty-five square miles. Of course it came to the same thing. It would be 16,000 acres, and if a man spent £2,900 on his run he would not have the right of pre-emption; but if he spent £1,280 on one particular 2,560 acres then he would have that right. No man ever put himself on his run with the object of securing any particular 2,560 acres, and common sense led him to suppose that the Ministry had come to the conclusion that the moral right should be recognised. He did not think there was a word more to be said.

The PREMIER said he would put this case: Supposing any person did improve his run in the way suggested by the hon. member—in which case he would have small improvements scattered over the whole run—would taking up four square miles secure the improvements? He altogether failed to see it. How could that secure improvements? How could pre-emption secure improvements except upon the land pre-empted? That was a question that the hon. gentleman would not attempt to grapple with, and, perhaps, very wisely too, because he could not, nor could anybody else. The hon. gentleman could give no rational meaning to those words in the Act of 1869. The illustration the hon. gentleman gave was absurd; they knew that no pastoral tenant in his senses improved his run by expending money for improvements at an equal rate, of about 9s. 11¾d. per acre, on every acre of his land. The improvements referred to in the Bill were permanent buildings, dams, wells, and reservoirs, and fencing. All those, except fencing, must occupy a very small area. The great defect—the insuperable defect—of the hon. member's argument was that he contended that a man might take up one piece of land to secure improvements, although the improvements were not on it, but on another. Of course the hon. gentleman said he did not object to this; but that was just where they differed. The hon. gentleman wanted the tenants to get the privilege of pre-emption for improvements, and also the cash value of their improvements. That was just where the Government differed from him. He did not think it necessary to say any more, because the subject had been pretty well thrashed out.

The HON. SIR T. MCILWRAITH said the hon. gentleman would persist in looking at the Act in the way the Minister for Lands did—namely, that the only object was to secure a particular amount of improvements; but the Act did not force a tenant to secure all his improvements. If it meant that, it would not give the right to pre-empt over the whole block. It stated that if a tenant secured improvements he was entitled to a certain privilege; it never stated how much the improvements on the block were to be. If a block contained £500 worth of improvements he could not ask for 1,000 acres. But that was what the Minister for Lands wanted to get at. The Act said a tenant must have 2,560 acres or nothing. They were bound by the meaning of the Act; and it was never contemplated that improvements outside as well as inside should be reckoned as improvements. The Premier touched on one point, and he knew perfectly well there was a good deal at the bottom of it. He said that the squatters who made improvements wanted to get them, and at the same time be paid for them by the Government. Now, they wanted nothing of the sort. No one wanted first to get the right of pre-emption

and then to be paid for improvements afterwards. And then, how could the improvements be contemplated, as the Premier said? The hon. gentleman said that those improvements in the Act were dams, wells, and fences. How could they get dams, wells, and fences in one place on a block of forty-five square miles in a position at all so as to secure anything like a pre-emptive right? They could not put a two-storied dam, for instance. Of course it was necessary that the improvements should be scattered over the run.

The MINISTER FOR LANDS said that, at the time the Act of 1869 was passed, hon. members would recall the fact that stations were in a different position to what they were now. It was intended to cover all improvements, which were always found in a very small area—not spread over the run as they were now. He had always understood that the object was to secure the head-station and the improvements that were put upon it, such as woolsheds, men's huts, stockyards, paddocks, and other improvements generally found there. As to the fencing, there was only one possible interpretation of that clause, and that was to have a piece of land a chain wide along the fence. He believed that was done in New Zealand. The contention of the leader of the Opposition was never contemplated at all.

The HON. SIR T. MCILWRAITH said the hon. member had given his opinion of the construction to be put on the Act. He had also given an illustration to the effect that if a man wished to secure fencing he would have to take a piece of land a chain wide on the side of his fence. But it was never intended that people should do anything of the sort. The hon. gentleman would not get out of his cave: he was still looking through the hole. He actually gave an interpretation of the Act of 1869 from what he remembered about it; and he said that it never contemplated anything except paddocks, woolsheds, and other buildings, not fences. In 1869 he (Hon. Sir T. McIlwraith) was in the Maranoa district, where there was as much civilisation as at the Barcoo, and he knew that all his sheep were under fences. All the improvements could not have been taken up unless they were scattered over the whole run in a way that every wise man would spend his money.

