Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 29 OCTOBER 1884

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LEGISLATIVE ASSEMBLY.

Wednesday, 29 *October*, 1884.

Petition.—Maryborough and Urangan Railway.—Formal Motion.—Annexation of New Guinea.—Polynesian Hospital, Maryborough.—Crown Lands Bill—committee.—Adjournment.

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

PETITION.

Mr. HORWITZ presented a petition from Horace Charles Ransome, of Warwick, with reference to a decision given in the Supreme Court on the 8th of August last, and praying relief; and moved that the petition be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. HORWITZ, the petition was received.

MARYBOROUGH AND URANGAN RAILWAY.

Mr. FOXTON, as Chairman, brought up the report of the Select Committee appointed to inquire into the Maryborough and Urangan Railway Bill, together with the minutes of evidence taken by the Committee; and moved that the papers be printed.

Question put and passed; and the second reading of the Bill made an Order of the Day for Friday next.

Mr. FOXTON said: Mr. Speaker,—It has been pointed out to me that my motion for the printing of the documents in connection with this Bill would include the plans, which are very large and somewhat numerous. I scarcely think it is necessary that the plans should be lithographed, and I would therefore suggest that the motion should only extend to the actual proceedings of the Committee. The plans are on the table of the House for the inspection of hon. members.

The SPEAKER: Is it the pleasure of the House that only the report, without the plans, should be printed?

The HON. SIR T. MCILWRAITH said: I should like to know who would be at the expense of printing all this? I think we should have some sort of explanation. In the case, for instance, of printing all these documents, including the plans, the Government would have borne the whole of the expense. Why should that be so? It is not done in the House of Commons, and it should not be done here. Of course I agree with the proposition that only the proceedings of the Committee should be printed; but I think also that all the expense connected with private Bills should be paid by the parties who get the concession from the country.

The PREMIER said: The matter is fixed by the Standing Orders. A sum of £25 has to be deposited in each case, and, taking the long Bills with the short, that is estimated to cover the expense.

The HON. SIR T. MCILWRAITH: That is a most unsatisfactory Standing Order. I think the Standing Orders should make those who bring private Bills before the House pay the whole expenses, including the fees of the Committee.

Mr. FOXTON: I may say, in explanation, that I think the printing in connection with this private Bill is not in excess of the average. Of course, with the plans it would be; but the proceedings are not of great length. I think we only examined three or four witnesses, and they did not take very long.

FORMAL MOTION.

The following motion was agreed to :—

By Mr. KELLETT—

That there be laid upon the table of the House, all correspondence between the Government and Mr. Milman, Police Magistrate of Cooktown, in connection with his recent voyage to New Guinea and adjacent islands.

ANNEXATION OF NEW GUINEA.

The HON. SIR T. McILWRAITH said: Mr. Speaker,—Yesterday I gave notice that I should move the adjournment of the House to-day for the purpose of considering a question which is, I think, of national importance. When we see Her Majesty's ships flying about in all directions, and all making towards one point—New Guinea—for by the newspapers we are informed that four—the "Nelson," the "Harrier," the "Raven," and the "Espiegle"—are all bound for that place, and that some are there already, I think it is time that the matter should not be left without discussion by this Parliament, in order that we may fully realise the position in which we stand at the present time with the Imperial Government in regard to it. We all know the steps that were taken before the Bill was introduced by the leader of the Government this year to provide £15,000 towards the expenses of the Imperial Government in annexing—or governing, rather—a part of New Guinea; and I think we ought to consider now whether we are in accord with the English Government—whether we are thoroughly alive to the fact that the Imperial Government are doing what we expected they would do—and whether we ourselves are getting value for our portion of the £15,000 on the grounds upon which we gave it. You will remember, Mr. Speaker, that the action of the English Government was commented upon, and justifiably so, by the colonial Press for their dilatoriness with regard to New Guinea. You will remember also, sir, that Lord Derby put conditions upon the taking of any action at all in regard to the matter which gave rise to the conjecture, or rather the suspicion, on the part of the colonists that he was not acting in good faith towards them; that all he wished to do was simply to postpone the question—to let it rest until time found a remedy for the difficulty in which the colonies had placed him. The whole subsequent action of the English Government has proved that that surmise was not incorrect. I believe myself that Lord Derby tried to shelve a disagreeable question. However, when the Queensland Government, along with the Governments of some of the other colonies, in the early part of last year, passed the resolutions that were agreed to at the Convention held in Sydney, the Government at home were awakened by the expression of public opinion in England to the necessity of doing something in the matter, and, as a consequence, they wrote the despatch of the 9th May, 1884. There is no doubt that this despatch was caused by the action of the various colonies subsequent to the Convention held in Sydney last year. There are several matters in it referred to by Lord Derby, and there is one part of it which, no doubt, led to the Government of this colony passing an Act called the New Guinea Pacific Jurisdiction Contribution Act of 1884. In this despatch Lord Derby says :—

"2. I had explained in my despatch of July 11, 1883, to the Administrator of the Government of Queensland, which was before the Convention, that in order to place Her Majesty's Government in a position to consider proposals for the protection or government of New Guinea or other places in the Western Pacific Ocean, it was desirable for the Australasian Colonies to combine together effectively and provide the cost of carrying out any policy which it might be decided to adopt, and that in the meantime Her Majesty's Government must continue to decline proposals for large annexations of territory adjacent to Australia, adding that if a reasonable annual sum were provided by the colonies Her Majesty's Government would be prepared to strengthen the naval force on the Australian station, and make the High Commissionership more effective.

"3. The Convention does not appear to have taken this part of my despatch into consideration, but it agreed that the Governments represented at it should recommend their respective Legislatures to make permanent provision, in proportion to population, on the cost of the policy advocated, namely :—

(1) To check, in whatever manner might be deemed wisest and most effectual, the further acquisition of dominion in the Pacific, south of the Equator, by any foreign power;

(2) To secure the incorporation with the British Empire of so much of New Guinea and the small islands adjacent thereto as is not claimed by the Government of the Netherlands; and

(3) To acquire, if possible, the control of the New Hebrides in the interests of Australia.

"The Legislature of Queensland has recorded its entire concurrence in those resolutions, but no colony has taken measures to provide the requisite funds, as suggested by the Convention.

"4. As therefore, in the absence of any joint action by the colonies, Her Majesty's Government are not in a position to deal with those questions of policy to which I have referred, and some further delay seems unavoidable, it may be desirable that your Government should consider with the Governments of the other Australasian colonies whether there may not be advantage in making provision for the intervening period in the manner suggested by me in paragraph 7 of my despatch of July 11th last to Sir A. H. Palmer."

Now this despatch, read in a cursory manner, would give one the hope that Lord Derby coincided with the views expressed by the Convention, and that if the colonies were agreeable to carry out those views, and at the same time subscribed to the extent indicated by him, he would proceed to do what was required by the Convention in their resolutions. But there is a direct reference made in the despatch to the fact that he demanded, or asked for, something *pro tem.*, before going into the larger questions considered by the Convention, because he says :—

"It may be desirable that your Government should consider, with the Governments of the other Australasian Colonies, whether there may not be advantage in making provision for the intervening period in the manner suggested by me in paragraph 7 of my despatch of July 11th last to Sir A. H. Palmer."

The clause referred to in that despatch is as follows :—

"In the meantime Her Majesty's Government are of opinion that they must continue to decline proposals for large annexations of territory adjacent to Australia, in the absence of sufficient proof of the necessity of such measures. In the case of New Guinea there is already in existence a jurisdiction which may be made to suffice for immediate exigencies. The powers of the High Commissioner for the Western Pacific extend to that island; and if the colony of Queensland, with or without assistance from other colonies, is prepared to provide a reasonable sum to meet the cost of placing one or more deputies of the High Commissioner on the coast, Her Majesty's Government will be willing to take steps for strengthening the naval force on the Australian station, so as to enable Her Majesty's ships to be more constantly present than hitherto in that part of the Pacific. A protectorate thus gradually established over the coast tribes would be capable of meeting the principal requirements of the case for some time to come, and would be free from the grave objections to which, as I have shown, the course now urged upon Her Majesty's Government is open."

It is quite clear from that that Lord Derby did not consider the annexation of a single part of New Guinea or any other island in the Pacific. What he did desire was that the Queensland and other Australian Governments should join in paying a part of the expenses of the British Navy in the Southern Pacific. To that a prompt answer was given by the then Government that they would subscribe nothing to such an object. I wish to draw attention especially to the misunderstanding that seems to exist between this Government and the Home Government. While, as I said, anyone reading Lord Derby's despatch in a cursory way would come to the conclusion

that he intended to act with the Australasian colonies in carrying out the resolution of the Convention, yet when we examine more closely into his language and go back to the despatch that he refers to, we find that he goes no further than to ask the Australasian colonies to join in the additional expense that would be incurred in appointing one or more commissioners, with the attendant naval expenses, in the South Seas. I am thoroughly satisfied that it was not the intention of the Legislature to agree to any such terms on the part of the English Government when this Act was passed. We only require to look at the Act itself to see the objects that were intended to be attained by it. The second paragraph of the preamble reads :—

"That having regard to the geographical position of the Island of New Guinea, the rapid extension of British trade and enterprise in Torres Straits, the certainty that the island will shortly be the resort of many adventurous subjects of Great Britain and other nations, and the absence or inadequacy of any existing laws for regulating their relations with the native tribes, this Convention, while fully recognising that the responsibility of extending the boundaries of the Empire belongs to the Imperial Government, is emphatically of opinion that such steps should be immediately taken as will most conveniently and effectively secure the incorporation with the British Empire of so much of New Guinea and the small islands adjacent thereto as is not claimed by the Government of the Netherlands."

It is quite clear that what was desired by our Legislature was to share with the Imperial Government the expense of a real annexation of territory in New Guinea. But there was not the slightest reference to that, nor was it intended that we should contribute anything whatever towards a protectorate on a part of the coast, such as has been established by the Imperial Government now. Looking also at the action of our present Premier, it is evident that he certainly understood that the Imperial Government were granting something consistent with the demands of the Convention. In fact, he took the despatch of 9th May to have been an agreement with the demands of the Convention, as expressed in the resolutions, and not to be merely a demand that the Queensland and other Governments should pay a portion of the expense of carrying out the proposal made in Despatch No. 37, of 11th July, 1883. In the papers presented to Parliament this session on the annexation of New Guinea, we find a letter signed "S. W. Griffith," written to the Premier of Victoria. In that letter Mr. Griffith writes :—

"Brisbane, June 26th, 1884.

"SIR,—The despatch from the Secretary of State for the Colonies with reference to New Guinea was received by me on Tuesday, and was considered in Cabinet yesterday, when I wired you as follows :—

"We have received and considered Lord Derby's despatch as to New Guinea. This Government will be prepared to submit to Parliament a permanent Appropriation Bill for defraying this colony's share of the £15,000 required. I have had the Bill prepared, and forward it by post. Will you ascertain the views of the other colonies as chairman of the committee?

"I think you will agree that the steps proposed to be taken by the Imperial Government will inevitably lead to the results desired by the Convention, even if they do not (as I think they do) involve the immediate annexation of New Guinea and the adjacent islands.

"I apprehend, therefore, that there should be no difficulty in any colony in passing a permanent Appropriation Bill for defraying a proportionate share of the expense. In order to save delay I have had a draft Bill prepared, of which I enclose ten copies. You will observe that its operation is not made contingent upon all the colonies contributing, but would commence as soon as two colonies agreed to contribute."

The remainder of the letter is unimportant, but the part of it to which I wish to direct the attention of the House is that which shows that Mr. Griffith considered that the despatch from Lord Derby, which I have just read, would inevitably lead to the results desired by the Convention, even if they did not, as he thought they would, involve the immediate annexation of New Guinea and the adjacent islands. This correspondence was before the House when the Act was passed last July, and it was with the impression that the English Government would really annex, or take steps equivalent to the annexation of New Guinea, that this Parliament granted its portion of the expense of £15,000. It is plain to me, from the despatch I have just read, and from the instructions which have been given by telegram by Lord Derby to the naval authorities here, that it is certainly not his intention to go any further in that direction, and that any other step he may take will have to be forced on him by public opinion, both in the colonies and in England. The first intimation we had of what was being done was by the following telegram which appeared in a local paper :—

"London, October 9.

"The Commodore of the Australian station has been instructed by the Imperial Government to proclaim a British protectorate over the southern shores of New Guinea and the islands immediately adjacent thereto, in accordance with Mr. Gladstone's answer to Sir Wm. McArthur in the House of Commons on the 11th August last."

Afterwards, the following additional telegram appeared in the same journal :—

"London, October 13.

"The British Press generally expresses approval of the action of the Government in establishing a protectorate over the southern shores of New Guinea."

There was another telegram dated London, 10th October :—

"Commodore Erskine, who is in command of the British squadron on the Australian station, was ordered to-day by telegraph to proceed to New Guinea, and on arrival there to proclaim a British protectorate over the southern coasts to the eastward of the 141st degree of longitude, and also to include under the protectorate the islands adjacent to the coast. It is further announced that the settlement of British subjects in New Guinea is prohibited for the present."

Anyone looking at the map of New Guinea will see at once how limited the protectorate of New Guinea becomes. Instead of the part taken by the Queensland Government—the whole of the country east of the 141st meridian—we are confined to the southern shores of the coast—no further than the East Cape; the eastern boundary of the island, and only the small and less important islands adjacent, have been included, while they have left out the important islands of New Britain and New Ireland. That is the only result of the action taken up to the present time in response to the action taken by Queensland and by the Governments of the other colonies. What I say is this: It is quite clear we have been acting on the good faith of the English Government, and on the belief of their going a great deal further than they have gone. They have not gone nearly as far as was anticipated by our Legislature. That is quite clear from the preamble of the Act I have read—the New Guinea and Pacific Jurisdiction Contribution Act of 1884. I say also it is quite plain from that Act that we become responsible for not one farthing of payment to the British Government for what they have done up to the present time. I believe myself that the Premier of the colony, Mr. Griffith, considered that the Government at home would go a great deal further than they have gone—that is to say, that they would annex, or at all events take the initiatory steps for the annexation of the portion referred to by the Convention in Sydney. Instead of that, they have gone not one step further than was suggested by Lord Derby in his despatch of about eighteen months ago. That is why I consider the question ought to have

been brought before the House before. I consider it is a very important question for us Australians; it is a very important question for us all to know how far the English Government are prepared to go with colonial sentiment. I am surprised that the Government did not bring on the question for discussion before, but I attribute their not having done so to this: They do not see in what respect we differ from the English Government in this matter. I believe they are under the impression that the English Government have actually conceded what was demanded by the Convention, or something equivalent to it. It is quite clear to me, from the intentions set forth in the despatches of Lord Derby, that Lord Derby has no present intention of going one bit further than he announced in his despatch, No. 37, of July, 1883. I consider that position one eminently unsatisfactory to the colonies—in fact, I think Lord Derby should have pointed out very clearly the difference between the English Government and the colonies, and that he did not intend to recede from the position he took up in July, 1883. We have dealt with the case on the assumption that the Imperial Government would go as far as the Convention desired. The preamble of the Contribution Act passed shows plainly that it is on the ground that the English Government have conceded so much that we have granted our portion of the £15,000 towards the expenses in New Guinea. There is another reason why the Government may have neglected to bring this matter before the House, a reason why it has not been brought more prominently before the country, and that is—not that the people of Queensland are at all indifferent to the position of matters between England and ourselves at the present time, but because the times have been of such a character as to make men think perhaps a great deal more of their own private affairs than they have been in the habit of doing as a rule. There have been bad times for all districts of the colony, bad from natural and other circumstances; and in addition to that reason there has been one prominent political question that seems to have eclipsed the question of New Guinea for the present time in the northern portion of Australia, where, otherwise, this question would have taken the greatest prominence—namely, the question of separation of the northern part of the colony. I do not desire to refer to that subject just now, but I only give those as two good reasons why the matter of the annexation of New Guinea has not been made more of a burning question than it is now. It is certainly not, as I have said, because the people of Australia take little interest in what Lord Derby is doing. I cannot conclude my speech without reflecting upon the results that have followed on Lord Derby's action, since the annexation of New Guinea by Queensland some time ago. There, as I have pointed out before, the action of Lord Derby was certainly to try and smother all action, to keep back all action, and do everything he possibly could to resist having entailed upon the English Government the necessity of annexing one single acre in the Southern Pacific. I believe, myself, that every action of his has been consistent with what I say now—that he tried all he could to keep the English people from being forced into the annexation of one single acre in the Southern Pacific. He has been forced by public opinion to go a certain length; but the people of England and the colonies scarcely realise what a very small way he has gone in compliance with our wishes, and they think he has gone a great deal further than he has actually gone. I bring the matter now before the House for that reason. The action of the English Government has put impediments in the way of the annexation of New Guinea which never existed when the matter was taken up eighteen months ago. When Lord Derby first had the question before him, all he had to do was simply to have got the compliance of the English Government with the action of Queensland, and there would not have been a dissentient voice from any country in Europe. I do not believe that Germany would have raised a single voice against it, and for two simple and natural reasons. First of all, no country had a better right to annex New Guinea than the Australian portion of the British Empire, and secondly, no other nation in the world would be able to make a better use of it. For these two reasons, I am satisfied that in the whole civilised world there would not have been a dissentient voice had Lord Derby then proposed to annex New Guinea. What has he done? With his dogged spirit he has prevented England from going on that path of prosperity held out by men who, perhaps, were a little too prosperous themselves. He has proclaimed that England shall not go in this path, and he has put impediments in the way of her doing so. He has acted in such a way, with respect to the other European nations, as to raise up impèdiments that never existed before. He has been actually the author of the Récidiviste question in France. If it had not been for the action taken by Lord Derby, I believe, myself, that a remonstrance to the French nation, stating in plain and common-sense terms the injustice it would have been to the Australian people if she landed her criminals, as she proposed to do, in any of the islands of the South Pacific—I believe a remonstrance of that kind to a civilised nation like France would have had the effect of their at once acknowledging the justice of it, and they would have deported their convicts to some place where they would not be a national evil to some other nation. Instead of that, Lord Derby's action has had the effect of mingling up the Récidiviste question with the annexation of New Guinea, when there is nothing whatever in those questions to cause them to be mixed. I am perfectly certain the good feeling of France would have at once decided upon the right course which a nation should take—not to hurt her neighbour. The action taken by Lord Derby has actually made them mix up a great moral question with a simple question of annexation. Now, sir, the Premier laughs at the argument, and I know perfectly well what he means. He will say, "What raised this difficulty but the greed of the Australian colonies which annexed New Guinea?" I know perfectly well what the hon. gentleman will say. But, as I have asked before, who should annex New Guinea? Who, in the interest of civilisation, is better entitled to annex that island than Australia? But Lord Derby by his action said, "You have no right to annex New Guinea; we English people have no right to annex it; any other people in Europe have as much right to annex it as you have, and more;" and he has now got several claimants for the island who did not exist before. I should like to know what is the cause of the present desire on the part of Germany for annexation, not only in the Pacific but all over the world? We hear of Germany acquiring territory in the south of Africa, we hear of her in the West of Africa, we hear of her in South America, we hear of her in the equatorial Pacific Islands, and we also hear of her movements a great deal nearer to ourselves. What is this caused by? Why, when Lord Derby announced to the world that the British Government took very little interest in the annexation of New Guinea, and said it was a no man's land, and that the German, French, and

other nations had as much right to it as we have, he was the means of bringing these difficulties in the way of annexation. It was that action also which forced him to take the very diminutive action he has taken in annexation at the present time. I see, by a cablegram from England dated the 24th of October, which was published in the papers the other day, that—

