Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 1 OCTOBER 1884

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LEGISLATIVE ASSEMBLY.

Wednesday, 1 *October*, 1884.

The Rabbit Pest.—Question.—Errors in Bills.—Crown Lands Bill—committee.—Pharmacy Bill.—Adjournment.

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

THE RABBIT PEST.

The MINISTER FOR LANDS (Hon. C. B. Dutton) laid upon the table a map showing the rabbit-infested districts of New South Wales.

QUESTION.

Mr. PALMER asked the Colonial Secretary—

When is it the intention of the Government to call for tenders for extensions of telegraph lines to Richmond from Hughenden, and to Burketown from Normanton?

The COLONIAL SECRETARY (Hon. S. W. Griffith) replied—

The Government intend to call for tenders for the extension of the telegraph from Normanton to Burketown as soon as the necessary funds are appropriated by Parliament. The necessary vote will be asked for during the present session. The question of extending the telegraph line from Hughenden to Richmond will receive the immediate attention of the Government.

ERRORS IN BILLS.

On the motion of the PREMIER (Hon. S. W. Griffith), the House, in Committee of the Whole, considered the report of the Clerk of the Parliaments with respect to an error in the Patents, Designs, and Trade Marks Bill, and amended clause 84 by inserting the words "recommend that a patent be granted" in lieu of "grant a patent."

The House resumed; the report was adopted; and the Bill was ordered to be transmitted to the Legislative Council with a message informing them that the Bill had been amended in accordance with the address of the Clerk of the Parliaments.

On the motion of Mr. ARCHER, the House, in Committee of the Whole, considered the report of the Clerk of the Parliaments with respect to a clerical error in the title of the Native Birds Act Amendment Bill, and amended the title by inserting the word "Protection" after the word "Birds."

The House resumed; the report was adopted; and the Bill was ordered to be transmitted to the Legislative Council with a message informing them that the title of the Bill had been amended in accordance with the address of the Clerk of the Parliaments.

CROWN LANDS BILL—COMMITTEE.

On the Order of the Day being read, the Speaker left the chair, and the House went into Committee to further consider this Bill in detail.

On clause 16, as follows:—

"For the purposes of any inquiry or appeal held by or made to the Board, they shall have power to summon any person as a witness and examine him upon oath, and for such purpose shall have such and the same powers as the Supreme Court or a judge thereof.

"Any party to any such inquiry or appeal may be represented by his counsel, attorney, or agent.

"The decision on any such inquiry shall be pronounced in open court."

The MINISTER FOR LANDS moved the insertion at the commencement of the 3rd paragraph of the words—

"Every such inquiry and appeal shall be heard and determined and."

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

Mr. ARCHER said that he did not understand the meaning of the amendment at all. He could hardly catch a word of it when it was proposed.

The HON. SIR T. MCILWRAITH said that the hon. Minister who proposed the amendment should have told the Committee what it was, instead of mumbling it to the Chairman, and then getting the assistance of the Premier to knock it into his head. That was not the way to do business. He had not the slightest notion what the amendment of the Minister for Lands was.

The MINISTER FOR LANDS said the amendment he proposed to make was to alter the 3rd paragraph of the clause to read as follows:—

"Every such inquiry and appeal shall be heard and determined, and the decision thereon shall be pronounced in open court."

The PREMIER said that last evening a question was asked as to the proceedings of the board in open court. The matter was discussed, and before the Committee adjourned he had pointed out that clause 16 did not seem sufficiently distinct, and he then read amendments which it was intended to propose and which appeared in *Hansard* that morning. They were verbal amendments to effect the alteration, and they were proposed now in technical form. The intention was that the inquiry should be held in open court, and the decision announced openly.

The HON. SIR T. MCILWRAITH said that what the Committee complained of was that the Minister for Lands would not explain, and did not attempt to explain, his amendments. He himself understood the amendment, and quite agreed with it; but why should it not be explained to the Committee, instead of the Minister for Lands wearying hon. members by trying to explain it to the Chairman? He hoped by this time the Chairman did understand the amendment.

Amendment put and passed.

The MINISTER FOR LANDS moved the further amendment of the clause on the 30th line, by the omission of the words "on any such inquiry" and the insertion of the word "thereon."

Amendment put and passed.

The MINISTER FOR LANDS moved the following addition to clause 16 as amended:—

"The board may make such order as they think fit as to the costs of any inquiry, appeal, or dispute heard and determined by them. Any such order may be made an order of the Supreme Court and enforced accordingly."

The HON. SIR T. MCILWRAITH said the present way of amending a Government measure seemed a very painful process; and in consideration of the ordinary courtesy which the Committee expected from the Government, the amendments ought to have been prepared and ready to place before hon. members. It was not work that intelligent men could stand and look on at. It was painful to see the Minister for Lands trying to make the amendments clear in the eyes of the Chairman, and reading them to him from *Hansard*, without intimating to the Committee what they really meant, and having to refer again and again to the Premier for assistance. The amendments were not brought forward in a rational or intelligent way, and

some explanation should have been forthcoming, so that the time of the Committee would not have been unnecessarily taken up through the laches of the Minister for Lands. There were two important amendments—one making the inquiry a matter to be conducted in open court, and the other empowering the board to give expenses; and they were actually proposed by reading scraps from *Hansard*, and without the slightest explanation being given to the Committee, who were as much interested in understanding the Bill as the Minister himself.

The PREMIER said the amendments were printed that morning in *Hansard;* and that they were not reprinted and circulated in another form was an omission which, he thought, could not be very much blamed under the circumstances. The question of giving the board power to award costs was discussed pretty fully last night from the other side of the Committee, and admitted by the Government, and it was intimated before the Committee rose that the amendments would be moved. He did not see where the discourtesy to the Committee came in. It was not usual to print every amendment that might be moved; and the Government were only anxious to give the Committee every possible facility for dealing with every amendment to the Bill that might be suggested.

Mr. ARCHER said he was perfectly aware that it was not usual to print every amendment, because many amendments were suggested while the Bill was passing through committee; but amendments of such importance as those now under discussion ought certainly to have been printed and circulated amongst hon. members. Not having caught the exact words of the last amendment, he did not fully understand its effect. It would be remembered that last night the question was raised by the Opposition as to the hardship of bringing down persons from a distance to Brisbane to give evidence before the board, if they were not allowed expenses under certain circumstances. Supposing the commissioner had thought fit to report against a selector, and the selector, on being summoned to appear before the board in Brisbane, had been able to prove that he was right, did the amendment make it imperative on the board to grant that man his expenses? He wanted to know the exact bearing of the words proposed to be added to the clause.

The PREMIER said the words were "the board may make such order as they think fit as to the costs." It was usual to make the power discretionary. Arbitrators were entrusted with similar powers, and surely the board might also be entrusted with them.

Mr. ARCHER said he fully admitted the difficulty of the question. Some time ago, as hon. members were aware, a judge stated, in a case heard in Brisbane, that if he had the power he would have given the defendant his costs, but that the Government never paid costs. If a man was brought down to Brisbane to prove a certain thing, and did so to the satisfaction of the board, it was evident that the man should be held free of all expenses. That was one of the matters which ought to be made plain.

The PREMIER said it would be far better to leave discretionary power with the board. A man might win his case, and yet it might have been such a bad one—he might have escaped by the skin of his teeth, as it were—that he ought not to have costs. There was no way of physically compelling the Government to pay costs, as they had seen of late years. If the Government were directed to pay costs, on an order of the board, the money would be of course paid; but there was no way of enforcing it.

The HON. J. M. MACROSSAN said that such an important amendment ought to have been in the hands of hon. members before it was brought forward for discussion. He was not present last night when the discussion referred to was raised, and knew nothing about it; and it seemed rather a strange way of proposing an amendment by simply reading it from *Hansard*. The Premier seemed to be under the impression that every hon. member took the trouble to wade through *Hansard* every morning from the first line to the last, but if that was his impression he was labouring under a delusion. He could not understand the amendment merely from hearing it read; he wanted his eyes to assist his ears, both being equally essential in determining the meaning of a thing. The Government had had the whole of last night and to-day to get the amendments printed; and he could not understand why they had not done so unless the Printing Office had too much other work on hand to be able to attend to the business of Parliament.

The HON. SIR T. MCILWRAITH: They might have sent them to the *Zeitung* office.

The HON. J. M. MACROSSAN said that would not have been a bad idea, and then they might have had the amendments printed in German. Seriously, any amendment on the Land Bill was too serious a matter to be decided by the mere mumbling of the Minister for Lands over a paragraph in *Hansard*. To be discussed intelligibly the amendment should be before them. Even after listening to the speeches of the leader of the Opposition, the hon. member for Blackall, the Minister for Lands, and the Premier, he did not know what was really meant. He had heard the Premier say that there were no means of compelling the Treasurer to pay money which the board might say ought to be paid; and if that were the case there was something very deficient in the law. If the board said something should be paid, which the Government ought to pay, there ought to be some means to compel the Treasurer to pay it. If there were none he hoped that the hon. gentleman at the head of the Government would introduce some means to compel the Treasurer to pay the money. Let them understand clearly and thoroughly what the amendment was. He thought it was the funniest way of making an important amendment in an important Bill that he had seen in his experience in that House. He had seen a great many Bills passed, but he had never seen an important amendment read from *Hansard*, and then a confabulation with the Chairman of Committees over it. The thing was absurd, and he hoped that it would not occur again, but that if there was any important amendment to be made it would be printed in time for hon. members to decide upon it.

The PREMIER said that he was very sorry that he had not immediately given instructions that morning to have the amendment printed in large type.

The HON. J. M. MACROSSAN: Small type would have done equally as well.

The PREMIER said it was printed in *Hansard*, and as many copies of it could be got as were wanted by hon. members. The amendment was announced last night so that hon. members might consider it that morning, and he thought that sufficient steps had been taken to put the amendment before hon. members. As he had said he was very sorry that it had not been printed in large type, and he expressed his regret for the inadvertence, which was his own. He would have distributed the amendment in print if he had thought that hon. members desired it.

Mr. CHUBB said there was no doubt it was an important clause dealing with the powers and duties of the board, and he should like to know, for his further information, what inquiry was referred to in the expression "for the purposes of any inquiry." He did not see that any inquiry was referred to in any other part of the Act. The 17th section referred to determination by the board; the 16th section referred to appeal; and then the 20th and 21st sections defined the duties of the commissioner with regard to the matters before him; and then the 58th section had reference to the forfeiture of lands for any violation of law proved to the satisfaction of the commissioner. What he wanted to get at was, who put the board in motion for that inquiry? Was it the commissioner, some person on the part of the Crown, or, to use a colloquialism, a common informer? If that were so, then anyone who put the law in motion should be liable to pay the expenses. If anyone were to inform that some other person was not fulfilling the Act, then, if he were unsuccessful, he ought to pay the expenses. That was the object of his asking what was meant by inquiry. It was very important that the duties of the board should be clearly defined, and the parties who put the board in motion should pay the costs, if unsuccessful, in cases where they ought to pay them.

The MINISTER FOR LANDS said that the boards were set in motion by the commissioner, who was first called upon to investigate any case brought before him, and when he had finished with it, it was then sent down to the board for their confirmation; and in dealing with it they might alter, amend in any way, or reverse the appeal.

Mr. CHUBB: That is really an appeal from the commissioner.

The MINISTER FOR LANDS said they could not accept the commissioner's statement upon any particular case; they had to inquire into the circumstances that guided him in giving his report.

The HON. J. M. MACROSSAN: How does he get an appeal to the board?

The MINISTER FOR LANDS said they might inquire into the evidence upon which the commissioner gave his decision, and in doing so they would inquire into every matter that would be brought before them by the action of the commissioner.

The HON. J. M. MACROSSAN said it seemed from what the Minister for Lands had said that if the board had to make an inquiry into every case decided by the commissioner, and had to read the evidence and come to a decision as to whether the commissioner had decided rightly or not, they would want a dozen boards to do all that work. The hon. gentleman (the Minister for Lands) did not seem to understand his own Bill. The matter which the hon. gentleman referred to at first was an appeal, not an inquiry. The Minister for Lands said it was an inquiry into the actions of the commissioner in deciding certain cases, which meant that they would have to inquire into all the evidence before they could decide whether it was an appeal or not. It meant that they must become acquainted with the facts of the case which induced the commissioner to determine as he did. The thing seemed to be utterly preposterous. There was no such work intended for that board of two men as to oversee and inquire into the work of the commissioners—perhaps a dozen or more.

The PREMIER said that at the present time every decision of the commissioner had to be confirmed by the Minister, but the Government proposed under the Bill that it should be confirmed by the board. Before confirmation, unless the confirmation was to be a mere mechanical matter, it would very often be necessary for the board to make an inquiry; therefore provision must be made as to what their powers would be in holding that inquiry. Although no appeal was made it might very often be necessary for them to inquire; and this was a general provision, that if they held an inquiry they should have certain powers. That was all it meant. The determination of the amount of rent or the amount of compensation might very properly be called an inquiry. It was not an appeal; it was a general inquiry. They should not be entitled to alter the decision of the commissioner without hearing the facts and evidence of the parties on which it was given. Inquiry as to the assessment of rent or amount of compensation was covered by the word "inquiry," and it was selected for that reason.

Mr. PALMER said he scarcely caught what the Minister for Lands or the Premier said in reference to a certain matter. Did he quite understand the hon. gentleman when he said that the commissioner could not decide anything; that all questions had to be referred to the board; and that in no case whatever did the commissioner make a decision? Had everything to be referred to the board?

Mr. KATES said that if the hon. gentleman who had just sat down looked at clause 22, he would find—

"No decision of a commissioner shall be final unless and until it has been confirmed by the board."

There might be matters of a trivial nature which the commissioner might have power to decide, but if everything was to be decided by the board they would certainly have more work than they would be able to do. There might be cases of the most trivial nature which were not dissented from by the parties concerned, and which ought to be decided finally by the commissioner.

The HON. J. M. MACROSSAN said the Premier stated that when cases from the commissioner regarding rent, assessment, or anything connected with the Land question, came before the Minister, of course he inquired into them. He took it as an analogous case that they would come before the board. Were the board to be provided with a large staff of officers, such as assisted a Minister in inquiring into such cases—was that to be so? The Minister for Lands had an Under Secretary and several officers under him, who really did all the work of the office; and his work in the office, except in certain cases, was entirely mechanical. If he was to understand that those gentlemen were to have a staff of officers the same as the Minister for Lands, then by adopting that system they had better abolish the Lands Office, because there would be no necessity for it, as the whole of the work would be done by a board having a large staff; and the Minister would be simply a puppet, paid £1,000 a year for doing something mechanical.

The MINISTER FOR LANDS said the working of the Lands Office needed of course a number of clerks to classify and arrange all the material that came in from every source; but all that matter was more or less reviewed by the Minister. It was a fact that—since he had been in office at all events—every case came more or less under his notice. He did not mean to say that he could reproduce each case, and say what were the salient points in it; but, as a matter of fact, he reviewed them, and should detect any glaring error or non-compliance with the Act which the commissioner had failed to observe in dealing with them as he was required to do. Every

Minister should do that, and it would certainly be the duty of the land board to deal with it in the same way. They would not be likely to have that mechanical work of arranging the papers. They would be arranged and classified for them, and they could very soon tell whether there were any cases which especially required their attention; and if there were, they would speedily inquire into them. As a rule the work of the commissioners would be done in such a way that their attention would be drawn to any matter which the commissioner did not feel perfectly certain about. Their action in dealing with papers as they came would be almost analogous to that of the Minister when he confirmed the action of the commissioner. The Minister had not at present the power to set aside certain acts of the commissioner; he simply allowed them to lapse by refusing to recognise them. But the board would have power to alter, amend, or reverse the decision of the commissioner, which he thought was very desirable, as there were often serious blunders committed by the commissioner which the Minister had no power in law to correct, except by refusing to carry out the decision to its completion. That was a very unsatisfactory thing, and that weakness or error in the Act was corrected in the Bill, inasmuch as the board would have the power of altering, or varying, or reversing the decision of commissioners.

The HON. SIR T. McILWRAITH said that what had been said by the Minister had nothing to do with the point under discussion, which was the meaning of the word "inquiry" in clause 16. What had been said by the Premier had not served to make them understand it at all, when he said that the board were not to take for granted the decisions that were sent to them by the commissioner. They were supposed to read and understand them, and agree with the decision before they inquired into it in open court; such an amount of work should not be put upon the board. If the hon. member had not been a little cramped up by what he said last night in arguing against the land court, which he (Hon. Sir T. McIlwraith) suggested with a high commissioner sitting in Brisbane, he would have seen that what he meant to explain was that it was possible that there might be cases for inquiry on the part of the board to decide, because there were many more people interested in a case, decided in a district, than the man who wanted to get land, and the commissioner who had to decide for or against him. The public would require to know about it, and might come to the conclusion that the decision was not a just one which was given by the commissioner, and only served the interests of particular parties; and therefore anyone who had information should give it at the inquiry. In cases of that kind, it was right that there should be power of inquiry into the commissioner's decision. Surely it would be absurd if the board were to do their work of revising in open court, and then disagree with the commissioner in open court, or agree with him, as the case might be. He could not see the meaning of it, nor was it physically possible for the board to undertake such work without a reasonable staff. Was he right in supposing that, from information outside documents actually put before them in any particular case, the board could come to the conclusion that it was a case for inquiry?—because he fancied that that was the case.

The PREMIER said that the scheme of the Bill was that the commissioner should inquire into everything first. The word "inquiry" covered many things; there were two entirely different classes of cases. One was applications to select; and he was thinking more of those when he spoke just before. Those cases would come before the board for approval, and in the ordinary routine they would be approved of without any trouble; but if the commissioner suggested any point which required further investigation they would hold an inquiry; perhaps that would only be in one case in five hundred. The case to which the hon. gentleman had just called attention was more important. When an inquiry was made by the commissioner into the performance of conditions, or into the improper acquisition of land, the commissioner's decision must be referred to the board, and they would have to satisfy themselves that it was right. That would, no doubt, be the most important class of inquiry they would have to hold. It could scarcely be called an appeal; it would be more a rehearing of a case and an inquiry into facts. The hon. gentleman was quite right—those were the most important cases.

Mr. SCOTT said it appeared to him that the clause was getting rather mixed. There were inquiries to be held and appeals to be held, and there was power given to summon persons as witnesses. An amendment had been moved by the Minister for Lands which provided that the commissioners might grant their expenses, or they might not. Was the Committee to understand that when an inquiry was held in the usual routine, where there was no appeal, the board could withhold the expenses of witnesses that they themselves summoned, just as they pleased; and that in cases of appeal they could withhold—or grant—the expenses of the different witnesses, or the defendant or the plaintiff, just as they pleased? Was it to be wholly in the power of the board to give or withhold those expenses, however the case might go, or whether those men were interested or not interested in the case? So far as he could gather from the amendment, that seemed to be how it would work. He would like to know if the board were to have full power to do exactly what they liked in the matter?

The PREMIER said the power was the same as in judicial tribunals at the present time. They must give some discretion in a matter of the kind; they could not make a hard-and-fast line.