Mr. STEVENSON said he thought the leader of the Opposition had not gone far enough; he ought to have said that the Minister for Lands did not know the Act at all, when he said that pre-emptions were simply meant to secure improvements at the head-station. The hon. member must know that a run did not consist of twenty-five square miles only; and that when the pre-emptive right was granted it was not only on the head-station block, but could be exercised on every twenty-five square miles of the run. If it had been intended to secure head-station improvements only, that would have been stated. It was clearly explained by Mr. Taylor, the Minister who brought in the Bill, that even if more than 2,560 acres were required it would be granted—that there was no reason why it should be limited to that. The hon. gentleman looked at it from his own narrow standpoint; but if he had been out in the country where it was worth while making improvements he would have seen it in a different light. But the hon. gentleman could not understand that there could be any improvements on a run except head-station improvements, because he never improved his own run further than the head-station. He had the head-station—a comfortable little place where he lived, with a camp of blacks about a quarter of a mile away—and when he secured that he was satisfied. The hon. member could not understand that there were other people who wished to spend a large amount of money, and would improve five or six hundred square miles, or perhaps a thousand square miles of country, by constructing dams, reservoirs, fences, outstations, and so forth; he could not understand that, because he never was in the way of doing it. But the gentleman who framed the Act took broader views, and could see that it would be worth the while of the squatter to secure the improvements on each block by taking up 2,560 acres. Going further on, the hon. member for Stanley had told them that this clause had emanated from himself, but he admitted that afterwards he had to consult members on his own side, and Ministers, on the subject. Of course, they knew perfectly well what that meant. No doubt the hon. member thought of it himself—they would give him credit for that. He did not believe the hon. member went to the Minister for Lands, because he knew it would not concur with that gentleman's views—if he had any views on the subject—but he very likely went to the Premier and got him to draft the clause for him. Now they could look upon this clause as emanating from the Government; at any rate the hon. the Minister for Lands had given up his own clause for the purpose of having this clause inserted in its stead. They knew perfectly well, in spite of what the hon. member for Stanley said, that it was the clause of the Ministry, and not his clause. He could quite understand that the hon. the Minister for Lands did not care much about seeing the clause pass, because if he were sincere in his desire to pass it he would not have employed the hon. member for Stanley to introduce it. The hon. the Minister for Lands had clearly shown that he did not understand what was meant by the pre-emptive right, and that he was not fit to argue upon the question.

Mr. ARCHER said that to him the discussion on the question had been altogether a disappointment. The Minister for Works had gone back to the old Orders-in-Council, and had told them about the squatters having done certain things; but he did not know why they need go back to that. The Act they were now discussing, and which it was proposed to repeal, was not passed by squatters at all, but by a strong Liberal Ministry, with Mr. Lilley as its head, Mr. Stephens as Colonial Treasurer, and Mr. Douglas and Mr. Macalister as other members. That was the Ministry when that Bill was passed, and it was no use telling what the Darling Downs squatters did at a previous time. He remembered very distinctly the discussion which took place at that period, and most decidedly the understanding, at the time it was passed, and the way in which it had been acted upon ever since, were entirely in consonance with the amendment moved by the hon. member for Warrego. It was perfectly understood that a person who had made improvements should have this right; and it was looked upon at that time as a great inducement to stock country then lying idle. The Government, seeing that the Act had to a great extent effected its object of settling outside country and making it infinitely more valuable than before, now came forward and announced their intention of depriving those who held that country of the right which had been conferred upon them, and which must have been a great inducement to them to open up the country. He could not understand it at all. To him it appeared only in one light—a pure piece of repudiation. The new clause which the Minister for Lands had accepted appeared to him a mere farce. It put the amount of improvement upon a pre-emptive selection of 2,560 acres at £1,280. The Minister for Lands knew perfectly well that there were very few places that would bear

