Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 5 NOVEMBER 1884

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LEGISLATIVE ASSEMBLY.

Wednesday, 5 November, 1884.

Question.—Formal Motion.—Crown Lands Bill—committee.—Adjournment.

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

QUESTION.

Mr. PALMER asked the Colonial Secretary—

When arrangements will be carried out for locating Police or Brands Inspector on Nicholson River, or near Burketown, to inspect travelling mobs of cattle going over the Border?

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

The Commissioner of Police has already been instructed to form a police station on the Nicholson River, and a site for it is now being selected. The officer in charge of the station, when found, will be in a position to inspect all stock crossing the Border into South Australian territory.

FORMAL MOTION.

The following formal motion was agreed to :—

By Mr. NORTON—

That there be laid upon the table of the House, all correspondence and other papers in connection with applications which have been made to the Government to construct a Branch Railway from the station at Howard to the Queensland Land and Coal Company's Mine.

CROWN LANDS BILL—COMMITTEE.

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

Clause 105—"Rent a debt to the Crown"—passed as printed.

On clause 106, as follows :—

"Subject to the provisions of this Act, leases may be transferred on application to the Minister, and upon payment of a transfer fee of ten shillings for every holding or license."

Mr. BLACK said he noticed that a fee of 10s. was to be paid for the transfer of a license, but he understood that licenses were not transferable, only leases.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said he proposed to add after the word "leases" in the 1st line of the clause the words "and licenses." That would apply to land held under occupation licenses, which, of course, would be transferable. It would apply only to occupation licenses, as other licenses granted under the Bill would not be transferable. He moved that the words "and licenses" be inserted after the word "leases" in the 1st line of the clause.

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

On clause 107, as follows :—

"If, after the issue of any lease, it is found on survey, or by mutual consent of the parties interested, that the description of the boundaries of the holding therein contained does not describe with sufficient certainty the lands intended to be therein comprised, the Governor in Council may cancel such lease, and may issue a fresh lease for the remainder of the term, with an amended description of the holding."

The HON. B. B. MORETON asked if there was any necessity for the clause. The clause read—"If after the issue of any lease it was found on survey," etc. All leases were to be taken up now after survey.

The MINISTER FOR LANDS said it was possible there might be some mistake made in the survey, even though they had selection after survey, and if that were the case they would have the power under the clause to amend the description. In any case no harm would be done by leaving the clause in.

Question put and passed.

Clause 108—"Subdivision of holdings"—passed as printed.

On clause 109—"Licenses to cut timber, etc., may be granted"—

The MINISTER FOR LANDS said he proposed to omit the clause, with a view of inserting it in an amended form later on.

Question—That the clause stand part of the Bill—put and negatived.

On clause 110, as follows :—

"Except as provided in this Act, a lessee under Part III. of this Act shall not have power to restrict other persons duly authorised by the Minister either from cutting or removing timber or material for building or other purpose, or from searching for any metal or mineral within his holding."

Mr. PALMER said he understood that under the Pastoral Leases Act no one could remove timber within two miles of a head-station ; and he wished to know from the Minister for Lands if that privilege was extended to the lessees under Part III. mentioned in the clause.

The MINISTER FOR LANDS said the new clause which it was proposed to insert after clause 123, and of which notice had been given, provided for that. If the hon. gentleman would read the clause he would see that the 1st paragraph stated that the regulations to be made under the Bill might authorise the issuing of licenses to cut timber on Crown lands "but not within two miles of any head-station, unless with the consent of the lessee."

Clause put and passed.

Clauses 111 and 112—"Right to enter on lands," and "Fencing Act of 1861 to apply to leased lands"—passed as printed.

Mr. MACFARLANE said his colleague, Mr. Salkeld, had a new clause to propose after clause 112, and had expected to be present before the Committee came to that part of the Bill. The hon. gentleman had, however, asked him (Mr. Macfarlane) to move it if he did not arrive in time. The clause read as followed :—

"A lessee exercising the right of depasturing on the resumed part of a run under Part III. of this Act or a licensee under Part VI. of this Act, shall not be entitled to impound the stock of a selector found trespassing within a distance of half-a-mile from the boundaries of the selection, except in case of wilful trespass."

He (Mr. Macfarlane) had no doubt something could be said on that by both sides of the Committee. It was just possible that his colleague might be present before the discussion on the subject was finished, and he could then give his reasons for proposing the clause. In the meantime he (Mr. Macfarlane) would simply move the amendment.

The MINISTER FOR LANDS said he certainly had a very great objection to giving the selector any right to impound from unenclosed land, but he did not object to the proposal which had just been made, as it would probably enable the selector to keep his stock, or some portion of his stock necessary for starting his selection, upon his land while he was carrying on his fencing arrangements. It might be very difficult in such a case for a man to keep them exactly within his boundaries, so that perhaps it might be desirable to give him as much latitude as was proposed to be given him by the amendment, and not allow the lessee or the man with the grazing right to impound his stock if they were within half-a-mile of the boundaries of the selection, except in case of wilful trespass such as shepherding or driving them on the land. He would like, at any rate, to see some reasonable consideration shown to selectors. At the same time he did not wish to see them have any inducement to put off the necessity of fencing, as fencing was one of the main points which, he maintained, should be urged upon them. But the amendment would not offer sufficient inducement to put off fencing by giving them power to occupy unenclosed land, though it would protect them in cases where it might be very difficult indeed to keep their stock within their own boundaries. There was a similar provision in the Act of 1868, and he did not know that it had worked badly ; he had never heard that any difficulty had arisen under it. It seemed to him that it was a reasonable concession to make to a man before he was enabled to fence his holding. But, as he had before said, if it had a tendency to induce a selector to continue the occupation of his holding without fencing he would certainly oppose the amendment. There might possibly be some difficulty in determining whether a trespass was committed within half-a-mile of the boundary of a selection or not, but the distance was so small that he did not think any person possessing a grazing right would be inclined to exercise his power except in very wilful cases. He did not object to the new clause. It would not defeat the object kept in view in the Bill—namely, that of requiring a man to fence his land before he could make any practical use of it ; and he did not think the provision was likely to lead to any disputes between lessees and selectors.

The HON. SIR T. MCILWRAITH said the hon. gentleman was not only very inconsistent in all he had said within the last five minutes, but he was also inconsistent in all he had said on the Bill since it was introduced. The hon. gentleman had told them in the plainest language that, from the experience they had gained in past times, it was not to be supposed that any difficulty would arise between selectors and those who held grazing rights ; and he had referred to the provision in the Act of 1868, which prohibited the squatter from impounding cattle within a quarter of a mile of a selection. But what where the circumstances in that case? Why, the squatter himself simply had the right of depasturing on the land, and he paid nothing for that right ; and, moreover, the land was likely to be reduced day by day by selection. But even that provision worked so badly that it was repealed by the Crown Lands Alienation Act of 1876. Section 86 of that statute enacted that—

"No stock shall be impounded from any selection held under this Act, or under the Crown Lands Alienation Act of 1868, unless the same shall be securely fenced."

That provision was passed at the instigation of members now sitting on the Government side of the House, and passed unanimously ; and it was passed on account of the experience they had had of the working of section 64 of the Act of 1868. Still the hon. gentleman said he did not see any reason to anticipate any difficulties arising from such a state of affairs. The selector originally only had the right of depasturing over a certain definite amount of land, but here it would be increased by an additional amount of land being given to him. The selector had the land for which he paid the Government ; he had got a lease of the grass of that land, and they were now going to give a privilege to him of grazing his stock for half-a-mile over the boundaries of his land. Had the hon. gentleman entered into a calculation to see what he was really giving? He (Sir T. McIlwraith) had figured it out, with the following result :—Take a square selection—the provision would operate a great deal more in the case of oblong selections, which must necessarily exist under the Act—but take a square selection of 640 acres. The selector paid for his 640 acres, but by the new proposed clause he was given a right of depasturing his stock on an area of 1,783 acres. Half-a-mile round a selection of 640 acres would amount to that area. Now, was that not a great absurdity? There had never been a greater absurdity proposed in the House, and the Minister for Lands had already clearly shown that his sympathy and judgment were entirely in the other direction. He had given no reason why he should yield to the importunities of those who

wished for such a privilege to be given to the selector. They had also to consider it in another way—namely, as to the effect it would have upon the rents to be obtained from the grazier. All that would have to be taken into consideration; and the fact that the grazier had no right of impounding within half-a-mile of selections would be taken into consideration not only by the pastoral lessee himself, but by the board in fixing the rent. The consequence would be that all the rent of the land within half-a-mile of the selector's holding would have to be deducted from the rent itself. Why should a man pay rent for land not used by himself, but by the selector? It must be considered as a deduction of so much of the rent, and consequently it would be a loss to the State. There was no justification for such a clause, for they would be simply repeating the error committed in 1868. The House in 1876 unanimously resolved to do away with a right given to the selector by a previous Act, and which had been found to be unworkable. That was what would happen again. The clause would be found to be utterly unworkable, and yet they were proposing now to revert to the old objectionable system. He would like to hear some reason given for such an extraordinary proposal, for the Minister for Lands had given none, and the mover of the clause had given less.

The MINISTER FOR LANDS said the hon. gentleman said he had been inconsistent in opposing a similar clause to the present one on a previous occasion, and now supporting the one before the Committee; but there was a vast difference between an equal right of impounding, which was claimed on the last occasion when the subject was discussed, and what was proposed by the clause moved by the hon. member for Ipswich. Hon. members had before asked that the selector should have equal powers with the lessee of impounding on one another's land, or on the adjoining land. The selector in the present case would be tied down within the actual boundary of his selection, and if his stock came over the boundary they would be impounded. If the sheep were shepherded or driven across the proper boundary that would be a case of wilful trespass, but by the clause proposed, if the selector's cattle strayed just over the boundary, the lessee would be entitled to impound them immediately they came over that boundary. That was certainly an unfair privilege; but there was a vast difference between the two cases, and he did not see that there should be such a wide difference made between the selector and the squatter. At the same time, he admitted that if the selector were allowed to encroach on the lessee's grazing right with an equal right of impounding it would absolutely prevent anything like fair settlement. He did not think a clause of the kind proposed would have that effect, because it simply protected the selector from an undue advantage being taken of him by the pastoral lessee. As a matter of fact, the selector could never be secure unless his fence was erected, but it did seem unfair to make his stock liable to be impounded the very moment they crossed the boundary line; whereas if he was confined to land within half-a-mile all round his selection no real difficulty ought to exist. If the lessee were inclined to exercise his right to such an extent as to seize upon the selector's stock immediately they got over the boundary, then he had not much sympathy with the man who would act in that way. It was only in extreme cases that the lessee would exercise such powers, and for that r eason the clause would not operate to any great extent. In the majority of cases it would be inoperative; but there were extreme cases, and in those instances he should be glad to see the clause operated upon. In a 640-acre selection, for instance, the selector would be protected half-a-mile round his selection, but that was only assuming that he was isolated, and had no neighbours. That was a very extreme case put by the hon. member, and he thought and hoped there would be very few of such cases. It would be a very hard case if a selector were absolutely and strictly confined within his boundaries, and that if a small number of his stock happened to stray on to his neighbour's land they should be liable to be impounded. In a case of that kind the lessee's interests would not be affected, nor did he think that, on the whole, any difficulties would arise.

The HON. SIR T. MCILWRAITH said the hon. member, without consideration, had again stated that the example he had quoted was an extreme case. He had given a case showing how the clause would operate, and instead of making the selection oblong, which it would be according to the Act, he had taken a square selection, and had shown that, if the clause passed, the selector would really have a grazing area of 1,783 acres, and exemption from impounding on that area. The hon. member said that was an extreme case; but it was nothing of the sort, because the selector would have a far greater proportion of grazing land and free grass by taking up a 640-acre selection than he was entitled to. A large number of the selections would be only 640 acres, and the quantity of free grass would thus be very much greater outside than inside the selection. The hon. gentleman had also said that the clause would be inoperative unless in the case of a pastoral lessee pouncing on the selector's stock the moment they put their noses over the proper boundary. That was absurd. What did the hon. gentleman mean? The clause would be operative at once by giving the right of pasturage to every selector within half-a-mile of his fence, and it would be very difficult to prove that the stock had been driven over the boundary, or that the case was one of wilful trespass. It operated at once by giving the selector that right, and why should he have such a right? He had paid the Government a definite sum for a definite amount of land, and should not be allowed to exceed that quantity. Let him take means to make his land perfectly secure, and when he had done that he had got all that the State could actually give him. By the clause, as proposed, a premium was given to the selector not to fence in his land. He had got five years to do it in, but a premium was actually given to him and he was encouraged not to fence. A man would be a fool to fence in his land and restrict himself to the use of 640 acres when, by not fencing, he could have the use of 1,783 acres at the same price. The proposition was perfectly monstrous, and destroyed the whole value of the land to the pastoral lessee, and consequently to the State. The only point made by the Minister for Lands that was entitled to some consideration, was whether they ought not to make some allowance to the selector until he had had reasonable time to fence in his land. There might be something in that; but according to the hon. member's own showing he could fence his land if he liked within six months; and if he had not the money to do it, then he had no business to be there. They should therefore confine the right to free grass outside the boundaries to the time that the selector could reasonably make arrangements to fence in his land; that would take away the right to free grass for ever. To do otherwise not a single argument had been urged by the hon. member. The selector had five years to put his fences up. Surely they ought not to give the right to the selector for longer time than he could reasonably put fences up? If

they came to that conclusion, then they would also come to the conclusion that half-a-mile was far too much. In the Act of 1868 it was only a quarter of a mile, and that was found to be such an intolerable nuisance that the right was taken away.

The MINISTER FOR WORKS (Hon. W. Miles) said that the hon. member for Mulgrave tried to make out that, because the pastoral lessee was prohibited from impounding the selector's stock within half-a-mile of the boundaries, the lessee would be prevented from using his run. It would be nothing of the sort. Under the Act of 1860 there was a similar provision; and during the whole of the time that Act was in force there was not one action in connection with impounding, to his own knowledge. He looked upon the amendment as prohibiting the pastoral lessee doing to the selector what was done under the recent land laws in New South Wales. All he had to do was to put a man on to watch, and catch the selector's stock and drive them off to the pound; and he could continue that until he drove the selector off too. He (the Minister for Works) thought the clause was a small concession—one that would do no harm to the pastoral lessee, and would benefit the selector.

The HON. SIR T. MCILWRAITH said the hon. member had not thrown much light on the subject. He had made frequent use of the word "selector," but he must know that there was no such word in the Bill. It was not a term that ought to be used, because it applied to every lessee under the Bill. Of course, if a man had a selection of 2,000 or 3,000 acres, a right such as that now proposed would completely destroy it. Half-a-mile round his selection would be an immense part of his acreage. Why should the Committee take such care to make provision for fencing if they were going to give that right within half-a-mile of the boundary fences?