Mr. CHUBB said, as he understood the scheme of the Bill, both the commissioner and the land board were judicial persons. The duties of the commissioners were clearly defined in sections 20 and 21. Clause 21 stated that "for the purposes of any inquiry"—that was, an inquiry such as was contempated in clause 21—the commissioner should have the power to summon any person as a witness. The 58th section also referred to an inquiry, and that was the only other section which he could see in the Bill referring to any inquiry by the commissioners. The commissioner was a judicial officer, holding a judicial inquiry; and having inquired into a matter he gave his judicial decision. The board sat as a court above him, and might confirm, vary, or reverse that decision. The 58th section said that "if at any time during the term of a lease it is proved to the satisfaction of the commissioner"—not to the satisfaction of the board—"that the lessee is holding the farm in violation of any of the provisions of this Act," etc. The matter came before the commissioner in the first instance, and after he had given his decision it was referred to the board; and if the board confirmed his decision, then, according to the section from which he had quoted, they might recommend the Governor in Council to declare the lease forfeited. Every decision given by the commissioner was to be confirmed by the board, but it was not necessary that every decision should

be confirmed in open court; only in cases where there was an objection made or an appeal made against the decision. What he wanted to get at, however, was the nature of the inquiry which the board themselves had to make. There was mention of an inquiry by the board in the 16th section, but there was no provision in that section that the board should inquire into and determine certain definite things. The clause said, "For the purposes of any inquiry." Inquiry into what? They had the power to confirm, vary, or reverse the decision of the commissioner, but so far as he could see they had no power of action until he had gone through the matter, except in those cases where they had to decide the rent as set forth in section 17; and in that section he thought it would be far better to use the word "determination" for the word "inquiry." Their powers were appellant powers, and they had no power, as far as he could see, to inquire into anything, except under the 17th section. They sat as a court of appeal and reheard the decision of the commissioner. In cases where there was no appeal from the decision of the commissioners, their functions, as he understood it, would be very simple, and they would confirm the decision almost as a matter of course. It was only in cases where circumstances existed which would require them to reopen a matter that they would do anything further, and then after having heard the case they might either confirm, vary, or reverse the decision of the commissioner. As a rule, however, judges did not themselves fossick out matters in the lower court to upset them. When the decision of the commissioner came before the board, without objection, he took it it would be confirmed as a matter of course; but if either of the parties before the commissioner were not satisfied with his decision they might appeal to the board, in which case the board reheard the whole matter, and the parties might be represented before the board in the manner set forth in section 16. That brought him back to the old question as to what was the nature of the inquiry to be made by the board, and, beyond that mentioned in clause 17, he could see no inquiry which they would have to hold.

Mr. SCOTT said he was not quite satisfied with the reply the Premier had given to his question. He would like the public to know what really were the powers of the commissioners under the Bill in respect to the summoning of witnesses. Where there was an appeal made he could understand it; but where an inquiry was set about by the commissioners themselves, had they the power to bring witnesses from the farthest parts of the colony without defraying their expenses? As he understood it, the commissioners, or the board, in order to satisfy themselves—not in a matter of appeal—might summon witnesses from the farthest point in the colony, and when they came down here they had the power to refuse their expenses.

The PREMIER asked whether the hon. member was referring to the board or to the commissioners?

Mr. SCOTT: I am asking about the action of the board under the 16th clause.

The PREMIER said he thought the hon. member referred to the commissioners. The board had the same power to summon witnesses as a judge of the Supreme Court. But a judge of the Supreme Court could not summon witnesses without paying their expenses. There was no power, that he knew, in the colony to make a man attend as a witness from a long distance unless his expenses were paid. The hon. member was mixing up two entirely different things—first, whether a man could be compelled to travel and pay his own expenses, and, secondly, whether persons incurring the expense of bringing him down could be recouped. If a person wanted to bring a witness, and he would not come, he could not compel him to do so without paying his expenses. The hon. member, he believed, asked whether witnesses could be compelled to come here from a long distance and have to pay their own expenses. There was nothing in the Bill to provide for anything of that kind.

Mr. SCOTT: They have power to summon witnesses.

The PREMIER said the Supreme Court had power to summon witnesses, but if they did not get their expenses paid they could not be compelled to come.

The HON. J. M. MACROSSAN said it had been a cause of continual complaint in the colony, that witnesses did not get their expenses paid. Witnesses coming from long distances were under a great hardship in having to pay at least half their own expenses. As they were introducing a new land system, they might also introduce a new system as to the payment of the expenses of witnesses whom the board might have occasion to summon. They would be much more likely to get willing witnesses by paying their expenses, than by compelling them to attend and pay their own expenses. That was a matter which should receive consideration. The hon. gentleman representing the Leichhardt had asked a very pertinent question, and he would like to ask the Attorney-General what would be the expenses of a witness coming from Charters Towers, the place the hon. gentleman represented, to Brisbane?

The ATTORNEY-GENERAL (Hon. A. Rutledge) said there was a difference between the rules of law as to the payment of witnesses' expenses in civil and criminal cases. The rule of law was, in regard to suitors before a civil tribunal—whether those suitors were the Crown or private individuals—that witnesses called by those suitors need not obey the subpœna unless their reasonable expenses were first tendered. With regard to criminal cases, the rule was that witnesses subpœnaed by the Crown should receive 10d. a mile. Where a witness had to travel over a large extent of country by road the amount of 10d. per mile did not pay his expenses. But where a witness travelled by sea, 10d. a mile really more than covered the expenses. The present condition of things with regard to the payment of witnesses' expenses was not satisfactory. In New South Wales they had put on an equitable basis the means by which expenses were paid; and he hoped before long, when he had more time than at present, something of the same kind would be accomplished here. Hon. members need not fear that under the provisions of the Bill witnesses would be obliged to attend without a specific guarantee that their reasonable expenses would be paid. That was a rule of law which could not be avoided.

Mr. STEVENSON said the hon. gentleman had told them that witnesses got 10d. a mile while travelling. He would like to know whether they had their expenses paid while detained in town?

The ATTORNEY-GENERAL said they got the ordinary allowance of 4s. a day, but that was not sufficient. That was in criminal cases; and, as he had pointed out, that was a matter which required to be amended. Where witnesses were subpœnaed on behalf of the Crown, or on behalf of private suitors in civil cases, the persons subpœnaing them were liable for their expenses.

A witness before he started from home might either get his expenses or a sufficient guarantee that they would be paid.

Mr. STEVENSON said the Attorney-General had told them that they need not fear that witnesses would not get their full expenses under the Bill; but what guarantee was that to the Committee? They wanted something more than that; they wanted it specified distinctly what witnesses were to get.

Mr. CHUBB said that what the Attorney-General had stated with regard to the payment of witnesses was quite right; but he would point out that the clause was confined to the board summoning witnesses, and did not provide that they were to pay them. Of course they had all the powers of a judge of the Supreme Court necessary for that purpose—that was, for summoning witnesses. In case of an inquiry or appeal between parties before the board, the party bringing the witnesses would have to pay their expenses; but the clause did not touch a case where the board instituted an inquiry on their own motion. No Supreme Court judge ever summoned witnesses; they were summoned by an officer of the court. Under the Bill, however, there was no person who could issue subpœnas. If a judge summoned a witness, he might possibly order his expenses to be paid, but there was no power given to the board to do that. If the clause were amended so as to give the board power to make an order as to costs, it might perhaps cover all that was necessary. It would be far better to do that than leave it a matter of doubt in cases where the board itself instituted an inquiry.

The PREMIER said he failed to understand the necessity for that. The Bill did not pretend to provide an elaborate machinery as to the board's procedure when sitting in open court. A judge of the Supreme Court could compel the attendance of a witness. He remembered in England going to hear a man examined whom the judge had directed to attend in order that he might examine him himself and see what he looked like. A great many people flocked to the court, but in the meantime the parties thought it desirable to settle the case. He presumed that in a case of that sort somebody would have to pay expenses. In all cases before the board, there would either be two litigants disputing or else the Crown and a tenant. In the case of two litigants, if either failed to procure the attendance of a particular person whom the board directed to be summoned he would have to take the consequences. So in other cases, if the Crown failed to procure the attendance of witnesses, it would have to take the consequences. Either the parties or the Crown would have to pay the expenses. He did not think it necessary to provide elaborate machinery for that. It would be much better done by regulation.

Mr. NORTON said he thought the matter should be made clearer that it was in the Bill. In a case of rent the tenant or lessee might desire to be heard before the board. In the event of his making that demand, he might have to come down perhaps 400 or 500 miles; and if the board decided in his favour, why should he have to bear the expense? That was a case in which he himself took action.

The PREMIER: Power is given to award costs.

Mr. NORTON said that was where the danger was. It left it entirely in the hands of the board to give costs or not as they chose. With regard to cases tried in the Supreme Court, as far as he knew, witnesses got enough to pay their expenses on the way down—that was in criminal cases—but they did not get enough to pay their expenses in town. They got an amount which professed to be enough—a small pittance during the time they had to wait—but it was only about one-fourth the expense they incurred; and they had to pay their way back. He did not know whether it was so in civil cases; but certainly in cases where a runholder desired to give evidence, and the case was decided in his favour, his expenses should be paid. Why should he be put to expense for nothing?

The ATTORNEY-GENERAL said that some discretionary power was always given to those who were entrusted with the performance of responsible duties. In the Supreme Court the judge was entrusted with the power of giving or withholding costs at his discretion, and might even under peculiar circumstances make the winning party pay the losing party's costs. That allowed latitude enough to cover cases where, although a man was in one sense the gainer of the case, he ought rather to have lost it, and in that case an intelligent tribunal would not consider him entitled to the costs ordinarily awarded to a successful party. If a man succeeded on appeal to the board, and it was perfectly clear that the decision against which he appealed was one which ought not to have been given, he could not conceive of anyone with the least sense of justice refusing to award him the costs to which he was entitled. But there were many cases in which it would be wrong to give a man costs simply because he was the successful party; and if the board were not fit to be entrusted with discretion in those cases they were not fit to be entrusted with the discharge of any of the functions pertaining to the office.

The HON. J. M. MACROSSAN said the hon. member appeared to have missed the real question, which related, not to appellants and their witnesses, but to witnesses summoned by the board in an independent way of their own. There was another question he would like to have answered, which was, who was to decide what were "reasonable expenses" to be paid to witnesses.

Mr. CHUBB: A shilling a mile one way.

The HON. J. M. MACROSSAN asked out of what fund the expenses would be paid supposing the board did award costs? There was nothing in the Bill making provision for that.

The ATTORNEY-GENERAL said that the 17th clause empowered the board to—

> "Call such witnesses, and take such evidence, whether on oath, affidavit, or declaration, as they think fit."

There was nothing in that antagonistic to the ordinary rule of law in such cases. There was no provision that in every case of a man refusing to obey a subpœna he should be liable to a certain punishment, so that the ordinary rule prevailed. If the Crown subpœnaed a man and was to be the gainer by his evidence, the Crown must provide his reasonable expenses before he left his home. No punishment could follow his refusal if that were not done.

Mr. NORTON: Witnesses do not know that.

The ATTORNEY-GENERAL said they could easily get to know it; they had to find out a good many things. There was nothing in the Bill to do away with the ordinary rule governing such cases. As to the fund out of which the witnesses' expenses were to be paid, he presumed that, as the part of the consolidated revenue derived from the land would be that which was benefited by the evidence, that would be the fund out of which these costs were to come.

Mr. STEVENSON asked whether he was right in understanding the hon. member to say that there was no power to compel witnesses to

attend under subpœna—that unless they thought the sum tendered for expenses was sufficient, or even then, if they thought fit, they need not attend?

The ATTORNEY-GENERAL said he did not mean to convey the impression that there was no power to compel the attendance of witnesses. He presumed that the subpœna by which witnesses would be summoned would be the ordinary subpœna recognised by the law of the land; there was no power to punish a man for refusing to obey a subpœna if his reasonable expenses were not tendered before he left his home. That was the law as it stood at present, and there was nothing in the Bill which aimed at altering it.

Mr. STEVENSON said that if a man could not be punished for refusing to obey a subpœna, there was no way of compelling him to obey it.

The ATTORNEY-GENERAL: He need not obey it if his expenses are not tendered.

Mr. STEVENSON said that the hon. member had given them to understand that even if his expenses were tendered, there was no power to enforce obedience to the subpœna.

The ATTORNEY-GENERAL said that if a man was required to attend by subpœna in the ordinary form, and had his reasonable expenses tendered, of course he would be liable to punishment if he refused to obey. It was not intended to put witnesses at the mercy of the land board, and so there was nothing which aimed at doing away with the ordinary rule governing the issue of subpœnas. If a man in a civil cause had not his reasonable expenses tendered he need not attend.

Mr. STEVENSON: What are they?

The ATTORNEY-GENERAL said that 1s. a mile was looked upon as reasonable expenses. If a man were tendered his expenses, and from some freak or caprice chose to disobey the summons, of course he would have to suffer the consequences.

Mr. MACROSSAN said that, according to that, if the board ordered the attendance of a witness, and he was tendered 1s. a mile, he was bound to come. Under what law would he be punished if he refused?

The ATTORNEY-GENERAL: The ordinary rule of law.

The HON. SIR T. MCILWRAITH said that surely the hon. gentleman would have the courtesy to stand up and speak? He had been asked a question to which they wanted an answer.

The ATTORNEY-GENERAL said he did not think the hon. member was anxious that he should give a dissertation upon the rule relating to subpœnas. Speaking from memory, it was something to this effect: The individual addressed, setting aside all excuses and so on, was to appear before the judge at a certain time and place, and was to be liable to a penalty of £100 if he did not obey.

The HON. J. M. MACROSSAN: Under what statute?

Mr. STEVENSON said that if they promised to pay the hon. gentleman for his advice he would perhaps give it. He wanted to know this: Supposing a witness—any witness—was subpœnaed under the statute that the hon. member referred to, but which he could not give the name of, and supposing he did not consider 1s. a mile reasonable expenses for coming down to Brisbane—could he be punished?

The ATTORNEY-GENERAL said if a man was brought before the court for disobedience to a subpœna, and he raised the excuse that he did not receive sufficient expenses, and it was shown to the satisfaction of those who had the punishment for disobedience in their hands that the expenses were reasonable, then he must suffer.

Mr. NORTON said he was afraid that was very theoretical. He did not think, with all due deference to the Attorney-General, that the rules of court mentioned by him would apply in the present case, because what they had to deal with now was this: They had constituted a different court altogether, and the Bill did not empower the new court which they were constituting to adopt the rules of the Supreme Court. He saw nothing in the Bill empowering them to do anything of the kind. The land board would have to adopt new rules themselves, and it was not known what the rules were likely to be. It was a most important subject apart from that, because it amounted to this: that the board would be governed in its decisions by the reports from the commissioners in the different districts, or else, if they acted upon their own judgment instead of acting on the reports, they could hold another inquiry and cause endless expense. They would receive the report of the commissioner and they would endorse it, unless in some particular case where they had a special reason for not endorsing it. If the board intended themselves to be the arbiters in that matter, then they were bound to have something more than the commissioners' report, and they were bound to call witnesses. They might call a hundred witnesses from the other end of the colony, and that was the reason for making much of a case of this kind. Was it unreasonable for members to ask that in cases of the kind mentioned some reasonable provision should be made by which the witnesses should be sure of having their expenses paid to them if they came down to Brisbane? He thought he understood the Attorney-General to say a short time ago that the fund from which the expenses would be derived would be that part of the consolidated revenue raised from the land. Was that so?

The ATTORNEY-GENERAL: Yes.

Mr. NORTON said it appeared to him that they might form their own ideas as to where the expenses would come from; and his idea was that the amount would be put on the Estimates and voted as other expenses from the ordinary consolidated revenue. He did not know of any particular fund from which the expenses could come.

Mr CHUBB said when he read the discussion about the inquiry he was under the impression, and he was yet not altogether convinced, that the board would have the power to institute an inquiry, without complaint from any person, or without being moved by any person; but as the Premier said there would always be two parties before the board—either two litigants or the Crown and tenant—his objection failed, because it would be unnecessary to enact that the board should provide for the payment of persons summoned by themselves for their own purposes, when it was not intended they should exercise functions of that kind at all. He would point out that it seemed to him that under the clause there was no power to compel the attendance of witnesses. The clause said:—

> "For the purposes of any inquiry or appeal held by or made to the board, they shall have power to summon any person as a witness and examine him upon oath, and for such purpose shall have such and the same powers as the Supreme Court or a judge thereof."

They were to have the power of summoning and examining upon oath for certain purposes; and the question arose whether they would have the power of compelling the attendance of witnesses. They knew how a witness was summoned, and there was generally a formal clause at the end of

the subpœna that if he did not attend he would be liable to a penalty. The witness was punished by commitment. If he did not appear he was arrested, and the court might then send him to prison for such time as it thought fit. The clause in the subpœna did not say what the punishment was, but it simply stated that a certain consequence would ensue if the witness did not attend. The clause of the Bill they were discussing said the board should have the power of summoning and examining witnesses, and for those purposes they were to have the same powers as judges of the Supreme Court; but it did not say they were to have the same powers of punishing for contempt of the subpœna. It was open to criticism whether under the section they had that power. He thought it would be better to make the meaning clear beyond doubt by adding the words "compel the attendance of any person as a witness by summons."

The PREMIER said they could not go back to that part of the clause now, but if necessary an amendment could be made afterwards.

The HON. J. M. MACROSSAN said he thought the hon. member for Bowen was taking rather too much advantage of what the leader of the Government had said. The hon. member said he was not convinced as to whether the board had the power of instituting an inquiry, but he took it for granted that it had not, because the Premier said it had not. He (Mr. Macrossan) would remind the hon. member and the Committee that when that Bill left that Chamber and became law the Premier's interpretation would not have any effect whatever. It was the interpretation which the members of the land board and the judges of the Supreme Court put on it that would tell, and not what the Premier said now. He would ask the Attorney-General—who was rather inclined to give legal opinions that afternoon—if he meant to say that the board, in punishing witnesses for non-attendance by the ordinary forms of law, would possess by the Bill the same powers as judges of the Supreme Court for the punishment of contempt?

The ATTORNEY-GENERAL: Yes.

The HON. J. M. MACROSSAN: Then they ought to give the board no such powers, for the Supreme Court had too strong powers already; and instead of extending those powers to another tribunal they ought to curtail them.

The PREMIER said the method proposed was the only one he knew of, and all the wisdom of the world had not yet discovered any better system. A man, by refusing to give evidence, might absolutely prevent justice from being administered. Of course a man could not be made to give evidence, but the law could make it worth his while to do so by putting him in an inconvenient position, from which he could relieve himself at a moment's notice by doing his duty. By declining to do that which was manifestly his duty, he might cause irreparable injury to others.

The HON. J. M. MACROSSAN said that in talking of the powers of the Supreme Court to punish for contempt, he did not refer to the punishment for non-attendance. The Supreme Court had other powers as well as that which they had exercised at different times; and they were now told that the board was to have similar powers. He objected to giving the board the same powers as judges of the Supreme Court. As to the power of compelling a witness to give evidence, the only way to do that was to put him in prison; but he had read of cases where men remained in prison, refusing to give evidence, and afterwards the judge had to relent.

The ATTORNEY-GENERAL said that a judge of the Supreme Court had powers of punishing a man for contempt for a great many things, but the powers of the board were narrowed down by clause 16. The words were—

> "For the purposes of any inquiry or appeal held by or made to the board, they shall have power to summon any person as a witness and examine him upon oath, and for such purpose shall have such and the same powers as the Supreme Court or a judge thereof."

It was only "for such purpose" that they had the power—namely, to obtain evidence from witnesses.

The HON. J. M. MACROSSAN: Then the board will not have all the powers of the Supreme Court?

The PREMIER: No.