such an amount of expenditure as that on so small an area. It would never pay a man to fence in 2,560 acres, or to fence off his run in areas of that extent unless there was a waterhole in each of them. Where water was scarce and where water was a necessary improvement, to fence off a run in areas of that extent, and make a waterhole in each, would ruin anyone who attempted to do it. No man could afford to do anything of the kind. The amendment which the hon. member for Warrego proposed, of course, brought the clause nearer to the present law. The amendment accepted by the Minister for Lands proposed to carry the amount of expenditure in improvements upon an area of 2,560 acres up to £1,280, a sum which was perfectly absurd for such a small area. He thought, therefore, the hon. member had better—considering who introduced the Bill of 1869, the manner in which it was introduced, and the effect it had had in inducing people to go out into the wilderness—he had better consider the matter more seriously than he had done, and what would be the effect of his repudiation; for if it was not repudiation, he (Mr. Archer) did not know the meaning of the word. The talk about confining the improvements to one part was one of those matters which they had not heard mooted until that night in that Committee. It was an absolutely new point. The hon. gentleman said that what they proposed was better for leaseholders in the West than their pre-emptives, because they proposed to give them compensation for their improvements. It was nothing of the kind. The hon. gentleman said, "If you come under this Bill you will get compensation for your improvements; but if you do what you are undoubtedly justified in doing, and hold on to the lease already granted to you and do not come under this Bill, you shall not have the right to pre-empt; I will give you nothing for your improvements, and I will take other means to resume your run without asking you anything at all about it."

The PREMIER: On payment of compensation for improvements.

Mr. ARCHER said that was not what they were told by the Minister for Lands.

The PREMIER: They get it under the Act of 1869

Mr. ARCHER said they could come under the Bill if they liked. The Government said to those men, "If you come under this Bill we will do certain things for you, but if you do not come under this Bill you will neither get your pre-emptives nor will you get compensation for improvements.'

The PREMIER: No.

Mr. ARCHER said that if there was meaning in anything, that was the meaning of what the Minister for Lands had told them when he spoke on the second reading of the Bill.

The PREMIER: It is not in the Bill.

Mr. ARCHER said that was stated directly by the Minister for Lands in answer to a direct question put to him on the subject. The hon. gentleman explained that the Bill would place the leaseholders in this position: under it they would get a long lease for one-half of their runs, and they would get compensation for their improvements. The Minister for Lands said; "That is what you will get if you do as I tell you; but if you do not, you will not get either your pre-emptives or compensation for improvements." If that was not repudiation, then he did not know the meaning of the word.

Mr. MACDONALD-PATERSON said he would certainly like to hear some explanation from the Minister for Lands as to how the Government arrived at the conclusion that 10s. per acre should be the sum to be expended on pre-emptive selections. He was speaking to the general question, and collaterally that had reference to it. The amendment proposed was, that the word "run" should take the place of three words—namely, "portions so sold"—although the Minister for Lands only used the word "portion" in speaking of it. Adverting to subsection *(b)*, they had not heard an explanation of how the sum of £1,280 had been arrived at as an essential sum to be expended upon improvements to justify the pastoral lessee in making application for his pre-emptive. He should be glad to hear some explanation on that point, partially and only partially, on this account. They had always regarded the squatter as the pioneer of the wilderness, and a man to be fairly and liberally dealt with as such. On the other hand, they dealt with the selectors under the Act of 1876, and those who selected under the Act of 1868, in an equally liberal manner. Under the Crown Lands Alienation Act of 1876 the amount of improvements upon a selection did not exceed 10s. per acre, and it seemed to him rather hard that the man in the inside districts, who had the choice of an enormous area of country to select from, should be placed in just the same position as the man in the very outside districts was to be placed in by the proposed clause. The Act of 1876 said:—

"The lessee, during the term of the lease, shall expend a sum in substantial improvements equal to the full amount of the purchase-money; but in no case shall such sum exceed the rate of ten shillings per acre on such land."

So that, putting the two things in juxtaposition, he thought there was a reasonable justification for asking for an explanation as to how it was that in the far-away outside districts a certain amount of money should be asked to be expended to justify pre-emptive selections being applied for, while in the case of the more local selections made by selectors under the Act of 1876 it was not necessary to spend one farthing more in order to get the freehold of those selections.