"The Earl of Derby, speaking in the House of Lords last night, said it would be better for the Imperial Government to risk the jealousy of foreign powers than to incur the resentment of the Australian colonies in dealing with New Guinea."

Now, sir, he has done more than incur the jealousy of foreign powers; he has incurred their resentment by the extraordinary action he has just taken, and he could have avoided that by annexing New Guinea before those jealousies were aroused; and he has also incurred, I believe, the resentment of the whole of the Australian colonies for his very limited action. When the colonies understand that all he has done is to annex, or establish a protectorate over, that portion of the island extending from the 141st meridian to East Cape on the east coast of New Guinea, and only the southern shore between those points—the expense of which, so far as the British Government is concerned, will not be a single bit more than the expense of Colonel Scratchley and his suite; and when we come to consider that this is all that is proposed to be done at the present time, and that it is all that Lord Derby intends to do, I am quite satisfied that the colonies will come to the conclusion that they were too hasty in voting the £15,000 towards the expenses of a protectorate. What is the meaning of this protectorate over New Guinea, nobody understands but Mr. Gladstone, if he does. The territory, according to present information, over which this protectorate is to extend, lies along the coast. It is length without breadth. The interior of the island is not dealt with in any way, and the action which is to be taken next week by the united Australian squadron will not annex a single acre of New Guinea. We want something more than that; we want the island to be a part of the Australasian federation; we want such steps to be taken as shall prevent any foreign nation interfering with New Guinea. And we ought to enter our protest against the British Government doing anything to excite the jealousy of foreign governments and lead them to interfere with what we regard as our own private affairs. I believe that the claims which have been set up by other nations in regard to New Guinea and other islands in the Pacific, which were mentioned at the Intercolonial Convention in Sydney, are perfectly untenable; and I am of opinion that they would have been recognised as perfectly untenable by all foreign countries eighteen months ago. I believe the jealousy now manifested has been aroused by the action of Lord Derby, and that what he has done has led to claims being advanced which at that time would not have been considered tenable, and which would not have been brought forward had his lordship at once annexed New Guinea. I think it is desirable that we should be unanimous in a matter of this sort. In discussing the question, I have not referred in an adverse spirit to any action that has been taken by the present Government. On the contrary, so far am I from doing that, that I think the action they took in bringing forward a Bill to provide that this colony should contribute its portion of the funds required to be guaranteed by the British Government, was judicious; and they would have been supported by me had I been in the colony when the measure was before the House. At the same time, I am of opinion that the British Government should have been most distinctly advised that the money was granted contingent on future action, and not on the meagre programme they have put before us in annexing the southern portion of New Guinea. Before I brought this subject before the House, I intimated my desire to the Premier to have the matter discussed; but the hon. gentleman thought that it should be discussed at a later time, when he had further information than he at present possesses. I hope this will not be the last time the matter will be discussed in this House. I hope the action of the British Government will be carefully watched by us. We have got our own interest to look after. We can see by the action of the British Government in connection with the annexation of New Guinea that they will look after theirs very carefully; and it is very questionable whether they consider our interests in the matter as much as they ought to do. I do not think there is one part of Her Majesty's dominions more loyal than Australia. I do not know any colony that has been more demonstratively loyal than Queensland and the other Australian colonies—especially Queensland. It is only within the last twelve months that I have seen it really considered whether the Australian colonies would be better off as a part of the British Empire or as a federated nation by themselves; and that inquiry has been raised very much by the action of the British Government in considering too much their own position without considering the position of the colonies. I think the remarks in Lord Derby's despatch to the effect that the British Government have been put to great expense in maintaining vessels of war in Australian waters are such as a statesman ought to be ashamed of. His lordship tells us that £150,000 a year has been spent by England on an Australian navy, and makes that a ground for asking the colonies to pay £15,000 per annum towards the cost of a protectorate in New Guinea. The Australian colonies are bound to have a navy to protect Imperial interests, and it is a piece of hypocrisy on the part of Lord Derby to ask us to believe that those vessels are kept here for our protection. We have often been warned to look out for our own protection—sometimes in the coarsest manner—and I believe we will have to do so when the pinch comes. But to be told now that the British Government annually spend £150,000 for our protection is too much. That money is expended for the protection of British commerce and British interests, and for surveying. Part of the expense of surveying along our coast has always been borne by us, sometimes to the extent of three-quarters of the whole cost. This statement of Lord Derby only shows to what little details the mother-country can go in matters relating to the interests of the colonies. I believe that she has always, in money matters especially, treated the colonies in the shabbiest style; and here, I believe, she is only repeating that treatment. I do not think it was a dignified request to ask the colonies to join in this subsidy, and I think it will prove to be a great deal less dignified if it should turn out after all that the colonies have been asked to subscribe under false pretences. I have proved conclusively that the colonies were under the delusion that they were subscribing for something material; and I am quite satisfied now, from the action Lord Derby has taken, and from an examination of his despatches, that he intends to do just as little now as he said he would do eighteen months ago. I need not add that I say this in no spirit of disloyalty. We, of course, study our own interests; and the more we study them, and the more England understands that we study them, the better off we shall be. She looks very materially after her interests, and it is time we

looked after ours; and if England's treatment of the colonies should make men actually consider whether we should not be better as a federated nation in the Southern Pacific than simply as an appanage of the British Empire—why, it will be her fault. And no doubt the present British Government would be only too glad to see us find suitable reasons for coming to the conclusion that the sooner we cut away from the British Empire the better. I cannot tell whether the Premier differs from me with regard to the views I have expressed or not; but I have expressed nothing hostile to the action taken by the present Queensland Government on the question. So far as I understand it—and I have read all that took place while I was away—I agree thoroughly with their action; but I condemn the action taken by the English Government, and I think that decided steps should be taken, as soon as possible, to let them understand that the action they have taken is not in conformity with the views of the Convention, as expressed in Sydney, in December last; that it is not in conformity with the national opinion here, and that we do not consider that we are getting any advantage whatever from the action taken by the British Government up to the present time. I move the adjournment of the House.

The PREMIER said: Mr. Speaker,—When the hon. gentleman asked me yesterday whether it would be convenient to discuss this question this afternoon, I said I did not think that any useful purpose would be served by discussing it now, with the meagre information we have at present on the subject; and I do not think anything has fallen from the hon. gentleman this afternoon to lead me to alter that opinion. The fact is that we really do not know exactly what the Imperial Government have done, or what they propose to do. The hon. gentleman says he does not know what "protectorate" means. Exactly so; but I presume that we shall know in the course of a short time exactly what the English Government propose to do. We have not been favoured with a copy of the instructions given to Commodore Erskine, so that we do not know even the nature of the proclamation to be issued by him; but we shall know shortly, when it may be that the strictures passed by the hon. gentleman on the British Government will fall flat. It may prove to be the case that, practically, all he desires to have done has been done; but upon that we have no information; and I do not see how we can usefully discuss the action of the Imperial Government when we really do not know the nature or extent of that action. Some of the hon. gentleman's strictures on the conduct of the Imperial Government were so obviously beyond the mark as to scarcely require pointing out. Surely he has not forgotten that the Imperial Government have to do more than look after the interests of a portion of Australia! They are charged with the responsibility of managing the affairs of the whole Empire. He seems to have forgotten that they are not the only power in the world, and that it is impossible now for any one power to do exactly as it likes without regard to others. The hon. gentleman may think it quite possible to do so; he may think England is so omnipotent that she can do as she likes in any part of the world—that there is nothing to prevent her from doing as was suggested the other day—appropriating all the unappropriated territory in the South Pacific. A proposition of that kind may commend itself to some persons as a reasonable and sensible proposition, and one in the interests of Australia; it does not, however, commend itself to me as reasonable or sensible, but as being an utterly absurd proposition, and one likely to cause difficulties, entanglements, and irritations, which will serve no useful purpose. We are bound, in considering the matter, to bear in mind that the Imperial Government are charged with the responsibility of managing the whole Empire, and not one part of it only. We may agree with or differ from them as to the manner in which they exercise their powers, but unless we know what they have done, unless we have some materials to assist us in coming to a correct conclusion, I think it unreasonable for us to come to the conclusion that they are wrong. Supposing we had all the materials before us—supposing we were aware of all the negotiations that may have taken place between Great Britain and foreign powers for the last three or four years on the subject of the South Pacific—for we know there have been negotiations on the subject, though we have no accurate knowledge of them—we should perhaps be in a better position to explain their action with regard to New Guinea. But we have not that information. The hon. gentleman seems also to have forgotten, with respect to another portion of the South Pacific, that there are arrangements between Great Britain and France concerning some of the islands which Victoria is anxious to annex—quite as anxious as Queensland is to annex New Guinea. The Imperial Government are bound to take notice of these things, and to give due weight to them. The hon. gentleman also referred to another matter; he said that nothing had been done with respect to New Ireland or New Britain. I did not know before that it was proposed to include them in the annexation of New Guinea, or that there was any connection between them. New Britain is a very large island, though not quite as large as the portion of New Guinea it is desired to annex, but not so very much smaller, and, so far as is known, it possesses a denser population; but I did not know before that it was desired to annex that island. It is certain that the Convention in Sydney emphatically declined to adopt any suggestion of the kind. I think the hon. member began the historical review of the question too late. It is now nine years since this House unanimously passed an address, praying Her Majesty to take certain steps with respect to New Guinea. The address was unanimously passed, on the 17th June, 1875, on the motion of Mr. Douglas. After the formal part, it goes on to say—

"We desire to express to your Majesty the satisfaction we have felt at the course pursued by your Majesty's Government in accepting the cession of the Fijian group of islands, and we would humbly express to your Majesty our opinion that, for the extension of British interests, for the protection of your Majesty's subjects now resident in or adjacent to New Guinea, and for the promotion of civilisation among the native population, it is desirable that the whole of that island and the adjacent islands, not at present occupied by any European power, should be taken possession of by your Majesty, and brought under the protection of your Majesty's Government"

That address was of course transmitted to Her Majesty, and about the same time similar addresses were adopted, I think, by other colonial legislatures; if not, similar wishes were expressed by the Governments of some of the other colonies; at any rate a similar address was passed by the Parliament of South Australia. The reply to that despatch was contained in a circular despatch, dated 13th January, 1876, signed by Lord Carnarvon, and enclosing a copy of a despatch of greater length, addressed to the Governor of New South Wales, which colony had initiated the movement. Lord Carnarvon's despatch to the Governor of this colony is as follows:—

"SIR,—I have the honour to transmit to you a copy of a despatch which I addressed last month to the Governor of New South Wales, being of opinion, as I stated in the first paragraph of that despatch, that I might most conveniently address to that colony, which had made the most extensive proposals with regard to further annexation

(whether in New Guinea or elsewhere in the Pacific), those observations which had been called for by despatches which I had received from other colonies on portions of the same subject.

"I need not of course add, that, whilst embodying my general reply in a despatch addressed to one single colony, I have given the fullest and most careful consideration to all the communications which have reached me on this matter from other Australian colonies, and I trust that the course which I have taken will not be thought inconvenient."

Then comes a despatch from Lord Carnarvon to Governor Sir Hercules Robinson, dated 8th December, 1875 :—

"SIR,—I have the honour to acknowledge the receipt of your despatch, No. 52, of the 3rd June, in which you transmitted a minute, signed by Mr. Robertson, on behalf of your Ministers, recommending that Her Majesty should be advised, with as little delay as possible, to take possession, not only of New Guinea, but of the islands of New Britain, New Ireland, and a large number of other islands extending to a long distance in the Pacific Ocean, east and north-east of New Guinea. I have also received addresses in favour of the annexation of New Guinea from the Legislatures of South Australia and Queensland, and I am informed that a similar representation will be addressed to me from Victoria: but as the minutes of your Ministers comprise a much more extensive proposal than has otherwise come before me, it may be convenient that I should address to you that general statement of the present views of Her Majesty's Government which it is convenient no longer to delay.

"2. The principal reasons which have been advanced for the extension of British sovereignty over New Guinea and other islands of the Pacific may be fairly summed up as follows:—

(1) That their possession would be of value to the Empire generally, and conduce specially to the peace and safety of Australia, the development of Australian trade, and the prevention of crime throughout the Pacific.

(2) That the establishment of a foreign power in the neighbourhood of Australia would be injurious to British and more particularly to Australian interests.

"3. But it is urged that although primarily of importance to Australia, it is as an Imperial question this annexation should be considered; and I am further led to understand that those colonies which would derive most advantage, whether in a political or in a commercial point of view, from this step, are of opinion that no part of its cost should be defrayed from colonial funds. I could wish that some facts had been stated, or some arguments adduced, to substantiate a view which will naturally be thought here to need proof. There is, I am satisfied, not only no disinclination, but a hearty willingness on the part of the people and Parliament of this country to accept, whether in expense or in political responsibilities, the common burdens of that empire of which they are justly proud; but it is simply impossible either for me to admit, or, if even I were to make the admission, to persuade the English people that the Australian colonies have no special interest in the annexation of New Guinea, and that the responsibility of the measure rests exclusively with the Imperial Government. While, therefore, I am ready to give the fullest consideration to any advantage, if such can be shown, which would accrue to the empire at large from the acquisition of the very great area of country now under consideration, I cannot at present conceive any ground other than that of its interest to Australia, on which such a proposal could be seriously entertained. The proposal is made, it must be remembered, in the absence of any English settlements, I might almost say, of any individuals of European race, on this unexplored continent, and in face of the fact that the information we at present possess respecting it is extremely discouraging. Such trade, however, as would be developed in New Guinea and the adjacent islands would principally benefit the Australian colonies, and it would not be easy to show that for such a purpose this country ought to incur a heavy expenditure unshared by any Australian colony."

The despatch then goes on to refer to the Pacific Islanders Protection Act of 1875, and to say that something might be done under that Act—

"to punish crime, to supervise the local trade, and it may perhaps be added, to learn by experience how far there are other places which it may be expedient or necessary to bring absolutely under British ruling."

Then the despatch proceeds :—

"As, therefore, provision has been made in the manner which I have explained, for the exercise of some authority over British subjects in the places under consideration, and the principal, if not the only ground on which the Imperial Government could be pressed to come to so hasty a decision as is now urged, in favour of extending the Queen's sovereignty in the Pacific, would be the imminent probability of the annexation of New Guinea by some foreign State. I should regret any such intention on the part of any foreign power, but I fail to perceive any present indication of it. The United States have continued to adhere to their traditional policy, of not acquiring dependencies remote from the continent of America; and the German Government has, I am informed, very lately intimated that it has no intention of acquiring colonies; and this intimation had special reference to New Guinea; and if, contrary to all present expectation, any other European power, should contemplate the acquisition of any of the Pacific Islands, it may be confidently supposed that it would not, without previous communication with this Government, assume jurisdiction over a place, the expediency of annexing which to the British Empire is well known to have been formally recommended, and to be under the consideration of Her Majesty's Government. To assume any other line of action would be to assume a course of conduct very little consistent with those friendly professions which Her Majesty's Government continually receive from other Governments and States.