The HON. J. M. MACROSSAN said he objected very strongly to give the board all the powers of the Supreme Court; but if the powers of the board were confined to summoning and examining witnesses he was willing to let it pass.

Mr. NORTON said he did not think the board should have power to punish for contempt. It must be borne in mind that the Supreme Court judges were lawyers, men acustomed to weighing evidence, and familiar with all matters connected with the law; whereas the members of the board would be laymen; and however good the first men appointed might be—for no doubt the Minister for Lands would appoint the best men to be got—their successors, or some of them, might be of a different stamp. There ought to be some power to compel the board to act within certain limits, to protect witnesses against the powers put into the hands of the board. It would be a cruel thing to give the powers of a Supreme Court judge to men who, by the nature of things, would be without any knowledge of the law

Mr. STEVENSON said the explanations given from the Ministerial side seemed to be very unsatisfactory. Perhaps the Minister for Lands would explain what powers he intended should be given to the board under the clause?

Mr. CHUBB said the hon. member for Port Curtis seemed to regard it as a cruel thing to invest laymen with the powers of a Supreme Court judge, and thought the powers of the board should be exactly defined. Perhaps that would be better than leaving the clause vague. The hon. member for Townsville seemed also to be of a similar opinion. Lawyers knew what were the powers of a Supreme Court judge, but laymen did not. He (Mr. Chubb) saw no difficulty in the clause, but perhaps it would be better to provide that the board should have "the following powers," and then briefly insert the powers to be given.

The MINISTER FOR LANDS said the objection of the hon. member for Bowen was one which could only occur to a legal mind. Within the narrow and restricted lines laid down, the members of the board, if they were men of ordinary capacity, would very soon learn what the powers of a Supreme Court judge within those lines were, as well as the judges of the Supreme Court themselves, and would be quite as well able to deal with cases as between man and man. The judges of the Supreme Court were not so far above the ordinary run of mankind that they only were fit to deal fairly between man and man, and to commit a man for refusing to give evidence. Any man of ordinary capacity was just as well able to deal with matters of that kind within the narrow lines laid down by the clause.

Mr. CHUBB said the question of summoning witnesses to attend was one which involved the liberty of the subject, and the judges often declared that in cases involving the liberty of the subject the most technical objections to the proceedings were sufficient to upset them. The

most trifling, the most absurd point imaginable, was sufficient to quash the whole proceedings and render the act illegal. In a question of committal the board would have to see that the summons was in the proper form before being issued; that it had been properly served at the proper time, and by the proper person; in fact, quite a number of small matters would have to be proved. He himself saw no difficulty in the clause, because he was a lawyer, but he felt the force of the objection of the hon. member for Port Curtis, that laymen placed in those positions would have very great difficulty in exercising powers which to them were difficult to understand. The members of the land board would be officers of a limited jurisdiction, and if they went one inch beyond the power given by the statute they would be liable to an action. They had only power to do certain things, and if they exceeded that power they would be no more protected by the Act than he or anybody else.

The PREMIER said he supposed that no local board would ever dream of committing a man to prison without seeing that the documents were made out in proper form, and to do that he supposed they would require the services of the Crown law officers. They could not alter the matter now; they had passed that part of the clause, and they could not make the alterations unless they recommitted the Bill for that purpose. He, therefore, could not see what was to be gained by continuing the discussion of that point now. The hon. member for Bowen had said that he did not see any difficulty in it, nor did other hon. members. It was an expression continually used when they desired to empower a tribunal to enforce the attendance of witnesses. Why should they have a general discussion as to the exact form of procedure adopted in the Supreme Court to compel the attendance of witnesses? He hoped they would have no more discussion about the matter, as he understood it was agreed that the board should have power to summon witnesses.

Mr. NORTON said he did not see the force of being put off in that way. Were they to take it for granted that the board was to do certain things simply because the judges of the Supreme Court exercised those powers? The judges of the Supreme Court were trained, whilst the members of that board were not; and even if they had the powers of judges they were not trained in the exercise of those powers. The great difference between the judges of the Supreme Court and the members of that board was that the latter would not know what their powers were, and even if they did they would not know how to exercise those powers. If a man was not accustomed to have such power, then a great deal of tact should be required in exercising powers of that kind. It might be that the matter could not be discussed then, but he thought that by discussing it then they would save a great deal of discussion farth r on. It was evident that the question must come up for discussion again, and the discussion at the present time would show what the feeling of the Committee was on the matter. For his part, he felt very strongly that he would not like to see any man placed in a position where he would have to submit to the decision of those members of the board when it dealt with a case where they thought they ought to commit the person for contempt. According to the Premier, the board would have to get the Crown law officers to draw up the proper form to commit a man to prison; but he supposed when a judge of the Supreme Court committed a man for contempt he committed him legally. Either the members of the board must commit the man on the spot, or they must leave the matter alone. There should be no need to consult the Crown law officers in a case of that sort, and it appeared to him an absurd idea to do anything of the kind. If the board was not to have the power to commit legally it was better without such power altogether.

The HON. J. M. MACROSSAN said he was extremely sorry to see that there was another Minister of the Crown—the Minister for Lands—who had the same extremely low opinion of the judges of the Supreme Court as the Minister for Works had; and he was afraid that hon. gentleman had been running too closely with the Minister for Works in forming that estimate of the judges of the Supreme Court. He thought that even the gentleman who was offered a position on the land board by the Minister for Lands was very far inferior indeed—whatever the hon. gentleman might think of them—to the judges on the Supreme Court bench. No doubt, in a question as to what was fair between man and man, that gentleman or he himself might know as much as the judges of the Supreme Court; but the board would have to decide other matters than what was fair between man and man, as had been pointed out by the hon. member for Port Curtis and also by the hon. member for Bowen. It was hardly worth while to continue the discussion any further, as the hon. Premier had said that they could not make any alteration now in the clause, and probably they would have to recommit it; but at the same time he could not help expressing his regret that there were two Ministers of the Crown who had such a low opinion of the judges of the Supreme Court as those two he had mentioned had.

The MINISTER FOR LANDS said he was not going to draw any comparison between the gentleman whom he asked to accept a seat on the board and the judges of the Supreme Court; but why the hon. gentleman should presume to speak of that gentleman, Mr. Rankin, in the way he had done, he did not know. The hon. gentleman knew nothing about Mr. Rankin, except from reading and from what he had heard; and why should an hon. member of that House assume that Mr. Rankin was a man who could not be compared in any way with the judges of the Supreme Court, or with anyone else? If the hon. member accepted what was hearsay, and then detracted and calumniated men in that House from hearsay alone, it would be a sad state of things indeed if they were acted upon by all, as was done just then.

The HON. SIR T. MCILWRAITH: You have plenty of traducers sitting alongside you.

The MINISTER FOR LANDS said that he was speaking of himself, and he was not talking of anyone else. As to his having made remarks reflecting upon the judges of the Supreme Court, he did not do so in his previous speech. He had maintained—and he still maintained—that any ordinary layman would be able to discharge the duties provided in that part of the Bill as well as the judges of the Supreme Court, with very little attention to the powers he had to exercise. That a layman would be able to exercise power like a judge, he did not claim for a moment, but it would require no professional law training to fit a man to discharge the duties of a member of that board. The hon. gentleman had said that he made use of a comparison derogatory to the character of judges of the Supreme Court, but he had done nothing of the kind.

The HON. J. M. MACROSSAN said that the hon. gentleman (the Minister for Lands) need not get into a passion, as he had not attempted to injure Mr. Rankin at all. He had said nothing against that gentleman; but what he

would say was that there was no member on the Ministerial benches who was able to compare with the judges of the Supreme Court in the administration of the clause which was under discussion, except the hon. Premier himself. Why did the Minister for Lands accuse him of attempting to traduce or calumniate Mr. Rankin? Except from reading, he knew nothing about Mr. Rankin, and what he had read chiefly was his work on land laws. He had read that famous report which that gentleman and Mr. Morris produced in New South Wales. He contended there was no layman who would administer those judicial portions of the Bill so well as a man who had been trained in the way that a judge of the Supreme Court had been trained, and he did not think he was very far wrong in saying there was no member of the Government able to discharge those judicial functions—except the Premier.

The HON. SIR T. MCILWRAITH said there was another word he would like to have explained. The clause said any "inquiry, appeal, or dispute." What did the word "dispute" mean?

The PREMIER: A dispute as to boundaries, for instance.

The HON. SIR T. MCILWRAITH said he thought the words "dispute, inquiry, or appeal" should go through the whole clause. He did not object to the word; but he thought that the clause would have to be recast altogether, and very likely made into two, from the admissions made by the Premier himself. In his first explanation the Premier said an inquiry was an inquiry on the facts brought before the board by the commissioner; and when shown the absurdity of that being done in public, and that all the inquiries that were referred to in clause 16, were held in public, he then admitted that there were other inquiries that would be made quite independent of the ordinary business which would come from examining the papers. They might see, for instance, an article in a newspaper saying that when a certain commissioner sat on a certain day he was so drunk that he could not give a decision; and, if that was said on the responsibility of a newspaper, it would be their duty to hold an inquiry into the decisions come to on that day. Had it not been for that explanation of the Premier's he would have passed it; at all events he would have considered "inquiries" to mean inquiries made on the action of commissioners, or some parties outside of the ordinary details of the decisions that came from the commissioners. But it seemed that inquiries were to be held and decided in public as had been pointed out. That surely was not intended in the Bill. It would entail an amount of work on the part of the board that they, physically, could not perform. If it was not intended, why not have separate clauses? Only the decision need be given in open court. What the clause meant, according to the explanation given by the Premier, was that all that detailed work was to be done actually in open court. Then it was clear again, from the further explanation given by the hon. member for Bowen, that he contemplated an inquiry only where there were two litigants before the board. He could imagine a great number of inquiries where there were no two litigants before the board at all; where the board might inquire into the honesty or integrity of either of the parties connected with it—either the man who applied for a lease or the commissioner who granted it. What he would point out was that the clause was not to be taken with the explanation of the Premier, because there were inquiries of two different kinds. The whole clause required recasting and, he thought, dividing into two parts.

The PREMIER said the matter would receive very careful consideration before the end of the Bill was arrived at, and it was likely that some amendment might be suggested.

Mr. PALMER said there had been so many amendments proposed, that they were rather in a state of fog, and hon. members would be very glad if the Chairman would oblige by reading the clause with amendments.

Amendment put and passed.

Clause, as amended, put and passed.

The HON. SIR T. MCILWRAITH said that before clause 17 was put he wished to intimate that he would propose the new clause 20, in his amendments. Of course the proper place for it to come in was after clause 18; but as the word "commissioner" was used in clause 17, the discussion ought to take place on the new clause before clause 17 was determined. At the same time he did not want to introduce his amendment at an inconvenient place in the Bill, and it would be out of place before clause 17. He only spoke to give notice that he was going to move it after clause 18, and if it were carried the Bill would have to be recommitted for the purpose of altering the word "commissioner" in line 36. He made those remarks simply for the convenience of the Government, to prevent any dispute about it afterwards.

On clause 17, as follows:—

"Whenever it is necessary to determine the amount of any rent or compensation payable under this Act, or to determine any other amount required by this Act to be determined, the same shall be determined by the board, and the following rules shall be observed:—

(1) The board shall require the commissioner to furnish them with a valuation and report of and respecting the land or improvements in respect whereof the rent or compensation is to be paid;

(2) They shall also require the pastoral tenant, or lessee, or other person, by or to whom the rent or compensation is or will be payable, to furnish them with a like valuation or a claim, as the case may be;

(3) The board shall, in open court, on a day to be appointed by them for the purpose, hear the last-named person, if he desires to be heard, and shall pronounce their decision in open court;

(4) Before deciding the board may call such witnesses, and take such evidence, whether on oath, affidavit, or declaration, as they think fit;

(5) Any person who will be affected by the decision of the board shall be entitled to see and take copies of such evidence and of the report and valuation of the commissioner."

Mr. MCWHANNELL said he wished to know how compensation would be arrived at in the case of an outgoing tenant who might have very large improvements in the shape of a head-station, woolshed, or washpool, which might be of very little value to the incoming tenant. He wanted to know what sort of compensation an outgoing tenant would get in respect to those improvements?

The MINISTER FOR LANDS said that what the value of improvements—such as a head-station, washpool, and woolsheds—would be to a holder of a small property such as 20,000 acres, would not be equal to their value to the holder of a large station. He would be only required to pay for them their value to him as an incoming tenant, though that might not be the full value of those improvements.

The HON. SIR T. MCILWRAITH asked if they were a set of schoolboys or really members of Parliament deliberating upon a Bill which would influence the fortunes of so many people in the colony? The hon. member said it was the value to the incoming tenant which was to be taken into consideration. What was the value to the incoming tenant, supposing he was a cattle farmer and the outgoing tenant was a sheep farmer?

What would be the value of a washpool and woolshed to a cattle farmer? The hon. member was in a complete fog with his own Bill. Wherever did he hear of improvements being paid for according to their value to the incoming tenant? It was perfectly demoralising to hear a Minister talking so wildly. They could excuse him if he was talking to boys. But they could not understand his giving an answer of that sort to an intelligible question put by an intelligent pastoral lessee. It was perfectly absurd the way the hon. member talked.

The MINISTER FOR LANDS said the view the hon. gentleman took of it might be correct from one point of view. A man looked to get full value for the improvements he bought. For instance, a man might take up a run for sheep-farming, and after putting up improvements the country might become utterly worthless for sheep, and if it were resumed and could only be occupied by cattle it would be absurd to say that the incoming tenant should be compelled to pay that man the full value of the improvements to him as a sheep farmer. It would cut both ways. In the outside districts the resumptions would have to be made in every case where it was possible, so as to have the improvements made upon the part the lessee was allowed to retain upon lease; and the resumption would be upon those portions free from improvements, with the exception, of course, that water would have to be secured. In such cases improvements, such as water and fencing, would be of equal value to the incoming tenant, whether he was a cattle farmer or a sheep farmer. A good and substantial fence meant a fence that was equally proof against cattle or against sheep. Of course if there were valuable improvements such as the hon. gentleman had mentioned—large woolsheds and washpool—upon the part resumed and thrown open for selection, to require incoming tenants to pay the full value for those improvements would simply be debarring them from touching the land at all. It would be a matter of administration and adjustment in dividing the runs so that those valuable improvements might be left on the part re-leased, and resuming that portion of the run upon which those valuable improvements did not exist. Though some might not think so, he was satisfied there would be no practical difficulty about it.

The HON SIR T. MCILWRAITH said he was more astonished than ever at the second speech made by the Minister for Lands on that clause. He did not seem to understand his own Bill. He appeared to be under the impression that the clause referred only to the compensation to be given to the outgoing pastoral tenant, whereas the clause applied to the whole of the pastoral and agricultural tenants who might be created under the Bill, and not only to the present time. The hon. member actually got in some claptrap about squatters, in order to get himself out of a difficulty his own ignorance of the Bill had led him into. Suppose the outgoing tenant was an agricultural tenant who went in for growing wheat and had put up barns, and the incoming tenant was going in for an ostrich farm, what would become of the improvements made by the outgoing tenant? They could not be considered valuable improvements for the incoming tenant. They should get away from the squatting question altogether. It did not apply; and the hon. member's claptrap about the squatters, and his turning round upon his own race, actually proved his utter ignorance of the working of the Bill. The hon. member did not seem to know that the clause applied to the working of the Bill itself.

The PREMIER said the hon. member was fighting windmills. The hon. member for Gregory had asked a question concerning the improvements on an existing station, and the answer given had reference to that.

The HON. SIR T. MCILWRAITH: Too thin!

The PREMIER said that was a fact, and the hon. member knew it. He was fighting a windmill. No question was asked as to how the compensation clauses would affect improvements thirty or fifty years from the present time. The question asked by the hon. member for Gregory had reference to the present time. The clause merely determined how the compensation was to be assessed. The question of compensation was a very important question, and it was certainly much more convenient to consider and determine that, when they came to the part of the Bill specially dealing with it—Part IX. Another great point the hon. member for Mulgrave made was that the Minister for Lands, in speaking, referred to "the" incoming tenant instead of "an" incoming tenant. The clauses dealing with the subject provided that the compensation in respect of improvements should be such "as would fairly represent the value of the improvement to an incoming tenant or purchaser." It did not refer to any particular person who might want to breed ostriches, but to an incoming tenant. That definition, let him say, was the definition adopted in England, after many years' experience, as the best formula to define the proper value for the improvements to be given to an outgoing tenant.

Mr. STEVENSON said that he had always found that whenever the Premier was angry he was certain to be in the wrong. He believed, with the leader of the Opposition, that the Premier had not read the Bill, and did not understand it. The hon. Premier had told them that the hon. member for Gregory had asked a specific question about the pastoral tenant. Had the hon. member read subsection 2 of the clause:—

"They shall also require the pastoral tenant, or lessee, or other person, by or to whom the rent or compensation is or will be payable, to furnish them with a like valuation or a claim, as the case may be."

What did "lessee" mean in the interpretation clause?—

"'Lessee'—The holder of a lease under the provisions of this Act."

The Minister for Lands had clearly put his foot in it, and showed he did not understand his own Bill. The hon. member had distinctly told them that if the improvements were not of a certain value to the incoming tenant he would not be charged for them. He could put a case where there might be, as pointed out by the hon. member for Gregory, a valuable head-station, woolshed, and washpool, which might come up to thousands of pounds, and the applicant for 20,000 acres might say he did not want it for sheep, that he was going to graze cattle, and consequently the improvements mentioned were of no value to him. That protector of the State, the Minister for Lands, said that would be all right as the State would pay for them. If the incoming tenant wanted to get the improvements for nothing, all he had to do was to go to the Minister for Lands. What kind of a position was the hon. gentleman in now? The Minister for Lands had pointed out that the improvements which the squatter had made would be available to the incoming tenant, and had said that fencing, even if it had been put up by the squatter for sheep, would be available for cattle; but he (Mr. Stevenson) knew to the contrary. He knew that there were plenty of squatters with wire fences 2 feet 6 inches high, which were quite good enough for sheep fences; but he should like to know what good they

would be to a man who took up 20,000 acres as a cattle-station. He had to apologise to the Minister for Lands for misunderstanding him with regard to one point. From the hon. member's speeches he had understood that the outgoing tenant, who had to give up a certain portion of his holding, would get compensation for his improvements, either from the Government or from the incoming tenant. Now, he found he was mistaken, and that the improvements were only to be valued at their worth to the incoming tenant. But he had shown that if a run had been occupied as a sheep-run, and necessary improvements constructed at very great cost, they would be entirely useless to a man who might take up 20,000 acres as a cattle-run. The hon. member had clearly told them that when a squatter was deprived of his pre-emptive right, he was to get compensation for improvements in lieu of it. He would ask the hon. gentleman where the compensation would come in if the improvements on the run were of no value to the incoming tenant? He should like an answer to that question.

The MINISTER FOR LANDS said the clause they were now discussing related to the machinery by which the compensation was to be arrived at by the board, not the amount of compensation or the way in which it was to be determined. The amount of compensation was a matter which would be discussed when clause 47 was reached. He did not see that the hon. gentleman's question was at all pertinent to the matter now under discussion.

Mr. STEVENSON asked if what the hon. gentleman had said in reply to the hon. member for Gregory was to go for nothing—that the improvements were to be valued at the amount they were worth to the incoming tenant. Did the hon. gentleman mean to go back on his own words?