Mr. MOREHEAD said that before the Minister for Lands answered the hon. member for Moreton he would like to point out a statement made by the Premier, and which was not in accord with what he said when the Bill was previously discussed. The Minister for Lands had told the Committee very clearly and distinctly that, when the Act of 1869 was passed, the improvements on some of the runs in the outside districts consisted of a little fencing, a horse-yard, and a head-station here and there, and that, generally speaking, they were very scanty. But the Legislature at that time was seized of all those facts, and what did it do? It said distinctly, "No matter how scanty your improvements may be, on each block where you have permanent improvements you will be entitled to a pre-emptive right of 2,560 acres at 10s. an acre." Now, when there were large improvements on those same runs which, at that time, as described by the Minister for Lands, were very scantily improved—now, when those runs were largely improved, an amendment was brought in by a supporter of the Government to the effect that, to secure permanent improvements on one particular block, a sum of £1,280 must be expended on it. He thought they were going very far away from the intentions of the Legislature when they passed the Act of 1869, and the Minister for Lands had proved that himself. He had pointed out clearly that, when the Act of 1869 was passed, the Legislature were perfectly aware that the permanent improvements on each of those particular blocks were of a very small nature indeed, and therefore they did not, in

their wisdom—he said it distinctly—specify any particular sum that should be expended in permanent improvements on any particular block that the lessee might have the right to pre-empt. There was one point alluded to by himself at any rate, and he thought by other hon. members, in a previous portion of the debate—that the 55th clause of the Act of 1869 clearly showed the exact nature of the bargain entered into between the Crown lessee and the State. By the 55th clause the Government had an absolute right of resumption—subject to notice being given—of an area of 2,560 acres, as a *quid pro quo* in regard to the 2,560 acres which was granted to the Crown lessee on certain conditions being fulfilled. He thought he had shown that, from the Minister for Lands' own statement, when the Act of 1869 was passed the Legislature were in perfect possession of the facts of the conditions and state of the leaseholdings in the outside country; and, being in possession of those facts, they then deliberately, and after a great deal of interesting debate in which the Minister for Lands took part and agreed with, came to the conclusion that, although the improvements on any one of those blocks might be small or scanty as the Minister for Lands had said, they would give the right of selection and would compensate for the improvements whatever they amounted to. He held that the argument which he set up now, and which had been brought forward by the Minister for Lands himself in reference to the improvement question, was one which had received full consideration at the hands of Parliament, and the interpretation of improvements where there was absolutely no definition of the actual value of the improvements to be included in each pre-emptive, was one that had received the consideration of the Assembly at that time, and that the Legislature arrived at their decision with a full knowledge of the facts of the case.

Question put.

The HON. SIR T. McILWRAITH asked if the Minister for Lands was going to answer the arguments of the hon. member for Balonne? If he did not, he (Hon. Sir T. McIlwraith) would ask him again. The Premier tried to put the hon. member for Moreton down, by saying that the question he asked would come up for discussion by-and-by; but that was not the way in which business would be got through. All the amendments had special reference to the clause, and they were all one together. The member for Moreton pertinently asked why the amount of 10s. per acre had been fixed; if the Minister was willing to reduce the amount to 6d., there was no reason for wasting time with the amendment before the Committee now. There was, however, a great deal more to be said about the clause, and they ought to have an answer from the Minister for Lands.

The MINISTER FOR LANDS said the reason why the sum of £1,280 was fixed upon was because it was considered that that was a fair outlay for the privilege or right of taking up 2,560 acres without competition. Those areas would not be open to competition, but to secure the absence of competition £1,280 must be expended. He did not think that was an excessive sum for the privilege, and it was a sum which added to the value of all the surrounding land. There was no doubt that the increase in value of those lands would leave the adjoining lands at a very much enhanced value.

Mr. MACDONALD-PATERSON said he must say that he was disappointed with the hon. gentleman's reply, the gist of which was that the land was obtained without competition. That was the advantage, but he would point out he might select 5,000 acres in the settled districts—double the quantity, and without competition—and that in a specially local climate not subject to drought. They could select sugar lands which had risen to £10 and £15 an acre.

The HON. SIR T. McILWRAITH: And fallen as much since the Brisbane Ministry came into power.

Mr. MACDONALD-PATERSON: He did not think, with due deference to the hon. member, that they had fallen so much. That was an industry—he might say by way of parenthesis—which would survive the present cloud, and would go to the front at a greater rate than it had ever done before.

The HON. SIR T. McILWRAITH: Not with white kanakas.