"I request you, therefore, to inform your Ministers that while Her Majesty's Government will continue to examine, by the light of such information as they may be able to procure, the arguments for and against the extension of British sovereignty over New Guinea, or any other of the Pacific Islands, they are at present far from being satisfied that such a course is expedient, and see no reason for hastening a decision on so important a question."

Now, it must be borne in mind—although probably it has been forgotten by some gentlemen in this colony—in speaking of the views of the Colonial Office, that there has been a continuity of purpose running through all that has been done in regard to this matter by Great Britain. Nothing appears to have been done from 1876 until the so-called annexation of New Guinea, which took place last year. I am one of those who think that if, instead of taking that step, the colonies had united to repeat the request they urged in 1875 for some action to be taken in the matter, pointing out the changed circumstances of the colonies, that the Imperial Government would most likely—I infer that from previous expressions—have been disposed to yield to it, considering how much more important the colonies have become since 1876, with a much more numerous population. It cannot be forgotten that the responsibility—I am quoting the words in the resolution of the Convention—of extending the boundaries of the empire belongs to the Imperial Government alone, and that it has never been expected that any attempt to force their hands in a matter of such importance would be assented to. It appears to me that last year's action had rather the effect of frightening them, and also of frightening other nations; not in the sense of making them afraid of anything, but causing them to say, "If this sort of thing is going on in the Pacific, we had better look round and see what there is for us to take while there is a chance." Instead, therefore, of the refusal of Lord Derby to approve of the unauthorised attempt to annex New Guinea having involved any additional difficulty in the question of dealing with the récidivistes, it appears to me that it is just the other way. The Imperial Government are taking that course which it is usual to take in such a matter—acting on the ordinary principles of common sense which have hitherto governed their actions. If you want to deal with a powerful nation, you cannot do it by a bouncing manner, or using methods which for a long time had not been thought right. I believe that from the moment the question of the

récidivistes — I have every reason to believe this—was considered by the Imperial Government, they have worked in the interests of the Australian colonies as earnestly as any man in the colonies could desire. The negotiations have been conducted by Lord Granville—than whom there is certainly not a more experienced or competent diplomatist in Europe—and they have been conducted in the interests of the Australian colonies, and, I am satisfied, with the fullest desire to give effect to their request. If a difficulty has arisen, it is, I think, owing to the want of wisdom shown in the matter by some of the Australian colonies who seemed to think that nothing was being done by the Imperial Government. I have good reason to say that. I have shown what the opinions respecting New Guinea were at the time of the Convention. The resolution the Convention adopted, in language that was carefully chosen and carefully elaborated before being finally adopted, was this :—

"That having regard to the geographical position of the Island of New Guinea, the rapid extension of British trade and enterprise in Torres Straits, the certainty that the island will shortly be the resort of many adventurous subjects of Great Britain and other nations, and the absence or inadequacy of any existing laws for regulating their relations with the native tribes, this Convention, while fully recognising that the responsibility of extending the boundaries of the Empire belongs to the Imperial Government, is emphatically of opinion that such steps should be immediately taken as will most conveniently and effectively secure the incorporation with the British Empire of so much of New Guinea, and the small islands adjacent thereto, as is not claimed by the Government of the Netherlands."

But the Convention thought it desirable to leave to the Imperial Government the choice of the means that were most likely to attain that end—that is, to secure the incorporation of that part of New Guinea and the adjoining islands with the British Empire. Now, what is the most convenient way of doing that is a matter of opinion ; and, in forming an opinion upon it, it is necessary to take all the surrounding circumstances into consideration. I do not think we are in possession of all the surrounding circumstances at the present time, and, therefore, I cannot myself express an opinion as to whether the steps that have been taken are such as will most conveniently and effectually secure the incorporation of that territory with the British Empire. At the present time I do not see any reason to doubt the *bona fides* of the steps that have been taken, or that they will not secure the incorporation of New Guinea with the British Empire. It seems to me that unless there is something we know nothing about, the steps that have been taken must necessarily secure the object we desire to see accomplished. It is said that no information as to the boundaries has been given. I do not know anything about that more than the information of the boundaries of the territory over which Her Majesty's protectorate will extend, as given in Lord Augustus Loftus' despatch, to the following effect :—

"Her Majesty's Government have decided to assume the protectorate of the southern shores of New Guinea, from the Dutch boundary, longitude 141° E., to East Cape, with all adjacent islands south of East Cape to Kosmann Island inclusive. The British protectorate will extend along the southern shores and country, adjacent islands in the Goschen Straits, and as far as Kosmann. No person will be allowed to settle within the protectorate or acquire land there unless expressly authorised by the British Government officer."

Here, although it is not formally announced that New Guinea will be annexed, yet it is quite certain the Imperial Government are going to exercise authority over it, and exclude its occupation by other nations. That will most effectively and certainly secure the incorporation of those islands with the British Empire when it is desired to do so, and prevent their being incorporated with any other power. How far the protectorate will extend inland we do not know—that is information of which we have no possession ; but I see by the papers that only a few days ago Mr. Evelyn Ashley stated in the House of Commons that it was not possible to define the exact boundaries. Possibly the protectorate may reach across to the northern shores, but we know absolutely nothing on that point. Along a great part of the shore the mountains approach almost close to the northern shore, and the strip of land on the northern shore as far as I know is but little more than a narrow belt of country between the mountains and the sea. We know, however, little about it. It may be that this protectorate will extend across to the other side ; but at any rate what is left on the other side will be of very little use to any other nation. The hon. gentleman compared the expression used in Lord Augustus Loftus' despatch, of "the southern shores of New Guinea," to the language used in the New Guinea Protection Act, which uses the expression "Eastern shores." That Act was framed in such words as to fall within the promise given by Lord Derby in his despatch of the 9th May. The expression now used is "the southern shores," but really there may be no difference in the meaning. The shores over which we know Her Majesty is going to exercise protection are those parts of the shores, the possession of which alone is of importance to us. So that it seems to me that, if there is to be any play upon words of that kind, it would be far better that that part of New Guinea should belong to the British Empire, than what may be strictly called the "eastern shore." I do not think there is anything to complain of in what has been done, and what more can we say at the present time? The hon. gentleman says that Lord Derby shows a complete want of sympathy with the Australian colonies. Well, I decline to pronounce that judgment until I know more about it. I think it is only ordinary civility to decline to express an opinion, or rather to suspend our judgment, on the action of Lord Derby until we are in full possession of all the facts. I therefore decline to express any opinion of that sort. I have no reason at the present time to believe that the Imperial Government are acting in any other but a most friendly spirit towards the Australian colonies in their desire to incorporate New Guinea with the British Empire. They have taken steps to secure that object. Whether they are the most convenient steps is a matter upon which we are not in a position to decide. At the present stage of affairs I think we should rest a little. We shall have full information of what goes on ; and if it appears the steps taken are not sufficient, I am sure, if reasonable action is taken, the Imperial Government will be perfectly willing to work with us. In dealing with the Imperial Government, just as in dealing with foreign States, the aggressive mode of procedure is not the most likely to secure the attainment of the objects we have in view. There are certain recognised modes of dealing which it is desirable to follow, and I have no doubt that any remonstrances we make will be received and listened to if made in the ordinary way. At present it is not desirable to intimate that if we do not get what we want we will declare war or agitate for independence, nor is it desirable to approach the Imperial Government in a spirit of aggression. We are likely to obtain more by proceeding in the ordinary manner. We shall know more directly, and I shall reserve my judgment as to what the effect of what has been done will be until I know more precisely what it is that has been done.

The HON. J. M. MACROSSAN said : When I came into the House this afternoon, I had no intention o joining in the discusssion

on this subject, but I think, after the apologetic reply of the hon. gentleman on behalf of the English Government, and Lord Derby especially, it behoves the members of this House to consider whether they should not say more than they originally intended. I think if the hon. gentleman had held a brief in his hand on behalf of Lord Derby he could not have defended him better, and I am certain Lord Derby himself could not have conducted his own case so well. Now, the hon. gentleman has told us something about Lord Derby's action. He has told us we ought to act more gently with the Imperial Government, and proceed in a sort of apologetic way.

The PREMIER: Not at all.

The HON. J. M. MACROSSAN: I agree with the hon. gentleman in regard to what he has said in reference to the Récidiviste question. I believe he is perfectly correct in that. As far as France is concerned, we should approach her in a moderate spirit, but we should not approach the mother-country cap in hand. We have no claims upon France, but we have upon the mother-country, and the hon. gentleman must surely have forgotten when he advised us to deal so carefully and gently with Lord Derby—the ordinary diplomatic methods which would take fifty years to accomplish anything—he must have forgotten his action and the action of this House on the Chinese question. Were we not compelled to force the hand of the Imperial Government on that question? Is it not a fact that we did so, and that if we had not done so we should have been in the same position as regards the Chinese to-day that we were ten years ago? Now I say that we should do the same thing in regard to New Guinea—more especially with the present Government in power in England, which is so amenable to public opinion, which is so much the slave of public opinion—that we, in conjunction with the other colonies of Australia, should let them know exactly what we mean and tell them plainly that we are not getting for our money what we expected, and what we should have got, in the terms of Lord Derby's despatch, very cursorily read as stated by the hon. the leader of the Opposition. The hon. Premier has told us that Lord Derby has taken means to accomplish what the Convention asked. I should like the hon. gentleman to pay a little attention to what I say, and leave the *Telegraph* newspaper to a later part of the evening; and perhaps the hon. gentleman will show more courtesy and respect to the House by doing so. The hon. gentleman tells us that Lord Derby has taken the best means—so far as he knows, he not being acquainted with all the circumstances of the case—to accomplish what the Convention asked for. What did the Convention ask for? The Convention asked that the whole territory of New Guinea that was not claimed by the Dutch should be taken possession of by Great Britain. Lord Derby has taken possession of a part, and the hon. gentleman wants to persuade the House that the part is equal to the whole. Lord Derby has sent instructions, I believe, to take possession of it in a certain way—in a way that the hon. gentleman himself admits he does not understand. But even if he does take possession—even if he annexes as territory is annexed by any power in the world—even then he will only have taken possession of part of what the Convention asked for; and how the hon. gentleman can stand up and tell us that the best means have been taken by Lord Derby to accomplish the desires of the Convention, I do not understand. The hon. gentleman must certainly have forgotten the mathematical axiom that a part is not equal to the whole. Although it may be, as he says, that the northern shores of New Guinea are not quite so valuable as the southern shores, he admits also that he knows nothing about them. Neither do we. There may be portions of those shores quite as valuable as many portions of the southern shores, and quite as valuable to any power wishing to establish itself in the Pacific. Now, I quite agree with the hon. the leader of the Opposition when he says that if Lord Derby had annexed New Guinea at the time it was annexed by Queensland there would be no further question. I quite agree with that opinion; I believe myself that the dilatory action of Lord Derby has been the means of rousing a feeling of jealousy on the part of European powers; I firmly believe that, and I believe also that a great portion of the conduct of the Imperial Government at the present time is dictated by the uncomfortable position which it occupies in Europe in reference to the Egyptian question; I believe that also, and probably the hon. gentleman is right in one respect in saying we should not press the mother-country too much on the Récidiviste question; but I say we have every reason to blame Lord Derby for not taking the action he ought to have taken to give us what we have asked for. We have passed a Bill to pay a share of the sum of money which was asked by Lord Derby as a conditional precedent to taking possession of New Guinea.

The PREMIER: No.

The HON. J. M. MACROSSAN: That was the understanding in this House when that Bill was passed.

The HON. SIR T. MCILWRAITH: Look at the preamble.

The HON. J. M. MACROSSAN: That was the understanding when I gave my assent to it. That Bill passed the House without a single dissentient voice, and I believe that this House would have passed a Bill agreeing to pay the whole of the money—not even a part, but the whole of the money—for the purpose of obtaining what this colony wants, and what, I believe, it must ultimately get.

The HON. SIR T. MCILWRAITH: Read the first part of the preamble.

The HON. J. M. MACROSSAN: The hon. gentleman knows himself that what I am saying is quite correct—that the House believed that one of the conditions—the condition of the passing of that Bill—was that New Guinea should be put beyond the reach of any foreign power.

The HON. SIR T. MCILWRAITH: It is stated in the Bill—in the preamble.

The HON. J. M. MACROSSAN: Now, having done that, I really believe that Lord Derby has been obtaining money from the Australasian colonies to pay the expenses of keeping a squadron under false pretences. Certainly it is so. I think it will be much better for this House, and for this country, that instead of the Premier getting up in the apologetic way he has done, under the pretence that we do not know enough of what has been done, and acting as the apologist, and speaking as the apologist of the English Government here, he should ask the House to pass a resolution asking the Imperial Government to carry out the intention which this House believed it would have carried out when it passed that Bill. That would have been the course for the hon. gentleman to pursue. We know enough to satisfy us that we are not getting what we asked for; and I believe that the Imperial Government, if it was asked in a spirited way by the different colonies of Australia, would grant all we ask, and grant it very willingly too; because I think myself that expression which has been reported

through the cable to have been uttered—that it is better for England to incur the jealousy of a foreign power than to incur the resentment of the Australian colonies—is a perfectly true one. The Australian colonies are of far more importance to Great Britain than any of the European powers are, and although England may be in a very difficult position at the present time with the powers of Europe, I believe, nevertheless, that if the people are united she is powerful enough to come out of the difficulty, and to answer the Australian colonies as she ought to do. I shall say no more than this: that I would never have been an assenting party to passing the Bill for paying our portion of the £15,000 had I known what the action of Lord Derby would be, and that I protest against the action of Lord Derby in simply taking up a protectorate over the southern shores of New Guinea up to East Cape, when the whole of the territory unoccupied and unclaimed by the Dutch was what was asked for by the Convention, and what was supposed to be the condition of voting that money by this House.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker,—I have been considering in my mind, while the various speakers have been addressing the House, what is the practical outcome of the present debate, because the hon. gentleman who introduced it did not actually move a vote of censure, although the language he used implies certainly that there should be a vote of censure carried against Her Majesty's Government for the infirm manner in which they are now proceeding with the annexation of New Guinea. The reply of my hon. friend the Colonial Secretary has left little more to be said on the subject, because we must all admit that our knowledge is too imperfect now to admit us to enter fully into the question. I take it that Lord Derby has a better knowledge of the position of the mother-country in relation to the foreign powers than any of the gentlemen who occupy seats in this Chamber, and until the whole policy of the British Cabinet in connection with the New Guinea question, and their future dealings with the islands of the South Pacific, is laid before us, any debate can be very imperfect on a question of such magnitude. Surely we are not entering into this debate with a view of repudiating our liability as regards a portion of a paltry vote of £15,000 per annum, which seemed to be the gist of the speeches made by hon. members opposite! We have, in concert with the other colonies, agreed to provide our proportion of £15,000 to defray the expense connected with establishing British jurisdiction in New Guinea and in the Pacific. When we passed that Bill, the extent of the annexation or the form in which Great Britain intended to annex New Guinea, or to deal with the Pacific Islands, had never been laid distinctly before us. We trusted to the mother-country carrying out all matters of detail in connection with it; and surely we are not this evening to enter upon a discussion on the question merely with a view of relieving ourselves from the obligation which we, in concert with other Australian colonies, entered into. I infer from the remarks of hon. gentlemen opposite, that they regret having assented to the New Guinea and Pacific Island Jurisdiction Contribution Act—that they object to having given their votes in support of that measure. I think one hon. member actually went so far as to say that Lord Derby had asked for the money under false pretences. Well, considering the immense assistance that sum must render to the Imperial Exchequer, the question appears to me to lose its dignity. I think that this debate is premature; I think we have no right at the present time—nor have any of the Australian colonies, even if united—to place the mother-country in a predicament. Not only that I believe many of them have acted very injudiciously by their impetuous action within their own territories, but also I believe I am justified in saying, by the harassing importunity of the various Agents-General in London in connection with the Colonial Office. We know that the Imperial interests are to some extent, in connection with foreign politics, at present in a rather delicate position; but I have full confidence in the rulers of the mother-country that they will do all in their power to aid the colonies, and particularly the Australasian colonies; still they cannot be expected to allow themselves to be placed in a condition of embarrassment by the impetuosity or importunity of our *quasi* ambassadors in London, who, of course, are anxious to distinguish themselves in connection with this question of annexation. I believe that, had persistent pressure been kept upon the Imperial Government by the various Governments in these colonies since Mr. Douglas' memorial, that action might have been taken ere this. I think that one Government—that of which the hon. member for Mulgrave was the head—endeavoured to signalise itself by an act of annexation, in annexing New Guinea in such a manner as would make it a very memorable event in the history of Queensland; however, any prudent man would have considered it injudicious when it was not strictly constitutional or legal to annex a neighbouring island. It reminds me of what they used to talk of in Victoria some years ago when they were mooting a somewhat similar question in connection with the annexation of Tasmania. We in Queensland wanted to immortalise ourselves, and I fear that if the hon. member for Mulgrave were in power at the present time, and had our two gunboats been out, he would have sent them up to Torres Straits to enlarge the action of Commodore Erskine, and annex New Guinea to Queensland, even though in carrying out which there might have been a sanguinary engagement. I think the action of Lord Derby has been treated with a certain amount of levity by our entering upon a question of this magnitude, and attempting to censure the Secretary of State for the Colonies at the present time upon action with which, we all admit, we are imperfectly acquainted. To my mind, it is entirely exceeding our functions. In our action with regard to the Chinese question, we were then justified in forcing the hand of the Imperial Government for the purposes of local internal legislation. But this is entirely a different matter; we are endeavouring now to force the hand of the Imperial authorities with a view to expansion of territory and the extension of the Empire. I take it that we shall certainly require to occupy a more prominent position and have more weight amongst the people of the world before we can attempt to dictate, in the manner the hon. member for Mulgrave desires, to the mother-country. The present debate is one that may do good, but when we are in full possession of the particulars concerning the action of the home authorities we shall then be able to approach it in a much better spirit. In the meantime, the two main features which the hon. member for Mulgrave brought before us are these: that Lord Derby is to be censured for his timidity in dealing with the question, and secondly, that he is to be censured for having extorted from the colonies a vote of £15,000 under false pretences, as we have not received value for that money. I think the latter position is too paltry to be taken into consideration; and with regard to the former position, that Lord Derby is showing

timidity in dealing with the question, I believe that he is—although I only judge him from what we learn—guided by prudence in dealing with the question. My faith is this: that the interests of the mother-country will be much better preserved by the statesmen who conduct the affairs of the Empire than by the many illustrious statesmen who occupy seats in this Chamber.