The MINISTER FOR LANDS said that that additional power would be limited to five years—the time during which the holder of a selection must fence it.

The HON. SIR T. MCILWRAITH asked where that was stated. He had spoken about the clause as he found it. Where was the power limited to five years?

The MINISTER FOR LANDS said that if it was not in the Bill it ought to be.

The HON. SIR T. MCILWRAITH said it ought to be limited to a reasonable time during which a man could put up his fences.

Mr. ARCHER said there was nothing in the Bill compelling fencing. The Bill stated that within five years the selector must spend an amount equal to the cost of fencing. If the clause were passed it would give the right of grazing all round for ever. He thought the hon. member who had introduced it ought to consider the whole facts of the case, and try to draft a clause that would have a more reasonable chance of passing. Originally, the Bill compelled the selector to fence; but that had been abolished; he need not now fence at all. All he had to do was to take up an agricultural area, and refrain from fencing, and he would have the right to graze his stock on land around for which he paid no rent.

Mr. MACFARLANE said that the reason for bringing in the clause was on account of the form in which clause 51 had been passed. That clause read in this way :—

"Upon the issue of a license the selector may enter upon the land and take possession thereof, but shall not be entitled to impound any stock of the last authorised pastoral tenant found trespassing on any part of the land which is not enclosed with a good and substantial fence, except in the case of wilful trespass."

There was an old saying that "what was sauce for the goose was sauce for the gander"; and a good many hon. members on the Government side of the Committee were desirous of seeing equal justice dealt out to the agricultural selector and the grazier. It was in consequence of that feeling that the new clause had been introduced. It did not go so far as to ask for the same right that the original lessee had, who at the present time was allowed to run his cattle where he liked. Those who supported the amendment did not ask as much as that; they only asked that the selector's stock should not be impounded so long as they did not trespass farther than within half-a-mile of the boundary of the selector's land. He thought that was not asking too much; it was only doing justice to the selector to grant such a small concession. He did not think it would interfere very much with the rights of the original lessee, and it would be a concession to the selector that would remove what had been a grievance in the settled districts for many years. He knew that in the district in which he lived it had always been held a great grievance that, whilst the squatter would be impounding up to the very door of the selector, the selector in his turn could do nothing but quietly rest, and allow things to go on in that way. He did not think, therefore, that there was much need for giving great reasons in favour of the clause. The reason of equal justice ought to be sufficient for hon. members to allow the clause to pass.

Mr. BEATTIE said that the hon. member had made an appeal to the Committee for equal justice. Well, he did not think it would be equal justice if they charged a man rent for land, and allowed another to go on and use it. Certainly it would not be justice. But the hon. member who mentioned the matter said the people in West Moreton impounded the selectors' cattle. Now, in expressing his opinion with reference to the impounding clause some time ago, he was opposed to giving equal rights, because he believed it would be creating a great deal of heartburning, because it would encourage litigation—and no doubt a great many of the legal gentlemen would be anxious to see that heartburning—it would cause a great deal of dispute between neighbours. He made very exhaustive inquiries with reference to the West Moreton district, as to whether there were any cases there where the lessees, who had large runs, were in the habit of impounding the selectors' cattle. He was assured, by a friend in whose statement he had every confidence, that, instead of impounding the selectors' cattle, the lessees were actually in the habit of allowing the selectors' cattle to go on their runs for the whole year. He would mention one name; because some hon. members might think he was "drawing the long-bow" in the information he got. It was that of the Hon. G. Thorn, of Normanby. He challenged hon. gentlemen to disprove what he said, because it was borne out by a gentleman living in the district. The information that gentleman gave him was perfectly correct: that even round about their freehold property the owners of Normanby used, in the course of the year, to allow from 200 to 2,000 cattle, belonging to the various selectors round about Normanby, to feed on their estate. The hon. member for Stanley (Mr. Kellett) informed him that it was a fact that the Thorns used to allow that, and that he himself never knew, in his experience, of a case where the lessee impounded the selector's cattle. Now, he (Mr. Beattie) would ask, if that was the case, what right had anyone to try and encourage litigation? He did not think that a man had any right to go on another man's land for which

that man paid rent. The selector who simply took up 640 acres, as the hon. member for Mulgrave said, should not have a right to feed over 1,783 acres. That would be an injustice to the lessee, and he did not think it was acting with justice on the part of the Crown, to give any selector that right, even if it did not interfere with the lessee's run. He should oppose the clause.

Mr. GROOM said the heartburning to which the hon. member referred was, he was sorry to say, already created, because the clause which was passed, he knew, had already, in the district that he had the honour to represent—and he could say the same of the West Moreton district — created universal indignation; so much so, that he thought he might go so far as to say that he believed that very clause in the Land Bill would be the turning-point in several elections if a general election took place to-morrow. Hon. members might laugh at what he said, but the heartburning to which the hon. gentleman referred had already been created, because under the 51st section the squatter could graze his sheep or cattle, as the case might be, up to the very doors of the selector if he had not his land fenced in, without being liable to punishment except in the case of wilful trespass—which was his only safeguard, but which it was difficult to prove indeed. It was hard to decide what was wilful trespass and what was not wilful trespass. It was not decided by Act of Parliament. It was left to the private judgment of the magistrate to say what was wilful trespass; and he was sorry to say, from his own experience of a good many country benches, he had a pretty correct idea on which side the wilful trespass would be. It certainly would be on the side of the unfortunate selector. He believed the clause was a very satisfactory one, and one which would concede equal justice to both parties. The hon. member talked about a person having paid for his grass, and the selector having no right to graze his cattle or sheep, as the case might be, upon it. That was exactly as the case now stood with the grazing or farming selectors. Until that selector's land was fenced in the squatter could graze his sheep or cattle to his very door—having done it before to his knowledge, up to his very door—and defy him to do anything. And when the hon. member for Mulgrave said that impounding was done away with in 1876, unanimously, he was rather in error. It was not carried unanimously. It created a great deal of dissatisfaction at the time, and it was fully expected, when the present Bill was under the consideration of the Committee, the provision of the Act of 1868, which was really a good clause, would be again reinstated, but that had not been done. It was a very one-sided clause, which gave the tenant immense advantage over the selector in the matter of impounding. He regarded the new clause as exceedingly fair, as he thought it put both parties on a fair footing. He regretted exceedingly that the hon. gentleman who had drafted the clause, and who, he knew, had done it at the instance of a number of persons who had suffered from the grievance, was not present to advocate the clause himself, because, if he were, he was sure the hon. gentleman would put a good case before the Committee.

Mr. DONALDSON said he certainly had listened for some time expecting to hear some argument from hon. gentlemen on the Government side of the Committee in favour of the clause, but up to that time he was disappointed, because no argument had been adduced why the clause should be inserted in the Bill. He related the other evening, when speaking on the 51st clause of the Bill, the experience of other colonies where they had an impounding clause in operation. He pointed out that in Victoria, which was essentially a selectors' colony, where the selectors were particularly strong—so much so that any amendment that they desired at any time to insert in the Land Act they could bring sufficient pressure to bear to do it—that was, through their representatives—he had pointed out that ever since 1862 they had not had the power of impounding, nor yet had they ever asked for it. The pastoral lessee, on the other hand, had had the right of impounding. Now, if any gross case of abuse had occurred under that Act he was sure the selectors of that colony, at various times when amendments in the Land Act were brought forward there, would have insisted on an amendment being made in their favour. They had not done so, however. What was easier for hon. members who were in favour of the clause than to point out cases where great hardships had occurred? He flattered himself, however, that the pastoral lessees of this colony had not been in the habit of impounding stock for the sake of ruining a selector. There had not been any desire on their part to do anything of that kind. It was true in some cases, perhaps, where the selector had been very aggressive, and where he had provoked the pastoral lessee, that impounding might have occurred. He would not deny that. He thought, if the circumstances were fully inquired into, it would be found that in all those instances there was aggressiveness on the part of the selector; otherwise impounding would not have been resorted to. Pastoral lessees were usually very sensible men. They knew perfectly well that to attempt to impound the stock of a selector for the purpose of harassing him would have an effect in this colony that would soon put them in a very bad position indeed. They were perfectly well aware if they resorted to measures of that kind that Parliament would be moved to insert some amendment that would allow selectors full power of impounding. He believed the House would look with favour upon any such measure if they believed the selector was harassed; but he denied that there was any possibility of the pastoral lessee doing anything of the kind. He would go further and say that if, while he had the honour of a seat in the House, it came under his notice that the squatters were in the habit of harassing the selectors by impounding their stock, he would support a measure to give the selectors the right of impounding. It had already been pointed out by the hon. member for Mulgrave that if a selector had 640 acres the new clause would give him the right of grazing over a very large extent of country outside that. That applied more to the agricultural areas, where there was no compulsion whatever to fence in the land. If a selector chose to put up other improvements equal in value to a fence, he need never fence at all, and his stock might wander about for all time, provided they did not go more than half-a-mile from the boundary. If the stock were not herded there could be no wilful trespass. That was in the case of agricultural farms, and they had also to consider the case of the men who took up 20,000-acre blocks. The cry generally raised was, that it was rich against poor; but he maintained that the man who was able to take up 20,000 acres was in as good a position as most squatters, and often a great deal better. There would be some sense in the clause if it provided that stock necessary for working the land should not be impounded, and several members had spoken as if that were the intention of the clause. But a man might have 20,000 sheep on 10,000 acres, and so long as they were not shepherded, how were they to be

prevented from grazing outside his selection, provided they kept within half-a-mile of the boundary? Where was the great security the lessee was to have under the Bill, if a selector took up land alongside the unresumed portion of a run? The contention was that the tenure of that land was as good as that of the selection for a certain number of years; but how could that be so if the selector had the right of grazing over a part of it, six or seven miles long and half-a-mile in width? He maintained that a more unfair clause could not be inserted. He did not want to see an unequal advantage given to the squatters, but the squatters were only a small body in the colony, and were not likely to abuse their power. They could not say so much for people who might go out and take up selections for the express purpose of blackmailing. They should pause before passing such a clause as that now before them. He could say this for the pastoral tenants in that Chamber, that they had not raised a single objection to the provisions of the Bill relating to selectors. They had given every facility for the passing of the Bill, and had done all they could to assist it. Personally, he had not raised a single objection to the area a selector was to have or the conditions upon which he was to hold it. He thought, however, that it would be very unfair to pastoral lessees if they passed the clause, and he hoped that if it was passed at all it would be with considerable modifications.

Mr. ARCHER said he should like to ask the hon. gentleman who introduced the clause whether he intended that a selector of, say, 640 acres, should have the right of depasturing the number of stock that that area could properly carry, or that number and three times more, which could be carried by the area over which the clause would give a grazing right? The clause would give the holder of a selection of 640 acres the right of depasturing his stock on something over 2,000 acres.

Mr. SALKELD said he regretted that, through his train having been delayed, he was prevented from being in his place in time to propose the clause which his hon. colleague (Mr. Macfarlane) had moved for him. He had not heard all the remarks of the hon. member for Warrego, and he had been unable to catch all that was said by the hon. member for Blackall; but he understood the hon. member to say that a man with a selection of 640 acres would have the right to depasture his stock on three times 640 acres. The clause gave no right of the kind; a man would not have the right to depasture stock outside his own land.

Mr. DONALDSON: He can take it.

Mr. SALKELD said that, by the part of the Bill already passed, if the pastoral tenant let his stock run over the selector's holding, the selector—except in the case of wilful trespass—could do nothing but drive them off. The clause would give the pastoral tenant exactly the same right. In the case of wilful trespass he could impound, and in any case he could drive the stock off. The clause did not give the selector the right to graze anywhere; it simply limited the power of the lessee in the matter of impounding the selector's stock. He had intended to move a different clause, which he should have preferred to the present one, but he had given in to some of his friends, who pointed out that there might be a difficulty in the way of determining the number of stock a selector might have. He had no desire to insert anything in the Bill which would deal unfairly with the pastoral lessee. His object was to protect the selector, while not leaving any loophole which would allow him to take up land in order to run his cattle over the lessee's ground and take his grass. He thought the clause would meet the case very fairly indeed. It had been said that no cases had occurred in the past of a squatter impounding stock under the Act of 1876. Perhaps the hon. member who said that did not know of a case; but he did. He was told of a case that very day in which the Crown lessee impounded a selector's stock again and again, till at last he had to give up his selection; and he knew both squatter and selector quite well. When the Act of 1876 was passed, a great many runs open to selection had been so much selected that the Crown lessees gave up their grazing rights—they ceased to pay rent, and therefore ceased to have the right to impound stock. That was no doubt one reason why they did not generally impound. There was also another cause. He knew of cases in West Moreton where the squatters did not impound selectors' stock, but allowed them to graze anywhere on their runs. They afterwards made freeholds of their land, and sold out to others, who impounded the stock over and over again. The original holders did not impound, because there were roads all round their runs, a number of which they had fenced in; and if they had commenced to harass the selectors those roads would have been thrown open. The other parties did not at first know of that; but when they found their mistake they dropped impounding at once. He admitted that a great many of the squatters did not desire to impound; but it was not for the Committee to consider what a few, or even the great majority of the squatters, might do; and they had no right to pass a law giving power, even to a few squatters, to harass selectors. The hon. member for Warrego had instanced a case that would be a hardship if it should arise. He said that farmers really need not fence at all; that they might put up improvements in lieu of fencing, and leave the land unfenced for the whole of the fifty years; and then he asked how it would be if they were alongside the half of the run of which the squatter had got a new lease. The clause did not apply to such cases; it was not intended to do so at any rate; but if it did, he should be happy to accept an amendment limiting its application to the resumed half of the run.

The PREMIER: It only applies to the resumed half.

Mr. NORTON: It applies to all.

Mr. SALKELD said he thought the Committee might very well accept the clause as a fair concession to the small lessee, and one which would not to any appreciable extent injure the pastoral tenant. A few of the selector's stock might trespass over the boundary of the squatter; and on the other hand it was just as likely that the squatter's stock would wander across to the selector's land. Within certain limits, stock would always go where there was the best grass. They had protected the Crown lessee by limiting the right of the selector to impound stock except in case of wilful trespass, and in fairness to the selector it was only right to limit the power of the pastoral tenant in a similar way. He hoped the Committee would agree to the clause.