Mr. MACDONALD-PATERSON said he wished to be distinctly understood that he was speaking entirely the opinion of himself, and not that of anyone in the colony. He was representing his instincts, as they had grown from a very long residence in the country. There was inconsistency between the Act of 1876, which allowed any man in the colony to select 5,000 acres, and that in the fairest parts of the colony with the best of climates, the greatest facilities for carriage, and the nearest to civilisation, in the very heart of it in fact. And yet, in the outside districts, under the 54th clause of the Act of 1869, a person had to pay 10s. an acre for 2,560 acres. The Minister for Lands had, he thought, not given any satisfactory explanation as to why the price was fixed at that figure. He did not think it was fair to compel a man to spend a large amount before he could be in a position to purchase 2,560 acres of land at 10s. an acre, when they were giving such facilities for the acquisition of land in the settled districts, and did not even require cash down.

The HON. SIR T. McILWRAITH said the Committee looked like a graveyard as soon as members on that side who talked against the Government had sat down; they did not exactly know where they were. The amendment was intimately connected with subsection *(b)*. If the Government were going to be squeezable on that point, it did not matter a straw spending time over the amendment proposed by the hon. member for Warrego. There were a good many other objectionable features in the clause. He had expressed the opinion before, and he expressed it again now, that the compromise put forward in the amendment was repudiation of a worse character than they had in the clause which had been negatived. Personally, he would far rather see the 54th clause repealed, as was originally proposed, than adopt the amendment in any such form as they had had it that night. The arguments brought forward by the Minister for Lands in favour of the clause had all been knocked down. Subsection *(b)* had been tackled by members on his own side of the Committee. Going a little further they would find a matter that would very likely give rise to a considerable amount of discussion, and that was the extraordinary powers proposed to be given to the Minister for Lands by subsection *(d)*. Hon. members would remember that earlier in the session they were told that the foundation of the Bill was the tender conscience of the Minister for Lands. The hon. gentleman could not possibly deal with the cases that came before him; there was so much personation, so much false swearing, that he was shocked with the business, and wanted a land board to take his place. But the hon. gentleman was not shocked at the power he was to have under subsection *(d)*. He now told the colony that all the pre-emptives to be acquired in the future must be got from the Minister for Lands,

Was it not absurd that such power should be given to that man who had been so shocked—of course when he used the word "man" he knew the Minister for Lands was not so sensitive as the Attorney-General, who objected to it the other night—by the state of affairs in his office that he could not bear the immoral applications made to him? But shocked as he was, the hon. gentleman was not afraid to tackle applications for pre-emptives from all the squatters of the colony. He was going to undertake to decide them without any assistance, or even advice. The amendment provided that—

"Upon application duly made, and proof given within the period aforesaid"—

That was six months—

"the application shall be approved and recorded, and the pastoral tenant shall thereupon be entitled to purchase the land comprised in the application, on payment of the sum of 10s. per acre, at any time before the land applied for has, by resumption or otherwise, been withdrawn from, or ceased to be subject to, the lease."

The proof was to be sent in to the present Minister for Lands. The hon. gentleman did not want any declarations—he had thrown those behind him long ago; he only wanted proof to be put before him; and he (Hon. Sir T. McIlwraith) supposed the proof of some persons would go a long way further than the proof of others. But the hon. gentleman must be satisfied. He might then have it recorded that the applicant was entitled to his pre-emption. But the applicant would not pay down his money; he might wait several years until half-a-dozen Ministers were kicked out, then the record would turn up with Mr. Dutton's signature to it. He (Hon. Sir T. McIlwraith) thought it was about time to adjourn. There were many amendments to be considered, and it was getting about Ipswich time.

The PREMIER said the hon. gentleman a week ago professed that he was indignant because the Government had not disposed of that clause when it was first before the Committee. Hon. members on the Government side thought the matter deserved further consideration. That evening the hon. gentleman had shown small disposition to discuss it. All that had been said on the subject in the way of argument had been said before tea, and from that time until the present there had been little more than talking. At last the hon. member for Warrego, wishing hon. members on his side to press on with the business, moved an amendment. But now the leader of the Opposition said he thought they had better adjourn. He (the Premier) thought they had better get on with the business. The hon. gentleman said the arguments against the clause had not been answered. He (the Premier) said they had been irrefutably answered three or four times over; but that would not advance the business. He believed that every hon. member who had anything to say on the subject had said it. The hon. member for Warrego had raised a definite issue, and it had been fully discussed, and should be decided if they were to get through with the Bill. And the Government intended to get through with it. He believed that members on that side of the Committee did not desire to sit any longer than was necessary. Hon. members on the other side had expressed a wish to get on with the business, but they had given a very singular illustration of their desire. The hon. member for Mulgrave said there were other amendments to be moved. Well they would consider them when they were proposed. At the present time there was an amendment before the Committee. It was a short point and had been discussed. Let them dispose of it and proceed to the next question, whether the improvements should amount to 10s. an acre or a lesser sum. Let them proceed according to their Standing Orders, which he was afraid it would be necessary to have recourse to more frequently than they had hitherto, to prevent the discussion wandering.