The HON. SIR T. MCILWRAITH said: The Premier deprecated any discussion on this matter as premature, and, as an example that he has proved that it was premature, he intimated to us that it was quite possible that within the next few days—a week, I believe, he said—we might have, by the proclamation issued by Commodore Erskine in annexing New Guinea, a definition of what part of New Guinea has been annexed. I do not think we are likely to get much new information, from reading the account of the proceedings at New Guinea, in the course of the next few weeks. At all events it is not a reason why we should not go into the matter now; though it will be an additional reason why we should open it up again when we get the accounts of those proceedings. I believe myself that we know all the instructions Commodore Erskine has received, and we know sufficient to justify me in saying—what I have tried to impress on the House—that Lord Derby has annexed not one-fourth part of what he was asked to annex by the Convention in Sydney, and that he has annexed not one-half of what was expected when the Contribution Act was passed here in July of the present year. It is only this afternoon, I believe, that the Premier has been awakened to the fact that Lord Derby has never promised to do more, and that it has been a consistent design on his part all through to disappoint the colonies. I rejoice at this last telegram, which shows that Lord Derby has at last had his eyes opened to the fact that it would perhaps be better to risk the jealousy of foreign nations than incur the ill-will of the colonies. That England is incurring, and has incurred, a great deal of ill-will from the colonies, and that that ill-will has been perfectly justified, I do not think any member of the House will deny. I think myself that that ill-will is increasing, and I consider I am only acting the part of a loyal Australian in stating facts clearly. Of course I do not care a straw about the Colonial Treasurer's reverence for Lord Derby. Lord Derby is a mortal like ourselves, and I have as much right to talk about him as about you, Mr. Speaker. If he does anything that affects this colony, I am only doing my duty in this House in expressing my opinion of it. He occupies an exalted position, no doubt, but when he treads on my toes, or touches Queensland, I shall speak out. Ever since this question was brought before the country he has consistently maintained one position—that while he occupies the position of Secretary of State for the Colonies not one part of the Southern Hemisphere shall be annexed to Great Britain. This annexation—or rather protectorate—proposed to be proclaimed next week is simply a sham. There is no annexation in it; there is no acquisition of territory; and, above all, there is not what we principally demand — some guarantee to the Australian nation that foreign neighbours, and possibly inimical neighbours, shall not be planted on our shores. I acknowledge at once that, had Lord Derby annexed the whole of the island east of the 141st meridian, I do not believe he would have come up to the sentiment in Queensland and in the Australian colonies generally. I believe myself that, to have satisfied public opinion here and in Great Britain, he ought to have annexed the whole of New Guinea. From the investigations I have made since this question became a burning one here, I am convinced that the Dutch have no more right in New Guinea as against Australia than I personally have. We are the natural protectors of New Guinea, and we ought to resent the intrusion of the Dutch, who, after holding possession for something like fifty years, have not even a steamer trading there from their other possessions; have never put up a school or a church; and have never laid out £1,000 on the place since the annexation. If this be the fact, and I believe it is, we may safely ignore their claims and annex the island, because we are in a position to do much better with it than they are. I was sorry to hear the Colonial Treasurer complain of the harassing importunity of our Agents-General at home. I believe that if there is any body of men working for the interests of Australia, and deserving the thanks of the people of Australia, it is our Agents-General, with the exception, I am sorry to say, of the Agent-General of New South Wales. I am perfectly satisfied that, had it not been for the illness of Mr. Stuart, the action he took just previously would have been resented by a much stronger expression of public opinion than has been the case, throughout the whole of the Australian colonies. New South Wales, instead of taking the leading position, as she should have done, in these questions of federation and annexation, has lagged behind; for what motive it is very hard to say. The motives that actuate the public men in that colony have been anything but creditable. One cannot but admire the statesmanlike action of the Premier of Victoria, as compared with the paltry jealousy of the position he has got into in regard to this matter, exhibited by the people of New South Wales. So far from the Agents-General being censured by the Colonial Treasurer, they deserve the thanks of this House. I am not speaking of the present Agent-General for Queensland, because I do not know what he does — I am afraid he will be a laggard if he follows the dictates of the Treasurer—but at all events I am sure that the late Agent-General, Mr. Archer, did good work for this colony—good work that was recognised, not only by the Press of this colony, but also by the Press in England. His work, and the work of Mr. Murray Smith and the other Agents-General in London, have been a credit to the colonies; and I think that instead of their efforts being ridiculed or depreciated they ought to have our strongest expression of approval. Considering the intelligent way in which they placed our cause before Lord Derby, as we have seen by the reports of the interviews, it is little to the credit of Lord Derby that he has not shown more sympathy with our position in the colonies. The matter stands now as it stood eighteen months ago, when Queensland annexed New Guinea. The Premier says that in dealing with the historical aspect of this question I did not go far enough back. I went far enough back for my purpose, and I do not think he threw any more light on the matter by going back ten years, except, of course, in trying to prove that the Opposition side of the House had very little to do with the annexation of New Guinea. In bringing forward this question, I acted, not on personal, but on national grounds. Any sort of ridicule thrown on the matter by hon. members on the other side is indifferent to me. We are acting on principle, and acting for the good of the colony of Queensland. We know perfectly well that efforts were made by this colony and the other colonies, ten years ago, to get the annexation question settled, and we had got it down to the point that the English Government had consented to annex New Guinea on condition that the colonies provided the funds. It was at that point that the Government over which I presided

took up the matter. We telegraphed to the English Government that we would pay all the expense connected with the government of New Guinea, thereby removing the only difficulty which had existed. It was thought that no other obstacles would be raised, but obstacles have continued to be raised by the English Government ever since, and they are not done away with yet. My principal contention—and it has not at all been weakened by the Premier—is this: that the action which has been taken by the present Government in England, and especially by Lord Derby, whose hand we must recognise, has been to raise up difficulties in the way of annexation which did not exist when the Queensland Government took action about eighteen months ago.

Question put and negatived.

POLYNESIAN HOSPITAL, MARYBOROUGH.

The PREMIER said: Before passing to the Orders of the Day, I wish to make an explanation with respect to the Polynesian Hospital, Maryborough, to which attention was called yesterday. The facts are briefly these:—In December last year I received from the then Surgeon-Superintendent, Dr. Clarkson, a recommendation that an underground tank capable of holding 16,000 gallons should be supplied. On the same day, 13th December, I authorised the construction of the tank. Shortly afterwards, in February, it was reported that, instead of making an underground tank, a number of overground tanks had been supplied. Upon inquiry as to why this had been done without authority, I found that the overground tanks had been supplied for reasons satisfactory to the Surgeon-Superintendent, and, having great confidence in him, I took no further notice of it. The matter stood in that position until last month. I should have said before, that the construction of the underground tank was recommended in the alternative—either an underground tank, which it was said would cost about £70, or a pipe to connect with the Tinana waterworks, about a mile and a-half distant, which was estimated to cost about £180. I heard nothing more of the case until last month, when I received a letter from the chairman of the committee forwarding the following resolutions:—

"1. That the Government be requested to have the water laid on from the Tinana waterworks, the connection with the main pipe made with three-inch cast-iron pipes, with fire plug, near hospital. Estimated cost, £400.

"2. That the Government be requested to grant £100 to be spent in drainage to hospital."

No further information was given. There was nothing to show that the supply of water was insufficient, and I directed that no action should be taken. With regard to the drainage, I asked them to state what drainage was required. I cannot authorise the expenditure of £500 without knowing what it is to be expended for.

The HON. SIR T. McILWRAITH: Mr. Speaker,—I heard the letter referred to read by the hon. member for Balonne, but I did not hear the discussion that followed. I understood the gravamen of the charge made in the letter to be this: That the hospital for South Sea Islanders at Maryborough, which is supported by the money of the planters, is under the government of trustees mostly appointed by the Government; that they, months ago, asked the Colonial Secretary to take steps to have the hospital supplied with water from the Tinana works, and with a system of drainage. There are plenty of funds for the purpose, and the work ought to be done; but after waiting some time the committee got a direct refusal from the Colonial Secretary to grant the money. That is the gravamen of the charge, and there is nothing at all in the papers read by the hon. gentleman explaining it. To refuse to grant a supply of water to an institution of that kind is ridiculous.

The PREMIER: I have no reason to suppose it is insufficient. As far as I know there is an ample supply—from all the information that came to me.

The HON. SIR T. McILWRAITH: It must be a very curious state of affairs between the trustees of the hospital and the Government, when the Colonial Secretary does not know whether the institution is supplied with water or not, and things have at last got so hot that one committee-man actually resigned rather than stand the present state of things. Without water, how can the institution be healthy?

The PREMIER: I carefully confined myself as closely as possible to the statements contained in the papers before me. There has been no other information conveyed to the Government. There has been no information whatever supplied to the Government by the committee or anybody else since last February, and yet they ask that £400 be expended on water supply—without giving any information to the effect that the supply is short or anything else. As for saying that the money is supplied by the planters, that is scarcely accurate. I should say that the letter of the 23rd September was replied to on the 30th of the same month.

Mr. BLACK: Mr. Speaker——

The SPEAKER: There is no question before the House.

Mr. BLACK: I wish to move the adjournment of the House.

The SPEAKER: That motion, having just been negatived, cannot be put a second time.

The HON. SIR T. McILWRAITH: Other business has intervened by the Premier having read from certain papers.

The SPEAKER: That was merely a Ministerial statement.

CROWN LANDS BILL—COMMITTEE.

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

On clause 60, as follows:—

"There shall be kept in the Department of Public Lands a Register of Leases issued under this part of this Act, wherein shall be entered particulars of all leases, mortgages, and underleases, and such other particulars as may be prescribed by the Regulations"—

The MINISTER FOR LANDS said he proposed to withdraw the clause for the present, with the view of inserting it in a later part of the Bill.

Clause put and negatived.

On clause 61, as follows:—

"When any holding under this part of this Act is intended to be charged or made security for the payment of any sum of money, the lessee shall execute a memorandum of mortgage in the form in the fourth schedule hereto or to the like effect.

"Every memorandum of mortgage must be in duplicate, and one original must be registered in the Department of Public Lands; and in the case of several mortgages of the same holding they shall take effect according to priority of registration.

"A fee of five shillings shall be payable upon the registration of every such memorandum in respect of every holding comprised in or affected by it.

"A mortgage may be transferred on payment of the like fee for registration of the transfer."

Mr. KATES said he objected entirely to there being mortgage clauses in the Bill, because they would only serve as an additional encouragement to dummying. So far as the Bill had gone, the speculator would require a confidential man

to do the dummying part of it, but under the mortgage clauses any adventurer might be used for the purpose. A man might give a mortgage on a holding, and if the dummier turned out to be troublesome he would foreclose. The temptation of a loan might often induce people to borrow who would not otherwise think of doing so; and they would enter into foolish speculations and lose their money and their holdings as well. On the other hand, if a man could not borrow money on his holding he might put on an extra spurt, apply himself more assiduously to the difficult task before him, and ultimately come out successful. If a man was honest he could get money lent him on his stock; and people would have more confidence in a selector when they knew he was unable to mortgage his holding. He intended to oppose the mortgage clauses, although he did not expect to receive much assistance from hon. members opposite in doing so. The feeling of the country was against the mortgage clauses; but if they were inserted in the Bill he hoped the Minister for Lands would provide in a subsequent clause that, if a mortgagee intended to foreclose, a month's notice of his intention to do so should be advertised in the local papers. The clause now under consideration was only a fitting sequel to the other clauses that had been passed to encourage dummying. His opinion of the Bill, as far as it had gone, was that the most ultra-squatting Government would never have dared to bring in such a dummying measure. He hoped he might be mistaken, but past experience had convinced him that all the dummying that had hitherto been carried on in the colony would be as nothing compared with what would be carried on under the present Bill when it became law.

The PREMIER said he should like to know what the hon. member meant. Last night, when a clause was proposed to prevent dummying, the hon. member went outside the Chamber and abstained from voting; so that the Government could not congratulate itself on having received much assistance from him in trying to prevent dummying. Indeed, the amendment which the hon. member moved last week would certainly have had the effect of facilitating dummying. With respect to the clause before the Committee, surely it would be a great mistake to provide that a selector should not be allowed to raise money by mortgaging his holding. It might be most valuable property a man had, and if he was not allowed to mortgage it, what was he to do in the event of a bad season coming? Suppose that by the expenditure of a little money in draining a man could double the productiveness of his property, was he not to be allowed to do so? Must he get every farthing out of his land before he could put anything into it? Surely that was not the way to encourage settlement! They all knew that unlimited mortgaging would be an evil if the mortgagee were allowed to foreclose when and how he pleased; but that was carefully guarded against. Power to sell by private contract would be attended with some danger; therefore the Government intended that sales should be by public auction only, and that notice of such sales should be inserted in the *Government Gazette* and the local papers. If a man did succeed in putting a man on a selection as dummy, by means of a mortgage, he would not be able to get the land which he sold under his mortgage without paying its full market value. Provision to that effect would be inserted in a subsequent clause. The question was one that the Committee were bound to deal with; they must either say that a man must not raise money on his selection, or else they must prescribe the conditions under which it would be allowed. If nothing was said about the matter, it would be allowed on the ordinary principles of law. Suppose a selector wanted to mortgage his stock, what security would he have to offer if he had no grass to feed them on? On consideration, it would be seen that the question, although a difficult one, had been dealt with in a right manner—especially with the amendment which the Government intended to introduce.

Mr. GROOM said that, like the hon. member for Darling Downs, he was also requested to give his strong opposition to the clause, but he desired to say he could not see his way clear to comply with the wishes of those who asked him to do so.

The HON. SIR T. MCILWRAITH: Who are they?

Mr. GROOM said they were the people composing the public meeting to which the hon. member for Darling Downs had referred. They were a number of selectors who had met to consider the measure, and he might say the same resolutions had been sent to his hon. colleague, Mr. Aland. He had no doubt the intentions of those who sent the resolutions were good, and they could extend their sympathy to those persons who had asked them to oppose the clause, because they knew, from their immediate neighbourhood, what evils had resulted from the practice of dummying. But he did not anticipate that under those mortgage clauses any dummying could possibly be done. It stood to reason that if a selector wished to obtain money from a bank or from some person or from any monetary institution he could not obtain it unless he could give some substantial security, and stock could not be considered substantial security. He thought, so far from doing any harm, they would really be doing good by giving the selector power to mortgage; and they could leave it to the mortgagor and mortgagee to arrange the terms between themselves. He looked to the adjoining colonies, and he found the same principle as was embodied in the Bill was adopted there. He found that in the Victorian Bill there was a similar clause. Clause 52 of the Victorian Bill—he was speaking of the amending Bill, which had been passed by the Legislative Assembly there, and had been sent up to the Council—enabled the selector of an agricultural allotment, which was similar to the agricultural farm in this colony, to obtain an advance on the conditions set forth in the Bill. He had no doubt the experience of the members of the Legislature there had been brought to bear upon the necessity of a clause of that kind; and he believed it was absolutely necessary that a clause of that kind should be introduced here. There was mortgaging going on at present, and he might say that his colleague and himself knew of a case now of a large selector who, he believed, had 8,000 or 10,000 acres of land, and a gentleman advanced him money and took a mortgage on his stock. Well the whole of the stock was now dead, and there was nothing whatever to show upon what the money was advanced. That gentleman assisted the selector out of his difficulties by advancing him money on his stock, and now there was not a hoof of stock left. It therefore stood to reason that if a selector wished to obtain money from a bank or monetary institution he must be able to give some substantial security. He did not anticipate that there would be such great advantages under the Bill for dummying as there had been in times past. He hoped and he believed that a different class of people were now coming into the colony, and they should have *bonâ fide* selectors. He hoped that would be so, and if he thought for a moment that any inducement was offered to practise what the hon. member for

Darling Downs had shadowed forth he would aid him to in some way modify the clause. To his mind the clauses were absolutely necessary for the selector if he wanted to carry on his operations in anything like a successful way. There would be bad seasons when he might be overcome by circumstances, and when it would be absolutely necessary for him to obtain an advance, but unless he had favourable security to offer to the money-lender it would be impossible for him to get that advance, and he would be absolutely ruined if his hands and feet were so tied that he was not enabled to get an advance when he required it.