The MINISTER FOR LANDS said that if the hon. member would turn to the part of the Bill relating to compensation he would find an answer to his question. The answer he had given the hon. member for Gregory was exactly in accordance with that part of the Bill. Clause 100 in Part IX. related to compensation for improvements, and it was time enough to discuss it when they reached that clause.

Mr. STEVENSON said they ought to have a clear understanding as they went along. The hon. the Minister for Lands had committed himself to saying that the compensation for improvements was to be fixed at the amount they were worth to the incoming tenant. Was that to be so or not, no matter what any clause further on might say? If the hon. member meant what he said, let him say so; and if not, let him withdraw his statement.

The MINISTER FOR LANDS said he had given a distinct and definite answer to the hon. member who asked the question, and he would not repeat it. He would simply refer the hon. member to Part IX. and clause 100 of the Bill, which determined how the compensation was to be arrived at. He did not know of any other answer he could give to the question that had been asked. If the hon. member for Gregory was not satisfied with his reply he was prepared to repeat it, but he would not respond to the repeated demands of the hon. member for Normanby.

Mr. STEVENSON said he could obtain an answer as well as the hon. member for Gregory; and considering the reply the Minister for Lands had given it was an important thing that they should have a very distinct answer in regard to the matter. The hon. gentleman had given the Committee to understand that the squatter was to have compensation for improvements in lieu of the pre-emptive right, and it had been pointed out that he might not get any compensation whatever if the improvements were of no value to the 20,000-acre man or any other who might come upon the run. The hon. gentleman had told them distinctly that the value of the improvements was simply to be taken at what they were worth to the incoming tenant, and it was important that they should have an answer upon that point. They were not going to be put off by being told that there was a clause ahead that was going to provide for that, but they wanted the hon. gentleman to tell them now what he meant by what he said. That was what they wanted to know; and if the hon. member for Normanby was thought not as worthy of a reply as the hon. member for Gregory he would teach the Minister for Lands that he was, and would keep him there until he did give a reply.

The MINISTER FOR LANDS said he was perfectly prepared to give the hon. member a reply to the part of the Bill dealing with the question, but he was justified in declining to enter into a discussion on a part of the Bill eighty clauses ahead. Upon the subject now under discussion he had given an answer, but let the hon. member understand that he declined distinctly to enter upon a discussion of clause 100. When they came to it he was prepared to enter upon it, although as a matter of courtesy on his part he had given an answer to the hon. member for Gregory to a question asked upon the 100th clause.

Mr. STEVENSON said he wanted to know whether he was right in supposing this—he really did not know whether he understood the Minister for Lands' reply or not: the hon. gentleman, he thought, said that the compensation for improvements to the outgoing tenant was simply to be what they were worth to the incoming tenant, whatever he might be. Surely the Minister for Lands could see what he wanted clearly enough. Was he right in supposing that the incoming tenant would only pay for the improvements at what they were worth to himself?

The HON. J. M. MACROSSAN said the Minister for Lands, in giving an answer to the hon. member for Gregory, was giving an answer to what was contained in the 100th clause, read in conjunction with the clause now under discussion. There could be no doubt about that, because there was nothing in clause 17 as to the value of the improvements to the incoming tenant, but there was in clause 100. The hon. gentleman had raised the discussion himself by the answer that he had given. He gave an answer to clause 100, and to a question asked by the hon. member for Gregory, that should have been an answer to clause 17. Clause 17 provided the manner in which the board were to arrive at the improvements, but it had to be read in conjunction with clause 100. The two clauses must be read together to be understood, and whether clause 100 was eighty clauses ahead or not, they could scarcely dissociate the two sections. They must be read together, because they referred to the same thing. The only difference was that clause 17 pointed out how the board was to act, whilst clause 100 said the compensation should consist of such sum as the board should consider would fairly represent the value of the improvements to the incoming tenant or purchaser; so that the Minister for Lands, if he wished to get on with the business of the Committee, could hardly get away from the clauses being read together. He did not want to delay the discussion, but he felt bound to point that out.

Mr. JORDAN said he understood the hon. member for Normanby wanted to know in what sense compensation was to take the place of the pre-emptive right. He had understood it in this way. Under clause 100 there would be compensation at the end of the lease, which was altogether a new provision, and in that sense compensation was to be given in lieu of pre-emptive right. Under the present law the squatter could not claim any compensation at the end of the lease. The 100th clause provided that on the termination of the lease the tenant, not continuing to be the tenant, could claim compensation to the extent of the value of the improvements to the incoming tenant.

The HON. J. M. MACROSSAN said that was the question asked by the hon. member for Normanby in reference to the answer given to the question put by the hon. member, Mr. McWhannell. The hon. member for Normanby very naturally asked if the compensation for pre-emptive was simply to be the value of the improvements to the incoming tenant. If so, the compensation would be utterly worthless, and the compensation for the pre-emptive right was worth nothing. The compensation pretended to be given by the Ministry was utterly valueless. That had been pointed out by two or three speakers, and that was the question the hon. member for Normanby wanted answered.

The MINISTER FOR LANDS said that when a portion of a run was taken the occupant only received compensation to the value of the improvements that were in the resumed portion to the incoming tenant or occupant, but when the lease terminated at the end of fifteen years the occupant was entitled to compensation in full for the whole of the improvements on the leased portion without reference to any incoming tenant.

The HON. J. M. MACROSSAN said the clause specially provided for the improvements to be paid for at the value to the incoming tenant, and the question had therefore not been answered. Where did the compensation for the pre-emptive right come in? Perhaps the Premier would point that out; he at all events was conversant with the Bill.

The PREMIER said the question had been answered several times, and he did not think the hon. member for Normanby wanted to understand. It was a great pity that hon. members on both sides did not set their faces against attempts which were simply and evidently attempts to annoy and irritate his hon. friend and colleague, the Minister for Lands. It was quite evident that attempts of that kind were made yesterday and had been made that day, and hon. members on both sides who desired to get on with the business of the Committee should really set their faces against it. He appealed to hon. members to do so. The question had been asked and answered several times as to the principle on which compensation was to be given to the tenant who was entitled to compensation under the Bill, whether the existing pastoral tenant, or any other tenant. What they were concerned with now was, not to consider what the compensation was to be, but how it was to be assessed—not what was to be the principle on which it was to be assessed. Another part of the Bill dealt separately and distinctly with the principle on which the amount was to be determined and could not be discussed with advantage yet. The principle laid down, whether right or wrong, would be better discussed when they reached the clause dealing with it. In the meantime it was surely sufficient to point out that the principle laid down was that the amount of compensation to be paid was the amount which fairly represented the value of the improvements to an incoming tenant—not the particular incoming tenant, who might not, perhaps, want to use them. Surely everybody would understand what that meant. Take the case of a man in England, who had left a farm after having occupied it for twenty years: that man was entitled to be paid for the improvements he had made, such a sum as would fairly represent their value to an incoming tenant. The fact that the particular incoming tenant did not want to use them made no difference in the amount of compensation. The landlord had to compensate him for the improvements taken from him. It was nothing to the outgoing tenant what the incoming tenant intended to do with them. Supposing—as had already been mentioned—that a man had sunk a well for the purpose of irrigating a lucerne paddock, and the incoming tenant intended to use it for something quite different—what had the question of compensation as between the landlord and the outgoing tenant to do with the manner in which the incoming tenant intended to use it? He would again repeat that the principle laid down, whether a good one or not, was that the amount of compensation would be such as would fairly represent the value of the improvements to an incoming tenant or purchaser.

Mr. STEVENSON said that if the Premier would help his new-chum heaven-born Minister out of the difficulty he was in, instead of lecturing hon. members on that side, it would be more to the purpose. If the Minister for Lands intended to get through his Bill, he had better be a little more courteous to the Opposition. He had not the slightest intention to annoy the hon. gentleman; but the Bill was one in which he took great interest, and which he wished to understand clause by clause as he went along. He intended to understand it, and to find out whether the Minister for Lands understood it. The Premier had instanced the case of an outgoing tenant farmer in England, and had said that his improvements would be valued at what they were worth to the incoming tenant. But that was a very different thing. A tenant of the same class went in there, and would work the farm on exactly the same lines as his predecessor. But the incoming tenant on a station property might want to work it in quite a different way, and the improvements on which the outgoing tenant might have spent thousands and thousands of pounds would not be worth a brass farthing to him. He wanted to find out whether the Minister for Lands really meant that the outgoing tenant should only be compensated to the amount that the improvements were worth to the incoming tenant? The question was a very important one, and he intended to have it answered. If that was the case, where did the compensation for the pre-emptive right come in?

Mr. McWHANNELL said he asked his question from the point of view from which a pastoral lessee would regard subsection 2 of the clause. In order that the Committee might understand the question he would take the case of a run taken up, say, twenty years ago. At that time it was the custom to take up country five or ten miles back from any creek or river on both sides, and the runs were perhaps three times in length what they were in breadth. Supposing half of a run of that kind was resumed under the present Bill, the resumed portion might contain all the improvements which, to his knowledge, had, in many instances, cost from £6,000 to £10,000. What would be the value of those improvements to a small pastoral lessee, and how would the outgoing tenant be entitled to value them? In clause 24 there had evidently been an oversight. In subsection 1 of that clause it was provided that—

"The Minister shall cause the run to be divided into two parts, one of which, hereinafter called 'the resumed

part,' shall be thereafter deemed to be Crown lands (subject to the right of depasturing thereon hereinafter defined), and for the other part the pastoral tenant shall be entitled to receive a lease for the term and on the conditions hereinafter stated."

Would the Minister for Lands accept an amendment to that clause, in the shape of the insertion after "part" of the words "which shall not include homestead, head-station, woolshed, and washpool belonging to said run?" That would do away with a great deal of the bitter feeling which existed on the subject.

The MINISTER FOR LANDS: We have not got to clause 24 yet.

Mr. McWHANNELL said he asked for the information so as to give the pastoral tenant an idea as to the basis on which he could value his improvements, as provided by subsection 2 of the clause they were now discussing. Taking a common-sense view of the question, the value of the improvements should be based on their value to the outgoing tenant, or to an incoming tenant of the same class or standing. An incoming tenant of a different class might not require the improvements at all. A small pastoral lessee, with only 20,000 acres of land, could only shear 6,000 or 8,000 sheep, and the large woolshed erected by the previous tenant, at a great cost, and fit for shearing 100,000 or 300,000 sheep, would only be worth to him the mere value of the galvanised iron. He thought that the Minister for Lands had taken an erroneous view of the matter altogether, and he should be glad to hear an explanation from the hon. gentleman.

The MINISTER FOR LANDS said he would point out that the question which had been raised by the hon. member for Gregory had very little to do with the clause under discussion. The hon. member should wait until they reached clause 24 — the one he found fault with — and amend it. The clause under discussion had nothing to do with it except the general connection of one clause with another throughout the Bill or particular part of the Bill. It had no reference whatever to the clause which the hon. gentleman objected to, and the hon. member could take his stand on the question when he came to clause 24, which did not affect the consideration of clause 17 at all. The whole matter referred to clause 24, on which the hon. member could take his stand when it was reached.

Mr. PALMER said he was not always in accord with the Minister for Lands, but it struck him that under clause 17 the board simply had to consider between two reports — the one made by the commissioner, whatever means he might have for arriving at his report, and the report of the lessee who would have the better means, he supposed, to furnish a report than the commissioner, and he believed, with the Minister for Lands, that the present was not the time for discussing the matter of compensation. The board had simply to decide between two reports, according to the way he read the clause. It had nothing to do with valuation. They simply decided between two reports which were laid before them; they might call evidence to support the claim of the pastoral tenant, but the proceeding seemed very simple otherwise.

The HON. J. M. MACROSSAN said he should like to point out, that if they thought the clause applied only to the resumptions taking place after the passing of this Act, they were mistaken. It applied to the whole working of the board as long as it existed; it applied to agricultural holdings as well as to pastoral leases, and to grazing farms also. It was the mistaken answer given by the Minister for Lands that raised the whole discussion, so that the Premier should not get angry about what the members on the Opposition side said, and accuse them of putting questions to the Minister for Lands for the purpose of annoying him. He was quite certain that the hon. member for Gregory did not speak for the purpose of annoying the Minister for Lands. It was the answer which that hon. gentleman gave that immediately raised the discussion on the Opposition side of the Committee. The Minister for Lands interpreted the clause as applying only to the pastoral tenant; whereas it applied to all holdings that would be constituted under the Bill when it became law.

The PREMIER said he did not propose to review the debate which had taken place during the last hour. The recollection of the hon. member (the Hon. J. M. Macrossan) was not correct. The hon. member for Gregory asked a question, and the Minister for Lands answered the question which was put to him.

An HONOURABLE MEMBER: No!

The PREMIER said the question was asked as to the provision as it affected present tenants. Then another hon. member got up and pointed out that the provision would affect the future as well, and that the language of the Minister for Lands did not refer to it as affecting the future, and then the discussion took place. That was all about the matter. He was quite sure that the hon. member for Gregory asked the question for the sake of the information he desired to get. And he had no intention to refer to that hon. member any more than he had to the hon. member for Townsville.

Mr. STEVENSON said it would be far better for the Minister for Lands to give the information than for the Premier to get up. He had no doubt that the Minister for Lands made a mistake when he told hon. members what he did tell them, and he thought it required an explanation before they went any further. It was a very serious point, he thought, but he had no wish to annoy the hon. gentleman in the least. He wanted to see him get on with the Bill. He wanted the hon. gentleman to explain whether he meant what he really said, that the outgoing tenant would only get the value that the improvements were worth to the incoming tenant. That was what he wanted, and surely it was just as easily explained on the present clause as on any other; and considering that the Minister for Lands made the statement on that clause he ought to say whether he meant it or not, because it had a very important influence. It had a great deal to do in regard to the pre-emptive right, whether a squatter was to get compensation in lieu of his pre-emptive right; but now it appeared he was to have no compensation in lieu of the pre-emptive right being taken away at all. It would not take two minutes to explain the matter, and it would be far better to do so then than to keep them waiting there to hear an explanation. He would keep on asking for the information for a long time.

The HON. SIR T. McILWRAITH said that the Premier deprecated the discussion which had taken place within the last hour, but still the hon. gentleman must rehearse it and give a wrong account of what took place. What really took place was this: the hon. member for Gregory asked what compensation would be given for improvements on the resumed portion of runs as they existed now under the present Act supposing, as the hon. member put it, the woolshed or head station were on the portion to be resumed. In the discussion the hon. gentleman, the Minister for Lands, never referred to clause 100; he never made the slighest allusion to it, but intimated that the improvements would be granted on the principle of valuation of the improvements,

valued and reckoned according to the amount of value the incoming tenant would enjoy from them. The Minister for Lands not only gave that explanation but he enforced it by showing that it was a proper system of valuation, that the valuation for the incoming tenant was the proper valuation to give. That answer brought the whole discussion on to the principle of valuation that actually ought to have been given under clause 17, because he held clause 100 was never intended to be, nor was it applicable, in his opinion, to the case put by the hon. member for Gregory. There was nothing in the present clause that provided for compensation for any part of resumed runs. The whole of that section referred to resumption and compensation of the holdings that were taken up under the Bill——

The PREMIER: Or runs. Runs or holdings.

The HON. SIR T. MCILWRAITH: And the Minister for Lands enforced it by showing that it was actually a right principle on which they ought to go. That raised the whole of the dispute at the present time, because he (Hon. Sir T. McIlwraith) held it was not a right principle on which they could go. The Ministry fell into the error by reading, as they were entitled to do, all the Land Acts of the colonies, which took from the old country a principle of compensation, to one tenant succeeding another, that was in no way applicable to this colony. Their routine of agriculture was fixed; what the field had done for the last six years it would in all probability do in the next six years—in fact, by the tenure it was bound to do so, therefore the value of the improvements to the outgoing tenant and to the incoming tenant were exactly the same—at least, there was little difference. The position of the colony was very different, however, and they wanted to understand in what way those improvements were to be valued here. They knew there was a great difference between pastoral and agricultural pursuits. The point was raised whether—the improvements that were made on the run being for sheep pasture—the Bill would sanction them if the incoming tenant wanted them for cattle pasture. The Minister for Lands, in rather an indignant speech against the squatter, said it would serve them perfectly right if they would put the run in such a position that the incoming tenant would see that he would do better as a cattle instead of a sheep squatter. The hon. gentleman had raised the whole question, and he held that it was a proper question to be raised. He wanted to know on what principle the compensation was to be determined. He had listened very quietly during the last hour of the discussion to know what answer the hon. Minister for Lands would give to the hon. member for Gregory. That hon. gentleman must not fall into the error in which he had been encouraged by the hon. Premier: to stand hard and fast, and not open his lips about clause 18 as long as they were at clause 17. The Premier must know from his own experience that the more he could explain a clause by reference to future clauses, the more easily it would be understood, and the sooner they could come to a decision upon it. There was not the slightest intention to block the Government, but the hon. Minister for Lands would never get the Bill through unless he endeavoured to explain its operations, which he could not do except by referring to future clauses. An answer from him to the hon. member for Gregory would help to elucidate the matter, although he would have to do such an uncommon thing as to explain the operation of clauses that were ultimately to come before the Committee. They did not want to discuss clause 100, but wanted an answer to the question put by the hon. member for Gregory, as to how compensation would go in that case for improvements that were on the resumed parts of runs. That was what they were waiting for.

The MINISTER FOR LANDS said that when a run was divided for resumption and any improvements were upon the resumed part—he would go so far as to say that even if the head-station and all the valuable improvements were upon the resumed part, which he thought would be very unlikely in any proper division of runs—but assuming that it was so, then the lessee would only be entitled to such value for them as they would be worth to the man who came in and took up the land. That was what the Bill meant, and that was its intention in all points. The board would have to determine what the value of the improvements which were upon the selection that was taken up, was to the man who was coming in; and it could only be in the case of a head-station being on the resumed part that a fair value would not be received by the selector for the value of the improvements upon the run. The hon. leader of the Opposition had said he knew nothing about agricultural farms; but, taking a sheep station: there were no improvements upon a sheep station, except those that were upon the head-station, that would not be of full value to an incoming grazier. It had been said that a man might have been using his country for sheep, and a selector might take it up for cattle; but the board in valuing those things would not take into consideration whether a man would be a cattle man or an ostrich man. The improvements would be of value to the man who came to utilise the land for a proper purpose. In the matter of agricultural farms, there was no necessity for valuing improvements till the lease terminated, and when the lease terminated the lessee would be entitled to the full value of his improvements to the incoming tenant, whoever he might be, using the land for the same purpose. The man might be an agriculturist in the first case, and the next time the man might be an ostrich farmer; what was that to do with the State? The man who came in would have to pay the value of the improvements to the man who went out, and use it in the same way as it had been used before, assuming that it was an agricultural holding. He might wish to turn it into a deer-park, and say the improvements were of no use to him; but the board would not take that into consideration, but would take the ordinary method of dealing with such cases, and see what was the value of the improvements to the man who came to use the land properly. If he had any special purpose or object in view he would have to pay for that view. It would be a matter for the board to decide.