The HON. SIR T. McILWRAITH said the hon. gentleman accused him of having blamed the Government for not having come to a decision on that clause the other night. That clause was never before the Committee. What he did blame the Government for, was for not coming to a conclusion on clause 6 of the Bill. When that was under consideration before, the Government had evidently not completed their arrangements in regard to the amendment, and they therefore moved the adjournment of the House. The hon. gentleman now said they must go a great deal more according to rule, and not talk so much ahead of what was before the Committee. What they had to decide at present was, whether the pastoral lessee was to be allowed to pre-empt on account of improvements on the whole of his run or on the portion which he pre-empted; but that question was very intimately connected with subsection *(b)*, under which the Minister for Lands had taken on himself to say that he could not pre-empt unless he made improvements to the extent of 10s. an acre. The hon. member for Moreton had put a question with regard to the 10s. an acre, and an amendment would probably be moved; and if the amount were to be sufficiently reduced, what was the use of the present clause at all? The Government should let the Committee know their position with regard to all the points. He was now proving that the clauses could not be separated as pointed out by the Premier. Although they might not have made much progress so far as inches of the Bill was concerned, they had made progress in enlightening the Government as to their tactics in first taking up so much time in declining to acknowledge a right at all, and then coming forward at a later period and conceding a right which was a great deal worse than repudiation—which made repudiation a great deal plainer and helped a class which the colony had no desire to help in preference to the other pastoral lessees. Unless equal justice were done to all the pastoral lessees, he did not intend to let the clause go. Some hon. members had said that the clause was the *pons asinorum* of the Bill, but he did not look on it as the most important clause, by a long way. Personally, he did not care whether the clause went or not, but it was a matter of considerable importance in the eyes of everybody who looked on the financial position of the colony, that they should keep their promises to their creditors. If the Bill were carried, even with the amendments from the other side, he should have some objections to make to the repudiation clause. He would much rather see the 54th clause wiped out altogether; and he would never consent to the extraordinary right claimed by the modest Minister for Lands—the right to decide the whole of the pre-emptives for all time. All the time he had been on his legs he had been talking seriously and trying to get answers to his arguments, but had failed. He could not do that all night.

The PREMIER: What question has not been answered?

The HON. SIR T. McILWRAITH said the hon. member knew perfectly well what questions. He was a perfect master of the art of turning round what was said; and now he coolly asked, at that late hour, that the questions should be re-stated. Did the hon. gentleman think they were children? They went there as politicians—as statesmen, perhaps, like the Minister for Lands—to talk about the affairs of the colony, and not to be talked to as one lawyer would talk to another when he wanted to make a point before a judge who was half-asleep.

The PREMIER: If you will not tell us what you want to know we cannot tell you.

The HON. SIR T. McILWRAITH: The hon. gentleman opposite had got to understand that the result of the present amendment would depend greatly on his squeezability in regard to subsection *(b)*, and he would have to think over the onerous position he had taken on himself to decide for years to come on all the pre-emptives in the colony of Queensland. The Minister for Lands was a modest man, and had not been brought out sufficiently. He had yet to prove his willingness to undertake the responsibility which would fall upon him, and he would be better able to do so after he had slept over it. It was now time they were going to bed.