The HON. SIR T. MCILWRAITH said he thought the hon. member for Toowoomba was in error in saying that there was a similar clause in the Victorian Bill. There the lessee had a ease preparatory to the land becoming freehold.

Mr. GROOM: So it is with the agricultural farms here.

The HON. SIR T. MCILWRAITH said a man could buy land there under certain conditions; but leases there were simply a preliminary condition attendant upon buying the freehold; and then, what was provided for in the Victorian Bill was, that when a lessee reached a certain stage in his lease he might apply for an order for a grant of land, which being acknowledged by the Crown they came to a regular bargain. That was a different thing altogether to what was provided here. There was nothing of that sort in the mortgage clauses of the Bill at all. He did not think the member for Darling Downs need be frightened. He knew quite well that there was no present monetary institution existing in Queensland that would lend money on the security given here. The class of men who would lend money on the leases to arise under the Bill would be a new institution altogether. He was perfectly satisfied they did not exist at present.

Clause put and passed.

On clause 62, as follows:—

"A memorandum of mortgage shall have effect only as a security for the sum of money intended to be secured by it, and shall not take effect as an assignment of the lease."

Mr. MIDGLEY said he would like to suggest that perhaps it would be desirable to insist upon there being some improvements made upon the land before it was mortgaged.

The HON. SIR T. MCILWRAITH: The mortgagee will look out for that.

The PREMIER: The lease is not issued until the improvements are made.

Mr. MIDGLEY: But he can mortgage in the meantime.

The PREMIER: No, he cannot.

Clause passed as printed.

On clause 63, as follows:—

"If default is made in the payment of the money secured by memorandum of mortgage according to the tenor thereof, or upon the happening of any event which according to the terms of the memorandum entitles the mortgagee so to do, the mortgagee may—

(1) Enter upon and take and retain possession of the holding for any period not exceeding six months;

(2) Sell the holding by public auction or private contract:

Provided that the purchaser must be a person who is not disqualified to be the lessee of the land under the provisions of this Act."

The MINISTER FOR LANDS moved that the clause be amended by omitting the words "or private contract" in the 2nd subsection, and inserting the words "after not less than thirty days' notice of the intended sale published in the *Gazette* and a local newspaper": and said the object of the amendment was to give greater publicity to the transaction.

The HON. SIR T. MCILWRAITH said that before that amendment was put, there was another point to be considered. By the amendment the right of selling by private contract was to be done away with, and the only mode the mortgagee would have of disposing of his right would be by public auction, and thirty days' notice of the sale would have to be given. That would materially affect the provision in the previous part of the clause respecting the number of months the mortgagee might retain possession of the holding. If the proposed change was made the period should be extended beyond six months. When a mortgagee foreclosed there was a considerable amount of time lost in taking possession, and then he had to give thirty days' notice; and it was quite possible that the sale might be destroyed through the purchaser not being a person qualified under the Bill to hold the land. Then thirty days would have to be given again. It would therefore be wise to extend the time during which the mortgagee might retain possession.

The PREMIER said he thought the time should be extended. Perhaps it would be desirable to give the board power to grant an extension when necessary.

The MINISTER FOR LANDS said that if the time were extended from six to twelve months it would meet every difficulty pointed out by the hon. member for Mulgrave. He begged to temporarily withdraw the amendment before the Committee in order to amend the clause by extending the time.

Amendment, by leave, withdrawn.

On the motion of the MINISTER FOR LANDS, the clause was amended by the substitution of the word "twelve" for the word "six."

The MINISTER FOR LANDS again moved the amendment that had just been withdrawn.

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

Mr. BLACK said the clause was liable to do a great deal of injury to the mortgagor, because the price bid at auction might not come up to the amount of the mortgage, and because the choice of purchasers was extremely limited. So many conditions were imposed that a mortgagee was not allowed to take the best offer—he could not take advantage of a man in the same district, whose previous success would justify him in making a more liberal bid than anyone else. Hardship was very likely to occur where, owing to bad seasons or other causes, the mortgagor was unable to redeem the mortgage. If the sale were compulsory, as stated in the clause, and the amount bid at auction were considerably below the amount of the mortgage, some opportunity should be given to postpone the sale. He thought the clause, as it was worded, would defeat its own object. It seemed as if the Minister for Lands was afraid that someone was going to dummy; but there was nothing to prevent a mortgagee from buying in the land himself in the name of someone else. If the clause should be worked in an honest way, as the hon. gentleman intended, it would do a great deal of harm.

Mr. FOOTE said the clause would do injury not only to the mortgagor, but also to the mortgagee; because, the words "private contract" being struck out, they were compelled to sell at public auction whether it suited them or not. He thought they should have the privilege of selling by private contract.

The MINISTER FOR WORKS: Dummying would come in there.

Mr. FOOTE said that no dummying would come in there. The hon. gentleman made a mistake if he thought that he (Mr. Foote) had dummying on the brain, like the hon. member for Darling Downs. He was not afflicted with that malady in the slightest degree. The clause was not fair either to the money-lender or to the borrower, because it would prevent both from going into the best market. The words "private contract" should be retained.

Mr. ARCHER said the effect would be that the holder of a grazing lease would not be able to get money at a reasonable rate. No bank would lend him money under the provisions of the Bill: and instead of getting his money at 8, 9, or 10 per cent. he would have to borrow at 20 per cent. from the money-lender, who would take care to squeeze all he could out of the mortgagor.

The MINISTER FOR LANDS said the effect, to his mind, would be that the money-lender would take care that he did not lend more money on a lease than it was worth in the market, taking the season and other things into consideration. It would not have an injurious effect, but would make the money-lender cautious, knowing that he would be required to sell in the open market at such a price as could be obtained. He would limit his advances in proportion to the risk he incurred by doing that. The great object was to prevent a man holding a larger area of land than the Act allowed, either as a money-lender or if obtained in any other way He did not think the clause would operate injuriously to the *bonâ fide* occupant of land, if he confined his operations within safe limits.

Mr. JORDAN said it seemed a little hard that the mortgagee should be compelled to sell within six or even twelve months. He might not be able to find a market, and in that case he (Mr. Jordan) presumed the property would be forfeited to the Crown. He would suggest that a proviso be added to the clause, giving the board power to extend the time at their discretion. He did not think any danger would result from such an arrangement.

Mr. MIDGLEY said, if those restrictions were not retained in some shape, the danger anticipated by the hon. member for Darling Downs would very likely be realised. The Government had to avoid two extremes. On the one hand they had to leave the Bill in such a state that a man who lent money should not become the holder of an indefinite number of grazing holdings; and on the other hand they had to avoid the danger of unduly necessitating a money-lender realising on his security. The amendment altering the time from six to twelve months would, he thought, leave the mortgagor reasonable time to look about him and take the best steps he could for his own protection; and he should be glad to see the clause retained with that amendment.

Mr. KATES said he thought the amendment doing away with sale by private contract was a good one. A private sale might be a great hardship and injustice to the owner. A higher price would be obtained by public auction, whereas, if the sale was a private one, the property might be sold at considerably less than the market price.

The MINISTER FOR WORKS said that hon. members talked a good deal about dummying, but if the amendment was not passed it would allow a money-lender to put a dummy on the land, take a mortgage over it, and then, when he liked, foreclose and take the property. By making the sale by auction he would have to compete for his own improvements. Unless the amendment was agreed to, it would open the door to a good deal of dummying.

Mr. FOOTE said he could not see that. The hon. member for Darling Downs (Mr. Miles) had talked about a clandestine sale; but it was not likely that the mortgagor would allow the mortgagee to make such a sale. His experience in business was that at private sales better prices were often obtained than would have been got at public auction, and therefore private sales would be in the interests both of the mortgagor and the mortgagee. The hon. member had also returned to the old dummy mania. He (Mr. Foote) thought he had forgotten that long ago. He did not entertain the idea that the hon. member did with regard to the clause. He was of course aware that the provision for sales by private contract had been struck out, and he regretted it, because he looked upon it as a very necessary part of the clause.

Mr. FOXTON said there was nothing whatever in the Bill to prevent a mortgagor selling the property at any time before a sale was effected by the mortgagee under the provisions of that clause. If he did that, and paid the mortgagee the principal and interest, and such costs as he had been put to in consequence of having been forced to take steps to realise on his security, then he would be entitled to have his property back, and he could do what he liked with it.

Mr. JORDAN said he would like to be satisfied as to whether, if a mortgagee did not find a market within twelve months, the land would be forfeited to the Government. If that were the case, he thought discretionary power should be placed in the hands of the board to extend the time.

The PREMIER said he did not think any harm would be done by allowing the board to extend the time in cases of necessity.

Mr. JORDAN said that, as he held the same view as the Premier, he would suggest that a proviso be inserted giving the board that power.

Mr. SALKELD said he thought twelve months was ample time to allow the mortgagee to sell the land. As a matter of fact, under the Real Property Act, that was found to be ample time; and to give the board power to extend the time would only introduce an element of uncertainty into the matter which was not desirable. With regard to doing away with private sales, he was aware that compelling sales by public auction was a great safeguard. At the same time he knew, from considerable experience, that there were many cases in which property had been sold privately at better prices than if it had been sold at auction; and he would suggest the insertion of a provision to the effect that where a property offered at auction, after a certain number of days' notice, did not bring a high enough bid, the mortgagee should have the right of selling it by private contract.

The HON. SIR T. MCILWRAITH said that, by agreeing to the amendment omitting private sales, they were materially affecting the power of the mortgagee to sell. They were limiting his power, and limiting his chance of getting something out of the proceeds of the property when sold. The hon. member for Ipswich had made a very good suggestion, and one which he approved of, because, by striking out the words "private contract," some security had been provided for the mortgagor that his property would not be sacrificed. Having forced him to go to public auction, he thought a proviso should be put in to say two things: first, that the mortgagee might afterwards sell by public auction or by private contract, and, second, that the time might be extended. He would like to make the clause clear. What would happen in a case of this sort? Supposing

within twelve months the mortgagee did not find a purchaser, what took place then? Could he hold possession for twelve months, or was he to be dispossessed?

The PREMIER said the mortgagor must retain possession, and the mortgagee could not sell. If he turned the mortgagor out, he could not keep possession of the property for more than twelve months. He might sell when he liked over the mortgagor's head, but if he did not sell within twelve months there was nothing to prevent the mortgagor having possession again. The mortgagor could keep the property if the mortgagee could not find a purchaser.

Mr. SALKELD said he found that one provision was that the mortgagee could enter upon and retain possession of the holding for any period not exceeding twelve months. The question was, what would happen at the end of twelve months, supposing the mortgagor was dispossessed—what would happen then? He wanted to know what would happen when the mortgagee had endeavoured to sell, and had been unable to do so at the end of twelve months?

The PREMIER said if the mortgagor was not put back again by the mortgagee, the land would be forfeited. The land still belonged to the mortgagor as far as the Government were concerned.

The HON. SIR T. MCILWRAITH said he did not understand it now. Supposing, under clause 63, the mortgagee entered upon and took possession of the holding, could he keep it for twelve months, if he could not sell? According to the Premier, he could put back the mortgagor. Then, if the mortgagor had held it for twelve months, his rights would cease and the mortgagee might step in for another twelve months. He understood the clause to mean this: that when the mortgagee had taken possession of the land the whole of the interests in that land and the original lease ceased, and that he had no more right to it, after holding for twelve months and not being able to sell.

The PREMIER said the original lease continued to be a lease all through. The mortgagor might be turned out for a period of twelve months, but if he was turned out for a longer period the mortgagee's security ceased. If the mortgagee found he could not sell the right, he would find that the best thing to do would be to let the mortgagor go back again.

Mr. FOOTE: Supposing he will not?

The PREMIER: Then the mortgagee's security was lost, but in a case like that the board might give relief if the suggestion of the hon. member for South Brisbane was adopted.

The HON. SIR T. MCILWRAITH asked what would be the mortgagee's position then with reference to future action? Supposing the mortgagee let the mortgagor come back again, could he afterwards, after a further failure, take possession again when another twelve months had expired?

The PREMIER: Yes, of course; so long as the mortgage exists.

The HON. SIR T. MCILWRAITH said he did not think there was any reason in giving the Government power to extend the time, if the mortgagee could extend it himself. He could put a friend on the property, and the tenure, as constantly as it lapsed, might be renewed.

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

Clause, as amended, put.

Mr. JORDAN moved that the following proviso be added after the 10th line of the clause:—

Provided nevertheless that the board may extend the time during which the mortgagee may retain possession of or sell the holding.

The MINISTER FOR LANDS said he had no objection to a provision of that sort being made if the board had power to deal with it. He thought that it was scarcely likely that any case would arise to justify an extension of the period of twelve months; but it might arise, and it might be left to their discretion to decide.

The HON. SIR T. MCILWRAITH said that, as they were getting to the end of the clause, he would like the Premier to explain to the Committee what effect the clause would have on the Bill—what alteration those mortgage clauses made in the Bill. Supposing they had agreed to the proposition of the hon. member for Darling Downs (Mr. Kates), and had left out those conditions, what would have been the position of the Bill?

The PREMIER said that, supposing there was nothing in the Bill at all about mortgagees, the ordinary principles of law would apply—that a man might mortgage anything he had, any property of any kind, or that he had in expectancy, however remote. The mortgagee would be allowed to transfer the mortgage. Probably this difficulty would have arisen, that the mortgagee must have been a person who himself could become a lessee; which would be a very inconvenient restriction, of course. He thought that a great many banks would lend money on any number of mortgages if that restriction was removed. It was, however, proposed that the mortgagee should only have power to sell as under the Real Property Act, and in accordance with the restrictions contained in the clause; otherwise he could take possession of the land and keep it for twenty years before he could be turned out. That would enable a man, by lending money on a place, to get real property into his hands, and that was why it was necessary to face the question of mortgage, and say at once either they should not allow it at all; or that they should allow it under such restrictions as were consistent with the general principles of the Bill.

Mr. MIDGLEY said that the amendment of the hon. member for South Brisbane was, to his mind, a very serious departure from the intention of the Bill. It would really afford the mortgagee a great deal more protection than it would to the occupier. There were limits or restrictions placed on the tenant. Certain days of grace were allowed to him, and if he did not fulfil the conditions on which he was holding his farm within that time he was liable to be ejected. Under the amendment the mortgagee might have it at the option of the board. They did not know who the board were to be, but they would have placed in their hands almost unlimited power. The mortgagee was to have an indefinite time during which that provision might be extended. If the mortgagee could not realise what he wanted, his mortgage might be indefinitely extended. He felt confident that the amendment would introduce an element of very great danger, and that it was a serious departure from the spirit of the Bill. The mortgagee was to get a certain time—twelve months—during which he could look about him and endeavour to realise on his security, and the amendment proposed to give him further time—an indefinite time—if the board were so disposed.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said that they must take for example a season when there was drought. Properties at that time would be at a discount. It might be difficult to find a purchaser disposed to give anything like a fair amount for the property—such as it would bring in an ordinary season. In any such case the board would have discretion to extend the time, and during it a sale might be advantageously effected. The result would

be that a larger amount would be realised, and probably not only would the mortgagee's claim be liquidated, but a surplus might remain for the mortgagor. The board were not likely to grant an extension of time, unless the case was such as to point to its desirability.

Mr. FOXTON said he certainly thought, if the amendment was adopted, that there ought to be some further provision in it, to the effect that the board should give their decision as to the extension of time at some period prior to the expiration of the twelve months, say not less than one month from the date at which the twelve months would expire; otherwise it might lead to serious complications between the mortgagor and the mortgagee; that was, the application might be made to them by the mortgagee or the mortgagor, as the case might be, at the last moment before the expiration of the twelve months.

The PREMIER said he thought that the board might be trusted to perform a duty of that kind. Supposing that the man made *bonâ fide* efforts to sell two or three times during the last months before the term had expired, and found he could not sell, why should he not apply to the board for an extension, giving reasons in support of his application? Suppose the board were delayed in giving their decision until the twelve months had expired, that was no reason why they should not grant an extension of time. It was a general rule, where extensions were granted, to extend although the time had run out, and he did not see why that power should not be given to the board if, owing to some extraordinary misfortune, it was impossible to sell the property. He thought they could trust the board to that extent.

Question—That the clause, as amended, stand part of the Bill—put and passed.

The HON. SIR T. McILWRAITH: What has become of the amendment moved by the hon. member for South Brisbane?