Mr. NORTON said that an extraordinary change seemed to have come over the Minister for Lands since the question of impounding was last before the Committee. Then he stood up and abused the Opposition because they did not help him to oppose an amendment in favour of the selectors' rights; but something had evidently happened to change the hon. gentleman completely. Some sort of soothing draught must have been administered to bring him round to a more amiable frame of mind. On that occasion the hon. gentleman was rather too severe; because the Opposition were simply

waiting till the attack on the other side had subsided. With regard to the clause before the Committee, he did not think its advocates had considered what it really meant. In the first place they ought to bear in mind that the part of the run taken up by the selector had been, up to that time, a portion of the pastoral lessee's holding, upon which he had the right to depasture his stock; and that something was being taken from the pastoral lessee which he had always had before. But the selector had no such claim: a right was given to him which he did not possess before; and the pastoral lessee was, for a time, actually paying rent for the land taken up by the selector. If the selector took up land in October, the lessee had paid rent in September for the year, which did not expire till the 30th of June following; so that he had paid rent for nine months on country from which he received no benefit, and that rent was a dead loss to him. Whatever land was taken up by the selector during the year, the pastoral lessee lost the use of that land—land on which he had paid the rent up to the 30th June following. The area taken up by the selector was a comparatively small portion out of a large holding; but let hon. members compare the rights of one with those of the other. The selector not only got the area of land included in his selection, but he got the right to run his stock over four square miles, or thereabouts, as well. The selector had the right to drive the pastoral lessee's stock off his holding, and the pastoral lessee had the right to drive the selector's stock off his run. The difference between them was that the selector, having a comparatively small stock, could easily keep his eye upon it; while, as to the pastoral lessee, if there were half-a-dozen selections taken up on the resumed part of his run, he could only keep the selector's stock off his run by employing extra men for that purpose. It was not placing the selector in the same position as the pastoral tenant; it was giving an advantage to the selector, who had a smaller area to look after, and could much easier drive off stock that had trespassed on his selection. It had been said that the clause did not apply to the entire run of a pastoral tenant; but it certainly did in all cases where a pastoral tenant had exercised his right of taking out a license for the resumed part of his run. No doubt selectors' stock had been impounded under the existing and previous Acts, but such cases had been comparatively rare. In his own district there had been a great deal of trespassing on the part of selectors' stock; he knew that from personal experience, not only on his own run but on those of his neighbours; and in hardly any instance had impounding taken place. The practice was for the selector to allow his cattle to get mixed up with the pastoral tenant's stock, and when the latter was mustering, the selector got out his beasts and drove them home. For a good many years he had had a knowledge of what was going on in his district, and he could say that, although trespass of selectors' cattle had been carried on to an extraordinary extent, yet the right to impound had hardly ever been exercised by the pastoral tenant. The danger which the clause proposed to meet was one which so seldom occurred that it was not worth while taking into consideration; and the clause itself would have a dangerous tendency. If a clause of that kind were to be introduced, why not make it so as to give the selector a positive grazing right over so much land in addition to his selection? As it was, if grass happened to be scarce on a selection, the selector would not look particularly after his stock—the fence not being up—so long as they did not go outside half a-mile of the boundary; and to turn them off would involve the pastoral tenant employing extra men for that purpose alone. If there was only one selection on a run it would not matter so much, but where there were half-a-dozen or a dozen it would be impossible for any man to drive off the trespassing stock, and might effectually prevent the pastoral tenant from exercising his right of depasturing on the resumed portion of his run.

The HON. B. B. MORETON said the hon. member who introduced the new clause spoke of it as referring only to the resumed portion of a run. He would point out to the Committee that on one side, or on two sides, it might refer to the leased half.

Mr. SCOTT said the clause fixed no limit to the number of stock a man might place on a selection, and it held out a direct inducement to the selector to put on a great deal more stock than the selection would carry. Speaking from memory, he believed that under the 1868 Act a limit was fixed as to the number of stock a selector could put on his run before he could be protected against impounding by the pastoral lessee. By the present clause a man might put as much stock as he chose on a 640-acre selection, and it gave him a right of grazing all round it. Such a provision was hardly fair to the pastoral lessee.

Mr. PALMER said that if the Committee were desirous of creating or allowing anything like good feeling to exist between pastoral tenants and selectors they would leave the clause out; for if there was a bad feeling, such as the hon. member for Toowoomba referred to just now as having already arisen, he did not think anything he had just said, or the passing of the clause, would do anything in the way of throwing oil on the troubled waters, or keeping things as they were. He could not conceive a pastoral tenant being desirous of harassing a selector in any way. He admitted that he was out of it altogether as he was situated; but if he had selectors round about him he was quite certain that it would be to his interest to keep on good terms with them, and not allow himself to be harassed and his stock run about by them, because he was satisfied that he would be the loser. In every case the selector had the advantage, if it came to a question of recrimination and cross purposes. What would be the effect of the clause? If hon. members who were desirous of seeing it passed would just calculate, they would see the power it would put into the hands of a selector. He could take up 40 acres—he need not take up more—and he would have the right to graze over 640 acres of country. That was a mathematical problem which he submitted to hon. members opposite to work out. Any selector who chose to take advantage of the clause would have that area to graze over; no one could call him to question; and he would have no rent to pay, for the pastoral tenant had paid the rent already. A selector was to be empowered to act in that way, and then it was said, "Let us give equal justice to both the pastoral tenant and the selector!" He desired to see equal justice given to everybody. He was not unfriendly to the selector—in fact, he would like to see selectors fairly and substantially settled in the country; but the clause would not promote settlement. It would lead to the creation of a number of small travelling pastoralists who would go up and down the country taking up 40 acres of land here and there, working it out and then shifting. When the Minister for Lands first spoke on the clause he said that if he thought it would relieve the selector from fencing he would oppose it. The

hon. gentleman evidently did not take into consideration, or had forgotten, that by the Bill, as amended, the selector was not called upon to fence his farm at all; and in that case he (Mr. Palmer) called upon him to oppose the clause according to his own argument. If there was anything in the Bill against the selectors, they had the Government to thank for it; because the squatters had not introduced any clause or any amendment that would at all tell against them. He challenged hon. members opposite to show instances in which squatters had needlessly harassed selectors to their disadvantage. He hoped the Committee would look at both sides of the question, and see that by passing such a clause they would be opening the door to what had happened in New South Wales—the establishment of a system of blackmailing, of which a large class in the country would take advantage.

Mr. ISAMBERT said that beating about the bush led to the loss of much valuable time. No doubt many of the arguments advanced from the other side were tenable, because the clause, as worded, was too indefinite, too loose, and would give small selectors the power to harass squatters. But they must take into account that clauses 51 and 77 would not have been allowed to pass by members on his side had it not been on the understanding that equal rights would be given to both sides—that some equitable clause would be prepared, brought in, and passed. The clause proposed would be very impracticable if it were passed. There ought to be some limit to the number of stock a selector should be permitted to hold, so long as his selection was not fenced in. The limit should be very low, so that even if the selector's cattle did trespass they would do no more than the squatter's cattle had hitherto been able to do; and by fixing a low limit the grass on the selector's grazing farm would not be eaten so bare, and there would be some grass for the squatters to trespass on in the same way. It was absolutely necessary that some equitable clause should be passed, or it would give rise to a great deal of discontent.

Mr. GRIMES said he had expressed himself before as being opposed to giving a selector the right to impound the lessee's cattle coming upon his selection. He did so because he thought it would be hard to force the lessee to shepherd his cattle on a mile and a-half of the portion of his run nearest the selector's boundary; but he now thought that there might be hardship on the other side, and that the clause, as introduced by the hon. member for Ipswich, would put the selector and the lessee of the run upon an equal footing. It would force them to give and take with one another, and in that way it was a fair clause; and he should support it, believing that it would lead them to work amicably together. He thought it would be unfair to give one party the privilege of impounding cattle from one portion of land, whilst the other party should not have the same privilege when stock came upon his selection. The 51st clause of the Bill, as amended, prevented the selector from impounding the lessee's cattle, although they might run over the whole of his selection.

An HONOURABLE MEMBER: No.

Mr. GRIMES: Yes. The selector had no right to impound any of the cattle belonging to the lessee, even if they were grazing over the whole of his selection, unless it was by wilful trespass; and he thought it was only fair that they should give the selector the same privilege, and allow him a little room for his cattle, as proposed by the clause. He fancied, however, that half-a-mile was rather too much; he should be pleased to see it altered to a quarter of a mile; but, nevertheless if the hon. member did not see his way to make that alteration, he should vote for half-a-mile.

The PREMIER said there was a good deal of difference between horses, and cattle, and sheep. He did not know whether the hon. member for Ipswich cared about pressing his amendment so far as sheep were concerned; but if he did not, it would limit the subject of discussion a good deal. A man who had sheep should either fence or shepherd them; and it would certainly be better to make the clause apply to horses and cattle only. With respect to the point referred to by the hon. member for Port Curtis, as to the land upon which trespass would take place, it could be met by inserting after the word "trespassing" the words "on the lands held under license." It became a question of which was the best condition to impose—the condition of distance, or of the number of stock. He agreed that in very nearly all cases there would be no attempt made by the pastoral lessee to harass the selector, and he was sure no one desired to assist a selector who went on a run for the purpose of inconveniencing the pastoral tenant. The question arose, which was the most convenient way—whether to limit the number of horses or cattle, or to deal with the distance from the boundary—the unfenced boundary, of course. In either case there would be the same difficulty of proof in the event of litigation. Wherever there was impounding there would be a possibility of litigation, and what they should try to do was to fix some condition that would give rise to less trouble and litigation. He confessed he was very much divided in his own mind on the point—whether it would be better to diminish the distance, or impose a limit to the number of horses or cattle. In either case there would be practically no harm done to the pastoral tenant. The clause would have this effect: that there would be no impounding, and the selector would not put on more stock than he was entitled to, for if he did he would know that he ran the risk of having his cattle impounded. Impounding was of no use to the person who impounded; it was only an annoyance to the person whose cattle were impounded. The boundaries should also be described in the clause as unfenced boundaries. There were hon. members on his side who took a warmer interest in the matter, and attached greater importance to it, than the Government did. It would be very desirable that before the clause passed there should be some amendment made, and he thought the hon. member would be very glad to accept the suggestion.

Mr. JORDAN said that, so far as he and some other members on that side were concerned, they were only anxious to do what was fair between the two classes of settlers. The question was a very difficult one. They had already determined, in clause 51, that the selector should not have the right to impound except in cases of wilful trespass. It seemed a fair thing that that should be reciprocal; but, at the same time, he could not fully agree with the proposal of the hon. member for Ipswich, Mr. Salkeld. It would give a right to the selector, if he took up 640 acres, to run his stock over four square miles; that would be three square miles outside the boundary; and he agreed with the suggestions of the hon. Premier and the hon. member for Oxley, that the fringe should be a quarter of a mile instead of half-a-mile. Perhaps the hon. member for Ipswich would also agree to limit the number of stock. That system of limitation would be a very fair thing, and he should very much like to see it carried out.

Mr. SALKELD said he would have no objection to leave out sheep, because he believed

that sheep would be depastured on those grazing farms in sufficient number to require a shepherd. His object was to meet the case of farmers who had taken up land with a very small capital, and who could not possibly fence their land under from three to five years. Men often went farming with not more than £100 cash, and not even that; and they did the whole of the work with the members of their families—perhaps a son or two. They had to build a house, get a garden, provide a water supply, and clear and cultivate. It would take two or three years to do that. Those men did not generally take sheep with them; but they did take horses and cattle. He was willing to accept the suggestion of the Premier to leave out the word "stock" and insert the words "horses and cattle," and instead of putting a limitation on the distance put a limitation on the number of stock, say one horse, or two head of cattle, to every 10 acres contained in the selection. There would be a difficulty in regard to the objection made about the limitation of the number of stock. If the boundary were limited, the selector would be bound to shepherd his stock. That was in the case of evil-disposed squatters, who might drive the selector's stock over the boundary and say they were on his run, and impound them. There would be a continual dread of that, and it would lead to very strained relations between the two. He proposed to omit the word "stock," and insert "horses and cattle," limiting the number to one horse or two head of cattle to every 10 acres. He did not think there would be any hardship if sheep were left out.

Mr. DONALDSON said that before the amendment was put he should like to have the whole clause explained, because it was quite possible they might be falling into a trap, and not know what they were going to vote for.

Mr. NORTON suggested that the hon. member should exclude entire horses and bulls.

The HON. SIR T. McILWRAITH said he did not understand the explanation given by the hon. member for Ipswich. Did he understand that his proposition was, that if a selector had only stock to the extent of one horse or two cows to every 10 acres, in that case the right to impound should be this—that the pastoral lessee could not impound anywhere so long as the selector kept only a reasonable amount of stock? That was a more reasonable proposition than the other. The numbers were rather extraordinary. There was not a farmer in the country who could keep a cow on 5 acres; 8 acres was the usual amount. Ten acres, he thought, would be a fair thing. He did not know any cattle station in the country that would carry more than one head of cattle for every 10 acres. The provisions of the clause would apply, of course, only until the selection was fenced in. He thought it would also be a fair thing to specify a time within which the selection should be fenced, and if it was not fenced within two years the selector should have no such right as was proposed by the clause.

Mr. SALKELD said the Bill was intended to provide for the land being turned to better use than it was hitherto by the squatters; and he thought they might very well graze more than two head of cattle on 20 acres. In reply to the hon. member for Warrego, he might state that the intention of his amendment was to leave out the word "stock" and insert the words "horses or cattle." So that the lessee would not be entitled to impound the horses or cattle of the selector except in cases of wilful trespass, or where he ran more than one horse or two head of cattle to every 10 acres of his selection.

The MINISTER FOR LANDS said it seemed to him that such a proposal would be utterly unworkable and impracticable. How were they to find out what number of stock the selector had, unless he chose to tell them himself, and tell them correctly? He might not tell them correctly, and might underrate or exaggerate the number of his stock as it suited him. He thought the clause, as it was proposed to amend it, would be no safeguard at all. He would suggest that the hon. member should confine the operation of the clause to agricultural holdings—limit the extent of land that could be grazed over on either side of the selection, say to a quarter of a mile, and allow two or three years to fence in. That would meet the cases likely to arise very thoroughly. On grazing farms he thought that no difficulty was, after all, likely to arise between the pastoral tenant and the selector. The cases that would arise would certainly be very rare indeed, and scarcely worth their while to provide for. In the matter of agricultural farms there might be some difficulty, and they could give the selector two years to fence in his selection.

Mr. GRIMES said he did not think two head of cattle to 10 acres could be considered excessive at all, especially in the case of the agricultural farmer. He would not depend entirely upon the grass on his unfenced selection, but would most likely also give them produce grown on the farm. In that case the cattle would very likely roam but a very little distance from the fenced-in cultivation. By fixing it at two head of cattle for every 10 acres, they should remember that a farmer holding 60 acres would only be privileged to keep twelve head of cattle.