The HON. SIR T. MCILWRAITH said it was a good thing that they had had that explanation. It contradicted all that the hon. gentleman had said before. The hon. gentleman had made a dozen speeches in which he had reiterated the statement that ample compensation had been provided in the Bill for all improvements made upon resumed portions of runs. Compare what he said then with what he said now. He said then, let them see what the mode of resumption was to be under the Bill. He would refer to a future clause, and in referring to that he would shorten the time a good deal. The board had power to divide a run in any way they chose, but were to be guided by certain rules. The Minister for Lands said it was very unlikely that the run would be divided so as to leave the head-station, and places where large improvements had been made, in the resumed portion. He did not see what authority the Minister for Lands had for saying that. It was provided in the Bill how

runs were to be resumed, and it was as likely as not that those improvements would be in the part resumed. In the rest of the run the improvements had been made for a certain purpose, say fencing. They were supposed, of course, to get compensation for all the fencing that had been done there, but the class of selectors and agriculturists who were going on to the run were not going to select so as to make that boundary fence useful to them. They would select land that would be best suited for their purposes; whatever their industry might be, they would select land accordingly. One might select a piece inside the fence, and another might cross him, so that on the whole lot there would not be a piece of that fence that could be reckoned as an improvement that was of any value to the incoming tenants. He lost, therefore, the whole of the outside improvements, though he might come in for a few dams; and he lost the whole of the head-station and the improvements there. The land under the Bill might be leased in blocks of from 20,000 acres downwards to 5 acres. Say, on the part of the land thrown open for selection, and on which there were some valuable improvements, a man took up a 500-acre selection, including the head-station—now, in what possible way could those valuable improvements be reckoned of value to him as the incoming tenant? The man taking up the 500 acres might propose to keep 200 sheep, and what would he want of a woolshed made to accommodate perhaps 100,000 sheep? The accommodation provided also for the employés and the lessee's family. All those buildings would not be wanted by the man who was going to keep only 200 sheep. The Minister for Lands, in a dozen speeches in that House, had reiterated that the pastoral lessees had had provision made for ample compensation for all improvements. Talk about confiscation! It was the most pronounced confiscation he had ever seen. It was a great deal worse than taking away the pre-emptives, because the Minister for Lands had repeatedly told them that ample compensation was provided under the Bill, and it was only now they were beginning to understand that there was to be absolutely no compensation at all. That repudiation at a time when the pastoral lessees were in a depressed condition was a picture which the other colonies must look at in wonder. It was all very well to say that the town men on the board would be fair men, but they would be bound by the Bill, and if they were bound by the Bill they would have to give compensation according to the value to the incoming tenant; and he said it would be their duty to throw out all those valuable improvements. Whether that was the right stage at which to take up that discussion or not was a minor question. He thought the hon. member for Gregory had got his answer now, at all events, that improvements on the resumed half of the runs will, practically, be confiscated if the Bill passed in its present state.

The PREMIER said it was really difficult to know whether the hon. member who had just sat down was really serious. He doubted whether he was serious. He must know that there was nothing of the kind in the Bill.

The HON. SIR T. MCILWRAITH: We have just been told there is.

The PREMIER said the speeches which the hon. member had made were entirely without foundation in the Bill, or in any speech which had been made by the Minister for Lands. The hon. member surely knew that. The provisions of the Bill had been explained over and over again, and the hon. member would insist upon making that mistake by taking the speech of the hon. Minister for Lands to mean that it would be the value of the improvements to the particular person who took up the land. The fact that the incoming tenant might want the land for a particular purpose did not matter at all, and nothing of that kind would be found in the provisions of the Bill.

The HON. SIR T. MCILWRAITH: The Bill says so, and the Minister for Lands said so.

The PREMIER said the hon. member's speeches throughout had been upon that presumption, and he had pointed out that nothing of the kind was in the Bill. He had shown that three times over.

The HON. SIR T. MCILWRAITH: The Bill speaks for itself.

The PREMIER said he knew the Bill spoke for itself, and he thought the hon. member could not have read it.

The HON. J. M. MACROSSAN: The Minister for Lands said the same thing.

The PREMIER said he had pointed out two or three hours ago that the whole thing arose from the hon. gentleman harping on the word "the" instead of the word "an." The provision of the Bill said "an incoming tenant"; but the hon. member wanted to fasten on the Bill this meaning: "The particular incoming tenant." An incoming tenant might take up a selection which would only include a piece of fencing three or four miles in length. That might be of no value to him at all. If the 100th clause was not explicit, and was not sufficiently clearly expressed, by all means let them alter it, and have it stated clearly and definitely when they came to it. But that was no reason for having a discussion on the 100th clause now. If, for instance, it was thought better to amend it, and say the amount should be the fair value of the improvements to an incoming tenant or purchaser taking the property in its then condition. He had explained clearly enough that the value was to be fixed at what the improvements would be worth to a man who would use the property in its then condition. The fact that the man going in did not want those improvements did not matter to the State: the State would pay the outgoing tenant what his improvements were fairly worth to an incoming tenant who would make use of them, and not to any particular incoming tenant who might not want them at all. He had explained that at 5 o'clock, and several times since. No amount of assertion that the Bill provided for confiscation would alter the plain facts. What object could be gained by discussing the matter now, he confessed he did not know. They could not amend the 100th clause until they got to it. Whatever the principle of the compensation should be, it would be decided by the board. He did not know that any light had been thrown upon it by hon. members on the other side, unless it was that they wanted to get a great deal more than the value of the improvements from the State. They had no intention of giving the pastoral tenant any more than the value of his improvements—not a bit, and he confessed he could not see what more could be wanted. He hoped they would be able to get on with the Bill. The hon. member had said he was anxious to get on with the Bill, but he had taken a very extraordinary way of assisting the Government to do so.

The HON. SIR T. MCILWRAITH said that was one of the extraordinary feats of legal hair-splitting, in which the hon. member so often indulged. The hon. member said he had told them the same thing five times over. He admitted that. Probably the hon. member had done it oftener in referring to the fact, as he said

that he (Hon. Sir T. McIlwraith) was drawing a distinction between "the" incoming tenant and "an" incoming tenant. He would use exactly the language of the Bill, and say "an" incoming tenant. What was an incoming tenant but a man who was going to take the place of the man before him? The hon. member had tried to make them understand that the compensation was to be given on the principle that the man who succeeded the outgoing tenant was to be supposed to desire to carry on the same business and to the same extent. As a matter of fact, that was the case in Land Acts at home, and it was the case in the Irish Land Acts, where the incoming tenant could not possibly carry on any other business than that of the outgoing tenant; but it was a perfectly different thing here. In this case a man's improvements were going to be cut up in such a way that they could not possibly be of any value to any incoming tenant, and if the clause were passed in its present state the result would be that the outgoing tenant would not receive any compensation at all; and at all events would have to depend upon the mercy of the "twin" board; and what they would do would have to be settled before the Bill passed. The hon. member again deprecated the discussion upon that part of the Bill. He thought it was a very good discussion and would give them an immense amount to think about before the 100th clause came on, now that they knew what the compensation to be given meant. They understood that the compensation was to be given to the outgoing tenant, whereas under the Bill it appeared to be for the benefit of the incoming tenant. The hon. member said he had tried to distort the language of the Bill; but it did not matter to him whether it was "the" incoming tenant or "an" incoming tenant. It was all the same for the purpose of this argument whether it was "an" or "the." The hon. member had not succeeded in letting them understand his meaning at all, unless it was that compensation would be given for improvements to the outgoing tenant on the understanding that the man to succeed him—an incoming tenant—would succeed to the same business and require those improvements as much as the outgoing tenant did himself. That might be fair enough, but it was not what the Bill said.

Mr. ARCHER said he did not wish to prolong the discussion, but he could not help saying that he was astonished that the Premier could say anything so different from the Minister for Lands. The hon. member had given them an explanation which differed entirely from what his colleague had said. With regard to improvements, certainly the selector or incoming tenant would not require a good many of them in a large selection, and he was sure the Minister for Lands would say that those improvements would not be paid for except they were fairly valuable to the person who was to have them.

The MINISTER FOR LANDS said that what he had previously said, or meant to say, was that when a run was subdivided, and after the resumption of half of it, the man coming in would only pay the value of the improvements to him; he would have to recoup the original proprietor in the value of those improvements. If it were not recouped to the original proprietor by the selector it would be recouped by the State.

The HON. SIR T. MCILWRAITH: Where is that in the Bill?

The MINISTER FOR LANDS said it was in several portions of it. Of course they could only obtain from the selector the value which the improvements represented to him. If he took up 10,000 acres, and there were £10,000 worth of improvements, certainly they could not make him pay for those improvements; that would be impossible, and a bar to selection. But the division of runs would be the means of meeting difficulties of that kind, so that the incoming tenant would pay for all the improvements. Moreover, the survey of the different selections would also meet difficulties. He admitted that difficulties might arise if selectors were to take up selections on the resumed half of a run without any surveys being previously made, but if surveys were made previously the difficulties would be avoided at once.

The HON. J. M. MACROSSAN said the explanation which the Minister for Lands had made from time to time during the last hour and a-half did not quite agree with each other. He was quite willing to admit that the hon. gentleman's want of experience was a sufficient excuse for that; but he did not think the same reason applied to his leader. The Premier was not quite fair when he said that hon. members of the Opposition who had spoken were not satisfied with a fair value for improvements, but wanted more. He (Hon. J. M. Macrossan) said that it was utterly unjust to make such an assertion. There was not the slightest scintilla of truth in what the hon. gentleman said; nothing of the kind could be extracted from any argument or speech made on the Opposition side in the last hour and a-half. The Minister for Lands never said a word about the State paying for improvements until it came from the Premier. Why did the head of the Government tell them distinctly that the State was to pay for those improvements, when he (Hon. J. M. Macrossan) found in the Bill that it was the selector who was to pay for them? The only selections that could be taken up under the Bill in the resumed parts were agricultural and grazing selections. Clause 47, in Part IV., dealing with agricultural and grazing farms, said:—

"If there are upon any land selected under this part of this Act any improvements, the selector shall pay the value of such improvements to the commissioner within sixty days from the date when the value thereof has been determined."

Where did it say that the State was to pay? It was the incoming tenant who was to pay. He certainly hoped the State would not have to pay; yet, on the other hand, how was the selector to be made to pay for improvements which would be of no value to him, unless, as the Minister for Lands said, it was intended to bar selection? There could be no doubt that if the selector was compelled to pay the value of improvements it would be an entire bar to selection under the Bill. The Bill said that if the incoming tenant—that was, the selector—and the outgoing tenant could not agree as to the value of improvements then the board was to value them, and it must be paid by the selector or he could not get the land. The land was to be thrown open by proclamation, and the value of the improvements was to be paid by the selector; therefore the Bill would be just the thing to put a bar on settlement. He would like to know from the leader of the Government what part of the Bill provided that the State should pay. Of course he understood that the State was to pay for improvements on runs whose leases were allowed to run out, but that was not so distinctly stated as this in clause 47—that the selectors had to pay for the improvements on the land they took up. The more they discussed the Bill the better they understood it. Every member who got up threw a little more light on it; and, as an hon. member on the other side had remarked to him, they were just beginning to understand it. They were learning the enormous power the land board would have, and he thought it would be the duty of the Government to tell them distinctly

before the Bill left the Chamber who the members of the board would be. He did not think it would be safe for them to let the Bill leave the House until they knew whom the Government intended to appoint. He would point out as a good precedent that, when the Irish Land Bill was under discussion in the House of Commons, Mr. Gladstone was not only compelled to give the names of the gentlemen he meant to appoint as commissioners, but their names were put in the Bill and their positions defined, so that he could not appoint anyone else afterwards. He thought that, as they had a precedent like that, they should not allow the Bill to leave the Chamber unless the names of the members of the board were put in. The Irish Land Commissioners were Sergeant O'Hagan, Mr. Litton, and Mr. Vernon; and Sergeant O'Hagan's position was defined as Judicial Commissioner under the Bill.

The PREMIER said it seemed they were getting further and further away from the subject of discussion. With regard to what the hon. member had just said, he might say that the Government were perfectly cognisant of the provisions of the Irish Land Act, and had it before them when they were framing the measure now before the House. They had taken into consideration the propriety of putting the names of the members of the board into the Bill, and had come to the conclusion that it was not desirable. But that was not a subject for discussion on the 17th section; and it really would be necessary, if they were to get through a measure of this magnitude at all, to enforce more strictly the rules of debate. The hon. member had asked whether there was any provision in the Bill for compensation being paid by the State. He had also observed that hon. members were just beginning to understand the Bill. That was exactly what he (the Premier) complained of—that hon. members were only just beginning to understand it, when they should have read it and made themselves acquainted with its meaning long ago. So many of the arguments of hon. members on the other side showed that they had not carefully read the Bill. The provision relating to compensation was in the 9th part of the Bill, section 100; and that would be the proper place to discuss it. That section read:—

"Where there is upon a run or holding an improvement, the pastoral tenant or lessee shall be entitled, subject to the provisions of this Act, on the resumption under the provisions of this Act of the part of the run or holding on which the improvements are, or on the determination of the lease otherwise than by forfeiture, to receive as compensation in respect of the improvement such sum as would fairly represent the value of the improvement to an incoming tenant or purchaser."

Section 103 provided—

"The amount awarded to any pastoral tenant or lessee for compensation under the provisions of this Act shall not, except in the case of the resumption of an entire holding, be payable to him until he is actually deprived of the use of the land or of the improvements, in respect of which the compensation is awarded.

"In the case of the resumption of an entire holding the amount awarded shall be payable when the resumption takes effect."

By whom could it be paid except by the party who took the land from him—the Government? If the landlord took the land from the tenant, it was he who had to pay, and there was no provision in the Bill that anyone else should pay. When the land was proclaimed open for selection the proclamation was to state the value of the improvements, which might or might not be the price which the Government had paid the outgoing tenant; and the selector paid the price of the improvements with his application to the commissioner, not to the outgoing tenant. The amount to be paid as compensation for the improvements was determined by agreement between the commissioner and the person entitled to receive the money. In every case it was an arrangement between the Crown and the outgoing tenant.

Mr. STEVENSON said he was delighted that he had insisted upon an answer to his question, because they had got such a large amount of information, though certainly it was very contradictory. He would like to understand what the Premier really meant, and what the Minister for Lands really meant. They got one explanation of a clause from the Minister for Lands, and an entirely contradictory one from the Premier. It would be a very desirable thing if those two gentlemen would go into the Minister's room for half-an-hour and come to some decision as to what they understood to be the meaning of the Bill. The hon. the Minister for Lands had distinctly said that the man selecting land would pay simply the amount the improvements were worth to him; but since that, after being educated by the Premier, he had given an altogether different version. The Premier had tried to explain that the State was to compensate the outgoing tenant; but although he had read the clauses over, he had not made it quite clear where the compensation came in. Whether the State paid over the money or not was a matter of no consequence; what they wanted to know was how the sum was to be fixed. He knew cases where a washpool had cost something like £10,000, and a woolshed between £2,000 and £3,000, and perhaps the homestead the same sum; and he would like to know whether it was possible, supposing the part of the run containing those improvements were resumed, that they could be worth that amount to a man selecting 20,000 acres. They knew perfectly well that those improvements could not possibly be worth as much to the selector as they had been to the sheep-farmer with perhaps a thousand square miles of country to work. He would like to know from the Minister where the compensation would come in in a case of that sort. He would put another case: Supposing a man took up 20,000 acres inside a paddock, and went within a chain, or two chains, or ten chains of the fence all round, while perhaps there was not a single improvement in the whole paddock, was the outgoing tenant not to receive any value for the fence? Perhaps the Minister for Lands would explain that. It was a very important thing, because there was nothing in the Bill to prevent a selector taking up 20,000 acres where he liked in the resumed portion, and he might go inside a paddock and never touch a fence at all.

The HON. SIR T. MCILWRAITH said he had listened very patiently to the explanation given by the Premier. He had volunteered to let them see what part of the Bill provided for compensation being paid by the Crown, and he referred to clauses 100, 102, and 103, and said there was a necessary inference to be drawn from the two last clauses. He (Hon. Sir T. McIlwraith) could not see that any inference could be drawn from those clauses. If the intention of the Government was that they should pay compensation it ought to be definitely stated in the Bill; but when the hon. gentleman stated it was a necessary inference to be drawn from clauses 102 and 103, he forgot what he had said before. He had told them there was no means by which the Treasury could be forced to pay an award, either by the board or by the Supreme Court. Was it then possible that the Government could be responsible for the compensation that had to be paid, and which the hon. member said was inferred from clauses 102 and 103? The clauses certainly did not say so, and if there was an inference to be drawn it was an inference seen only by the hon. gentleman himself. If, however, it was to be drawn, then they

had better state it definitely in the Bill. He hoped the hon. gentleman, before he came to those clauses, would consider not only what he himself said, but what the Minister for Lands said, because that hon. member went a great deal further. He had said that the incoming tenant would not have to pay for the whole of the improvements; but that as only certain portions of them would be available to him, the tenant would pay for what was valuable to him and the State pay the balance. That was utterly inconsistent with what the Premier said.

The PREMIER: It is the same.

The HON. SIR T. McILWRAITH: The hon. gentleman said it was the same; but the Minister for Lands and he had been talking diametrically opposite to one another all night. The Minister for Lands got up and said something, and the Premier followed and tried to put him right. Then the Minister for Lands got himself into a mess, and the Premier rose and tried to cover his colleague's statements with legal technicalities. He repeated that no member of the Committee, except the Premier, could draw any inference from clauses 102 and 103. All the clauses under the 9th part of the Bill dealing with compensation in the resumed portions did not deal with runs at all, but simply with holdings under the Bill—that was, resumptions that might become advisable on holdings under the Bill. Clauses 98 and 99 dealt with such matters. Clause 100 seemed to be an exception; but when they got to clause 103 they got back to the old thing that contemplated simply a holding under the Act. He did not believe those clauses were meant to deal with such a thing as compensation on the resumed portions of runs, and they had had nothing from the Premier to let them understand that that was contemplated. As it was the hon. gentleman's speciality to put words into decent English, it was to be hoped that he would consider those clauses, and give them full weight before they came before the Committee. In their present shape they could never pass.

The PREMIER said the hon. member persisted in saying that certain words were not in the Bill; and he thought, because he said so, his hearers would believe that to be the fact. His (the Premier's) answer was, that they were there.

The HON. SIR T. McILWRAITH said what he said was that clause 103 could lead anyone to suppose that they were dealing with holdings. Anyone reading the Act could not help agreeing with him and could come to no other conclusion. He had said that clause 100 was an exception.

The PREMIER: The hon gentleman had merely repeated what he had already said. Would the hon. gentleman let him once more ask him to pay the Government the compliment of reading the clause. If he would read clause 103 he would see that it said:—

"The amount awarded to any pastoral tenant or lessee for compensation under the provisions of this Act shall not, except in the case of the resumption of an entire holding, be payable to him until he is actually deprived of the use of the land or of the improvements, in respect of which the compensation is awarded."

The term "pastoral tenant" meant nothing except holders of existing runs. What more was to be provided for in case of compensation, except to say that there should be compensation and fix the amount? The hon. member's asserting that it was not there only showed that he had not read the Bill carefully enough to discover it. At all events, if it was not clearly and plainly set forth, by all means let them make it more plain.

The HON. SIR T. McILWRAITH: That is what I say.

The PREMIER: In the meantime possibly the hon. gentleman would compare this Bill with other Bills dealing with compensation, when he would find it had always heretofore been considered perfectly clear, and that no provision was inserted compelling the Crown to pay in any other measures dealing with compensation. It was the duty of the Crown to do so. Those on that side, at all events, desired to pay their just debts, and it would be a very gross dereliction of duty if they were not to pay them. It was not the practice in any country that he was aware of to declare that Her Majesty or her representatives should perform their duties; and it was supposed that the Crown would pay its debts if they were just and right.