The CHAIRMAN: It is passed.

The HON. SIR T. McILWRAITH: What occurred was this: The question was put that the words proposed to be added be so added. The hon. member for South Brisbane said "Yes," and there were half-a-dozen "Noes"; and you, sir, said nothing more.

Mr. JORDAN: I think I heard the Chairman distinctly put the question, and although some hon. members said "No," I think it passed.

Mr. CHUBB: I heard the Chairman most distinctly say "The Ayes have it," before hon. members said "No."

Mr. FERGUSON: I heard the Chairman say "The Ayes have it." There were three or four "Noes," but it was their duty to have called for a division.

Mr. SALKELD: Several hon. members did not hear whether the Chairman said the "Ayes" or "Noes" had it.

The HON. SIR T. McILWRAITH: The Premier went up to you, sir, and I thought he suggested that you should read the clause.

The PREMIER: I waited for some time.

Mr. MIDGLEY: I understood that it was passed.

The CHAIRMAN: It certainly was passed.

Mr. MIDGLEY: I must object to the manner in which the vote was taken. The question was taken, that the words proposed to be added be so added, and there was one voice for it but some voices against it. Then I waited for the Chairman to put it again to get a more emphatic response.

The PREMIER: If there is any difficulty, I do not think there will be any objection to putting it again.

The CHAIRMAN: There is no question at all about my having put the amendment very distinctly, although I may not have repeated it. I certainly said "The Ayes have it" before any gentleman said "No." To satisfy hon. members I shall put it again, and I shall be very glad if any hon. member will tell me if I do not speak loud enough.

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

The Committee divided:—

AYES, 29.

Sir T. McIlwraith, Messrs. Norton, Rutledge, Griffith, Miles, Dutton, Dickson, Sheridan, Lalor, Groom, Brookes, Isambert, Aland, J. Campbell, Annear, White, Jordan, Black, Kellett, Archer, Lissner, Foote, Jessop, Palmer, Donaldson, Horwitz, Ferguson, Stevens, and Moreton.

NOES, 9.

Messrs. Buckland, Higson, Foxton, Beattie, Salkeld, Midgley, Smyth, Kates, and Macfarlane.

Question resolved in the affirmative.

Clause, as amended, put and passed.

Clause 64—"Transfer on sale"—passed as printed.

On clause 65, as follows:—

"A lessee under this part of this Act may under-let the whole or any part of his holding, and an under-lease may be transferred subject to the following conditions, but not otherwise, that is to say:—

1. The sub-lessee or transferee must be a person who is not himself disqualified to become the lessee under this part of this Act of a farm in the same district, and of the same area, as the land included in the underlease;
2. The approval of the board must be obtained to the underlease or transfer;
3. Such approval shall not be given to an underlease unless special grounds are shown by the lessee to the satisfaction of the board for granting such approval;
4. The underlease or transfer must be in writing and in duplicate, and one original thereof must be registered in the Department of Public Lands;
5. In the event of the whole or any portion of the holding being sublet, the condition of occupation must be performed by each sub-lessee in the same manner and to the same extent as hereinbefore provided with respect to occupation by the lessee."

Mr. NORTON said that he saw by the 5th subsection that, if a holding were subdivided into four portions, the conditions of occupation would have to be performed by each sub-lessee; that was, they would have to be performed four times over; and in the event of any one of the four failing to perform the conditions, it appeared that the whole lease would be forfeited. Was that to be the case?

The PREMIER: That is how it stands.

Mr. NORTON said he did not see on what ground that should be done; because, if the object of the Bill was to encourage settlement, that end would be better served if two or three people fulfilled the conditions on a holding than if they were fulfilled by only one. He did not intend to move any amendment; he merely wished to draw attention to the matter.

The PREMIER said that underleasing was, of course, a thing not to be encouraged. If they allowed promiscuous underleasing, the facilities for evasion were too apparent to need explanation; so that, if they allowed underleasing at all, they must regulate it. If nothing were said about it in the Bill, underleasing would be allowed as one of the incidents of property; so here again, as in the case of mortgaging, they had to face the difficulty, and either prohibit a man from underleasing altogether or else say under what conditions he might do so. To prohibit it altogether might operate very injuriously in many cases. Suppose a selector wished to take his family to Europe, or perhaps to

the capital, for the purpose of educating his children; it would be a natural thing to put in a tenant while he was away, and it would be in no way injurious to the State. They had, then, to admit the fact of under-leasing and see how they were to regulate it. But when they allowed under-leasing they gave opportunities for evading the law. It was only allowed in order that the land might be occupied, and the under-lessee ought to occupy it. Occupation was the central principle of the Bill. Whether it was necessary that the default of one lessee should cause the forfeiture of the whole holding was another matter. It might, perhaps, be sufficient to say that failure to occupy by any sub-lessee would entail the forfeiture of that part of the holding. The object, of course, was to make it the lessee's business to see that the sub-lessee fulfilled the conditions of occupation. Suppose a man had a farm of 10,000 acres, and sub-let all except 50 acres; if the sub-lessee did not occupy the 9,950 acres at all, that would not be complying with the condition of occupation of the whole holding. It had struck him while the hon. member was speaking, that possibly, if they provided for the forfeiture of the part not occupied, it would afford a sufficient safeguard.

Mr. NORTON said he could not help thinking that occupation by one sub-lessee ought to be sufficient to carry out the spirit of the Bill. The Bill provided that anyone who took up a lease might occupy by an agent, who must be qualified as a person who could himself become a lessee; therefore the principal need not go near the selection himself at all. Under the clause now before them, each sub-lessee must be a person who would himself be qualified to take up a lease; and, therefore, if one sub-lessee fulfilled the conditions, he would carry them out as fully as if the original lessee were himself the occupant. The only conditions of occupation were that certain improvements should be put up; therefore, if a man's selection were divided into four parts, and each part let to a different sub-tenant, it would not matter, so far as the occupation required by the Bill was concerned, whether three of them occupied or not.

Mr. BLACK said the hon. the Premier had stated that sub-leases were not to be encouraged, but he (Mr. Black) understood for some time past that the Government had been advocating the cultivation of the land, especially of agricultural land in the North, on that principle. Take the case of a selector of 640 acres of agricultural land in the North; he proposed to erect a central mill on that land, and to subdivide or sub-let it to small farmers to grow cane for his mill—that was a scheme that he had frequently heard advocated on the other side of the House, and it was one in which there was a great deal of practical good. The holder of the 640 acres, in order to comply with the conditions of the Bill, had only to reside upon the land, personally or by his agent; it only required the presence of one individual; and why should that man, in the event of subdividing his land, and putting it to use in a way that would be very beneficial to the colony, be harassed by the vexatious conditions. Under the clause, if he subdivided his farm into 50-acre leases, he would at once become responsible to the Government for every individual sub-lessee. Why should he be hampered with such conditions? In the event of any one of those sub-lessees vacating his lease, the whole 640 acres would be forfeited. He (Mr. Black) failed to see any reason for such a condition, and believed that it would make a man consider very seriously whether he would subdivide his holding or not. He contended that if a man carried out the conditions connected with the holding of his selection as a whole the Government should have no right to tell him what he should do if he chose to subdivide it. No doubt, in the case of grazing areas, there might be some force in the clause; but as applied to agricultural land, and especially to agricultural land in the North, where operations must necessarily be carried out on a much larger scale than in the southern portion of the colony, it would do an immense amount of injury in preventing settlement.

The MINISTER FOR LANDS said there was a strong desire in connection with the Bill to reduce the tendency to create a system of landlord and tenant throughout the country—such as where a man got hold of a large area of land, and, finding he could not work it profitably himself, thought he could do so by putting small men upon it. What the hon. gentleman referred to was provided by clause 108, under which a selector might subdivide his holding to any extent he pleased—he could divide 640 acres into fifty farms if he liked, and sell his right to the lease of each portion to different individuals, each of whom would become an independent lessee under the Crown. With that alternative he did not think many persons were likely to avail themselves of the under-leasing clause. It was not considered desirable that they should do so, and therefore provision was made in clause 108 for subdividing.

Mr. BLACK said he was sure the hon. Minister for Lands would benefit if he took a trip to the North, and saw what tropical agriculture really meant. The hon. gentleman said that the owner of the selection could cut it up and sell it; they all knew that, but what he (Mr. Black) contended was that nothing would justify a man of means putting up a mill costing the huge sums of money they did cost, in order to compete with other countries, unless he had a certain area of land belonging to himself, upon which he could fall back in the event of sub-lessees declining to grow produce for his mill. No man would ever dream of erecting a large mill upon the piece of land upon which it should stand, unless he was certain that he would have sufficient land to make him independent of the farmers, if times became so bad that it would no longer pay them to cultivate cane upon it. What he had pointed out had been advocated upon the other side of the House over and over again—that it would be far better for the country if the larger estates were subdivided and let out to small farmers. The condition of occupation provided by the Bill was that, no matter what size the estate was, the holder should reside upon it. The onus of fulfilling that condition rested upon one man; and if he considered it advantageous to subdivide his holding into smaller areas, why should he be made responsible for the action of each one of the sub-lessees? The country would not benefit by it; it would hamper individuals, and do no good to anyone.

The MINISTER FOR LANDS said it was evident that what the hon. gentleman wanted was that the small farmers should be absolutely under the control of the landlord, so that he should be able to put up a mill in the centre of them. He did not think it an advisable condition of things that men should be placed in that position—to be absolutely under the control of the man who owned the land. If the selectors wanted a mill, let them come to a mutual understanding with the capitalist to erect one upon their giving him sufficient security for it. If they could not give sufficient security it would be better for both of them to leave it alone. He thought it would be very much better that in cases of that kind mills should be erected upon a mutual understanding,

than that one man should hold the land and have complete control over the cultivators of it. That was what the hon. gentleman wanted, and he strongly objected to it.

Mr. BEATTIE said he did not agree with the Minister for Lands upon the point at all, because if the owner of 640 acres of land went to the expense of putting up a central mill, and made an arrangement with, say, fifty families, to take up seven or eight acres each, and he gave a guarantee that he would pay so much per ton for the cane they supplied, it would be a very good arrangement. As long as thirty years ago that system was adopted on some of the largest estates in New South Wales. Mr. Alexander Berry, of Illawarra, Shoalhaven, let his land out for terms of seven, ten, and fifteen years to occupiers on clearing leases, giving them the right to purchase at the expiration of their term; and the system had turned out very successful. Some of those men had acquired their holdings, and were practically independent at the present time. He thought it would be a capital arrangement if they could cut up the large estates in the North, or in any other part of the country, in that way so as to enable families to settle upon them, because, to all intents and purposes, they would be their own masters. They could make agreements with other persons; and he thought that any agreement of that kind would be of advantage not only to the grower of the cane, but also to the maker of sugar. If there was anything in the clause as now proposed that would prevent that being done, he should certainly vote against it. Take a grazing farm. Supposing a selector took up 20,000 acres of land, and divided it into four portions of 5,000 acres each, he was held responsible for complying with the conditions of the Act; and were they going to prevent him from letting to some other man, for perhaps twelve months, the right to graze over 5,000 acres of his land? He could not see it, so long as the lessee was responsible to the Government for carrying out the conditions laid down in the Act; and selectors would be encouraged to put the land to the best use for the benefit of the colony as well as for the benefit of themselves.

Mr. FOOTE said he did not quite fall in with the clause, as he did not see how it would work for the advantage of the lessee. The person who took up the land in the first instance was the lessee to the Crown, and he did not see what the Government had to do with the sub-letting. The clause, he assumed, would apply principally to agricultural land; because the grazing lessee of 20,000 acres would never think of subdividing his holding into four portions of 5,000 acres each, as suggested by the hon. member for Fortitude Valley; anything under 20,000 acres not being of very much use to a grazing tenant. The question was, to his mind, merely one for the provision of labour. A lessee, for instance, would sub-let a portion of his holding on certain conditions, and one of those conditions might be that the sub-lessee should grow cane, as suggested by the hon. member for Mackay, for which he was to receive so much per annum. It was, therefore, a simple question, in that case, of providing labour for the production of sugar, and a very proper one too. If the clause were passed in its present form, instead of encouraging settlement it would have the precisely opposite effect; and if it were pressed to a division in its present shape he should feel disposed to vote against it.

The PREMIER said the hon. member for Mackay had turned the discussion from the real point at issue. Everybody desired to see large agricultural areas in the North cut up and sub-let to small tenants who would put them to a more profitable use than was done by the present lessees. That was one point of view, but there were several others that must be taken into consideration. Suppose they left the clause out altogether, the lessee would then be entitled to sub-let his selection without any restriction whatever. They had been talking about dummying, and it was no use shutting their eyes to the fact that it could be done if the clause were omitted. It was one of the conditions that a selector must reside upon his holding; but half-a-dozen selectors might sub-let the whole their holdings to the nearest pastoral tenant, and might be engaged by him as stockmen or shepherds, and yet continue to fulfil the residence conditions, and go on paying the rent to the Government. The thing was as simple as possible. It had actually been done in cases within his knowledge, and had been held to be perfectly lawful. But that was extremely undesirable. He would give another illustration. Instead of sub-letting the whole holding, the selector might sub-let the whole of it excepting one acre in a corner where he would live, and perhaps be engaged to shepherd his sub-lessee's sheep. Those things must be guarded against, and if not guarded against in some way like that proposed, they must prohibit sub-letting altogether, or else there would be nothing to prevent the whole of the grazing areas falling into the hands of the nearest pastoral tenant, or any other person who might want them. It was, in his opinion, the greatest danger of the whole, because it was one in which the law could be the easiest evaded. The point which the hon. member for Port Curtis called attention to was, that it would be hard to forfeit the whole of a holding for the failure of one sub-tenant to occupy, and he admitted that there was some force in that. But it was necessary that the sub-lessee should be a person not disqualified to become a lessee under that part of the Act, and that was the first condition. The second was that the approval of the board must be obtained; the third that such approval should not be given unless special grounds were shown by the lessee to the satisfaction of the board for granting it; and the fourth that the under-lease should be registered. With regard to the 5th subsection—as to the advisability of which doubts had been expressed—it might be omitted with a view of making the provisions of the 66th clause apply only to the sub-lessee of the whole of a holding instead of a part.

Mr. NORTON said that his remarks had reference only to the 5th subsection. The hon. member for Bundanba evidently spoke on the supposition that the entire clause was objectionable, whereas, in his opinion, if the 5th subsection were omitted, the clause would be a good one. He moved, as an amendment, that the 5th subsection be omitted from the clause.

Amendment agreed to; and clause, as amended, put and passed.

On clause 66, as follows:—

"If a lessee under-lets any part of his holding otherwise than in accordance with this Act, or the condition of occupation is not performed by any sub-lessee, the lessee shall be deemed to have failed to comply with the condition of occupation, and his lease may be dealt with accordingly."

The PREMIER said that, in order to give effect to the amendment made in the last clause, some amendments were necessary here. It would be necessary to insert the word "if" after the word "or" in the 2nd line of the clause, and also to insert the words "of the whole of a holding" after the word "sub-lessee" in the 3rd line of the clause.

Amendments agreed to.

Mr. JORDAN said he would like to hear the clause, as amended, read, as he did not quite catch the alteration made.

The CHAIRMAN read the clause, as follows :—

"If a lessee under-lets any part of his holding otherwise than in accordance with this Act, or if the condition of occupation is not performed by any sub-lessee of the whole of a holding, the lessee shall be deemed to have failed to comply with the condition of occupation, and his lease may be dealt with accordingly."

Clause, as amended, put and passed.

The MINISTER FOR LANDS said he had a new clause to move after clause 66, as passed. They had omitted clause 60, which read as followed :—

"There shall be kept in the Department of Public Lands a Register of Leases issued under this part of this Act, wherein shall be entered particulars of all leases, mortgages, and underleases, and such other particulars as may be prescribed by the Regulations."

And he now proposed to insert it after clause 66, as passed, with the following addition :—

Any person shall, on payment of the prescribed fee, be entitled to have access to the register for the purpose of inspection thereof, at any reasonable time during office-hours.

Mr. GROOM asked whether it would not be as well for the Committee to fix the fee. What was the meaning of "the prescribed fee"? Who was to fix it? There was a similar provision in the Victorian Act, and it provided that any person might inspect the register on payment of the fee of 1s. Why should not the Committee in this case fix the fee? It appeared to him that a fee of 1s. was quite sufficient for anyone to pay for the inspection of the register. He thought the Government might well amend the clause so as to fix the fee at once. The Committee might well decide a matter of detail such as that was.

The PREMIER said there was a very good reason why the clause had been drawn in its present form. A man might go to the office and want to see particulars about the selection held by John Smith, and in that case a charge of 1s. would be sufficient. But suppose a man went there and wished to look all through the register and kept the clerks occupied for an hour or two, then a fee of 1s. would not be enough. He thought a matter of that kind might fairly be left to the Government. They would no doubt prescribe a reasonable fee. Under the Real Property Act, he believed the charge for a particular search was 2s. 6d., and for a general search 5s.