Mr. DONALDSON said there was no grazing land he knew of that would carry the quantity of stock the hon. members for Ipswich and Oxley mentioned, and as to carrying stock upon feed produced on the farm, that could only be done some years hence. The hon. member for Ipswich spoke of making a better use of the land than was made of it now. That of course could be done, but he hoped that by the time it was done, and the country was able to carry the quantity of stock the hon. member referred to—the land which he fenced in—there would be no necessity for having the stock impounded at all.

The PREMIER said he would suggest that probably the best way to deal with the matter—and he thought it would meet the views of every member of the House—would be to make the clause read thus:—

"A lessee exercising the right of depasturing on the resumed part of a run under Part III. of this Act, or a licensee under Part VI. of this Act, shall not be entitled to impound the horses or cattle (except entire horses or bulls) of a selector of an agricultural farm found trespassing on the land which is subject to the right of depasturing or license to occupy, and within a distance of a quarter of a mile from the boundaries of the selection, except in cases of wilful trespass, or unless the selector depastures more than," etc.

He believed that would do everybody justice, and that there would be no heartburning. It would satisfy the people who were afraid they would be harassed by the pastoral tenant. He hoped the hon. gentleman would accept his suggestion.

Mr. SALKELD said he could not accept the suggestion of the hon. Premier at all. It hedged the selector in in every way. He would agree to amend the clause so that it would read in this way:—

"A lessee exercising the right of depasturing on the resumed part of a run under Part III. of this Act, or a licensee under Part VI. of this Act, shall not be entitled to impound the horses or cattle (except entire horses or bulls) of the selector found trespassing within a distance of half-a-mile from the boundaries of the selection,

except in case of wilful trespass, or where the selector shall run at the rate of more than one horse or two head of cattle for every ten acres contained in his selection."

That, he thought, would suit all cases.

The HON. SIR T. MCILWRAITH asked, what about the difficulty raised by the Minister for Lands as to the number of cattle the selector had, and how they were to find out the number he had running upon his selection? The clause, as the hon. member proposed to amend it, did not meet that.

Mr. WHITE said he did not think there would be any difficulty in the squatter finding out the number of cattle the selector might have. If there were any cattle he was doubtful about the squatter could take them to the pound, and he would very soon find out who owned them. If a selector was uncommunicative about the number of cattle he had, and diffident in pointing them out, the squatter could take possession of them, and he would soon find out who owned them. He thought it was a very simple matter.

Mr. SALKELD said, in reply to the objection raised by the hon. member for Mulgrave about the difficulty of finding out how many cattle the selector might have, that if he had no more than he proposed in the clause, one head for every 5 acres, he did not think he could hurt the squatter very much. At the present time what he objected to strongly was that the pastoral tenant's stock could run over the whole of a man's selection without let or hindrance in any way. They could not hope to make any Act of Parliament or any clause that would meet every possible case that could arise. There would be very few heavy cases of hardship if the clause, as he proposed it, was passed. He felt convinced that, if they passed the Bill without some such clause as he proposed, it would lead to no end of litigation and bad feeling, and that it would be felt to be class legislation. He hoped the Committee would agree to the clause as he proposed to amend it.

The HON. SIR T. MCILWRAITH said the hon. gentleman seemed to think that if his proposal were not accepted there would be a good deal of bad feeling between the squatter and the selector. Why had not that bad feeling existed during the past eight years, since the passing of the Crown Lands Alienation Act of 1876? He had never heard of any bad feeling under that statute; on the contrary, he believed that that law had worked remarkably well. And in spite of what the hon. member for Toowoomba had said, he repeated that the clause in that Act preventing impounding on selections which were not securely fenced was unanimously accepted by the House in 1876. In what way could hon. members express their opinions on the subject, except by debate, when there was no division? The clause was proposed by Mr. Douglas, and was passed simply because the limitation of the power of impounding imposed by the Act of 1868 had, in the opinion of hon. members, worked badly. He could quite understand another remark made by the hon. member for Toowoomba—namely, that the Committee were arousing a feeling of great indignation in the country by their action in connection with the impounding clauses. It was from the gross misrepresentation of the hon. member for Toowoomba and others that the indignation had arisen. He (Sir T. McIlwraith) was certain that, if the selectors had understood the provision that had been made, they would never have been indignant about it. A similar clause had been passed in New South Wales and Victoria, and it was an absolutely necessary provision; because without it the land of the pastoral lessee would be perfectly useless, and because it was the only way of making the selector fence his holding as soon as possible. Everybody acknowledged that. Now the hon. member for Ipswich asked for reciprocity, contending that, if the squatter was allowed to impound cattle found on his land, the selector should be allowed to impound from his unenclosed holding. But that was impossible, as, owing to the conditions under which he held his land, the lessee could not protect himself in the same way as the selector. There was no room for reciprocity, otherwise the Committee would have given it at once. There was no intention on either side to do an injustice to the farmer, but they desired to guard against the selector doing an injury to his neighbour.

Mr. GROOM said the feeling in the country was not due to any misrepresentation on his part. He was not aware of his having misrepresented the matter in any way. The indignation arose from the people reading the *Hansard* reports of their proceedings, which were read, and well read too, by the public outside. It was entirely by reading those reports that the ill-feeling was engendered. He had read a very long letter written by Mr. George McCleverty, a selector from Victoria, in which the writer characterised the impounding clauses passed a few days ago as the worst piece of class legislation he had ever seen.

The PREMIER: The same law has been in force in Victoria for the past twenty-two years.

The HON. SIR T. MCILWRAITH: And it was passed in New South Wales only the other day.

Mr. GROOM said that in Victoria the selector had a right of action for trespass.

The PREMIER: So he has here.

Mr. GROOM said that the selectors did not know that was the law. If they did, it was very likely that that knowledge would tone down very much the feeling that now existed; but it was not generally known that selectors in the country districts had the right of instituting an action for trespass. He repeated that he had not misrepresented the matter, and that the feeling in the country arose from the people reading the reports in *Hansard*.

The HON. SIR T. MCILWRAITH said the hon. gentleman quite misunderstood him. He (Sir T. McIlwraith) knew that it was from reading *Hansard* that the indignation which the hon. gentleman said existed in the country arose; and he knew too that the feeling was a very mild one, and confined almost entirely to the districts around Toowoomba and Ipswich. It arose simply from selectors reading in *Hansard* the reports of such speeches as those made by the member for Toowoomba, and the member for Ipswich, who talked about reciprocity in a case where it was perfectly impossible that it could exist.

The PREMIER said that every person whose property was trespassed upon had a right of action for trespass. The hon. member for Toowoomba said that was not generally known. Well, he (the Premier) believed that selectors had too much good sense to bring an action for trespass in the case of a beast or two occasionally trespassing on their selections. In New South Wales the right of action for trespass had been taken away except in the case of wilful trespass. The Government did not propose to do that; they intended to leave the selectors all the rights they had. But while they were desirous of encouraging selection, they could not afford, for the sake of a selector or two, to do anything that would interfere with the revenue they expected to derive from the vast tracts of country which would be

occupied by pastoralists. The selectors, he was sure, did not desire that the general public should be burdened for their particular benefit. He believed the Committee were willing to grant such concessions as could be granted to the selector without doing injury to the public. As he understood the matter, the person for whose benefit the new clause was intended, or for whom it should be intended, was the small selector. He did not think it should be applied to grazing farmers. If a man had a large mob of cattle he should look after them; he had no right to turn them loose. It would not be right to allow him to let them loose and go where they pleased, simply because he had 5,000 acres of land somewhere. It was only the small selector who needed the protection proposed to be given; and he therefore thought the provision should be limited to agricultural farms. The Committee seemed to be getting adrift; and he would suggest that they should move one amendment at a time, and dispose of that one before proceeding to discuss another. The hon. member for Ipswich had proposed to insert after the word "stock" the words "horses or cattle, not being entire horses or bulls." After that was dealt with, he (the Premier) would move that the words "of an agricultural farm" be inserted after the word selector."

Mr. SALKELD moved that the word "stock" be omitted, with the view of inserting the words "horses or cattle, not being entire horses or bulls."

Amendment agreed to.

The PREMIER moved that, after the word "selector" in the 3rd line of the clause, the following words be inserted—"of an agricultural farm."

Amendment agreed to.

On the motion of the PREMIER, the clause was further amended by the insertion of the following after the word "trespassing," on the 4th line of the clause—"on the land which is subject to the right of depasturing or licenses to occupy, and."

Amendment agreed to.

Mr. JORDAN said, in view of the fact that the areas of agricultural farms would be small as compared with grazing areas, he would move that the distance within which the selectors' stock would be allowed to stray should be altered from "half-a-mile" to "a quarter of a mile." He hoped the hon. member for Ipswich would accept that amendment.

Mr. SALKELD said that a quarter of a mile would be of no use to the selector at all. He would be obliged to shepherd his stock, and therefore the clause would be no protection to him. It would be better, he thought, to leave out the words "within a distance of half-a-mile from the boundaries of the selection," and insert "or where the selector shall run at the rate of one horse or two cattle to every 10 acres comprised in the selection." That would meet the case in every way.

Mr. ARCHER said that that was a most extraordinary amendment, because it was giving selectors the right to graze wherever they liked. Why should they make provision for a selector keeping more stock than a squatter had ever been able to do? He knew what good land was, and when he selected he took up the best he could get; but he could not possibly graze a beast to every 5 acres. On some selections it would not be possible to do it on 10 acres. Why should a selector be allowed to run more cattle than his selection could possibly carry, and then be allowed to run them wherever he liked? The stock might run not only over his own selection, but also over the run of a neighbouring lessee. The thing was absurd.

Mr. SALKELD said he had no doubt the hon. member did take up the best land he could get; but it did not follow that a man might not graze one head of cattle to every 5 acres. As a matter of fact selectors did it. If the homestead selector, with a 160-acre selection, could not run sixteen head of cattle on it, it was not much use to him. Hon. members opposite should not think that they alone knew everything about grazing; hon. members on the Government side knew something about it too. He himself had some knowledge of the subject, and he knew what he was speaking about. He knew that selectors in West Moreton, from the New South Wales border to Toowoomba, grazed one head of cattle to every 5 acres, and sometimes more. What he contended was, that the *bonâ fide* selector ought to have protection, so that he should not be harassed in taking up a selection and running stock on it. If the hon. member for Blackall could frame any other amendment that would effect that object he was quite willing to adopt it.

The PREMIER said that if the distance was left out, and the limitation of the numbers inserted, the pastoral tenant would be protected. It would make no difference to him whether it was half-a-mile, provided the selector had not too many stock. If there was enough grass on his own selection, it would make no difference what the distance was. What the hon. member desired was that the selector should be protected from being harassed. But the protection would not extend during the whole period of fifty years. Three years might be found to be enough. The desire was to protect him at the start, and not that it should be a continuous thing. He would suggest to the hon. member to leave out the "half-a-mile," and put in the limitation of numbers.

Mr. JORDAN said he thought that two head of cattle was too much for 10 acres. They were not dealing with land that was fenced in; otherwise, perhaps, it would not be too much. He understood that the hon. member was willing to alter his amendment to one horse and one head of cattle; and that being so, he (Mr. Jordan) would withdraw his amendment.

Amendment, by leave, withdrawn.

Mr. SALKELD moved that all the words after the word "within" be omitted, with the view of inserting the words "three years from the date of the selector's license, except in case of wilful trespass or unless the selector depastures on his selection more horses or cattle than at the rate of one for every 10 acres comprised in his selection." He thought that would meet every case, and would not be a hardship to anyone.

Mr. STEVENS said that, if that amendment were accepted, the selector would have the right of running his stock all through the paddock of the pastoral lessee. Almost all the good country now was fenced in, generally in large paddocks, entirely at the expense of the pastoral lessee. The fence which would keep the selector's cattle from straying all over the colony would be paid for and kept in proper order by the lessee. Not only that, but he would get the use of land which the lessee was actually paying for to the extent of nearly twice as much as he himself paid the Government for. In addition to that, as he was not allowed to keep bulls, he was simply induced to put on a lot of cattle and use the squatter's bulls. No reasonable man would ask such a thing as that. The selector might take up a few

hundred cattle, most probably female cattle, and he law told him to put them amongst the squatter's cattle, and get the use of his stud bulls. He would ask the hon. member who proposed the amendment, whether he thought that would be fair? It was an utter absurdity. There was a good deal in the cry "What is fair for one is fair for another," but where was the fairness of that? He had not intended to speak on the question at all, but he considered that as a practical man he should be utterly wanting in his duty if he did not point out that objection. There was another thing. Sheep were not considered at all in the clause, so that a selector could take up a flock of sheep sufficient to fully stock his selection, and drive his cattle off on to another man's country. That was what the clause provided for. He hoped the hon. member would consider those matters before pressing his amendment.

Mr. MIDGLEY said the member for Ipswich (Mr. Salkeld) commenced by introducing what he considered a sensible and proper amendment to the Bill; but the thing had been so altered—the life and soul had been so shaken out—that there was nothing left worth contending for; and he did not think the name of the hon. member would derive much benefit from being connected with the clause if it were carried in its present shape. The concession asked for at first was a small one, but the hon. member for Ipswich had been simply bamboozled by the grand exhibition of diplomacy the Committee had witnessed that afternoon.

Mr. BLACK asked whether it was intended to strike out the half-mile and substitute nothing in its place? If that were so, it seemed quite a new principle to introduce into the Bill—the principle of giving grazing rights to selectors without receiving payment for them. The Government had given the lessee of a run the option of securing a grazing license for the resumed portion, for which he would have to pay two-thirds of the original rental; and he should have been quite prepared to discuss the question of giving grazing rights to selectors under certain conditions; but it seemed an extraordinary piece of injustice to take rent from the pastoral lessee, thereby giving him the right to graze his stock over a certain portion of his run, and then to allow the selector to come in and, without any payment, deprive the lessee of that for which he had already paid. On the grounds of equity he did not see that the proposition could be maintained at all. If it was intended to give the selector a grazing right, let it be done in a fair way. If they were going to let the selector come in, and make use of the right for which the lessee had paid, surely the Government ought to give compensation! From an equitable point of view, the lessee was entitled to some compensation if deprived of a right which the Bill gave him in the first instance. He was astonished at the way in which the hon. member for Ipswich had allowed the very best feature in the new clause to be eliminated. If anyone in the country was deserving of a grazing right, it was the man who took up a grazing area rather than the agricultural selector. As a rule, where there was agricultural settlement the holdings were close together. There might be thirty, forty, or fifty of them in a group, and it would be only those outside who would have any grazing rights at all. Those in the centre would get none unless their stock were allowed to go along the main roads or across the selections of their neighbours; and he knew from experience that agricultural selectors were much more likely to impound than the Crown lessees; they very seldom showed any consideration for one another. But take the case of the selector of a grazing area. He might be a man with 150 or 200 head of cattle; and, being cramped for room in the settled districts, he might take up a large area of land further out to allow for the natural increase of his stock. Until he fenced in his holding he would not be able to get a lease—he could only get a license in the meantime—and during that time, having to expend time, labour, and capital, he would very likely be obliged to let his cattle stray somewhat. Therefore, the chief merit in the clause as proposed was the universal right it gave; for, if it were decided to give the right at all, it certainly should be made to apply to the lessees of grazing areas to a very much greater extent than to the selectors of agricultural areas. If, however, it was intended to do away with the half-mile limit, and allow the selector's stock to stray anywhere over the district without giving the Crown lessee, who was paying for the grazing right, the right to impound—that, he took it, would entirely alter the principle of the Bill. It was all very well to talk about fair play between one and another. Such a proposition was not fair at all, for in the one case the lessee was deprived of that for which he paid, and, in the other, the selector was given a right for which he undoubtedly did not give any corresponding return to the Government. He did not think the Minister for Lands, when he spoke with so much enthusiasm about the clause, ever contemplated that it was going to be twisted and distorted to such an extent. To pass the clause in its present shape would be to inflict an injustice on the pastoral lessee, and to give a right to the selector for which the Government received no return.