The HON. SIR T. McILWRAITH said the Premier advised him to study other Acts and see where similar clauses were put in before he criticised the clauses put before the Committee—Nos. 102 and 103. He had taken a lesson from the hon. the Premier, and that was to study the meaning of the clauses he proposed. They had seen a clause referring to the rights of pre-emptive purchase by the pastoral lessee; they had traced it to other Acts and found its meaning to be perfectly plain and clear, and yet they had seen it ignored by a narrow-minded and technical reading. He did not trust the hon. gentleman, and he would take care that he understood every clause of the Bill as it passed through the House.

Mr. CHUBB said when he read sections 102 and 103 he came to the conclusion that the Crown would pay the compensation, but he also came to the same conclusion as the hon. the leader of the Opposition had done—that the matter was left vague. Although the Premier said the Crown would pay the compensation, they would not pay it until they got it from the incoming tenant. It was quite clear that the selector would enter into occupation of the use of the improvements the moment he had paid the money, but the compensation would not be paid by the Treasury until it was received.

Mr. KATES said the hon. member for Bowen was mistaken as to the 47th clause. The words were "If there are upon any land selected under this part of the Act." The words "this part of the Act" referred only to agricultural farms.

The HON. J. M. MACROSSAN: It refers to grazing farms as well. The heading of the part is "Part IV.—Agricultural and Grazing Farms.'

Clause 17 put and passed.

Clause 18—"Dispute to be settled by board"—passed as printed.

The MINISTER FOR LANDS moved the following new clause to follow clause 18 of the Bill:—

Upon the application of any person aggrieved by a decision of the board the Governor in Council may remit the matter to the board for reconsideration.

The board shall thereupon appoint a day for rehearing the matter in open court, and shall proceed to a rehearing thereof accordingly.

The decision of the board on a rehearing shall be final.

The new clause was intended to meet those cases in which there might have been a hurried decision, or in which one side or the other might feel aggrieved, and the aspect of which might be altered by a rehearing.

Mr. DONALDSON said that before the new clause was put he had an amendment to propose. When he first saw the Bill he objected to it because finality seemed to him to rest with the board. His opinion was that it should rest with the Minister on an appeal by any aggrieved person. The new clause proposed by the Minister for Lands did not exactly meet his views, although it was a step in that direction. Before

proposing his amendment he would refer to the duties to be performed by the board; that could not be done better than by quoting from the able remarks made on that subject last night by the leader of the Opposition. That hon. gentleman said:—

"For instance, by clause 17 the board was asked to determine the rents and compensations. That was to be their principal work, and going on to clause 18 it would be found that they had to decide disputes as to the boundaries of holdings. By clause 19 all the commissioners' districts had to be appointed and marked out by the board, and then, by clause 22, immense powers were given them, by which they could reverse, vary, or confirm the decisions of the land commissioner. Clause 23 gave them power to subdivide runs, and clause 24 gave them a mixed power. By one part of the clause they had the power of entirely performing certain work, and by another part it was remitted to the Minister. By subsection 6 of clause 25 the board had a duty imposed upon them—namely, that if they did not conform to the decision recommended by them they had the power of varying it. Then, by subsection 3 of clause 25 they had to determine the rent, payable for the first five years of the term of the lease; and, by subsections 4 and 5, they had to determine the rent payable during the second and third terms, and the quality and fitness of the land for grazing purposes. By clause 26 power was given to the board to fix the annual rent; by clause 27 they had the power to make the lessee reduce the number of his stock; and the Minister had not the power of deciding, without the recommendation of the board, what were agricultural, and what pastoral, areas. That was a most dangerous power to put into the hands of any two men, who must necessarily be ignorant of the condition of the colony. But those areas must be determined at once, the object of the Government being to acquire a larger rent from the land. They must lease, either as pastoral or agricultural farms, the whole of the land within the red line, in a very short space of time—in far too short a time to enable any two men to come to a decision whether any particular portion of it should be agricultural or grazing. By clause 45 the board had the power to approve of the surveys made by the licensed surveyor, and by the next clause the board had to confirm the approval of the commissioner with regard to such surveys. In the next clause, again, they had the power to determine the value of improvements. Power was next given them to grant an extension of twelve months' time in cases where reason was shown to the board by selectors who had not been able to put up their fencing. By clause 53 the board were empowered to determine the rent of each period of five years after the first ten years, and subsection 8 of the same clause gave them power to recommend the Governor in Council to declare certain leases forfeited. Additional powers were given to the board in clauses 57, 58, and 65. By clause 67 they had the power to determine the rent to be reserved under the lease for the first ten years, and the price to be paid in purchasing the selection—which was certainly a most extraordinary power to give to a board. Under clause 69, it was only on the recommendation of the board that the Governor in Council could set aside certain lands as scrub lands. By clause 72, if the commissioner approved of a lease, it had to be confirmed by the board; and by the same clause it was provided that those scrub leases might be forfeited on the recommendation of the board. In occupation leases it was for the board to determine the area to be occupied and the rent per square mile; and it was on their recommendation that the Minister had to give notice to the licensees that the next year's rent would be increased. On those leases the board might reduce the number of stock to such an extent as they thought fit. When the question of compensation for resumption was considered the Government could only act on the recommendation of the board as to the quantity of land, or as to the amount of reduction of rent in consideration of partial resumption."

He thought it would be seen from that that very large duties were devolved on the board. It was a matter of surprise indeed that any two men would be found who would be able to perform those duties without committing any error. He did not go so far as to say they would act culpably, because in all probability they would have two men who were thoroughly honest, and in every way fitted for the position; but at the same time in many cases they would be entirely guided by the evidence, because they would have no knowledge of the circumstances on which they would have to decide. Therefore, there was every possibility that errors would creep in in their judgment. If such were the case that error would be a lasting one, because there would be no possibility to have their decision renewed except by remitting it back to them again. In such a case as that it was quite possible where a glaring error occurred they might after consideration reverse or vary the decision they had previously given. On the other hand, they might think they had acted correctly in giving the first decision, and therefore refuse to vary or reverse it, and for that reason he contended that it would place a very dangerous power in the hands of an irresponsible board. The objection he had to the board all through was that those men would be in an impregnable position. There was no power in the Bill whatever to allow that House to criticise or question a decision that might be given by those men. In other matters the House was chary indeed in handing over matters of that kind to such bodies. Arbitrators were bound down by certain rules, and so were judges and magistrates, subject to the ruling of the courts which were above them; and for that reason he thought the Committee before passing that measure should be very chary in parting with its privileges. If any person, according to the amendment that he intended to propose, felt aggrieved with the decision given by the board he should have the right of appealing to the Minister for his decision, and such decision should be final. He might also say that the case should be heard in open court, and he thought with that protection it would be perfectly safe to leave the Minister to deal with such matters. Because, first of all, there was not the slightest danger of any corrupt case or a case that would not stand the light of day ever being brought before the Minister for decision if he had the power to sit in open court, and that was one of the greatest provisions they had—the greatest provision—in having the case heard openly. It had been contended by the leader of the Opposition that the Minister for Lands, if put in such a position, would be in a false one—that whilst he might be quite capable of administering the affairs of office as Minister for Lands he would be thoroughly incompetent to act as judge; but with that opinion he certainly disagreed. He thought that any hon. member who aspired to the position, and might occupy the office of Minister for Lands, should certainly be able to take a common-sense view of any case that might be brought before him, and certainly give a just decision. If any Minister should be daring enough to give a decision not in accordance with the provisions of that Bill, the House would be able to criticise his action—in fact, go so far as to censure the Ministry of which he might be a member if he ever dared to strain the law in any direction not intended by the Bill. Therefore he was certainly of opinion that it would be the greatest safeguard that House would have to make the decision of the Minister final in all cases that might be remitted to him by any aggrieved parties. Taking the case of the law courts, if the magistrates gave decisions that were unfair and unjust, there were the higher courts above them. It made them very guarded in deciding a case when they knew their decision could be reviewed by powers higher than themselves, which was always a good check on their carefully reviewing a case before coming to a decision. He contended that the same rule would apply in the present case. It was quite possible that members of a board, who were in such a position as not to have their decisions reviewed or criticised, might actually grow careless about the decisions they gave, because their position was an impregnable one. But he contended that if they could be reviewed by an aggrieved party,

and an appeal made to the Minister for a final decision, it would make the board careful before giving a decision. He did not anticipate that any great number of cases would ever be sent from the board to the Minister, because, in the first place, he thought it would make the board more careful in giving a decision if that right were given to the parties who might come before them, and they would be more guarded in giving their decision than they would be if there was not that right of appeal. He should not, at the present time, take up the time of the Committee in making a long explanation of the clause, because he thought it was clear to all hon. members what his views were on the subject. It was quite possible, before the clause was passed or rejected, that he might have another opportunity of explaining matters which he had not made clear at present. He moved that the proposed new clause 19 be omitted, and that the proposed new clause 20 be amended as follows :—

Any person aggrieved by a decision of the board may appeal to the Minister from such decision.

If the members of the board certify to the Minister that they are unable to agree upon any question, the question shall be referred to the Minister for decision.

Every appeal from the board to the Minister, and every question referred by the board to the Minister the decision upon which ought to be pronounced by the board in open court, shall be heard and determined by the Minister sitting in open court at Brisbane with or without the assistance of the members of the board, and his decision shall be pronounced, with the reasons thereof, in open court.

The decision of the Minister shall be final.

For the purposes of hearing and determining any such appeal or question the Minister shall have and may exercise the same powers as are hereinbefore conferred upon the board.

The CHAIRMAN said he would point out to the hon. member that the new clause 19 was now before the Committee. The only mode in which the hon. gentleman could deal with it would be to negative the clause.

The PREMIER said he would suggest to the hon. gentleman that the amendment he had given notice of would be an amendment to the next clause really, and not to the one before the Committee. The scheme of the clause was that the Minister might refer back to the board for reconsideration. The hon. gentleman objected to that power, and the proper thing for him to do was to vote against the proposition. Whether the proposed clause 19 was carried or not it would still be open to the hon. gentleman to move his amendment. He did not know whether the hon. gentleman wished to oppose clause 19.

Mr. DONALDSON said that clause 19 met all his views, but his clause would take the place of clauses 19 and 20, if passed in the present form ; and it would be of no use at all if clause 19 were passed.

The HON. SIR T. MCILWRAITH said, surely the Premier did not intend to deny the hon. member for Warrego the courtesy that was always extended to hon. members! The Government should withdraw their amendment if it came before that of the hon. gentleman.

The PREMIER : It comes after it.

The HON. SIR T. MCILWRAITH said the Minister for Lands had proposed a clause, and the hon. member for Warrego had intimated that he had an amendment which ought to come before it. Whenever cases of that kind arose, it was the custom of the Minister to concede and allow the discussion to take place upon it. It would expedite the work of the Committee to do so, and it had always been done before. If they carried the clause of the Minister for Lands it would be useless to discuss the other.

The PREMIER said the hon. gentleman was wrong. It was not usual for a Minister in charge of a Bill to withdraw a clause. The Minister for Lands proposed that any person dissatisfied with a decision of the board might apply to have that decision referred back to the board for reconsideration. The hon. gentleman objected to that, and, if he could succeed in doing so, he should negative it. Whether it was carried or not, it did not prevent the hon. gentleman from bringing forward his amendments, which were amendments on the subsequent clause. The Government could not withdraw the clause to give the hon. gentleman the priority. If hon. gentlemen objected to the clause they could negative it, but they would not exclude the hon. member for Warrego from moving his amendments.

Mr. DONALDSON said that if clause 19 passed it would block his clause.

The PREMIER said the hon. gentleman could state to the Committee what his proposition was. The two clauses were not necessarily inconsistent. He could quite conceive hon. members thinking it would be desirable to allow that reference back to the board, and also to allow an appeal to the Minister, so they would vote for the 19th clause and also for the hon. gentleman's amendment, and leave it to the option of the person aggrieved to appeal to the Minister or apply for a reference back to the board.

Mr. CHUBB said he would point out that, according to to the new clause of the Minister for Lands, the decision of the board was to be final. The hon. member for Warrego did not wish it to be final.

The PREMIER : Then propose to omit that.

The HON. SIR T. MCILWRAITH said he would ask if the Minister for Lands intended to press an amendment upon his own amendment, and omit the words "The decision of the board on a rehearing shall be final"? He certainly understood the Premier to say so.

The PREMIER : I suggested that the hon. member should move the amendment.

Mr. CHUBB said that he would move that all the words after the word "accordingly" be omitted—namely, the words "the decision of the board on a rehearing shall be final."

Amendment put.

The MINISTER FOR LANDS said that the new clause proposed to be inserted by the hon. member for Warrego was harking back to the old position of things and leaving the decision of all those cases to the Minister, when the real purpose of the Bill was to remove that power. He could understand that when a man had a bad case his first move would be, when defeated by the board, to appeal to the Minister, and exercise all the outside pressure he could bring to bear to influence him. The whole scope of the Bill was to prevent the possibility of anything of that kind, and also to secure litigants against possible wrong from the board. That wrong was much more likely to be done by a Minister than by a board, judging from experience. He certainly could not agree to allow an amendment of that kind to supersede the real principle of the Bill.

The HON. SIR T. MCILWRAITH said he would have given some weight to the remarks of the Minister for Lands if he had stuck consistently to the principle that he laid down and said was the principle of the Bill—namely, to take away ministerial action and responsibility. If he had stood consistently by that principle, hon. members would have had some respect for the Minister for Lands ; but instead of that he had most grossly violated it himself the other night. When the case of the pre-emptives was before them, the amendment agreed to by the hon. member himself provided that application should be made to the Minister within six

months after he had put in his claim—not to the board, who he was so anxious should relieve the Minister from action and responsibility—but the applicant put in his claim to the Minister, and the Minister was to decide it :—

"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."

That was the Minister who was so anxious to refrain from taking action and responsibility, and yet he had accepted a greater responsibility than any other Minister for Lands had before him. Now, when they came to the question of improvements, he sheltered himself under what he called the principle of the Bill, and it was most illogical for him to suppose that he could do so after the responsibility he had accepted in respect to the pre-emptives. He did not believe there was a member of the Committee who did not think that there should be an appeal from the board to the Minister. They did not believe that all those powers should be given to the board, and they thought they should have some way of getting justice if they did not get it from the board. He did not agree with the amendments of the hon. member for the Warrego, because he did not believe in the Minister sitting in court. Most Ministers for Lands, and the present one especially, would cut but a sorry figure sitting in court. It would also tend to the Minister for Lands being chosen from the lawyers. They had enough of them in a House now, without so framing their Land Bill that they might have more of them in a Ministry. He would not support the hon. member for Warrego to that extent, but he would support him in going as far as he possibly could to prevent the decision of the board from being final. The Minister himself seemed to have acknowledged that there was a defect in the Bill in that respect, as proved by his amendment :—

"Upon the application of any person aggrieved by a decision of the board the Governor in Council may remit the matter to the board for reconsideration.

"The board shall thereupon appoint a day for rehearing the matter in open court, and shall proceed to a rehearing thereof accordingly."

That was a useful clause so far as it went, but it did not at all meet the objection brought forward by both sides of the Committee—it did not provide for any appeal from the board to the higher tribunal. It would serve to deal with a few cases—for instance, that mentioned by the Minister for Lands where fresh evidence arose. If a party aggrieved appealed to the Minister, he might give a different decision, but if the matter was referred to the board for rehearing, it was not likely they would arive at a different decision. He was not impugning the virtue of the men to be appointed on the board. He fancied they would make mistakes sometimes that would injure the interests of individuals coming before them; and why should there not be an appeal from those men as well as appeals from all the judges in the land. They could get a remedy from all of them, and why should they not be able to get a remedy from two men whose virtue was bounded by a salary of £1,000 a year, and perhaps the additional fact, that they came from New South Wales. They wanted some means of getting a decision outside those men, and the hon. member for Warrego tried to provide for that by his amendment. The amendment moved by the hon. member for Bowen, however, would show whether the Committee considered that there should be an appeal from the board to a higher tribunal. If the amendment of the hon. member for Warrego provided that the appeal should not be to the Minister but to the Governor in Council, it would be better, and it would take away the difficulty which the Minister for Lands complained of, of the Minister being pestered as he was at the present time. They had certainly given the men to compose that board a great deal too much power, and by the clauses before them they gave them a power which was not given to any tribunal in the colony, even of a much higher judicial status than the board would have.

The MINISTER FOR LANDS said the leader of the Opposition sometimes charged him with a desire to retain too much power, and at other times charged him with shirking all his responsibilities. There was no reason he saw why he should not deal with the pre-emptives, as there would be definite cases which the Minister would have to deal with, and he would follow a hard-and-fast line. There could be no objection to the Minister dealing with cases of that kind. It was where his judgment had to be given that he maintained the judgment of two men composing the board—men who had long experience in the matters they would be called upon to decide—was likely to be much better than that of the Minister, who might know very little about those matters. He could say for himself that he had had to learn a good deal. Again, the Minister for Lands was frequently changed. He had heard of two or three different Ministers for Lands in three or four years, and he did not think it desirable to take a case out of the hands of two experienced men, simply upon the requisition of some litigant or another, setting aside the influence which might possibly, and even probably, be brought to bear upon the Minister. He did not see what was to be gained by it. It would be a very rare occurrence to have an appeal made from a decision of the board, and he thought the occurrence would be so rare that it was not worth while to introduce a dangerous element of that kind into the Bill. If the board dealt fairly and honestly with the cases, and with their knowledge from the witnesses examined, he did not see how the Minister was going to set them right. So that he did not think anything was to be gained by referring the matter to the Minister.

Mr. DONALDSON said that the Minister for Lands had said that if the decisions of the board were fair and honest, there would be no necessity for an appeal to the Minister. But what guarantee had they that the decisions would be fair and honest? The board might desire to do what was right and fair, but were they not liable to error? Speaking of the commissioners, the hon. gentleman said that it was perfectly right that there should be power to remove their decisions to the board, because grevious errors might be committed by them. Might that not also be said of members of the board? There was just as great danger that errors would be committed by one as by the other; and that was the reason why he should like an appeal to the Minister. He had pointed out, in introducing the amendment, that if the members of the board knew that their decisions could be reviewed in a higher court they would be more careful in giving them. He was only providing for cases that might possibly arise under the Act. He had tried in his preliminary remarks to point out, that in consequence of the numerous decisions that the board would have to give, it was almost impossible that any two human beings could avoid making errors. Why should everybody, or any person, suffer through that when the cases could be

reviewed? An error might make all classes suffer. The rents would from time to time have to be adjusted by the board, and it was quite possible that they might take too harsh a a view of them and make them a great deal too high; therefore, he thought it was quite right that there should be the power of appeal to the Minister. The Minister for Lands said that if any person had a bad or weak case he would bring it before the Minister; but the fact that the case would be tried in open court would prevent anything of that kind being done. In some of the other colonies the recommendations were remitted from the board to the Minister. That did away with the necessity for having the right of appeal. Under the Victorian Land Act of 1869, the finding of the local boards was sent to the Minister if one or more of the parties were dissatisfied, and the Minister sat in open court and decided it. In New South Wales, Parliament had been very chary of parting with its privileges. If any Minister disturbed the verdict of the board, he would be very careful indeed in doing so. For those reasons he (Mr. Donaldson) should like to see the final decision resting with the Minister. He believed that the clause he had proposed could be moved after clause 19.