Mr. GROOM said that in some cases he knew as much as 5s. was charged at the Registrar-General's Office. He had occasion to go there the other day. A friend in his neighbourhood had a relative who died beyond Roma, and as he could get no information about the matter he requested him (Mr. Groom) to go to the Registrar-General's Office and ascertain whether the registration of death had been transmitted to Brisbane. He did so, and had to pay 5s. for the information. With regard to the point he had raised in connection with the clause before the Committee, he thought they should fix the fees a person would have to pay for simply examining the register. Surely, if in a colony like Victoria, where there were a large number of transactions as compared with what passed through the Lands Office in Queensland, 1s. was sufficient to charge for an inspection of the register, it would also be sufficient here, where there was a smaller population.

Mr. BEATTIE said that no doubt 1s. was enough to charge for looking at one entry, and the fee ought not to be higher. That was the charge in Victoria, but a man had to pay that fee for each entry he inspected. He thought, however, that the matter might very well be left with the department.

Clause put and passed.

On clause 67, as follows :—

"Whenever the boundaries of any district or of any agricultural area proclaimed under this Act comprise any conditional selection selected under the provisions of the Crown Lands Alienation Act of 1876, the selector may apply to the Minister to surrender his title under that Act, and to receive instead thereof a lease under this part of this Act: Provided that, in the case of selections situated in an agricultural area, the area of the selection must not exceed the maximum area hereinbefore prescribed.

"Upon such surrender the selector shall be entitled to receive a lease under this part of this Act for the prescribed term.

"One-half part of the total rent which has been paid by the selector in respect of the selection shall be credited to the selector as paid in advance in respect of the rent reserved by the lease.

"The rent to be reserved under the lease for the first ten years, and the price to be paid on purchasing the selection, shall be determined by the board, but shall not be less than the minimum hereinbefore prescribed."

Mr. GROOM said he wished to know whether the Minister for Lands was prepared to accept any modification in the clause, because, as it stood now, the relief that had been sought for, by a very considerable number of selectors, from that House, could not in many cases be carried out. He dared say that hon. members were acquainted with the case of the East Prairie selectors. There had been several petitions presented to the House in connection with their case, and on one occasion a select committee was appointed to inquire into it, on the motion of the late member for Rosewood, Mr. Archibald Meston; and the committee in their report recommended that certain relief should be afforded them, but up to the present time the selectors had received no relief. The land selected was conditional purchases, and the price was fixed at 30s. per acre, which at that time was considered excessive. Probably 15s. per acre would have been a fair value to place upon the land. Prior to their arrival on the land the seasons had been generally good; but ever since they had settled upon it they had had bad seasons, and loss after loss, year after year. He believed he was justified in saying, from the return moved for by the hon. member for Warrego, that there were some twelve or fifteen selectors at the present moment who had only paid one or two years' rent, so that there was a very considerable sum still due on their selections. The men who held them had no desire to go away, because they had improved the land to some extent, and rendered it useful as far as bad seasons had permitted. They would like to come under the provisions of that Bill; but, as the clause before the Committee at present stood, that would be an utter impossibility, because the latter part of the first paragraph distinctly said "Provided that in the case of selections situated in an agricultural area the area of the selection must not exceed the maximum area hereinbefore prescribed." Now, some of the men of whom he was speaking had 1,280 acres, and others held 640 acres. Those who had 640 acres would be able to come under the provisions of the Bill, and get the relief they had looked for so long; but the 1,280-acre men would be precluded from taking advantage of the Bill. He did not know whether the Minister for Lands would allow any modification to be made in that provision, but he would point out that if a hard-and-fast line were drawn it would preclude a number of *bonâ fide* selectors from taking advantage of the provisions of the Bill; whereas, if the clause were made a little more elastic, relief might be extended to them. He (Mr. Groom) would like to see the clause amended so as to include the men holding 1,280 acres, who had through a series of bad seasons been fighting against difficulties, and who would be entirely ruined unless they were allowed to come under the Bill. The names of those selectors were in

the possession of the Government, and he could read them to the Committee. He thought the present was a favourable opportunity for doing justice to those men who had made repeated applications to the House for relief, and his first impression was that if the proviso in the 1st paragraph of the clause were omitted that would meet the case. Of course it might be said that the district in which those selectors resided might not be proclaimed an agricultural area—that it might be proclaimed a grazing area; but even then there was nothing in the clause to enable them to get relief.

Mr. KATES said he endorsed the remarks of the hon. member with regard to the 1,280-acre men who took up land under the Act of 1876, not only with respect to East Prairie, but also to other parts of the colony. Some of those selectors were charged 30s. an acre, while only a few months afterwards their neighbours were charged only 15s. an acre; and he should be glad if the Government would accept the suggestions of the hon. member for Toowoomba (Mr. Groom) and allow those 1,280-acre men to avail themselves of the provisions of the Bill. In connection with the fee-simple at the end of a ten years' lease also, he considered that if a selector had resided for five years already on his land he should only be required to reside on it another five years in order to get the fee-simple.

Mr. MACFARLANE said the question just raised was an old grievance. There were farmers in other parts of the colony just as badly off as the East Prairie farmers. He sympathised with those people, but he considered that if a man was able to take up 1,280 acres he could not be very hard up, and he did not see why the Bill should be altered to allow the 1,280-acre men to come under its provisions. They must draw the line somewhere, and it had been drawn at 960 acres. He did not see any reason why they should legislate in a retrospective way, so as to bring in all classes who had taken up land. They had to legislate for the future, and they ought to leave those who had taken up land in the past to abide by the conditions under which they had taken up their land.

Mr. KELLETT said he did not at all agree with the hon. member who last spoke, because the first part of the clause provided that those who had already selected land under the Act of 1876 should be allowed to come under the provisions of the Bill. The matter was well introduced by the hon. member for Toowoomba, who, whilst saying that no doubt there were selectors in the same position in other parts of the colony, mentioned particularly those at East Prairie. If the selector came under the provisions of the Bill he would give something to the State for the privilege; he had been paying 2s. per annum, part of purchase, and afterwards he would have to pay cash down for the land, with the exception of the money he had already paid; so that he would be paying a great deal more to the State than he previously paid. He previously paid only 10 per cent. interest and no principal; but if he came under the Bill he would have to pay rent each year to the State, and he would also have to pay down the balance of the principal in cash. It was not asked that the selector should be let off the payment of the money, but that the time should be extended. He also thought that the second part of the clause might be altered with advantage, because, if a man had paid 5s. or 6s. an acre, the half of that would be too much to forego. He should be credited with the amount already paid, and even then the State would be the gainer. As to a man who held more than 960 acres not being allowed to come under the Bill, he thought that part of the clause ought to be modified. The man who now held 1,280 acres, or 2,560 acres, as the case might be, was entitled to make it freehold on performing the conditions, but he had to pay excessive interest to keep the thing going; and if he were allowed to come under the Bill he would be relieved from the money-lenders, and the State would suffer no harm.

The MINISTER FOR LANDS said that most hon. members who had spoken on the subject assumed that the State would lose nothing by the bargain; but the State must lose something, because, if selectors wished to come under the provisions of the Bill, it would be for their own advantage and not for the advantage of the State. However, if some of those men had selections for which they paid more than a fair value the concession might very well be made. If the clause, as it stood, would have the effect of excluding some men who happened to have an area a little larger than the maximum allowed for a leasehold on an agricultural area, it would be hard to exclude them for that reason; and he had no objection to the clause being modified so as to meet such cases.

Mr. MIDGLEY said his attention had also been specially drawn to that clause. He thought that successive Governments had introduced a pernicious principle in departing from agreements. He did not see why every Land Bill should be made in those matters to dovetail with some previous Land Act; men who had made agreements ought to have abided by them. However, that had not been done, and it was proposed in the clause to make a concession in certain cases. The question was how far the concession should be carried out. After carefully thinking over the matter, he did not see his way clear to go the length of that proposition.

The MINISTER FOR LANDS: What proposition

Mr. MIDGLEY: To allow men who had taken up land under the Act of 1876, whatever the area might be, to come under the operation of the present Bill in respect to agricultural farms. It would be quite enough concession to allow them the same rights as would be afforded selectors under the Bill—the right to change to the extent of 960 acres. If they had more than that, let them hold it under a differen t tenure, and have a different arrangement about it. If the men who took up land under an old Act came under the provisions of that Bill, it would give them an advantage over the men who took up land under the Bill, and that would obviously be an injustice. If they got 960 acres, that was as much as the State could fairly and justly be asked to concede to them. To that extent, therefore, he would be prepared to go. He would also suggest that it was inexpedient that one-half or the whole of the money should be placed to a man's credit as against his rent. That would be objectionable, because the probability was that, in some instances, he would have to pay no more rent for years. He would suggest that the amount should be placed to the man's credit as against the purchase money.

The PREMIER said that the attention of the Government had only been called to that particular grievance on the previous day, and consequently there had been no time to work out any amendments so as to get them printed by that morning. However, the Minister for Lands had indicated the direction in which the Government were prepared to make concessions in those cases. He (the Premier) would point out how the clause required to be amended to give effect to them. The first amendment would be to allow any selector under the Act of 1876 the privilege of bringing his selection under the Bill as an agricultural farm, irrespective

of area. It might be said that that was a departure from the principle of limiting the extent to which land might be acquired as freehold; but it should be remembered that at the present time a selector might acquire a freehold after three years' residence by bailiff, whereas, if he chose to come under the provisions of the Bill, he could only acquire it after ten years' residence personally. Thus the State would get a great advantage by such a bargain, because it would secure the selector's actual residence on the land during that time, with the chance that then he would become a permanent resident. He thought that was a sufficient equivalent for allowing a man to get a larger area as an agricultural farm. To carry out that idea it would be necessary to amend the 1st paragraph by omitting the reference to agricultural areas in the 1st line, and providing subsequently that a selector who came under the Bill should receive a lease of the land as an agricultural farm, notwithstanding that the area exceeded 960 acres. There was another thing to be borne in mind, and that was that the minimum price was £1 per acre. He did not think that any of those who had large areas, much above 960 acres, would be likely to take advantage of that, because they could now get the land for less than £1 per acre. With respect to the provision that one-half the selector's rent should be put to his credit, the hon. member for Stanley thought the whole price should be put to his credit; but that would not be fair, because the selector had had the use of the land, and a certain part of the money he had paid ought to be charged as rent. Where a selector had land at £1 per acre, he was paying 2s. per annum rent. If that rent were fixed at 6d. per acre, that would be a fair concession to make; he proposed therefore, that nobody should be charged more than 6d. per acre, with one-half the rent they had paid. That, he thought, was liberal enough. He did not propose to reduce the purchase money they had agreed to pay when they wanted to buy. The 2nd paragraph could be altered so as to make the clause read with the amendments he had suggested. The last paragraph would require altering in the same way, except that a reference would have to be made to the price. If the selectors had agreed to pay more than £1 per acre let them pay it; but if not, let them pay the minimum fixed by the Bill. He thought that was a fair solution, and conceded everything that could be conceded, and on the whole the bargain would be as good for the State as for the selector. That would meet the difficulties which had been raised, and he was prepared to move the amendments he had pointed out.

Mr. PALMER said he did not intend to take any objection whatever to the proposed amendments of the Premier, but he wished to refer to the fact that the Minister for Lands had laid down a hard-and-fast rule that he did not believe any bargain made by the State should be departed from under any circumstances whatever—a statement which was stigmatised on the Opposition side of the Committee as a "brutal policy," yet when pressure was brought to bear upon him by his own side he forgot entirely his own opinion that State bargains should be carried out at any cost and any price. He (Mr. Palmer) just mentioned that to show the inconsistency of the hon. gentleman.

Mr. NORTON said there was one case the Premier had not taken into consideration. If a selector had taken up 2,560 acres in an area which was likely to be proclaimed an agricultural area under the Act, would he be entitled, as soon as the Act came into operation, to bring his holding under the clause as proposed to be amended?

The PREMIER: Yes; but he would not gain very much by it.

Mr. NORTON: He would gain more land.

The PREMIER said the selector would have to pay a great deal more for his land. There was no place where he could get 2,560 acres for less than £1 an acre. He believed the price was a great deal more. What he meant to say was this: that in every place where an area of 2,560 acres could be taken up, the selection price was a great deal less than £1 an acre. The selector would not gain much by having to live on the land personally and pay £1 an acre.

Mr. NORTON said the object of coming under the clause might be to get more land. To evade what the Premier had mentioned, the selector would take up a selection before the Bill became law; and then as soon as it did become law, and he applied to be brought under the provision of the section, he would get his full quantity of land, and be in a better position than those who took up land under previous Acts.

The HON. J. M. MACROSSAN said the Premier in explaining the amendments which he suggested, said that he thought the terms were too liberal for the selector coming under that part of the Bill. He (Hon. J. M. Macrossan) would just show the hon. member why he thought they were not liberal enough. Suppose a man with 1,280 acres under the Act of 1876 wished to come under that part of the Bill—the selection price of his 1,280 acres would be doubled immediately; it would be £1 an acre at the very least. In addition to that, he would be debited with 6d. an acre for every year he held the land. Now that was double the minimum rent allowed by the Bill to be imposed by the board for agricultural farms. He thought in that case the terms were not half liberal enough. He thought also that it was quite sufficient to get the personal residence of the selector, and the rent he should be debited with should be the rent the board fixed for selection. That was quite enough, and quite liberal enough, and imposed quite enough on the selector who wished to come under the Bill. On the other hand, if a selector whose selection price was 30s. wished to come under the provisions of the Bill he must pay his 30s. an acre. In the case where the price was 10s. it was raised to the minimum. The Premier was mistaken, therefore, in saying the terms were too liberal. If the hon. gentleman thought the Bill was a good one he ought to encourage selectors to come under it. He (Hon. J. M. Macrossan) was putting it from the Premier's point of view, and although he did not believe in it, the hon. gentleman, if he did, should encourage everyone to come under it.

The HON. SIR T. MCILWRAITH said it was a pity that a clause of such importance should not have come before the Committee with a little more notice than with the explanation given by the Premier. The clause had been considered one of the most important in the Bill, because it decided a most important point. Every Land Act that came into operation, to a certain extent infringed upon the position of the selector who had taken up land under previous Acts. He was rather astonished that the Premier should have stated that the suggestion for the alteration of the clause only came before him yesterday. The clause and amendments ought to have been prepared and considered before. It was a matter for regret also, that the hon. member for Toowoomba (Mr. Groom) had brought in the Darling Downs, as he eternally did. The clause was not one that applied to the Darling Downs alone. It must apply to the whole colony; but

seemed impossible for some hon. members to keep away from the old Darling Downs track. They all knew of the case of the East Prairie men; but they must study the interests of the whole of the selectors in the colony. He admitted that in passing a law of that sort it would not be a fair thing to the selectors who had taken up land within the last few years, to put alongside of them competitors who obtained their land under much better conditions. Under clause 67 as it stood, if a selector elected to come under the Act, half of the rent he had paid was to be reckoned as payment in part of the rents that would accrue under the new Act. Of course, if the selector was in a pastoral area, he understood he gave up all right to acquire land; but if he was in an agricultural area, then his right to acquire land was limited to the maximum area proclaimed by the board in any particular district. That was the clause as it stood now?

The PREMIER: Yes.

The HON. SIR T. MCILWRAITH said that seemed to him to be hard, especially in cases that had been referred to—in cases where from accidental causes, and the reasons that had been considered by that committee actually to require relief, the clause seemed to be hard. For instance, some sort of relief ought to be given to the East Prairie selectors, and what was proposed would not be adequate. He understood the Premier proposed that all selectors who held selections under the Act of 1876 might come under the Bill, and instead of allowing them only one-half of the amount that had been paid by them as rent to go towards the rents under the Bill, the whole amount, less the minimum of 6d. per acre, was to go towards the future rents under this Bill; and, in addition to that, where they were inside a pastoral district, or an agricultural district, that the right they had acquired under the Act of 1876 of making freehold they still retained — that was, the right to make a freehold of 2,560 acres, or a maximum amount of 5,120 acres under that Act after a ten years' residence. Was that so?

The PREMIER: Yes.

The HON. SIR T. MCILWRAITH: But there was a limitation to come in here that they must pay at least £1 an acre that was prescribed under that Act for the land secured under the Bill. They must pay that in any case, but should the amount under which they had selected in 1876 be a greater amount, then they had to pay the whole amount?

The PREMIER: Yes.

The HON. SIR T. MCILWRAITH said he did not think it was more liberal than it ought to be. Of course, it was a violation of the principles of the Act which they had been accustomed to see violated, but he did not think they need take very much notice of that. He was not afraid of seeing very big freeholds acquired from that violation of principles. He did not see any objection to the proposition, which he thought dealt fairly with all parts of the colony. Of course, one objection would be taken to it—that they had not exhausted the matter when they simply looked to the rights of selectors. He had not the slightest doubt there were a great many cases just as worthy of consideration as the selectors themselves.

On the motion of the PREMIER, the words "or if any agricultural area proclaimed" were omitted from the 1st and 2nd lines of the clause.

The PREMIER moved the insertion after the word "lease" in the 5th line of the words "of the land as an agricultural farm."

Question put and passed.

The PREMIER moved the omission of the proviso, with a view to insert in its place the words "notwithstanding that the area exceeds 960 acres."

Amendment agreed to.