The PREMIER said the hon. gentleman wished to know what he was pleased to term the extent of the squeezability of the Government in regard to the amount expended on improvements. The Government proposed to stick to 10s. an acre. If the majority of the Committee defeated them on that point they would be defeated on that point; that was all. He did not think, however, that the Committee were likely to agree to a lower amount. The amount was arbitrary, but it was perfectly fair. The hon. gentleman also wished to know why the present Minister for Lands should have power to decide the pre-emptions for all time. That had been explained at length more than once. The scheme of the clause was to determine now what persons should have pre-emptive rights and what persons should not. If that was to be determined now, it must be determined by the existing officers of the Lands Department whoever they might be. All the discussion that might take place for a week could not elucidate the matter further. It was not proposed to give the Minister any power, but that Parliament should determine what rights should be granted, and that they should be ascertained through the medium of certain officers. As to amendments that might come before the Committee, hon. members might propose them in every line, and if they did, the sooner they disposed of the first, the sooner they would be able to deal with the second.

Mr. MOREHEAD said that unfortunate Minister, the Premier, had let slip an expression which caught his ear, and which must have caught the ear of every other member of the Committee. When he talked of the "scheme of the clause," did it not show that he was the master spirit, and that the clause was not concocted out of the brain of the hon. member for Stanley at all? Nobody believed it was the work of the hon. member for Stanley, he admitted, and when the Premier talked of the "scheme of the clause" he committed himself at once. They had only to look at the hon. member to see that he was right; and he thought that little fraud had been exposed. He agreed with the leader of the Opposition that it was of no use to attempt to push the matter further now. Besides the amendment of the hon. member for Warrego, there must be a number of contingent amendments, and he did not see why they should not have that amendment in print as well as that of the hon. member for Stanley.

The HON. SIR T. McILWRAITH said the Premier, in giving the reason why the Minister for Lands should have the extraordinary power of deciding pre-emptions, simply said that Parliament did so-and-so, and that the Act of Parliament would have to be administered by certain officers. He knew that before. What he wanted to know was, why the power should be vested in the Minister for Lands? The Premier must see that they had had a very fair discussion; indeed the only speeches that were at all obstructive were one delivered by the Minister for Works and one by the hon. gentleman in charge of the Bill. The Opposition had no intention to obstruct the Bill; all they wanted was fair discussion, and the Premier ought to know from experience that there was not the slightest chance of the clause going through at that time of the night.

The PREMIER: I am quite aware of that.

The HON. SIR T. McILWRAITH said the Premier would find that they would be much more inclined to shorten matters if they adjourned now and met again to-morrow, after considering the amendments that had been proposed.

Mr. STEVENSON said he was glad to notice that the Minister for Lands had again recognised the pre-emptive right as a right. He would remind the Committee that in his speech on the second reading of the Bill that hon. gentleman distinctly pointed out that it was a right under the Act of 1869, in the following words:—

> "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."

He wished to know from the Minister for Lands how many pre-emptives he had granted since he had been in office, on what principle he had granted them, and what amount of improvements he had recognised?

The HON. SIR T. McILWRAITH: We are only wasting time. It is no use waiting to take a division on the amendment.

The MINISTER FOR LANDS said he did not know that any further information was required to enable them to deal with the amendment of the hon. member for Warrego. If they disposed of that to-night, it would be a step in the right direction at all events.

Mr. STEVENSON: Will the Minister for Lands answer the question I asked just now?

The MINISTER FOR LANDS: I daresay the hon. member knows as well as I do. All the applications came in from the office to which he belongs.

Mr. STEVENSON: Unless the hon. gentleman answers the question, he will not get any further to-night.

Mr. FOOTE said it was quite time they got to business. The Opposition had had all the talking, and he hoped the Minister for Lands would not give way. He himself was prepared to sit there till that day next week if required.

Mr. STEVENSON: I again ask the Minister for Lands for an answer to my question.

The MINISTER FOR LANDS: No pre-emptives have been granted the applications for which have come in since I entered office.

Mr. STEVENSON: That is no answer to my question. What I asked was, if he had granted any pre-emptives since he came into office?

The MINISTER FOR LANDS: All the pre-emptives that received Executive sanction before the present Government came into office have been granted, unless there was some special reason for not granting them.

Question put.

Mr. STEVENSON said the question he asked the Minister for Lands was, whether he had granted any pre-emptives since he had been in office, and if he had done so, upon what principle he had gone? If the hon. gentleman answered that question he would be satisfied, but not before.

The MINISTER FOR LANDS said he had answered the question. He said that all applications for pre-emptives that had received executive sanction before the present Government came into office, had been granted, unless there were exceptional circumstances that would make it illegal to do so.

Mr. STEVENSON: Would the hon. gentleman state what the exceptional circumstances were under which certain pre-emptives had been refused?