Mr. JORDAN said that the hon. member for Warrego stated that the board as well as the commissioners might make grievous mistakes, and that that was a good reason why there should be an appeal to the Minister. He (Mr. Jordan) thought the hon. member forgot that the main principle aimed at in the Bill was the removal of the determination of those questions out of the political sphere altogether. However honest a Minister for Lands might be he must have certain opinions, and they must certainly be in favour of those belonging to his party. He would also be liable to great pressure from his supporters. The attempt to remove all those questions from the political sphere would fail if the proposal of the hon. member for Warrego were carried. The amendment proposed by the hon. member for Mulgrave said that where parties were aggrieved, or considered themselves aggrieved, they would petition for a rehearing. The Minister would have to report that petition to the Governor in Council, who would determine whether or not there should be a rehearing. But the amendment moved by the Minister for Lands, provided distinctly for a rehearing where a party was aggrieved; he was to get a rehearing by the board.

Mr. CHUBB: That is only permissive.

Mr. JORDAN said they knew what the effect of it would be; and he thought that that fully met the case; it would secure to aggrieved persons that rehearing they wished to get.

Mr. NORTON said he doubted very much whether the rehearing which persons would get under the clause would be very much good. He did not see why there should be any particular objection to the amendment proposed by the hon. member for Warrego, because the Minister for Lands had admitted the principle which he now said was a principle of the Bill—namely, referring the matter to the Minister. The difference between the two proposals was that the hon. member for Warrego preferred at once to make an appeal to the Minister, and the Minister for Lands preferred to send the matter back to the board. He (Mr. Norton) thought that if the board were treated in that way they might resent the action of the Minister, and say, "We have already heard the case, and we are not going to make a change," while if there was any desire to make a change on the part of one member, there would then be a difference of opinion, and the matter would, after all, be referred to the Minister. The amendment proposed by the hon. member for Warrego might be opposed to the principle intended to be embodied in the Bill, but it was not opposed to the principle embodied in the new 20th clause submitted by the Minister. He thought himself that if a matter was settled by the board, and any person felt himself aggrieved, and appealed, the board would be sure to come to the same decision and the appeal would be quite a farce. What instance had they of an appeal of that kind?

The PREMIER: Under the Railway Act.

Mr. NORTON: The Railway Act has worked most unsatisfactorily.

The PREMIER: Not in that respect.

Mr. NORTON said that he knew it had worked in many respects most unsatisfactorily. In legal matters the appeal was always to a higher court; it was never made to the judge who tried the case. The same evidence would be heard and exactly the same decision would be arrived at.

The PREMIER said that, in his opinion, the scheme would work very differently. He thought that if a memorial were presented to the Minister pointing out that grave injustice had been sustained by an individual, or that more evidence was adducible, and the Minister referred the matter back for reconsideration by the board, the chances were that they would modify their decision, because they would see that sensible people regarded it as being *primâ facie* wrong. He would point out that there was already in the Bill provision for an appeal to the Minister on all questions except those of value—such as the amount of rent or of compensation—and he did not think a Minister would be as well fitted to determine questions of that sort as the board. As to questions of forfeiture and matters of that kind, the Minister dealt with the recommendation of the board, and if he did not choose to accept it, their decision went for nothing. He did not like the idea of giving the Minister a great power which there would be a temptation to use for political purposes. In a time of great political excitement—in a general election for example—it would be a very unpleasant position for the Minister to be placed in if by reducing the rents of a number of lessees, he could secure two or three seats for his Government. Anyone could understand how such a thing might happen. Several influential persons in a district would represent that their rents were too high, and that they would like them reduced to one-half. It would be perfectly well understood that the support of those persons at the election would very much depend upon the way the Minister decided their case. That would be a very dangerous position. Or perhaps an influential member of Parliament might bring pressure to bear. He did not like the idea of mixing up a judicial officer with politics in any way.

The HON. SIR T. MCILWRAITH said that was exactly what the Government had done in their amendment on clause 6.

The PREMIER: Not at all.

The HON. SIR T. MCILWRAITH said that the clause now standing as clause 6 of the Bill put on the Government one of those duties that essentially belonged to the board. All the duties it imposed on the Minister were judicial functions of exactly the kind that should not be exercised by the political head of the department. If there was anything in the Bill which should be taken out of the hands of the Minister, it was the duty of deciding what pastoral lessees, within the next six months should have their pre-emptives granted to them; yet that was the special duty which the Minister for Lands had selected for himself. The Minister shirked all other responsibilities, but as soon as he saw a chance

of performing a duty which would give him that political power he wanted to obtain, he seized it at once. The Minister thought no doubt that he would be a very big man under the Bill, but he would find his mistake before they were through with it. As they went along they would cut down his powers, and they would make him a much smaller man before they finished. The Government had themselves so grossly violated the principle they now laid down, that it was useless to try now and shelter themselves behind it. The Premier pointed out rightly enough how disagreeable a state of things might arise at an election time if the Minister had the power of fixing rents; but who brought such a disagreeable possibility forward but the present Ministry? Why had they not brought in a Bill which should define accurately the rents to be paid for runs, instead of appointing officers to fix them? There was power proposed to be given to the board, which it was most objectionable should be given to any two men; though no doubt it would be more objectionable to give it to the Minister. The Premier made a very great mistake if he expected to get rid of the political pressure by shielding the Minister behind the board. The Government had already offered the post to their New South Wales friends; and the board would be just as much a political power as the Minister for Lands himself.

The PREMIER said that the fact of their having agreed to the amended 6th clause was a very poor argument why there should be an appeal to the Minister from all decisions of the board. It was rather absurd for the hon. member to say that, because there was something he considered wrong in clause 6, therefore the other clauses should be altered in the same way. The hon. member should have moved an amendment to the clause if he objected to it.

The HON. SIR T. MCILWRAITH said that he moved one of the most reasonable amendments that had ever been moved in the House. He believed himself that half the members on the other side believed in it; none of them spoke against it. They were coerced by the Government, he believed; the word had gone round after a caucus meeting that there should be no speaking. After that amendment had been negatived he saw it was perfectly useless to bring in the other amendments, of which he had given notice; and so he allowed the clause to go.

Mr. JORDAN said he did not think members on the Government side of the House were open to the charge of not taking part in the debates and of leaving everything in the hands of the Ministers; though they certainly had not shown themselves so ready to waste time as the hon. members opposite. He thought there was a very broad distinction between the Minister determining the question who should be allowed to exercise pre-emptive right under the Act of 1869, and his assuming the functions now under discussion of settling the amounts of rents and of compensation in connection with the resumed halves of runs.

Mr. NORTON said he did not think it would be considered that Government supporters wasted much time. Such a lot of dummies never existed in any Parliament. If they wasted time it was through not opening their mouths, because, if they understood the Bill, perhaps not one quarter of the discussion would take place on the Opposition side. He hoped they did understand the measure, although he did not think they did. The Premier just now said he did not believe in judicial officers being mixed up with politics. Did the hon. member propose to do away with the Minister for Lands? Surely a Minister was a judicial officer.

The PREMIER: I do not think so.

Mr. NORTON said he did think so, and he did not see how responsible government could go on if it was not so. He could not imagine any circumstances under which a Minister could avoid being a judicial officer. His objection to the board was, that the responsibility was thrown upon it rather than upon the Minister, and in that way the Minister ceased to be a judicial officer, and the groundwork of responsible government was sapped. That was his objection to the clause, and he had never heard the opinion expressed before that a Minister was not a judicial officer.

Mr. PALMER said he had just listened to the Minister for Lands answering the member for Warrego, and he stated that he could not agree with the amendment for the reason that it was harking back to an old principle and going against the very principle of the Bill. So far good, but he found that in the very amendment introduced in the name of the Minister for Lands the same principle was contained as in the amendment introduced by the hon. member for Warrego. The amendments were almost word for word, except that one said there should be an appeal from the board to the Minister and the other said questions should be referred by the board to the Minister. There might be a difference from a lawyer's point of view, but he really thought they were one and the same. He could not see why, if the Minister for Lands introduced an amendment containing a certain principle, he should object to the same principle being proposed by the member for Warrego. He quite agreed with the member for Warrego when he said that the very fact of that appeal being in existence would go a great way towards making the board much more careful in coming to a decision. As to rehearing a case, he could not see what that was worth at all, because if the board arrived at a decision they would be very foolish to go back upon it. He would stick to his decision.

The PREMIER: You would not do for a member of the board.

Mr. PALMER said he quite agreed that the decision of the Minister should be a final one.

The HON. J. M. MACROSSAN said the hon. member for South Brisbane had expressed the opinion that the Opposition talked too much; but he (Hon. J. M. Macrossan) thought their talking had been at least for the benefit not only of the country, but for the other side of the Committee, because, in spite of the conspiracy of silence which had been entered into, the Bill had been improved a great deal by their talking. Let anyone look at the amendments brought in by the Minister for Lands, and then say if their talking had been of no use! They knew very well that there were many members on the other side who did not believe in the principle of the Bill right through, but still by some means they had been obliged to hold their tongues, with the one exception, and vote as they were bidden. That was a state of things which should not exist under parliamentary government, and certainly a state of things which had never existed in the House before. He had seen a Government sitting on the other side equally as strong as the present one, and the members on that side, not only on the Government benches, but on the back benches, spoke their minds freely and openly on every question. But what did they see now? There were only two men on the other side prepared to discuss the principles of the Bill. The Attorney-General, whose mouth could scarcely be closed up to within six months ago, now sat dumb, and never attempted to open his mouth unless provoked by

some sarcasm from the Opposition benches. There was the Minister for Works, who never used to tire of abusing the squatters, had now nothing to say about the Bill. He emptied himself out so completely on the second reading that not a single word was left inside him. Then there was the gentleman who occupied such a dignified position at the other end of the bench who had spoken once or twice too often for his own sake. Every other member on the Government side was the same. He hoped the Opposition would not be accused again of speaking too much. Perhaps it would be as well if they were to speak a little more and allow the Bill to pass more steadily. When they came to compare the way in which that Bill had gone through the House, with the way in which the New South Wales Act went through the Assembly down south, and the Irish Land Act through the House of Commons, hon. gentlemen might very well be gratified with the progress it had made, and instead of saying the Opposition talked too much, the hon. member for South Brisbane and his associates should thank them for getting the Bill into a little better shape than it previously was. As to the clause under discussion, the hon. member for South Brisbane had told them that an appeal was positively granted to the person who felt aggrieved. Yes, in the same way that the pre-emptive right was granted by the 54th section of the Act of 1869. The word "may" was used, and the clause was consequently permissive. If hon. gentlemen really meant to grant the privilege, they would insert the word "shall" instead of "may" in the 2nd line. He did not know whether they were in earnest or not, but the hon. member for South Brisbane had told them what the Government actually meant. He would test the feeling of the Committee by moving an amendment. There was another amendment at present before the Committee, but he would ask the hon. member for Bowen to withdraw it for the present, in order to allow his amendment to take its place.

Amendment of the hon. member for Bowen, by permission, withdrawn.

The Hon. J. M. MACROSSAN moved, as an amendment, that the word "may" in the new clause be omitted, with the view of inserting the word "shall."

Mr. JORDAN said he had not noticed the exact phraseology of the clause as far as the word "may" was concerned. He had spoken under the impression that the clause was imperative; and he fully agreed with the hon. member for Townsville that it should not be permissive, but imperative. In every case where persons felt themselves aggrieved there should be a rehearing of the case. It was important that the words "the decision of the board shall be final" should be retained, because without them the rehearing would be of no use unless the matter was determined by the Minister, which was not desirable. Cases would often arise where a rehearing was advisable, even where a palpable error had not been committed. Hon. members no doubt often awakened on a morning with the consciousness that they had made a mistake the previous night, and the same might be the case with the board, who would thus have a opportunity of amending their errors, if they had committed any. With regard to another remark of the hon. member for Townsville, he might say that he himself was always willing to sit silent to hear the hon. member for Townsville speak. He would much rather listen to that hon. member than speak himself, and no doubt the Committee were satisfied that he (Mr. Jordan) spoke sufficiently often.

The PREMIER said the hon. member for South Brisbane would evidently see that the amendment he was willing to accept would have the very opposite effect to what he desired. As the clause stood at present, if an application was made to the Minister, the applicant must show that there was ground for the rehearing of the case, and the Minister, acting on those grounds referred the case back to the board for reconsideration. That was an intimation to the board that, *primâ facie*, they had made a mistake and ought to reconsider the matter. If it was made imperative that the case should be referred back, it would mean nothing except that the person was dissatisfied, and would defeat the object aimed at. He might point out that it was entirely contrary to usage to say that the Governor in Council "shall" do anything, although such a direction might be given to the Minister.

Mr. NORTON said he was glad to hear the hon. member for South Brisbane honestly admit that he had made a mistake in his previous speech. Nothing more could be expected from any hon. member, and it was what they naturally expected from a member like the hon. member for South Brisbane. If hon. members on the Government side would sit silent, it must be presumed that they understood what was going on, and were prepared to accept the Bill as it stood. Two private members on the other side had spoken that night. One of them admitted that he had previously spoken on a misunderstanding of the new clause; and the other discovered in the middle of his speech that he did not understand what he was talking about, and suddenly collapsed and sat down. Were they to infer from those examples that all the other silent members were different from them? It was wonderful that the only two private members on the Government side who had spoken that night had made mistakes with regard to matters before the Committee, and it was quite possible that a good many more of them were under a wrong impression with regard to the meaning of different parts of the Bill.

Mr. GRIMES said experience had taught hon. members on his side to distinguish between *bonâ fide* discussion and "nagging" at a Minister; and the greater part of the speeches made that night by the Opposition had been simply "nagging" at the Minister. Had there been a single amendment, moved with the exception of the one by the hon. member for Warrego? When there was real discussion hon. members on this side were prepared to take their part in it, but they preferred to sit silent rather than give hon. members opposite matter to "nag" away at the Minister.

Mr. NORTON asked how many members of the Opposition had been "nagging" at the Minister that night? Did the hon. member really mean that all who had spoken on that side had been doing nothing else but "nagging" at the Minister?

Mr. GRIMES: I said most part of the speeches.

Mr. NORTON said the hon. member was egregiously mistaken. The greater part of the discussion had been on matters of very serious importance to the country, and it would have been still better if a greater number of points had been raised and discussed; but unless explanations were vouchsafed by the Ministry it was simply useless to go into them. They were matters of importance that the country should understand, but at the same time hon. members of the Opposition regretted there was no apparent interest taken in the Bill by hon. members on the other side of the Committee.

He hoped they did take an interest; and he thought if they were to speak occasionally—just occasionally—not to get up and lecture hon. members of the Opposition, but to show that they took an interest—then the Opposition would have good reason to suppose that they did take an interest in the Bill. He knew what his own belief was in regard to the matter, which he did not mind telling hon. members on the Ministerial side of the Committee. He believed that the hon. members on that side had been bound by caucus to hold their tongues.

An HONOURABLE MEMBER: You are mistaken there.

Mr. NORTON said he hoped he was not mistaken in that opinion, and he would just as soon think that as see those hon. members, night after night, refrain from spending a few minutes in discussing a question which, more than any other question, concerned every constituency in the country.

The Hon. J. M. MACROSSAN said that the hon. member for Oxley imagined, because they did not move amendments from the Opposition side, that they were not taking an intelligent interest in the matter. He (Hon. J. M. Macrossan) thought from the style of amendments that had been moved, they had come to the conclusion that to move an amendment was simply to make a farce; but what they wished to do was to discuss the Bill in an intelligent manner so as to get the Minister for Lands to think seriously over it, and then bring in amendments which that hon. gentleman had been doing, he might say, since the Bill was introduced. That was their object. They could not introduce an amendment with the object of carrying it. The voting power was on the Government side. It was like the Macedonian phalanx; they could not break through it. Hon. members on that side were determined to vote in whatever way served the Ministry, and the chief object of the Opposition was to get the Minister for Lands himself to understand not only the Bill, but what should be the principles of the Bill, and let them amend it. He was quite certain that the Minister for Lands would keep on bringing in amendments as long as the Bill was in Committee, and by that means the Opposition would get what they wanted. He was not at all surprised at the answer which was given by the Premier to his moving that the word "may" should be omitted with the view to insert the word "shall," because he did not think that the Premier was very serious in making it imperative, although the hon. member for South Brisbane thought he was so. He had not the slightest belief in the sincerity of their intention, and as to what the hon. gentleman (the Premier) said, that it would defeat the object which the hon. member for South Brisbane and himself had in view to get an intelligent rehearing of the case, he passed that by as nothing. If the case went up before the board for a second hearing the members of the board might think, as men often thought—and as the hon. member for South Brisbane thought—that they had made a mistake, and that that would be the case here he had no doubt. However, to test the Ministry and the Committee—as the hon. gentleman (the Premier) had said it was not in good form to use the imperative mood in reference to the Governor in Council—he would move that the words "Governor in Council" be omitted with a view to insert the words "the Minister may."

Original amendment withdrawn.

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

The Committee divided,

Mr. NORTON: Mr. Fraser,—Two hon. members have come in after you ordered the doors to be closed. I object to their votes.

Mr. FOOTE: It is too late now.

Mr. T. CAMPBELL: I wish to state that I was inside the House before the doors were closed.

The HON. SIR T. MCILWRAITH: When the doors were ordered to be closed the hon. member was not inside the bar.

The PREMIER said: The question has not been put from the chair, and you, sir, cannot count their votes until it is put.

Question put.

The HON. SIR T. MCILWRAITH said: I object to the votes of Mr. T. Campbell and Mr. J. Campbell. I saw both hon. gentlemen standing outside the bar, and when the doors were ordered to be closed they came in.

The PREMIER said: The Chairman must appoint tellers first. Those questions are discussed afterwards.

The HON. SIR T. MCILWRAITH said: They are not discussed afterwards, and I object to the votes of those two hon. members. This is the proper time to discuss the matter. They were outside the door when you ordered the doors to be closed.

Mr. ALAND: I think the statement of the leader of the Opposition is wrong when he says the hon. member for Aubigny was outside.

The HON. SIR T. MCILWRAITH: There may be a doubt about that, but there is not the slightest doubt about the hon. member for Cook.

Mr. ARCHER: I can say distinctly that the hon. member for Cook was not inside the door when it was ordered to be closed.

Mr. J. CAMPBELL: I was just passing through the door when the order was given; I believe I was just inside.

Mr. T. CAMPBELL: I certainly claim my right to vote. I passed inside just as the order was given to close the door. The bar was not down when I got inside.

The HON. SIR T. MCILWRAITH: We have had a confession from the hon. member for Cook that he was outside the door when the order was given.

The PREMIER: The hon. member says he was inside the door before the sergeant had time to obey the order.

Mr. NORTON: The sergeant is told to close the door after the sand has run out of the glass; by the time it has run out every hon. member should be in his seat.

The CHAIRMAN: The Standing Order reads as follows:—

"The doors shall be closed and locked as soon after the lapse of two minutes as Mr. Speaker or the Chairman of a Committee of the Whole House shall think it proper to direct, and no member shall enter or leave the House until after the division."

If the hon. gentleman was outside the bar, his vote will be disallowed; but he says he was inside. We must trust to his word of honour. So far as I am concerned I did not see him. If the hon. member is prepared to say upon his word of honour that he was inside before the bar was down——

The HON. SIR T. MCILWRAITH: He said he was outside. The bar is not down now.

The CHAIRMAN: The other bar is.

The HON. SIR T. MCILWRAITH: That is only a suggestion of the Premier.