Mr. SALKELD said he wondered where the hon. member for Mackay was when the Committee were discussing the 51st clause of the Bill, which prevented a selector impounding the stock of a pastoral tenant on unfenced land except in case of wilful trespass. The hon. member now asked whether they intended to give the selector the right to graze over land for which the pastoral tenant paid rent. He (Mr. Salkeld) denied that that was the meaning of the clause. It did not give the selector the right to graze outside his own boundary, because the pastoral tenant could drive the stock off, or could impound them in case of wilful trespass; and if there were more than one head of cattle to every 10 acres he could impound whether there was wilful trespass or not. He failed to see where the injustice of the case came in, especially as the right was only to exist for three years. The pastoral tenant had the right which was now asked on behalf of the selector; if that could be called a right which was merely intended to prevent cases of hardship or injustice which might otherwise occur. The clause would place both classes of tenants on the same footing, and it would enable a *bonâ fide* selector to take up land without having to shepherd his stock for the first three years.

Mr. BLACK said the hon. member need not be alarmed about him. He had read clause 51, and understood all about it. The hon. member was one of those who thought that Ipswich or Toowoomba was the whole colony. That was a great mistake.

Mr. FOOTE: You seem to think that Mackay is the whole colony.

Mr. BLACK said that when the 51st clause was under discussion it was perfectly well understood that the selector, in consideration of getting a very long tenure—thirty years in a grazing area and fifty years in an agricultural area—should do certain things, one of which was that he should fence in his selection. That was afterwards somewhat modified, by allowing, on

agricultural selections, other improvements to take the place of fencing; but in a grazing area fencing was still one of the absolute conditions to be fulfilled before the issue of the lease. The minimum rent, also, in a grazing area had been considerably reduced. He was not discussing the question from a Crown lessee's point of view—he was not a Crown lessee. If it was wished to give the selector a grazing right, let it be distinctly understood. It could easily be done, and he was quite prepared to accept it; but it would be extremely unfair to give to another the right for which the Crown lessee had paid.

The PREMIER said the Committee had been discussing the question for three hours, and it was about time they came to a decision upon it. It was not the most important matter in the Bill. The question was a very simple one. By a previous clause a selector was not to be allowed to impound the stock of a neighbouring pastoral lessee except in case of wilful trespass; and the proposition of the hon. member for Ipswich was that the selector should have a corresponding right for three years, provided that he had no more stock on his selection than it would carry. That was all; and there seemed nothing grievous or unfair in the proposition. No one supposed that the pastoral tenant wanted to impound, and the clause proposed that the right to impound should not exist for a certain time and under certain conditions, except in case of wilful trespass. The case was in a small compass, and surely three hours were enough to discuss it in.

Mr. NELSON said the whole clause was a perfect sham. Hon. members appeared to have forgotten altogether that the land had to be surveyed before it was selected, and, taking into consideration that survey preceded selection, he could not see that the clause had any application at all. It was simply a pretence on the part of hon. members opposite that they were going to do something for the selector. They had nearly worked him out of the country altogether; he was harassed on every hand by the Bill, and now they were trying to show that they were doing something for the poor selector.

Mr. ARCHER said, although the hon. the Premier appeared to think the matter under discussion was of small moment, he thought it was one of considerable importance. The hon. gentleman could not have taken notice of what was stated by the hon. member for Logan (Mr. Stevens), who pointed out that a selector might stock his land with sheep and still put on a beast for every 10 acres, and run them on the adjoining land.

The PREMIER: That would be trespassing.

Mr. ARCHER: It might be if the parties were to go to law, but he was happy to say he had never been drawn into law about such matters; and he believed that, if they had to go to law to define what was wilful trespass, the cost would be more severe than if they impounded in the first place; because, in addition to other expenses, they would have lawyers' fees to pay. As to the length of time the discussion had taken, it had arisen from the way the amendment was first received by the Minister for Lands, and from the fact that it had been amended over and over again. If the Government wanted to save time, they must make up their minds as to what they wanted, and state it clearly to the Committee.

Mr. BLACK said he would like to ask the Premier how he proposed to ascertain how many stock a selector had got on his selection? Assuming that a selector had 640 acres, he would be allowed to have sixty-four head of cattle running at large; and supposing he had ninety head, how were they going to arrive at the number? Would they compel him to furnish a return of his stock, or how was it to be ascertained?

The PREMIER said there were plenty of ways of finding out how many head of stock a man had. It must be borne in mind that this clause would only operate in the case of people who wanted to fight. People who were friendly with their neighbours would not be at all likely to take advantage of it one way or the other; but people who wanted to harass and annoy their neighbours—litigious people, in fact—would have the clause to guide them, and they would find that if they tried to evade it they would render themselves liable to a great deal of trouble and annoyance.

The HON. SIR T. MCILWRAITH said the clause, as it stood, provided for what was not intended either by the proposer of the amendment or by the Government. The mover of the amendment had purposely left out sheep, but he did not do so for the purpose of enabling a selector to stock his land with sheep and allow his cattle to depasture over the neighbouring country. He should be allowed only one head of cattle for every 10 acres of land that was available for depasturing cattle. According to the clause as it stood, a selector might have the whole of his selection stocked with sheep, and still have the number of cattle allowed—depasturing on his neighbour's run—without being liable to have them impounded. He was sure the hon. gentleman would see that that was not what was intended.

The PREMIER said that perhaps the best way to meet the difficulty would be to add words to make the provision apply to land not so occupied as to be unavailable for depasturing horses and cattle. He proposed to amend the amendment so that it would read in this way: "at the rate of one for every ten acres of the land comprised in the selection which is not so occupied as to be unavailable for depasturing horses or cattle."

Mr. SALKELD: I am willing to adopt that.

Mr. JESSOP said he would suggest that the words "or six sheep" be inserted. Six sheep to one beast was about a fair thing.

Mr. NELSON said he wished to know from the mover of the clause whether he considered it was a concession to the selector; because, if he did, he (Mr. Nelson) utterly repudiated it. He thought it was a concession to the squatter. It would not help the selector in any possible way. On the other hand, the squatter would gain all the advantage. He had seen cases tried frequently, and in all cases if the selector had somebody to back him he got the best of it, and always would. What advantage the selector would get out of the clause he could not say. His land would be surveyed before selection; he knew what he had to pay for it; he knew where his boundaries were, and he knew what his conditions were. It was a mistake altogether to introduce it; and he was going to vote against it, although he was the friend and representative of the selectors.

Mr. WHITE said the hon. member for Northern Downs said that the selector knew the boundaries of his selection, and the land was all surveyed; but his horses and cattle did not know them. Therefore he could not see the force of the hon. gentleman's argument.

Mr. NELSON: You have got a bad breed.

Mr. NORTON: You ought to breed a more intellectual class.

Amendment agreed to.

Clause, as amended, put and passed.

Clause 113—"Licensed surveyors"—passed as printed.

On clause 114, as follows :—

"The Governor in Council may by proclamation rescind, either in whole or in part, any reservation of any Crown lands as town lands or suburban lands, or as reserves for public purposes.

"From the date of any such rescinding proclamation the unalienated town lands, and suburban lands, and reserved lands, respectively affected thereby, shall be deemed country lands as if the original reservation had not been made.

"If any lands have been sold as town lands under any proclamation so rescinded, all reserves for water within the township shall be still reserved, and the streets and roads within the township shall be kept as roads, but may be closed and sold to the adjoining owners in like manner as other roads may be closed and sold."

Mr. PALMER said he noticed that the clause gave power to the Governor in Council to rescind and reserve lands. He supposed that referred to lands placed in the hands of trustees for public purposes, such as lands granted for schools of arts and hospitals. He understood that the clause gave the Governor in Council power to rescind reserves granted for public purposes, and he wished to know if the Minister for Lands was in a position to state whether in the case of such reservations improvements would be taken into account.

The PREMIER said he could not conceive a case happening where a reserve of lands that were actually used would be rescinded. Of course they knew that in some cases reserves were provisionally proclaimed, and it was afterwards found that they were in the wrong places; and the clause provided power to rescind them. If the land reserved was actually used nobody would rescind it. The clause was like most of the clauses in that part of the Bill; it had been in force for a good many years and had been found to work very well. Nobody would dream of rescinding a reserve upon which valuable improvements had been made. The Governor in Council would hardly rescind a reserve like that.

The HON. SIR T. MCILWRAITH: Is the clause in the Act of 1876?

The PREMIER: Yes.

Clause passed as printed.

Clauses 115 to 117, inclusive, passed as printed.

On clause 118, as follows :—

"If any commissioner, land agent, or licensed surveyor, or any district surveyor, directly or indirectly acquires any interest in any land declared open for selection under this Act, in respect of which he acts as commissioner or land agent, or in the survey of which lands he has been or is concerned, he shall forfeit his office or license as the case may be, and shall also forfeit the sum of one hundred pounds with full costs of suit, which may be recovered by any person who may sue for the same in the Supreme Court or in the nearest district court."

Mr. MIDGLEY said he thought the clause was perhaps a little too sweeping in its exclusions, as he noticed that it excluded licensed surveyors. After the principle they had adopted in the Bill, surveying would be a very important profession in the colony, and a good many men would be engaged in it, and he could not see for the life of him why surveyors should be excluded. They would be employed chiefly by the Government, so that really they would be excluded from having any interest in the land they surveyed. He thought surveyors should not be excluded from the clause.

The MINISTER FOR LANDS said he thought it a very wise restriction to prevent surveyors from dealing for or obtaining land which they surveyed, and about which they would have a better knowledge than other people. He did not think they ought to be allowed to step in and make use of the knowledge they obtained from their ordinary duties, to the exclusion of other people. They would be able, knowing the choicest spots they had surveyed, to put in an application before other people who had not their knowledge.

Mr. MIDGLEY said they would only have a chance like anybody else. They were individuals like other persons in the State, and they would only be able to obtain a selection of a certain kind in a certain district. He really thought the clause did an injustice to those men.

The MINISTER FOR LANDS said the clause was similar to one at present in existence. There was a similar clause dealing with men in that way in every Act which had been passed heretofore, and which had generally been recognised as a very desirable one. He believed it to be a very desirable one to insert in the Bill; and he thought it well to exclude surveyors, as, from their dealings with the land, they had special opportunities for obtaining information about it.

Mr. NELSON said a man could not now acquire any right except to a very small portion of land in the colony, and that those people in particular should be debarred was a most illiberal measure. Why should they not have the same rights as anybody else? They could only get a very small quantity of land—not enough certainly to induce anybody to come to this colony. The Bill would never bring immigrants to the colony—they might depend upon that; and the least they might do would be to allow the few people that were here to get the benefit of the land, including surveyors. They were limited in the quantity they might take up; they could not take up more than 960 acres, and surely that would not swamp the country.

Clause passed as printed.

Clauses 119 to 122, inclusive, passed as printed.

On clause 123, as follows :—

"The Governor in Council may from time to time by proclamation make regulations for all or any of the matters following, that is to say :—

1. Defining the survey fees which shall be payable in respect of any holding applied for, surveyed, or subdivided, under this Act;
2. Providing for the due carrying out of the provisions of this Act;
3. Defining the mode of doing and performing anything by this Act required to be done or performed;
4. Prescribing the form of leases, licenses, and other instruments, to be issued or used under or for the purposes of this Act:
5. All other matters and things that may be necessary to give effect to this Act.

"Such regulations, not being contrary to the provisions of this Act, shall have the force of law.

"A copy of all such regulations shall be laid before Parliament within fourteen days from the proclamation thereof, if Parliament be then sitting, and if it be not then sitting, within fourteen days from the commencement of the next session.

"Any person who wilfully offends against the provisions of the regulations shall be liable, on summary conviction, to a penalty not exceeding five pounds.

"And any person who offends against any such regulation relating to any public park or reserve, and after being warned by any ranger or bailiff of Crown lands, park-keeper, or police constable, shall not desist from so offending, may be thereupon apprehended by such ranger, bailiff, park-keeper, or constable, and taken before some justice of the peace, and shall be liable on conviction to forfeit and pay a penalty not exceeding ten pounds."

The MINISTER FOR LANDS said he had an amendment to insert in the clause after subsection 4. He proposed to insert the following subsection :—

"Authorising, forbidding, or regulating cutting of timber upon, or its removal from, Crown lands, or any holding under Part III. of this Act."

That, he thought, was a very necessary restriction.

Amendment agreed to,

The PREMIER moved that the word "is" be substituted for the word "be" in two places in the 3rd paragraph — namely, after the words "Parliament" and "it"—and said that was the only instance in which that phraseology was used in the Bill.

Amendment put and passed.

The MINISTER FOR LANDS moved that the words "unless herein otherwise provided" be inserted after the word "shall" in the 4th paragraph.

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

The MINISTER FOR LANDS said there were some new clauses to be inserted at that stage of the Bill, dealing with regulations for cutting timber. Power was given to the Governor in Council to impose a royalty on timber cut and removed. In the 2nd clause power was given to the lessee to forbid the licensee from exercising his rights on his holding, not exceeding two square miles in extent. That provision was the same as the present law; and the licensee had power to appeal to the commissioner. The other sections of the new clauses dealt with penalties to be imposed for the removal of timber without a license, and for obliterating brands placed on any timber by a Crown lands ranger. It was found necessary that there should be such penalties in order to control the reckless and unauthorised cutting of timber and for other purposes. The restrictions imposed would probably be found to be effective; more so, at all events, than they had been in the past. The penalties hitherto had been so small and insignificant that they had been hardly worth regarding, and consequently the law had been violated. He had known men brought before a magistrate charged with violations of the Timber Regulations, and after much difficulty verdicts had been obtained against them, and they had been fined a shilling, or some such small sum. The proposed penalties would, he believed, have a deterrent effect, and for the future the law would be more closely observed. He begged to move that the first of the new clauses stand part of the Bill.