The PREMIER moved that the words "notwithstanding that the area exceeds 960 acres" be inserted after the word "Act" in the 48th line.

Amendment put and passed.

The PREMIER moved that the words "one half part of," at the beginning of the 3rd subsection, be omitted.

Mr. BLACK said he would ask the Premier when the lease would date from, in the event of a selector under the Act of 1876 coming under the Bill—would it date from the time he came under the Bill?

The PREMIER: From the time he comes under the Bill.

Mr. BLACK asked when the conditions would date from, assuming that he had been in occupation for five years?

The PREMIER said that was not referred to in the clause. He proposed to make an addition to the next clause which would cover that, to the effect that personal residence on the selection should be reckoned as residence on the leasehold.

Mr. PALMER said that an amendment lately carried provided for survey before selection. What about the survey of the selection of a conditional selector coming under the Bill?

The PREMIER said the selection would not be confirmed under the present law until it had been surveyed.

Mr. BLACK said he took it that a selector, under the Act of 1876, could, at any time during the currency of his old lease, take advantage of the Bill and come under it. He was not bound to do it within a certain time. So that he thought the suggestion of the hon. member for Townsville a very good one in connection with the amount of money that a selector under the Act of 1876 would have to pay in order to come under the Bill. Instead of 6d. being the fixed rent per acre, it should be whatever sum the board assessed a particular holding at. It might possibly be more than 6d. per acre, and it might possibly be less. The rent paid by the lessee of a grazing area, which might be more profitable than an agricultural area, was fixed at only ¾d., and it was very possible that in many cases 6d. per acre would be considered a rather high rent to pay. He did not see why 6d. should be charged. It would be more equitable to leave it to the board. They had been given to understand that the Bill was for the benefit of the country and of the selector, and was going to be better for the revenue. All were to benefit by it; and therefore he saw no reason why every encouragement should not be given to selectors under the previous Acts; the rent should be whatever amount the board thought fit to assess the land at.

The HON. J. M. MACROSSAN said he would point out to the hon. Minister for Lands that the other evening, when they were discussing the rents to be paid on the different farms, agricultural and grazing, it was suggested to lower the rent upon the agricultural farms, and the Premier stated, "Oh! it is only 5 per cent. on 5s. per acre, and surely agricultural land ought to be worth 5s. per acre." But he forgot, at the time he was saying that, that the Bill was supposed to be an inducement to immigration, that 5s. was actually the price which immigrants paid for freehold in America; and that they were competing with the United States for immigrants. The immigrants had to pay as much in rent as they could get the fee-simple for in the United

States. That should be an argument in favour of reducing the rent to whatever the board might fix, not being less than 3d. per acre. He regarded 3d. per acre as too high, seeing that it was a sum which was to be paid in perpetuity, with a positive increase every five years after the first ten years; and not one penny was to be dedicated towards the payment of the purchase money if a selector wished to acquire the fee-simple.

Mr. KELLETT said there seemed to be some misunderstanding. That 6d. per acre was spoken about as the amount which the selector was debited with; but it did not follow that he would have to pay 6d. per acre per annum for the future. The amount in future was to be fixed by the board, but not to be less than 3d.; in many cases it would not be more than that. On those £1 per acre selections 6d. would be sufficient to pay for the time the selector had occupied the land already, and he would get that benefit of 6d. per acre.

Mr. BLACK said the hon. gentleman forgot that under the Act of 1876 the selector had been compelled to expend a very large sum of money in improvements, in many cases unnecessarily. They knew that on several occasions the House had been asked to accept a Bill for the relief of selectors. He remembered the intense opposition which had been encountered by the Conterminous Selections Bill when the late member, Mr. Allan, tried to put it through the House. It was proposed under that Bill to allow fencing to constitute an improvement—the very condition the House was now going to accept. He maintained that 6d. an acre was too high a rent to fix. The hon. gentleman said that very likely the board would decide that for the future it should be 3d. an acre; but in that case why should the selector be asked to pay 6d. an acre in the past? Again, it might happen that the board would consider the land worth 9d. an acre rent, in which case why should the selector only pay 6d?

Amendment agreed to.

The PREMIER moved an amendment in the next paragraph—that all the words after the word "selection" be omitted, with the view of inserting the words:—

After deducting a sum equal to 6d. per acre, or one half the annual rent, whichever is the lesser sum, for every year during which the selection has been held.

Mr. BLACK said he thought that, in equity, the rent should be fixed at 3d. instead of 6d. It was only for a short time, until the board came and assessed the rent for the future.

The PREMIER: No; this is what he is to be credited with.

Mr. BLACK said he maintained that, according to the provisions of the Bill, 3d. per acre was a fair rent for the land of the colony, particularly as it was going for rent, and not for purchase money at all. They were told that the new system was to be good for the country and good for the selector, and that it would have been better had it been in existence long ago; but he could not see what was the inducement held out to the selector to come under the Act. He could not see what relief it would be to selectors unable to pay their rents. The homestead selector actually got the fee-simple of his land at 6d. an acre, paying only for five years. He could not see why such special facilities should be given to the homestead selector, when other selectors who were doing quite as much for the progress of the colony did not get any consideration at all.

The PREMIER said he would give an example of how it would work. Suppose a man had a selection of 1,000 acres, and was paying 2s. an acre for it. They would give him credit for 1s. 6d. an acre, and only charge him 6d. an acre a year for the time he had had it. If he had had it for three years, he would get credit for 4s. 6d. an acre. Of course he still had to pay the balance. That was the present relief the selector got. If he had been paying 3s. an acre, he got credit for 2s. 6d. an acre.

Mr. BLACK moved that the amendment be amended by substituting the word "threepence" for the word "sixpence."

Amendment negatived; and original amendment agreed to.

On the motion of the PREMIER, the clause was further amended by the insertion of the following words after "lease" at the end of the 3rd paragraph—"or if there be any surplus after payment of such rent, then in respect of the purchase money as hereinafter provided"; and the omission of the words "and the price to be paid on purchasing the selection" in the 4th paragraph.

The PREMIER then moved that the following proviso be added to the clause:—

The purchase money to be paid on the purchasing of selection, as hereinafter provided, shall be the selection price, or a sum equal to £1 per acre, whichever is the greater sum.

The HON. J. M. MACROSSAN asked whether, if a selector had resided on his land four or five years, that would be taken into consideration and be allowed as part of the time that he would be required to reside

The PREMIER said he had not explained that point, because it would come more properly under the next clause, but he had an amendment ready to meet cases of that kind.

Mr. ALAND asked if the amendment just proposed meant that at any time the selection was made freehold, that would be the price of the land, or whether the board would be able to raise the price?

The PREMIER said, to make the proviso consistent with the following clause of the Bill, it should be amended. He therefore proposed to insert the words "within the first twelve years" before "as hereinafter provided."

Amendment agreed to; and proviso, as amended, put and passed.

Mr. BLACK asked whether a selector who wished to take advantage of the clause would be able to ascertain what his future rent would be before he surrendered his old title?

The PREMIER: There is no provision for it.

Mr. BLACK said it was only fair that a provision of that kind should be made; otherwise a man, on surrendering his old lease, would be entirely at the mercy of the board, who might assess his rental at such a rate that he would not be in a position to pay it. Such a man should either have the right of appeal against the rent, or be allowed to retain his old title if he was dissatisfied with the rental imposed by the board.

The MINISTER FOR LANDS said he did not see why any special provision should be made to allow those men to hark back from their bargains. By coming under the clause they were supposed to be obtaining more favourable terms, and if they did not think the terms would be more favourable it was open to them to remain under their present tenure.

Mr. BLACK said his objection was a perfectly fair and straightforward one. A man taking up a selection knew exactly what he was doing, and it was only fair that a man who was surrendering his old title should be allowed to take up the new one with his eyes open. If he knew what his future rent was going to be, it would be open to him whether to surrender his old title or not.

The PREMIER said it would be anything but fair for selectors, who expressed a desire to come under the clause, to send in an application to the board, and then, after putting the board to all the trouble and expense of assessment, to say, "We do not like your terms; we will stop as we are."

Mr. MACFARLANE asked whether there was any limit as to the time within which a selector could take advantage of the clause?

The PREMIER: There is no limit.

The HON. SIR T. MCILWRAITH said the hon. member for Mackay had raised a very important point, and it had not been answered by the Premier or the Minister for Lands. Whoever took up land under the Bill knew exactly what his rent would be for the first ten years. Such being the case, why should not a man, who elected to exchange his tenure under the Act of 1876, know what his rent under the present clause would be for the same period? No complicated machinery would be required to meet that objection. The reason why 6d. an acre, instead of a sliding scale, had been inserted in the clause under discussion was, that a selector should know exactly what his position was; and the same advantage ought to be given to a man who wished to alter his title from the old Act to the new one.

The MINISTER FOR LANDS said the board was supposed to deal fairly with other selectors, and if so, it was surely able to deal fairly with men who wished to take advantage of the provisions of that clause. He failed to see why any special provision should be made for them—why they should be considered as different from any other class of selectors. The clause was intended as a concession to men upon whom their bargain pressed severely—who were not able to pay their rents and keep their heads above water. Those men were offered relief, and they would have to submit to the provisions of the Bill. If they were not satisfied, they had the alternative of carrying out the bargain they had made with the State. He did not see why they should receive any special concession beyond that already proposed.

Mr. ALAND said he did not think the hon. member for Mackay wanted an assurance as to what the rent should be for all periods, but only that, before taking advantage of the relief, the selector should know what his first period of rent would be. That seemed perfectly fair, and there should not be much difficulty in making the selector acquainted with it, so that he might really reckon what the advantage was going to be to him. No selector would take advantage of the clause unless he knew it would benefit him to do so. It would be a very simple matter for a selector wishing to come under the clause to ask the board at what rate his rent would be assessed for the first ten years, and having that information he would be able to calculate as to whether it would answer him to take advantage of it or not. It might happen that the board would fix the assessment at a rate as high as 5, 8, or 10 per cent. of what he would have to pay on the freehold price of the land. That being the case, it would certainly pay him better to strive somehow or other to pay his yearly rent, and make it a freehold as soon as he possibly could.

The HON. SIR T. MCILWRAITH said that subsection 4 of clause 41, as amended, provided that the proclamation declaring land open to selection should specify "the annual rent per acre to be paid for each lot." The Minister for Lands said he saw no reason why one person should be dealt with differently from another. It was just because the clause as it stood dealt differently with different classes of men that they took exception to it. A selector, before he selected land under the Bill, would know the rent he would have to pay for the first ten years; and provisions were made by which that rent might subsequently be increased on certain lines. What the Opposition wanted was, that the selector under the Act of 1876, who desired to take advantage of the clause, should be placed precisely in the same position. Why not let him know exactly the conditions under which he would come under the Bill? One of those conditions undoubtedly was the amount of rent he would have to pay for the first ten years. What they asked was, that he should know from the board what his rent would be for the first ten years if he came under the Bill; and no reasonable man could object to that amendment.

The HON. J. M. MACROSSAN said he wished to point out to the Premier how the surrender of a lease acted with respect to miners. If a miner had a lease and wished to acquire another lease for the same ground, and probably some other ground attached to it, he surrendered the lease he held under the condition that he had the fresh lease at a certain rent. In the present case the selector was asked, according to the dictum of the Minister for Lands, to surrender his lease unconditionally, and take a leap in the dark. The hon. gentleman said there was no reason why he should not come under the same conditions as the selector under the Bill. That was the very thing which the Opposition wanted. The selector under the Bill knew the selection price of his land, and the yearly rent he would have to pay for the first ten years, before he took it up. What the Opposition wanted was, that the selector under the Act of 1876, coming under this Bill, should also know his rent for the first ten years. There was nothing unreasonable in that, and as the Premier understood the action in the Mines Department, he could apply the same to the Lands Department, and let the leases be surrendered conditionally.

Mr. KATES said he thought the selector under the Act of 1876, coming under the Bill, should be informed as to the rent he would have to pay for his selection. The board might very well, according to the classification of his land, say what rent he would have to pay for the first ten years. He trusted the Government would see that the clause was amended in that way.

Mr. FOXTON said he certainly thought the rent to be paid might be determined before the bargain was finally struck. It seemed to him that what was asked for was simply to place the selector, who chose to come under that clause, in the same position as other men selecting land under the Bill.

The PREMIER said he did not see any objection to amending the clause as proposed. The hon. member for Townsville had suggested that the action would be practically the same as in the Mines Department, and that a man might surrender his selection on condition that he got a lease at such a rent. That, he thought, would practically be the working of the clause if amended as proposed; but he saw no objection to providing in the Bill that a man might, before he elected to come under that clause, be informed of the amount of rent he would have to pay for the first ten years. In order to give effect to that suggestion, he would move that the following paragraph be added to the clause:—

> A selector may, before applying to surrender his title under the provisions of this section, require the board to determine the rent which shall be reserved for the first ten years, in the event of such surrender.

Amendment agreed to; and clause, as amended, put and passed.

On clause 68, as follows:—

> "Whenever in the case of a holding in an agricultural area the condition of occupation hereinbefore prescribed

has been performed by the continuous and *bona fide* residence on the holding of the lessee himself, or of each of two or more successive lessees, for the period of ten years next preceding the application hereinafter mentioned, the lessee may apply to the commissioner to become the purchaser of the holding, and upon proof to the satisfaction of the commissioner that such condition has been so performed, and on payment at the Treasury, or other place appointed by the Governor in Council, of the prescribed price, and deed fee, and assurance fee, he shall be entitled to a deed of grant of the land in fee-simple.

"The purchase money shall, if the application to purchase is made before the expiration of twelve years from the commencement of the term of the lease, be the price specified by the proclamation which declared the land open to selection, or determined by the board as hereinbefore provided, as the case may be; and if the application is made at a later time, shall be a sum bearing the same proportion to that price as the rent payable at the time of the application to purchase bears to the rent specified by that proclamation or so determined by the board.

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

The PREMIER said that, in order to give effect to the suggestion with respect to personal residence before the surrender of the old title, a paragraph should be inserted after the 1st paragraph in that clause. He begged, therefore, to move that the following paragraph be inserted after the 1st paragraph of the clause:—

When the title of a selection under the Crown Lands Alienation Act of 1876 has been surrendered, and a new lease has been issued under the provisions of the last preceding section, any continuous personal residence by the selector upon the selection up to the time of such surrender shall be computed in reckoning the periods of ten years.

Mr. KELLETT said, before that amendment was put, he would like to point out that the clause provided that there must be personal residence on a selection before the fee-simple could be acquired—that was, ten years after the selector had obtained his lease. Originally, it was provided that a selector should enclose his holding with a substantial fence in two years, but that time had since been altered to five years, and the consequence was that it would be fifteen years before a selector could acquire his land as a freehold.

The PREMIER: No; he can live there all the time.

Mr. KELLETT: The time does not commence from the issue of the license.

The PREMIER: Yes, it does.

Mr. KELLETT: The Bill does not say so; as far as I can see the selector must fence his land, and the lease dates from the time that work is finished.

The PREMIER: The lease dates from the license. That is stated in subsection 1 of section 53.

Amendment put and passed.

The PREMIER said a verbal amendment was necessary in the 2nd paragraph of the clause in order to make it harmonise with an alteration made in a previous part of the Bill. He moved that the words "by the board" after "determined" be omitted, and the word "prescribed" substituted for "provided" after the word "hereinbefore"; also that the word "prescribed" be substituted for "determined by the board" at the end of the paragraph.

Amendments put and passed.

Mr. DONALDSON said he thought an amendment was necessary in the last paragraph, which provided that—

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

The previous evening an amendment was agreed to permitting a man to will his selection to a person who already held a selection, and if the paragraph he had just read was passed without alteration personal residence would be required in both cases. He thought the difficulty which would be experienced in such a case would be met by omitting all the words after "deceased lessee," and inserting the following—"all the conditions under this part of this Act shall be fulfilled except personal residence." He would not propose that as an amendment at present, but merely throw it out as a suggestion. Perhaps the Premier could put it in better form.

The PREMIER said he did not quite follow the hon. gentleman. The provision was included in the clause, in order that when a man died before he had resided for ten years on his selection the right to acquire the freehold should nevertheless be transmitted to his family. The executor might be unable to live on the land personally, but some of the family might do so, in which case the right of acquiring the freehold might still remain.

Mr. DONALDSON said the objection he had was that residence was still necessary under the clause.

The PREMIER: The residence of somebody interested.

Mr. DONALDSON said the person interested might be the eldest son, who might already hold the full complement of land allowed under the Bill. How was he to fulfil the condition of residence unless he employed a bailiff? The selection might be so small as not to warrant the employment of a bailiff. Under the Victorian Act of 1869, where residence was compulsory, it was sufficient, in the event of a selector's death, to fulfil all the conditions except residence.

Clause, as amended, put and passed.

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

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said it was proposed to resume the consideration of the Land Bill to-morrow.

The HON. SIR T. McILWRAITH: If the amendments that have been made in the Bill during the last few days can be put into our hands before we meet to-morrow it will be of great convenience to hon. members.

The PREMIER: They will be ready before we meet to-morrow.

The House adjourned at twenty-five minutes to 11 o'clock.