The PREMIER said it was nothing of the kind. He claimed his right to speak, and hoped he should be allowed to do so without interrup-

tion. The rule was that an order was given to lock the door. That was not physically obeyed; but the Sergeant put down the bar, which was equivalent. Any hon. gentleman who was inside before that bar was down was entitled to vote. The hon. member for Cook having been asked, asserted that he was inside when the bar was put down, and therefore his vote should be allowed.

The HON. SIR T. McILWRAITH said the circumstances were not as stated by the Premier. There were three doors to the Chamber; one was put down by the Sergeant, the attendant put down another, but the third had never been closed at all. It was supposed to be closed; but it had never been since he had been in the House. The door was closed as soon as instructions had been given, and the hon. member for Cook was then outside.

The CHAIRMAN said, seeing that there was no door there, he would ask the hon. member for Cook whether he was inside or not when the order was given.

Mr. T. CAMPBELL said he thought he might put it in this way: Mr. James Campbell, the hon. member for Aubigny, and he were outside the bar standing for a considerable time and taking great interest in the debate, and as soon as the Chairman directed the Sergeant-at-arms to close the bar they passed inside. He could not say that at that moment he was inside, but he thought most members would say that the hon. member for Aubigny and himself were inside the House.

The CHAIRMAN: Was the hon. member outside when the bar was put down?

Mr. STEVENSON: The hon. member has said he was.

The HON. J. M. MACROSSAN: I think the member for Cook should be allowed to vote, having done so much.

The CHAIRMAN: Was the hon. member for Cook inside when I gave the order to close the bar?

Mr. STEVENSON: He said himself first that he was not, and he has since said he does not know whether he was or not.

The HON. SIR T. McILWRAITH: The hon. member has said himself that he was standing outside.

The CHAIRMAN: Then I must disallow his vote.

The PREMIER: Then I will move that the vote of the hon. member for Cook be allowed.

The CHAIRMAN: According to my decision, the numbers stand—Ayes, 19; Noes, 16; and the question is therefore resolved in the affirmative.

AYES, 19.

Messrs. Rutledge, Miles, Griffith, Dutton, Dickson, Sheridan, Foote, Aland, Groom, Smyth, Mellor, White, Isambert, J. Campbell, Buckland, Bailey, Midgley, Grimes, and Salkeld.

NOES, 16.

Messrs. Palmer, Lissner, Norton, Archer, McIlwraith, Donaldson, Govett, Stevenson, Lalor, McWhannell, Jordan, Moreton, Ferguson, Nelson, Macrossan, and Wallace.

Question, therefore, resolved in the affirmative.

Mr. STEVENSON: Is that exclusive of the hon. member for Cook?

The CHAIRMAN: Yes.

The PREMIER: The hon. member for Cook sitting with the "Ayes" and having stated that he was inside the House before the Sergeant closed the bar, I move that his vote be allowed.

The CHAIRMAN: The question is that the vote of the hon. member for Cook be allowed?

Mr. NORTON: I object to that motion being put without previous notice.

Question put.

Mr. NORTON: Is my objection good or not, Mr. Chairman?

Question put.

Mr. NORTON: I have raised a point of order. I think the question cannot be put without previous notice, and I expect you to decide that point.

The HON. SIR T. McILWRAITH said, in speaking to the point of order he would put it in another way. The Chairman had given his decision that the vote of the hon. member for Cook should be disallowed. The Premier's motion reversed that decision, and he held they should refer the decision to the Speaker. If the motion of the Premier were allowed to go, the majority could do anything they liked. They could bring in a man from outside the bar then, and move that his vote should be counted.

The CHAIRMAN: The question was "That the vote of the hon. member for Cook be allowed," since which it has been moved, by way of amendment, "That the matter be referred to the Speaker."

The PREMIER: There was no such amendment moved. A point of order simply has been raised.

The HON. SIR T. McILWRAITH: A point of order has been raised as to whether the Premier's motion can be put, and I think the motion to reverse the decision of the Chairman ought to be referred to the Speaker.

Mr. NORTON: I ask you, Mr. Fraser, to decide the point of order I have raised as to whether the Premier's motion can be put without notice.

The CHAIRMAN: My opinion is that the question can be put without notice.

Mr. STEVENSON: The hon. member is simply objecting to your decision, and it should be referred to the Speaker for his ruling. That has always been the rule in this House.

The HON. SIR T. McILWRAITH said that if they adopted that as a precedent it might be found to be a very bad precedent in the future. He would like to know the ruling of the Speaker upon the matter, and he would move that the Chairman's ruling be referred to the Speaker. The Chairman had decided that Mr. Campbell, the member for Cook, was outside the House when the bar was closed, and therefore disallowed his vote; and the Premier moved that his vote should be allowed. He had never heard of a precedent for such a motion as that, and the only case like it was when a majority of the House made a member for Logan, when the electors did not elect him.

The PREMIER said he had no objection to the matter being referred to the Speaker, and if that were done he would withdraw his motion.

Mr. NORTON said the case to be decided was this: The Chairman, on the evidence before him, came to the conclusion that Mr. Campbell, the member for Cook, was not inside the House when the bar was put down, and he therefore disallowed the vote. Having come to that decision, the Premier moved that Mr. Campbell's vote should be allowed; and he wished now to have the Speaker's ruling as to whether such a motion as that could be put.

The CHAIRMAN: The question as it stands at present is this: The Premier moved that my decision be disagreed to. The question raised by the Opposition side of the Committee is whether that question can be put without notice. I ruled

that it could, and, as I understand it, the question now to be submitted to the Speaker is whether my ruling was correct?

The PREMIER: Which ruling? I moved no such motion.

The HON. SIR T. McILWRAITH: The motion moved by the Premier was that Mr. Campbell's vote be allowed, and we asked your ruling as to whether such a motion could be put. You ruled that it could; I then moved that your decision be referred to the Speaker. It will be a good precedent as to whether such a motion can be put to the Committee.

The PREMIER: I have no objection to that question being referred to the Speaker.

The MINISTER FOR WORKS: Mr. Fraser, you have stated that you did not see the hon. member for Cook come in. The hon. member for Cook says he was inside the bar. You have given a most extraordinary ruling.

The PREMIER: Will you put the question, Mr. Fraser? As I understand it, you have ruled that the motion I made can be put, and it is now moved that that question be referred to the Speaker. Will you put the question and let us get on?

Question—That the question whether the motion of the Premier can be put, be referred to the Speaker—put and passed.

The House resumed.

Mr. FRASER said: Mr. Speaker,—When the House was in Committee, two hon. members were just entering when I called out to close the doors. The question arose whether one of those members had the right to vote. I decided that I would leave it to the hon. member to say whether he was inside when I ordered the door to be closed, and if not, then I would disallow his vote. The hon. member could not say positively that he was inside when the door was ordered to be shut, and consequently I disallowed his vote. The leader of the Government objected to my ruling, and moved that the vote be allowed. The hon. member for Port Curtis asked whether such a motion could be put without notice. I decided in the affirmative—that it could be put without notice—and the Committee resolved that the question be referred to you. The question submitted for your ruling, therefore, is whether the motion of the leader of the Opposition can be put without notice having been given.

The SPEAKER: Before I give my decision I should like to mention that from the statement of the Chairman of Committees there are two questions; first, as to allowing the hon. member for Cook's vote to be recorded——

Mr. STEVENSON: Disallowing.

The SPEAKER: And secondly as to the right of the Premier to put the motion which he moved.

Mr. FRASER: Disallowing the vote. Perhaps I had better repeat what I said. I did not see the hon. member for Cook and the hon. member for Aubigny coming in. I therefore referred it to the hon. member for Cook's own honour to say whether he was inside the bar before I gave the order for the door to be shut. The hon. member could not say positively that he was, and consequently I disallowed his vote. The hon. the leader of the Government then moved that the vote of the hon. member for Cook be allowed. Then the hon. member for Port Curtis raised the question whether that motion could be put without previous notice. My decision was that it could be put, and it is upon that question that your ruling is now asked.

The SPEAKER: In deciding the question I do not think I can do better than refer the House to what is the practice of the House of Commons. I think they will see that there is no difficulty whatever when I read what is laid down by May in his latest edition, page 397. The House will there see very clearly the course that was taken:—

"On the 5th July, 1855, the Chairman of the Committee, in the Tenants Improvements (Ireland) Bill, on reporting progress, stated that on a division in Committee, when the members were reported at the table by the tellers, his attention had been called to the fact that three members who had voted in the majority, were in the lobby beyond the folding doors, at the back of the Speaker's chair, when the question was put, and asked whether they were entitled to vote."

Those who are acquainted with the House of Commons will know that that is indentical with the doors which we have here.

"The Speaker ruled that to entitle a member to vote he must have been in the House, and within the folding doors, and must have heard the question put. After the glass has been turned, and before the question has been put, the officers of the House are bound to clear the lobbies of all members; any member not wishing to leave the House or to vote, is at liberty to retire to the rooms beyond the lobby. Mr. Speaker also stated, in reply to a question from the Chairman, that the vote of any member not present when the question is put may be challenged before the question is put or after the division is over."

So that it appears to me from the case stated by the Chairman of Committees that he was quite correct in disallowing the vote.

The PREMIER: That is not the question.

The SPEAKER: As to the second question, whether the motion of the hon. the leader of the House can be put, I rule it can be put. I do so on the authority of the latest decision of the House of Commons in relation to Mr. Bradlaugh. He recorded his vote on his own case, and one of the most extraordinary scenes that ever took place in the House of Commons was witnessed. It was proposed while the House was in division that Mr. Bradlaugh's vote should be disallowed. The question was put from the chair, and a division took place. Before the tellers had brought in the lists the House decided that Mr. Bradlaugh's vote should not be recorded. If it was competent for a member to move the motion that the vote of Mr. Bradlaugh be disallowed, it is quite in accordance with Parliamentary practice for the leader of this House to move that the vote of the hon. member for Cook be allowed.

Mr. NORTON: Was that in Committee, or in the whole House?

The SPEAKER: The Speaker was in the chair.

Mr. NORTON: In this case the House was in Committee.

The SPEAKER: The incident before the House at that time was when Mr. Bradlaugh came to the table, took a testament from his pocket, and swore himself, and threw the paper containing the oath to the Clerk at the table. Sir Stafford Northcote then proposed the resolution which he had proposed on several occasions—that Mr. Bradlaugh should not be allowed to take the oath in consequence of his religious professions. I take it that that ruling is one which bears on this case, and that, therefore, it is quite competent for the hon. the Premier to move the motion.

The HON. SIR T. McILWRAITH said: Before you leave the chair, Mr. Speaker, I wish to say a little about this decision, because it is evident that you have misapprehended the point, or, at all events have allowed an hon. member to express the opinion that the case upon which you have based your decision is in no respect analogous to the present one. In the House of

Commons, when Mr. Bradlaugh's vote was disallowed, it was on account of a previous decision of the House that he was actually not a member of the House. It was the duty of the Speaker, therefore, to take cognisance of the previous action of the House in giving his decision; but this is a perfectly different case. The Chairman has decided that a certain member's vote could not be counted as he was outside the House when the division was taken, and the Premier thereupon moved without notice that his vote be counted. Just look at the consequence! This hon. member was actually outside the House at the time, and it does not matter whether he was two inches outside the bar or two hundred miles. The Premier might just as well make a motion to take the vote of Mr. Hamilton, who is now in Melbourne. There is not the slightest analogy between this case and the case which has been brought forward, and I would draw attention to the fact that you are establishing a very dangerous precedent. Whenever we find members coming a little too late from the smoking-room—or we might even have occasion to send across to the club for them—we can bring them in to vote at any time if the custom with regard to the bar being down is no longer to be observed. The motion of the Premier to take the vote of a member outside the bar should not be entertained, except on the plea that the Chairman had given a wrong decision; and you have admitted that the Chairman gave a right decision. But you say that it is competent to alter that decision, and come to the conclusion on the spur of the moment that a member outside the House should have his vote counted.

The PREMIER said: Mr. Speaker,—The question must be determined on the spur of the moment before the numbers in the division can be taken. It must be determined there and then, and it can only be determined by the members engaged in the division. There is no other way of doing it. I remember a motion to disallow the vote of the hon. member for Mulgrave in this House. I moved immediately on his vote being counted that it be disallowed, and the motion was negatived.

The HON. SIR T. McILWRAITH: That was according to the Standing Orders.

The PREMIER: No; it was on the ground that the hon. member was interested in the question. In this case it is a dry question of fact. The hon. member opposite says I might just as well have proposed to count the vote of a member absent from the colony. Not at all. The facts as stated by the hon. member for Cook were these: that at the moment the order was given by the Chairman to lock the bar he was just outside the door at your right hand, and that before the Sergeant closed the bar he was inside the House.

The HON. SIR T. McILWRAITH: Nothing of the sort!

The PREMIER: That is what the hon. member for Cook said in answer to a question put by the Chairman. Now, I maintain that the time at which the door is to be considered locked is the time at which the Sergeant closes the bar, and not a previous time; otherwise, if the Sergeant happened to be at this end of the House at the time he was directed to close the bar, no one could walk through before he went and put it down, and that might occupy half-a-minute if he were old and infirm. It is absurd to say that the door is closed until it is closed. That was the ruling of the Chairman—that the door was closed before it was actually closed. The English rule is that a member must hear the question put in order that he may vote. Our practice is different. Here the question is put after the members are in the House, and after the door is locked; in England the question is put, and then the door is locked. Now, if the test were whether the hon. member was present, of course the hon. member was present, because he was here when the question was put from the chair, after the doors were locked. But the question is—and I believe it is a very nice question—whether it is the order to close the door, or the actual closing of it, which is to exclude a member. The Chairman's ruling was that it was the order, and not the obedience to it, which excluded the member.

The HON. SIR T. McILWRAITH said: If the hon. member had wished to get a decision on that point—whether the Chairman was right in disallowing the vote—why did he not move that the Chairman's decision be referred to you? It is absurd to raise that point now.

The PREMIER: You would not let me move it.

The HON. SIR T. McILWRAITH: Here is a pretty confession on the part——

The PREMIER: You would not let me withdraw the previous motion.

The HON. SIR T. McILWRAITH: Will the hon. member hold his tongue while I am speaking, and show the ordinary courtesy we expect from a Premier? The idea of his talking while I am speaking, and talking louder and faster to try and keep me down! The hon. member's position was as plain as possible. If he disagreed with the Chairman's ruling, he ought to have moved that the decision be referred to the Speaker. However, you have set that at rest, sir, by your decision on the point. The only point on which your decision is asked is this: The Chairman having decided that a certain member was outside the House when the doors were ordered to be closed, and his vote having been disallowed—was the hon. the Premier in order in moving that that vote be counted? You have decided that he was in order, and that it was competent for any hon. member to make a motion that another member should be entitled to vote although he was outside the House. I must say that I am astonished at the decision. It does not make the slightest difference whether the member was two inches outside or 200 miles; so that if, after more mature consideration, you persist in adhering to your decision, you have set a precedent by which a majority in this House may count the vote of any member outside the House.

Mr. NORTON said: As I raised the point of order I should like to say a few words upon the subject. When the Chairman gave his decision that the vote of the member for Cook could not be counted the Premier either got up or in his seat proposed that the vote be counted. I raised the point of order whether that motion could be put, and the Chairman ruled that it could. This is a matter which arose in committee, and the Chairman having given his decision it was competent for any member to object to it, but he must object to it in a certain way. It is provided for in the rules, that if a member objects to the ruling of the Chairman he may move that the matter be referred to the Speaker. That, sir, was not done; but instead of that another motion was put, which it was not competent, under the circumstances, to put before the Committee. I thought myself that it could not be put, and that the only question that could be proposed was to refer the matter to the Speaker. That is the ground on which I raised the objection, and that is the matter to be decided now.

Mr. STEVENSON said: This is a more serious matter than some hon. members seem to think. It was not so much what the Premier has said, but what the member for Cook has said. I consider that the Premier has wrongly repeated what the member for Cook stated. The hon. member for Cook said a certain thing, and the Chairman of Committees decided on that gentleman's statement that his vote should be disallowed. You, sir, decided in the same way. Now, it comes to this—that if the decision of the Chairman of Committees is not adhered to things will get into a pretty mess. A more important matter might have to be decided some day as to the fate of the Government, even—whether the Ministry should stay in or out—and one vote might turn the scale. It seems to me a most extraordinary thing that the Premier, after the Chairman and you, sir, have decided that the vote should be disallowed, should reverse that decision by the aid of the majority he has at his back.

The SPEAKER: I pay great deference to the expressed opinions of hon. members, but I take it that the rules of debate which guide members when the House is not in committee should also guide members when the House is in committee, and hon. members must remember that it is not competent for an hon. member to give notice of his intention to move a motion while the House is in committee. That can only be done at a stated time, and when the Speaker is in the chair. Notwithstanding the arguments which have been used, I am still of opinion that it was quite competent for the leader of the Government to move the motion which he did. It is entirely another matter for the Committee to decide whether they will assent to it; but on the broad principles of parliamentary practice I feel confident that I am correct in deciding that the Premier was justified by parliamentary precedent and practice in putting that motion to the House.

The HON. SIR T. MCILWRAITH: You give that decision, Mr. Speaker, admitting at the same time that the hon. member for Cook was outside the bar? You have already expressed your opinion that that was so.

The SPEAKER: What the hon. member says is quite true, that I was perfectly cognisant of that fact; but I feel sure that the ruling I have given is the correct one. I will add that in giving my decision I have adhered to the practice of previous Speakers in a firm resolve to protect and preserve the forms of the House, which are among the most precious rights it can possess. On that ground I should be exceedingly averse to giving any decision which would in any way subvert the forms of the House. I feel sure, however, after having referred again to the case of Mr. Bradlaugh, and to the other parliamentary precedents which I have studied, that I am correct in the decision I have now given.

The Committee resumed.

Question—That the vote of the hon. member for Cook be allowed—put, and the Committee divided:—

AYES, 13.

Messrs. Rutledge, Miles, Griffith, Dutton, Dickson, Sheridan, Higson, Isambert, Jordan, Grimes, White, Buckland, and Bailey.

NOES, 17.

Sir T. McIlwraith, Messrs. Norton, Archer, Aland, Stevenson, Macdonald-Paterson, Govett, McWhannell, T. Campbell, Midgley, Moreton, Palmer, Nelson, Smyth, Donaldson, Ferguson, and J. Campbell.

Question resolved in the negative.

Mr. DONALDSON said that at the request of the hon. member for Bowen, who had left the Chamber, he would move as an amendment that the words in the last line of the new clause, "The decision of the board on a rehearing shall be final," be omitted.

Mr. STEVENSON said the question raised by the amendment was too important to be discussed at that late hour of the evening.

The PREMIER said that if it was desired to discuss the amendment he was willing to adjourn.

On the motion of the MINISTER FOR LANDS, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again to-morrow.

PHARMACY BILL.

The SPEAKER announced that he had received a message from the Legislative Council, announcing that that Chamber had passed a Bill to establish a Board of Pharmacy in Queensland, and presented the same to the Legislative Assembly for its concurrence.

On the motion of Mr. BAILEY, the Bill was read a first time, and the second reading made an Order of the Day for to-morrow week.

ADJOURNMENT.

The PREMIER, in moving that the House do now adjourn, said he did not anticipate that private business would occupy more than an hour to-morrow, and he hoped that after it was disposed of they would be able to make some further progress with the Land Bill.

The HON. SIR T. MCILWRAITH asked the Premier if he proposed that the House should meet on Monday?

The PREMIER replied that he could not say until to-morrow; but in any case the Land Bill would not be taken on Monday.

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