Clause, as follows, put:—

The regulations may authorise the issuing of licenses to enter any Crown lands or any holding under Part III. of this Act, and to cut thereon and take therefrom any timber, or to dig for and remove any gravel, stone, brick-earth, shells, or other material, but not within two miles of any head-station, unless with the consent of the lessee.

The regulations may impose a license fee in respect of any such license, and may also impose a royalty on any timber or other material so cut or removed.

Mr. PALMER said he saw by the new clauses that there was a penalty imposed upon persons who cut and removed timber without a license. Could the Minister for Lands give the Committee any idea what the regulations would be as regarded the size of the timber that would be allowed to be cut? They knew that much of the better class of timber, such as pine and cedar, had been cut down and left to rot on the ground because it was of too small a girth to be of any use.

The MINISTER FOR LANDS said of course the regulations would define the size of the timber that could be cut. No one would be allowed to cut timber under a certain girth or of less than a certain diameter; but he was not in a position to say exactly what the measurements would be. That would be determined by those who had a knowledge of the subject.

The HON. SIR T. McILWRAITH said it would save time if the hon. member would state what difference there was between the proposed new clauses, and those dealing with the subject under the Act of 1876.

The MINISTER FOR LANDS said clause 109, as printed, was the clause of the present Act, and the real difference was that heavier penalties were now proposed to be inserted in the Bill.

The HON. SIR T. McILWRAITH: The clause you have moved does not refer to that.

The MINISTER FOR LANDS said he did not think there was any difference, with the exception of the power to impose a royalty on any timber cut or removed.

The PREMIER said in the old law the appeal under the first part of the clause was from the commissioner to the Government, and the new clause provided that such matters should be determined by the commissioner, with an appeal to the board. In the next part of the clause, under the old law, there was a power given to appeal to the commissioner or the nearest bench of magistrates; that was an alternative appeal. It was proposed to omit the appeal to the bench. The 3rd part of the new clause was quite new, although it had been in the regulations before; but it was doubtful whether the regulations could be enforced in that respect.

The HON. SIR T. McILWRAITH said they had had a great deal of discussion a few nights ago in reference to the right of a holder of a lease to deal with the timber on the land, and the clause before the Committee gave the Government power to issue licenses to apply to all holdings under Part III. of the Bill. Of course that part would constantly tend to be diminished in size by the operation of the Act, because the lessee under Part IV. would take up the land. Under the Bill, so far as they had gone, the lessee was not allowed to cut timber, for they had only made provision for cutting the timber down on leased lands for the purpose of improving the land so far as the selector was concerned. There was no provision made for the lessee cutting timber for commercial purposes. Then they had taken away the right of dealing with that part that remained under the pastoral lessees. They left the great bulk of the land untouched. He hoped the Premier followed him. As soon as the land became selected no license to cut timber could be issued by the Government, nor was there any provision made by which the lessee could use the timber for commercial purposes. He thought there ought to be some provision made for that.

The PREMIER said the matter was left undealt with under the Bill. He did not think there was any necessity at present for dealing with timber on selections. As long as they reserved the right to the Crown of granting licenses for cutting and selling timber, they retained their right over it. They had before provided that timber should not be cut for sale without the permission of the commissioner. If the selector wished to sell timber for firewood, the commissioner could give permission to cut it. Of course, when the matter became urgent, regulations could be made under that Bill defining the conditions under which the commissioner should give permission for cutting timber to the lessee of a grazing farm.

The HON. SIR T. McILWRAITH: Under what Act have the Government power to make such regulations?

The PREMIER said they had not the power to make regulations there; but they would have power to issue general instructions to the commissioner not to grant licenses except under such conditions as would be prescribed. In the meantime they had three-fourths of the whole of the colony at present available, and that would be sufficient to provide all the timber that would be wanted. When the lessee of a grazing farm

wanted to cut and sell timber that was valuable, he would have to apply to the commissioner for permission, and the commissioner would decide, on the instructions that had been given him.

The HON. SIR T. McILWRAITH: Under what clause?

The PREMIER: Under a new clause passed on the previous day forbidding the cutting of timber, except on permission given by the commissioner. The clause said:—

"The commissioner shall therefore inquire into the matter, and may refuse permission or may grant it, upon such conditions (if any) as he thinks fit."

When it became urgent the Government would prescribe what the conditions were to be.

The HON. SIR T. McILWRAITH said it was the recollection of that clause that caused him to make the remarks he had made. He took it that the new clause that followed clause 104 made provision for giving the right to cut timber to the lessee for his own purposes, but it did not include the cutting of commercial timber. If there was any good commercial timber on the land, he did not think the Government would be authorised under the present clause to give the lessee the right to use it without it being specially specified in the Act. It seemed to him that provision ought to be made for giving that right.

The PREMIER said that such a case was not likely to arise at present, but if it did the Government could deal with it. Under the new clause following clause 104, the commissioner might refuse permission or grant it on conditions. It would perhaps have been better to have put a provision for a royalty in that clause. He was inclined to think the clause gave authority to impose a royalty. At all events he was obliged to the hon. gentleman for calling his attention to the matter, and he would see to it. Perhaps it might be done when the Bill was recommitted.

The HON. SIR T. McILWRAITH said he thought some amendment should be made in the new clause 105, just referred to by the Premier, giving distinct power to the commissioner or the board to grant licenses to lessees to cut timber under prescribed regulations.

Mr. GRIMES said he would point out that it would be almost necessary to give the commissioner discretionary power in the Bill to grant permission to sell timber. In the case of an agricultural farm on which there was a quantity of really good timber, the farmer might have no use for it, and, unless he had permission to sell it, it would have to be burnt.

The PREMIER said the provision only applied to grazing farms.

Mr. NORTON said he would call the attention of the Minister for Lands to a matter which he had overlooked. Under the present regulations, the man who was in the habit of cutting the best part of the timber and leaving the rest only paid the same as the man who merely wanted firewood and who gathered up the scraps and took them away. He thought they ought not to pay the same. The man who had a firewood license ought to be charged a merely nominal sum.

The MINISTER FOR LANDS said the right of imposing a royalty would enable them to regulate the charge.

Question put and passed.

The MINISTER FOR LANDS moved that the following new clause be inserted:—

A lessee may make any reasonable objection to the exercise of the powers conferred by any such license in respect of his holding, and the right to exercise such powers after any objection has been made shall be determined by the commissioner subject to appeal to the board.

A lessee may, by notice in writing to that effect given to a licensee, forbid him from exercising his rights as such licensee within any area on his holding mentioned in the notice, and not exceeding two square miles, for a period not exceeding one month; and the licensee may within that period appeal to the commissioner, who shall hear and determine the matter, and may allow or disallow the forbiddance.

The licensee shall be liable to a penalty not exceeding twenty pounds if, after such notice and before the matter is determined, or in the event of the forbiddance being allowed, he exercises the right of a licensee within the forbidden area.

Question put and passed.

The MINISTER FOR LANDS said he would move the insertion of the following new clause, giving power to impose penalties for breach of timber regulations of the Bill:—

Any person who cuts or removes any timber without a license, or in violation of any of the provisions of the regulations, shall be liable, on conviction, to a penalty not exceeding twenty pounds and not less than five pounds; and in addition thereto such timber shall be forfeited, and he shall be disqualified to hold a timber license of any kind for such time (not exceeding twelve months) as the Minister may direct.

Any person who, without authority from the commissioner, removes any timber which has been seized and branded by any Crown lands ranger or other authorised person, shall be liable, on conviction, to a penalty of not less than twice the value of such timber and not less than five pounds. Such value shall be taken to be the price which would ordinarily be paid for such timber at the place of seizure.

Any person who wilfully obliterates a brand upon any timber which has been seized by a Crown lands ranger or other authorised person shall be liable, on conviction, to a penalty not exceeding twenty pounds and not less than five pounds.

Any unlicensed person who removes any stone, gravel, brick-earth, shells, or other material from Crown lands, or any holding under Part III. of this Act, shall be liable, on conviction, to a penalty not exceeding five pounds, and shall be disqualified to hold a license for such removal for such time (not exceeding twelve months) as the Minister may direct.

Mr. PALMER said he thought it was within the knowledge of the Minister for Lands—or, at all events, of the Premier, from the statement he made—that it was a fact that people had for years past, and, he supposed, at the present time, taken up lands that were valuable for their timber, for no other purpose than for the purpose of taking off that timber; and that as soon as they had done with it they threw it up, after paying rent for twelve months—they seldom paid the second year's rent—destroying the timber, of course, almost indiscriminately, right through the land they took up, and rendering it useless for almost any man coming after them. Would the Minister for Lands state if the remedy which he mentioned would have any effect in checking such waste as that? People were almost legally within their rights in taking up the land for twelve months and removing the timber, and then abandoning it.

The MINISTER FOR LANDS said the selector would be restricted by the board, under the clause which was passed on the previous day. The selector would appeal to the commissioner for power to destroy or remove timber for other purposes than those for which he had permission, and in that way selectors who took up land for any purpose of that kind—to remove the timber and then abandon it—would be very effectually checked by such powers as they gave on the previous day.

Mr. PALMER said he would congratulate the Minister for Lands if he was so successful in overcoming such a difficulty by those powers.

Mr. NORTON said there was a provision in the clause which he thought was scarcely necessary. It was the provision which disqualified a person after conviction from holding a license for removing timber or gravel. That was a provision which, he thought, was rather

unnecessary under the circumstances. Any persons who cut or removed any timber without a license, or who removed brick-earth or other material, were subject to very heavy penalties. In both cases they were subject to very heavy penalties, and was it desirable when those penalties were inflicted that they should still be disqualified from holding a license for twelve months? He did not see the use of it, because they were already punished enough in the penalty which was imposed, without being disqualified from holding a license. It might be an undesirable thing to impose that disqualification. He did not see its use, and he considered it was not a case that required disqualification.

The MINISTER FOR LANDS said he did not think the penalty of £20 was very heavy for an aggravated case, when a man got £300 or £500 worth of timber off the land before it was ascertained that he had done so. If they could shut him out from holding a license for twelve months it would be a very effectual punishment. In some cases which came within his knowledge he was convinced that unless there was some power of the kind, not only to inflict a money penalty, but also to exclude a man from getting timber for a time, no effectual control would be obtained over the man, and now, practically, he was beyond control.

Mr. NORTON said that by the clause they would not shut a man out from taking timber, but from taking it legally. If a man was in the habit of taking timber off the ground without anyone knowing it, he would do it a second time, having had the experience. There was no man who learned how to do a thing on the sly sooner than a man who had done it frequently.

Mr. BEATTIE said the latter paragraph of the clause said—

"Any unlicensed person who removes any stone, gravel, or brick-earth, shell, or other material from Crown lands."

Now, he did not know whether he was correct in saying that the Local Government Act, or the Divisional Boards Act, gave the power to the divisional boards to take gravel for general public purposes off Crown land; and also, he thought, they used to have the right of taking timber for the purpose of constructing culverts, and so forth. Now, under that clause, if it was carried, it would be necessary that divisional boards should hold a license for that purpose. He thought that provision would be very hard on some of the country divisional boards. He might be told that divisional boards generally had reserves granted for the purpose of supplying gravel and other material for road-making purposes; but if a division had a twenty-five mile road, and the gravel pit or timber reserve were on the first five miles, it would be a very long distance to carry the material to the other end. He thought, therefore, that they might very fairly concede to local bodies the right of taking gravel and timber—under strict regulations, of course—for road-making purposes.

The MINISTER FOR LANDS said the license fee in such a case would be merely nominal. It might be 2s. 6d. or 5s., or something of that sort. If they did not oblige divisional boards to take out licenses for things of that sort, they would never know whether men were cutting timber for divisional boards or for sale.

Mr. NORTON: The license now is more than 2s. 6d.

The MINISTER FOR LANDS said it did not follow that it would be the same as before. They might impose a royalty, which would be a fairer plan.

Mr. BEATTIE said that a special license should be given to a local board. If the license came under the same category as the timber license, every individual employed by the board would be compelled to have a separate license.

Mr. NORTON said he thought it would have a very bad effect to impose a royalty on ordinary timber-getters. He could quite understand the reason for imposing a royalty in special cases, such as on cedar-getters; but if the system were adopted generally with regard to the ordinary timber it would have a depressing effect on the trade generally. At present a timber-getter knew exactly how much he had to pay in the year; but if he had to pay a royalty, which would probably be at a fixed rate for a year, a fall in the market would seriously affect him.

The HON. B. B. MORETON said that he should oppose any proposition to make it compulsory on divisional boards to take out a separate license for each man employed in removing gravel or timber from Crown lands.

The MINISTER FOR LANDS said he did not see what hardship it would be to the divisional boards to have to take out a license. The fee would be a mere nominal sum. It was the only way by which they could control the cutting of timber, because otherwise any man might say he was cutting timber for a divisional board if he were not required to show his license. Even men who had railway contracts were now required to take out licenses for cutting timber. Formerly there was no control exercised over them at all. There was no oppressive tax proposed; it was a mere trifle.

Mr. NORTON said that for every pound the State gained from the railway contractors in the shape of license fees it lost two in the contract. He would point out that there was nothing in the clause to show that the license fees would be merely nominal, or even that they would be less than at present.

Mr. GRIMES said that, even if the sum charged for each license were only nominal, it would not be a nominal sum in the aggregate, considering the number of men employed by a divisional board in the course of the year. A man might be working for one board one week, and for another the next; and the number of men employed by a divisional board during the year would make the cost of the licenses a very considerable sum. He thought it would be sufficient if the board took out a license, and the men employed by the board had the written authority of the chairman of the board.

Mr. BUCKLAND said he thought with the last speaker that the production of an authority from the chairman of the board should exempt a man from taking out a license. It had always been understood that divisional boards could obtain gravel or timber from any Government lands, and it would be a great hardship if a license had to be taken out for every man employed by a divisional board. He thought that if divisional boards were exempted it would meet the case.

Mr. NORTON said there was another matter to which he would call attention. The regulations were to apply to "the issuing of licenses to enter any Crown lands." A great many roads were Crown lands within the meaning of the Bill, and under the clause the divisional boards might have to pay licenses for removing material from roads within their care.