The MINISTER FOR LANDS: Give notice of the question; you will get the information then.

Mr. STEVENSON said he wanted the information now, as it would throw some light upon the subject they were discussing? If the hon. gentleman gave the information they might get on with business.

Question put.

Mr. STEVENSON: Would the hon. gentleman answer his question? He had led the Committee to believe that he had not granted a single pre-emption, until he (Mr. Stevenson) had pulled the information out of him; and now he wanted further to know under what circumstances he refused the pre-emptives referred to?

The MINISTER FOR LANDS said he could not give the information asked for on the spur of the moment. If the hon. member asked for the papers, or gave notice of the information he wanted, it would be furnished.

Mr. BLACK said before the Committee adjourned he should like to ask the Minister for Lands one question which he considered of very great importance to the pastoral lessees of the country. It had been already briefly alluded to, but not satisfactorily explained that evening. It related to the suspension of the pre-emptive right, which, in his opinion, involved the honour of the colony to a very great extent; and he was sure he should not be considered as detaining the Committee unnecessarily, if he got in a concise form the information which he desired from the Minister for Lands. The question he wished decided was: What would be the position of a pastoral lessee who elected to continue under the existing tenure? Assuming that a lessee had a lease for 21 years, which did not expire until 1890, or a little later; the Bill proposed to sweep away his pre-emptive right; possibly he would not have availed himself of it before the passing of the Bill; and if he did not elect to come under the Bill, what would be his position with regard to his improvements? Would they have to be valued—would he be entitled to compensation for them—or would he forfeit the whole of them?

The MINISTER FOR LANDS said that if a lessee under the Act of 1869 did not come under the provisions of the Bill he would remain under the provisions of the Act of 1869, with the exception of the 54th clause, which it was proposed to modify. His run would of course be liable under that Act to resumption, and he would be entitled to compensation on resumption; but on the termination of his lease he would not be entitled to compensation for his improvements. It was only in the case of resumption that he would be entitled to compensation.

Mr. BLACK said he understood the Minister for Lands to say that if a lessee's lease expired he would not only lose his pre-emptive right through the action of the Bill, but he would get no compensation whatever in lieu of it—that he would absolutely forfeit the whole of the improvements he had made. He would like a simple "Yes" or "No" to his question, whether or not a lessee who refused to come under the Bill would lose the value of the whole of his improvements at the expiration of his lease?

Mr. SMYTH said he presumed that the lessee would be in no worse position than a miner, who took his claim for twenty-one years, spent a great deal of money upon it in putting up machinery, sinking deep shafts, and so on, and who at the expiration of the term of his lease would expect a renewal of it. He would not expect compensation. He presumed that the pastoral lessee would be in the same position.

The HON. SIR T. MCILWRAITH said that, if the hon. member for Gympie had been dealt with in the same way that he himself proposed, this was what would take place: Supposing he was making £5,000 a year out of his claim, half of it would be taken away to give to other people who wanted to increase the population of the colony, and so on, and he would get a lease for fifty years for the remainder.

The PREMIER said he could scarcely understand that such a case as that put by the hon. member for Mackay could possibly arise. If a man had a lease running out in the year 1890, he would be entitled, under the Bill, to an extension of fifteen years for one-half of his run and compensation for his improvements. If he did not take that he would not deserve much sympathy.

Mr. MOREHEAD said that the hon. gentleman seemed to forget that in the year 1890 a man had a right to a renewal for fourteen years under the Act of 1869.

Question put, and the Committee divided:—

AYES, 27.

Messrs. Rutledge, Miles, Griffith, Dutton, Dickson, Sheridan, Groom, Brookes, Smyth, Annear, Isambert, Jordan, White, J. Campbell, Kellett, Foxton, Kates, Buckland, T. Campbell, Salkeld, Grimes, Bailey, Aland, Macdonald-Paterson, Macfarlane, Horwitz, and Foote.

NOES, 13.

Sir T. McIlwraith, Messrs. Norton, Archer, Morehead, Black, Stevenson, Donaldson, McWhannell, Lalor, Govett, Palmer, Lissner, and Stevens.

Question resolved in the affirmative.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said that the discussion on the Land Bill would be resumed to-morrow.

Question put and passed.

The House adjourned at eight minutes past 11 o'clock.