Mr. BEATTIE said the difficulty might be got over by the Government issuing special licenses to local bodies to cut timber according to the Government regulations. The chairman of the board could give instructions to the ganger to have his license in readiness, so as to produce it when called on by the Government

inspector to do so; the Government would then have a check on persons who had no license. Such a provision would be of great advantage, and he hoped the Minister for Lands would include it in the Bill.

The PREMIER said he did not think local bodies should have the power to take anything they liked from Government land. Licenses should be granted, and it should be done under certain restrictions. It would be very convenient for them to apply to the commissioner for licenses—which, however, should be granted without fee. He thought it might safely be left to the Government to do what was necessary.

New clause put and passed.

Clauses 124 to 126, inclusive, passed as printed.

On clause 127, as follows :—

"No forfeiture of any lease under Parts IV. and V. of this Act for any cause other than non-payment of rent shall be declared until after a notice in writing has been served on the lessee, either personally or by posting it addressed to him at the holding.

"The notice shall specify the alleged cause of forfeiture, and shall call upon the lessee to show cause against it at the next sitting of the land court held after the expiration of thirty days from the service of the notice.

"A copy of the notice shall be published in the *Gazette* and the nearest local newspaper three weeks at least before the sitting of the court at which cause is to be shown."

Mr. NORTON asked why notice should not be given in the case of non-payment of rent, as well as in other cases?

The MINISTER FOR LANDS replied that there was never any doubt as to whether the rent was paid or not. If it was not paid within a certain time the lease was forfeited.

Mr. ARCHER said thirty days was too short a time to allow a man living at a distance to come to Brisbane.

The PREMIER: The clause refers to the commissioner's court.

Mr. NELSON said the lessee was treated all through the Bill as a man under surveillance by a detective, and now in almost the last clause he was pulled up again. He should not advise anybody to take up land under the Bill.

The MINISTER FOR LANDS said that in some cases thirty days might be too short a time—the weather might be bad, and a man might not be able to get to the court. Those instances would be rare, but he thought it desirable to extend the time. He therefore moved that the word "sixty" be substituted for the word "thirty."

Amendment put and passed.

Mr. NORTON asked whether the newspaper referred to in the clause was the local newspaper nearest the selection, or that nearest the land court? The selector was more likely to see the notice if it was published in the paper nearest his selection.

The MINISTER FOR LANDS replied that the notice was to be published in the paper nearest the land court.

Mr. GRIMES said it would be as well to give a little longer time than three weeks between the time of the notice appearing in the *Gazette* and the nearest local newspaper and the sitting of the land court. If notice was posted to a man he might not receive it, and very likely the first notice he would have of the intended forfeiture would be through the newspaper, when he would only have three weeks to put in an appearance.

The MINISTER FOR LANDS moved the substitution of "six weeks" for "three weeks" in the 3rd paragraph of the clause.

Amendment agreed to.

The HON. SIR T. MCILWRAITH said he thought they had passed the previous part of the clause without due consideration. He referred to the part providing that no notice should be given where forfeiture arose from non-payment of rent. The objection was quite valid that notice should be given in that case, as it was in other cases, beyond the usual *Gazette* notice. The *Gazette* notice merely intimated that the selection "may" be forfeited, whereas there were cases where the court would, unless cause to the contrary was shown, make the forfeiture absolute. If the tenant failed to pay his rent, it was not likely the Government would take action immediately—perhaps not for some months, or not till the end of the year; and notice ought to be given, otherwise than in the *Gazette*, that the Government really intended to take action to forfeit the selection. That was a matter of considerable importance, and he was sorry it had been passed over without due consideration, for it might lead to cases of hardship. Up to the present time, he believed, in the case of selectors, forfeiture had never resulted from non-payment of rent. But the Government would have to be a good deal more strict under the leases issued under the Bill than with selectors under the existing Act. From the nature of the tenure he thought, therefore, that when the Bill was recommitted that clause ought to be reconsidered, so that notice should be given in cases where the Government intended to take action for forfeiture.

The PREMIER said he did not see that notice in the *Gazette* had hitherto been insufficient to warn people—who knew it perfectly well—what they would expose themselves to if they did not pay their rent; and when they wanted any time or consideration they had always been in the habit of coming and asking for it. There was no reason to suppose that they would not do so in the future. It was well known that the rent of land was part of the annual revenue of the colony which had to come in without the issuing of notices. Imagine the expense of sending out notices to all the pastoral tenants and selectors! An additional branch of the department would have to be formed for the purpose of sending out notices, and practically it would result in giving them an additionally extended time—as much longer as it took to get out the notices.

Mr. NORTON said that *Gazette* notices were not always reliable. Only yesterday he called attention to a notice in the *Gazette* where the lessees of a run were declared to be defaulters to a large amount for rent; and when that notice was issued the lessees had a letter in their possession from the department stating that their application for a renewed lease had been approved.

Clause, as amended, put and passed.

Clause 128—"Forfeitures to be proclaimed by Governor"—passed as printed.

The PREMIER moved that the following new clause be inserted to follow clause 128 of the Bill :—

All offences against this Act, or the regulations, may, unless otherwise provided, be prosecuted in a summary way before any two justices.

Question put and passed.

On amended Schedule No. 1, as follows :—

"That portion of the colony of Queensland within the following boundaries:—Commencing on the boundary between the colonies of Queensland and New South Wales at a post marked broad-arrow over NSW over Q over 214 at the south-west corner of Onepar run, and bounded thence by the west and north boundaries of that run, by the western boundaries of Bulloo Lake South, Bulloo Lake, Mucheroo, Muggera West, Parabinna South, and Parabinna runs, east by the north boundary of Parabinna run, north by the west boundary of Whippa

North run, east by the north boundary of same, north by part of the west boundary of Narrawaltha run, east by the northern boundaries of Narrawaltha, Noccunida, and Bellara runs, north by part of the west boundary of Koolyadhu North run, west by the south boundary of Mooroola run, north by the west boundaries of Mooroola and North Gibbers runs, east by part of the north boundary of last-mentioned run, north by the west boundaries of Vincent and Dowling runs, east by the north boundaries of Dowling, Blondin, and part of Boomally runs, north by the west boundaries of Jimbuck and Adelong runs, east by the north boundaries of Adelong, Yea Yea, and Rose runs, north-westerly and north by the south-western, south, west, and part of the north boundaries of Mary run, north and east by the west and north boundaries of Oban run and part of the north boundary of Tobermory run, north by the west boundary of Corangina run, west, north, and east by part of the south, by the west, and by part of the north boundary of Karawla run, north by the west boundaries of Count, Whynot, and Russia runs, east by part of the north boundary of Russia run, north by the west boundary of Moscow run, west and north by the south and part of the west boundary of Pasha run, west and north by the south and west boundaries of Dervish run, east by the north boundaries of Dervish, Pasha, and Cracow runs, by part of the west and north boundaries of Mount McIver run, north by the west boundaries of Alaric, Tamboryne, Arnica, Victoria, and Adelaide runs, east by the north boundary of Adelaide run, north by the west boundaries of Mineral and Tara runs, east by the north boundary of Tara run, north and east by the west and north boundaries of Cudmore run, south, east, and north by part of the east, the north, and part of the west boundaries of Cudmore, Flukes, and Coepit runs, by part of the north boundary of Coepit run, northerly by the western boundaries of Gilmore and Coilabarra runs, north-westerly by the north-eastern boundaries of Strathconan No. 7 and Strathconan No. 3, north-easterly by the south-east boundaries of Emmett Downs No. 2 and Emmett Downs No. 1 runs, north and west by the east and north boundaries of Emmett Downs No. 1 run, north-westerly by the east and north-east boundaries of Tallundilly, Tichbourne, and Isis Downs No. 3 runs, north by the west boundary of Wellbeck run, west by part of the south boundary of Barnstaple run, west and north by south and west boundaries of St. Helena South and St. Helena runs, west by the south boundaries of Mary Downs, Douglas Downs, and Hazlemere runs, north-east by the south-east boundary of Moselle run, north-westerly by the north-east boundaries of Moselle, Bundaberima, Walloon, Campsie No. 1, Campsie No. 2, Campsie No. 3, Campsie No. 4, Campsie No. 5, Campsie No. 6, and Bladensburg No. 10 runs, north-easterly by the east and south-east boundaries of Bladensburg No. 8, Vindex No. 3, Vindex No 5, Vindex No. 6, and Vindex No. 7 runs, northerly by the eastern boundaries of Vindex No. 7, Vindex No. 8, Vindex No. 9, Vindex No. 11, Watershed, Manuka, Corœbus, and Marmion runs, east by the north boundary of Katandra No. 10 and part of Katandra No. 11 runs, north by the west boundary of Stamfordham No. 2 run, east by the north boundary of Stamfordham No. 2 and Stamfordham runs, north and east by the west and north boundaries of Ingleounda run, north by the east boundaries of Redcliff South and Redcliff runs, east and north by the south and east boundaries of Redcliff North and Hughenden runs, east by the south boundary of Prairie Plains run, north-west by the north-east boundary of same, north-east and north-west by the south-east and north-east boundaries of Glendower run to the watershed separating the tributaries of Flinders river from those of Thompson river; thence north-easterly by that watershed to the western watershed of Burdekin river; thence northerly by the watershed separating Burdekin, Herbert, and Barron rivers from the waters flowing to the Gulf of Carpentaria to a point thirty miles in a direct line from the coast near Cairns; thence by a line parallel with and distant thirty miles from the coast to the one hundred and thirty-eighth meridian of east longitude, the west boundary of the colony; thence by that boundary north to the coast; thence by the coast easterly, north-easterly, and south-easterly to Point Danger at the southern boundary of the colony; and thence by the southern boundary westerly to the point of commencement."

The MINISTER FOR LANDS said hon. members would observe that the boundaries of the schedule had been considerably changed since they were first shown on the map; starting now from a point on the New South Wales border at the south-west corner of the Onepar Run. It would take in a very much larger extent of country than was comprised in the original schedule. So much objection was raised by hon. members opposite to the exclusion of that part of the country in the south-western districts, that he now proposed to include it. His reason for excluding it in the first instance was because he thought it was undesirable to bring that portion of the colony under the operation of the Bill at once; because, being near New South Wales, it would induce settlement to take place there instead of at the end of their main trunk railway lines, where there was a large extent of country—quite as much as was likely to be used for some years to come. That had been called a childish reason by the hon. the leader of the Opposition, but he (the Minister for Lands) maintained that it was a very good one. Although the land he referred to was now included in the schedule, of course that did not necessitate the actual opening of it to settlement of that kind; so that if hon. members opposite were particularly desirous of seeing that part of the country included in the schedule there was no objection to it. It would have the effect of somewhat increasing the rents, if that were a desirable thing, and also of making the land available for settlement under the Bill whenever it was considered desirable to deal with it in that way. The extent of country that had been added to the schedule was about one-third, or, at any rate, one-fourth of the original schedule, and a great deal of it was purely grazing country. There was very little agricultural land in it. It was also far removed from railway communication, and was not likely to be used for grazing farms, upon the scale provided by the Bill, for some time to come—not until the railway was extended to within 80 or 100 miles of it — and therefore it was a matter of very little importance whether it was inside or outside the schedule. In fact, the object in altering the schedule was rather to meet the wishes of hon. gentlemen opposite than from any practical benefit to be derived from it under the operation of the Bill.

Mr. DONALDSON said he was not going to move any amendment on the present occasion. He had had quite sufficient experience in the Committee already to see that there was very little chance of amendments from that side being carried if the Government opposed them. But he could not allow the amended, or rather extended, schedule to pass without entering his protest against it. The schedule as first framed was in every way a fairer one than the amended one; because it was made as far as possible to keep within a reasonable distance of the railways at present in existence; but the amended one went, he ventured to say, 700 miles away from railways, and would include country in which the lessees had not had the slightest chance up the present time of reimbursing themselves the money that they had expended there. They had been excluded from the use of the markets of the colonies, because there had been no railway extension towards them either in this or the neighbouring colonies. They had been excluded from having sheep on their runs, which were therefore all cattle runs; and he need hardly remind hon. members that cattle runs were not generally profitable. Nearly the whole of the south-western portion of the proposed extension included stations that had been worked at great outlay, and, he ventured to say, not profitably. From the way the schedule was first drawn, the intention of the Government appeared to him to be to include those runs that had been first taken up—runs upon which the present lessees had had an opportunity of being reimbursed the expenses they had incurred in developing them; and he considered that a very fair and wise provision. But to throw the runs he referred to open to settlement,

which would probably follow in a short time, would press very hardly upon the leaseholders. He was quite well aware that certain objections were raised on his side of the Committee to the schedule as originally proposed; and he certainly thought that the occupants of the country he referred to had nothing to thank some hon. members on that side for. One hon. member in particular, who on several occasions raised objections to the original schedule, was not now present, otherwise he (Mr. Donaldson) should have a few more words to say upon that question. As he observed at the commencement of his remarks, he had not the slightest intention of moving any amendment; he regretted very much that the extension of the schedule had been made, and he now merely entered his protest against it. He trusted that the Minister for Lands would—when the matter came before him for consideration as to whether settlement should take place in that district or not—at least hold his hand for some time, until the occupants of the district had had some opportunity of being reimbursed the expenses they had already incurred.

The HON. SIR T. MCILWRAITH said the hon. the Minister for Lands had certainly distinguished himself by the very extraordinary reasons he had given, both in regard to the original schedule and to the amendment he had now moved in it. The hon. gentleman stated that he had excluded from the operation of the Bill that part of the colony which would naturally strike any person as one of those portions which ought certainly to be within the schedule, and the reason he gave was because he was afraid it would be settled—settled by a class of settlers that would be suitable, at all events, to the city of Brisbane—that was, settlement from New South Wales. Now the hon. gentleman said that, in deference to the wishes of hon. members on both sides of the Committee, he had included that part of the country in the schedule, and the reason he gave for so doing was that it did not matter in the slightest degree whether it was included or not, as he did not intend to act upon it. The hon. gentleman might as well have given the same reason for including the whole colony in the schedule; and it was a question whether that would not have been better. However, that the new schedule was better than the original one, there could be no question. It was decidedly more equitable, in spite of what had been said by the hon. member for Warrego. He would like to know how much land would be included in the schedule, as now amended, and shown by the blue line. The Government had had plenty of time to calculate the area, and it was information the Committee ought to have. The hon. gentleman was not sure about the area inside the red line when they were discussing the matter before, but perhaps he could give the information now, as to the total area within both the red and blue lines.

The MINISTER FOR LANDS said he had had the area within the amended schedule calculated, but he had forgotten to bring the figures from his office, and was therefore not in a position to state what the area was. It was an omission on his part, as he had intended to have brought the figures with him; but he would be able to supply them to-morrow evening.

The HON. SIR T. MCILWRAITH said he hoped the hon. gentleman would supply the acreage contained in the schedule to-morrow, because he was very anxious to see it, so that they could re-discuss clause 24. His reason for doing so was, that when they discussed clause 24, which apportioned the amount to be taken from the three classes of runs, it was pretty well understood that there was a majority of hon. members who would be agreeable that the amount of one-half proposed to be taken from certain classes of runs should be reduced to one-third. The only reason given against it by the Government was, that one-third would not, in their opinion, supply the amount of land that was necessary for selection; but the very largely increased area given in the amended schedule took away that objection, and he was quite sure that if hon. gentlemen considered the matter before the recommittal of the Bill they would see that it would be to the advantage of the Government, as well as to the advantage of the present pastoral lessees, that the amount should be made less than it was at the present time. He did not think he would be outside the amount when he said that the area of land that would be operated upon would be about 160,000,000 acres. Looking at it by the eye he did not think it could be less than that—probably more. One-half of that would virtually be given up to selection—80,000,000 acres. That was a very large amount, and he was sure it was a great deal more than was actually necessary for selection at the present time. It would be years before such an amount was selected; and if they took no more than a reasonable amount for a reasonable number of years, they would be doing all that was necessary for the good of the State, and getting rent from the lessee for a larger portion of his run. At all events, he would ask the Government, when they recommitted the Bill, to recommit clause 24, so that they would have an opportunity of moving any amendment upon it. It was clause 26 in the amended Bill, and he wished to amend subsection 8. He thought "one-third" ought to be substituted for "one-half."

The PREMIER said the hon. gentleman must not understand that the Government were going to give him any facilities for reducing the area from one-half to one-third. That portion of the Bill was very carefully considered and decided upon before. He did not see that, because an addition was made to the schedule of country which was a long distance from railway communication, it was any reason why a difference should be made in the more settled parts of the colony which were more accessible. It would be a very great mistake. He could not undertake that the Government would agree to have that clause recommitted for reconsideration. It was very fully considered before, and he did not think the extension of the schedule had anything to do with it. It had no relevancy to the question of what amount should be resumed from the runs in the more settled districts. During the discussion on that clause, arguments were brought forward which convinced him that it would be desirable to extend the schedule; and the boundary they had adopted was the most convenient one that could be found, as would be seen on reference to the maps. Any other boundary would have been extremely irregular. It would have run through a great many runs and across watercourses, and would have been a very inconvenient boundary indeed. They could not give the land nearer to railway communication in exchange for land which was very much more inaccessible for settlement.

The HON. SIR T. MCILWRAITH said that if the hon. member looked at the map behind him he would find that the portion added was actually more accessible than half that included in the old one. He did not think it was asking a great concession from the Government, that they should have an opportunity of submitting that clause to the vote of the Committee. The only objection that the hon. member raised was that, by limiting the amount that should be

taken from the pastoral lessees under subsection (*a*) to one-third, about 6,000,000 acres—according to his own calculation—would be lost. They had added 20,000,000 acres of equally accessible land, so that they had provided a great deal more by the extension of the schedule than the hon. gentleman was afraid of losing by one-third being substituted for one-half. He did not think it was much of a concession, especially as they had had the discussion on the matter; and it would not take the Committee more than ten minutes. Had it not been for the Committee getting fogged about an amendment of the hon. member for Warrego, an amendment would have been carried that was proposed at the time—namely, that the amount in class (*a*) should be reduced from one-half to one-third.

The PREMIER said it was true that a portion of the land in the extension of the schedule was accessible, but only a very small area comparatively—not more than one-fourth. The question raised by the hon. member had been very definitely settled indeed. With respect to the proposition then made by the hon. member for Warrego, that was more reasonable, but it was scouted by members on the other side of the Committee. But to reduce the amount in the more accessible parts of the country from one-half to one-third would be a very serious blow to settlement, which the Government would never consent to.

The HON. SIR T. MCILWRAITH said he did not think it was understood by the country what the proposition of the hon. member for Warrego was, that the Premier said was scouted by the Opposition. The Bill provided that class (*a*) were to have one-half, class (*b*) one-third, and class (*c*) one-fourth, resumed. The hon. member for Warrego proposed that they should give up one-fourth in five years, and the other fourth in ten years. There was no wonder it was scouted, because they were there to protect the interests of all classes of the community, and were not going to sacrifice the interests of one class of pastoral lessees to the interests of another. The hon. member for Warrego, possibly, was doing right enough for his constituents in trying to keep clear of the Bill altogether. He was right enough in their interests; but he was not doing right for the interests of those who were included in that red line. No wonder it was scouted. What he complained of was the want of courtesy on the part of the Government if they refused the Opposition the request he had made—that an opportunity should be given to reconsider the matter when the Bill was recommitted. The Bill had to be recommitted for the reconsideration of certain clauses, and it was a request he had never yet seen refused when reasonable grounds were shown why a certain clause should be included in the recommittal of the Bill. There was no objection whatever to the clauses that the Government intended to recommit the Bill for, and if the hon. member was sure of a majority he might grant the request without any reluctance. He wished to have the matter decided on the grounds that the only reason given by the Premier, for not assenting to the proposition he made before, was that it would take away a great deal from the amount of land available. A great deal more land was now available, so that that ground was gone.

Mr. MCWHANNELL said the hon. member for Mulgrave had stated a very good case for the recommittal of the clause he had referred to, and he trusted the Minister for Lands would agree to the proposal. With regard to the amended schedule, he would like to get some information from the Minister for Lands with respect to some extensions he had made in the boundaries of the schedule to the west, in the Central district. He understood when the discussion arose on the schedule, when the Bill was first introduced, that the Minister for Lands would endeavour to straighten the line of boundary. The hon. gentleman had straightened it in a certain manner in the southern portion of the colony, but as he was not much acquainted with that part of the country he would not pass any remarks upon it. However, he observed that, instead of straightening the line in the Western and Central districts, it had been made rather more crooked than it was before. He would like to know the reason for the extension of the schedule boundary up the West Darr River. That made an angle in the centre of the colony. He would point out that further north the Minister for Lands had made a great omission. He had either overlooked it, or his attention had not been drawn to it. He referred to the portion of the Burke district around Hughenden. The hon. gentleman must be very well aware that the Northern Railway extended somewhere to within 100 miles of Hughenden. At all events, he knew that Cobb's coaches now ran from the terminus of the railway to Hughenden within the twenty-four hours. It was to be hoped that there was much of that land, in the district near to which the Northern Railway must be completed within the next two years, suitable for close settlement, and yet there was none of it included in the schedule. At the present moment the Northern Railway was within 100 miles of Hughenden, and yet none of the land around there had been included in the schedule. He thought it would have been a much fairer plan to have extended the boundary of the schedule as they extended their railways. They might extend it, say, within 100 miles of the terminus of the railway, and thus the lands getting a direct benefit from railway communication would have the rents increased. That was a matter which should have received the attention of the Minister for Lands.

The MINISTER FOR LANDS said that, if the schedule had included the whole colony, it would not have satisfied every member. It was bound to have been objected to no matter what care was taken with it. If it went on one side of a run, it would displease somebody, and if it went on the other side it would displease somebody else. The point to which the hon. member for Gregory had directed his attention just now was the deviation in the Central district. The reason for the deviation was that in the amended schedule the boundary line kept outside the boundaries of certain runs which the boundary of the original schedule cut through. As to the matter of Hughenden, when the railway line got near enough to that place to induce settlement there, the schedule could be so extended as to include that country. He did not think the country there was of a kind to induce early settlement, and there were much more tempting possessions for people to go in for at present. The same objection applied to that district being included, as applied to the lands near the New South Wales border; it would be a very long time before it could come under the operation of the Bill. The hon. leader of the Opposition said that, in consequence of the large extension of the schedule area, there was not the same necessity for resuming so large a proportion of the runs as was proposed; but he held that the same reason would hold good if the schedule included the whole colony, since small grazing settlement could only be carried on by the assistance of railway communication. They could not get people to go away down to the southern portion of the colony and take up grazing selections 200 or 300 miles from railway or water carriage. He had no doubt that, if

settlement took place there before they had railway communication extended there, the business would go down the Darling to Fort Bourke. He would rather see the land opened for settlement at the end of the railway lines. So long as they had ample land to meet the requirements of settlement near to their railway lines there was no necessity to go down to where the trade would go to New South Wales. The whole of the land in the amended schedule would not be immediately available for settlement.

Mr. BLACK said he did not suppose there was much use in discussing the schedule. The Government had decided upon what they were going to do, although he must say the Minister for Lands had not given any sound reason for the action he was taking. On the initiation of the Bill into the House, he had given them what he considered very sound reasons for not including the southern portion of the colony in the schedule, and now he said that he had included it in deference to the expressed wishes of the Opposition side of the House; but he told them at the same time that, although he had included that portion of the colony, he did not intend to open it up for settlement. A weaker argument emanating from a Minister of the Crown he did not suppose had ever been heard in that House, or in any other. As the leader of the Opposition had said upon that occasion, he might just as well have included the whole of the colony in the schedule. He had told them that the reason why the southern portion of the colony was not going to be thrown open for occupation under grazing areas was on account of its distance from railway communication. That was a very lame argument to use also. He remembered that at the time when the Warrego Railway Bill was going through the House, those southern lands, which were now included in the schedule, were especially pointed out as being magnificent grazing lands, and as being, in fact, the lands most specially adapted for the description of settlement the present Bill provided for. That was a very strong argument used at that time; and now the Minister for Lands told them that the colony ran a terrible risk from settlement coming in from New South Wales across the border; and for that reason also the Government did not intend to open up the land. He maintained that that was a very weak argument indeed. The Government should have included the whole of the lands of Queensland in the schedule; that would have been the fairest way. For his own part he was quite prepared to accept the schedule as it stood. There was one thing he was particularly glad of, and that was that the schedule had not been extended to the more northern portion of the colony. When he looked at the small portion included in the northern districts he thought it a very good thing. He looked forward to the time when a redistribution of the boundaries of Queenland would take place. That time he hoped and believed was not very far distant, and he was therefore very glad to think that as little as possible of the lands in the northern portion of the colony were included in the schedule; because he was firmly of opinion that that Land Bill was not a Bill which was going to encourage settlement. He thought it better, therefore, that in the northern portion of the colony the existing tenure should be as little disturbed as possible, until it was going to be replaced by a better tenure, which he did not think that Land Bill provided.

Question—That the schedule as printed be the schedule of the Bill—put and negatived.

On the motion of the MINISTER FOR LANDS, the amended schedule was put and passed.

Schedules 2, 3, and 4, and the preamble, passed as printed.

The MINISTER FOR LANDS moved that the Chairman leave the chair, and report the Bill to the House with amendments.

The HON. SIR T. MCILWRAITH asked whether the Government would be prepared when the Bill was recommitted to state who would form the first board to be appointed under the Bill?

The PREMIER said the matter had been under the consideration of the Government; but they were not at present in a position to name the first board. Indeed, until it was quite clear in what shape the Bill would become law and they knew what their duties were to be, it was very difficult to say who would be the board. The Government hoped and anticipated that it would become law very much in its present shape. He sincerely hoped so, as he believed it was a Bill calculated to be of great benefit to the colony. The Government, as he had said, were not able to give the names of the board, not having come to any conclusion on the subject.

Question put and passed.

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

The MINISTER FOR LANDS moved that the adoption of the report stand an Order of the Day for to-morrow.

The PREMIER said: Mr. Speaker,—Before that motion is carried it will be convenient to say what are the clauses the Government propose to recommit. I may also inform the House that I have arranged to have a copy of the Bill, showing all the amendments made in it, circulated among hon. members to-morrow, and with it a clean reprint of the Bill in ordinary type. That will be done to-morrow morning unless the Government Printing Office breaks down. The amendments the Government intend to propose on the recommittal of the Bill I will state now; they are not numerous. In clause 3 we propose to postpone the commencement of the Act from January to March. It is quite clear that there will not be time before the end of December to make the necessary arrangements to bring the Act into operation. In clause 4 it is intended to insert a definition of the term "land agent." After clause 15 we propose to insert a new clause giving to the board a general power to determine any question that may be referred to them by the Governor in Council. An amendment will also be made in clause 16. As that clause at present stands, the board are bound to do everything in open court. The parties may, however, prefer to leave it to the board to read their written statements and decide on them, and it is therefore proposed to make it optional for them to have the matter dealt with either in that way or in open court. In clause 36, which deals with applications for forfeited runs, we propose to insert a provision to the effect that if more than one application is made at the same time the right of priority is to be determined by lot. Then after clause 40, which provides that land must be surveyed before it is thrown open to selection, a new clause will be inserted dealing with land that have already been proclaimed open to selection. We propose to provide, with respect to land that has already been thrown open to selection, and can be divided without actual survey, and the position of the lots indicated on the map by reference to known boundaries or marked points, that the provision requiring the land to be actually surveyed and marked on the ground by posts at the corners of the lots may be suspended, and that the land may be marked off on proper maps and then proclaimed. This power is to be

temporary only—for two years from the commencement of the Act. The effect of the amendment will be to avoid the delay which would otherwise necessarily be incurred in getting a new staff of surveyors, and it will not expose the country to any of the dangers that are apprehended from selection before survey, because it will only deal with land which has already been proclaimed open to selection. There is a verbal amendment to be made in clause 53, paragraph 3, which provides that where a man holds two or more selections adjoining he need only enclose the whole area. In the case of making improvements, it is proposed to provide that he need only make the improvements on some part of the whole area. There is an error in clause 54, subsection 4, where "square mile" is inserted instead of "acre." In clause 57, which deals with the exceptions to the rule that a trustee may not have a holding, we propose to include amongst the exceptions the trustee of a settlement made in consideration of marriage; so that if a woman has a selection it may be settled on her if she marries. With respect to the clause we inserted yesterday about the commissioner's permission to cut down timber, it is proposed to amend that by saying that the commissioner may grant permission subject to the conditions imposed by the regulations. Those are the only amendments. We have carefully considered the different points as the Bill has progressed, and I think those are the only amendments required. They will be circulated to-morrow with the two copies of the Bill, as I have already stated.

The HON. SIR T. McILWRAITH: With reference to the additional clause to follow clause 40, it will be necessary to exhibit a map to-morrow showing the whole of the lands that are open to selection, so that we may know what we are dealing with. There ought to be a dozen maps of that description in the Lands Office.

Question put and passed.

ADJOURNMENT.

The PREMIER: As there will probably be some time to spare after we have dealt with the amendments in the Land Bill to-morrow, we propose to proceed with the Estimates.

The House adjourned at three minutes past 10 o'clock.