Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 18 NOVEMBER 1884

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Tuesday, 18 *October*, 1884.

Assent to Bills.—Benevolent Asylum, Dunwich.—Additional Sitting Day.—Queensland National Bank.—Maryborough and Urangan Railway Bill—second reading.—Brands Act of 1872 Amendment Bill—committee.—Crown Lands Bill—second reading.

The PRESIDENT took the chair at 4 o'clock.

ASSENT TO BILLS.

The PRESIDENT read messages from the Governor intimating that His Excellency had assented to the following Bills:—Native Labourers Protection Bill; Maryborough School of Arts Bill; and the Townsville Gas and Coke Company (Limited) Bill.

BENEVOLENT ASYLUM, DUNWICH.

The HON. W. H. WALSH said: Hon. gentlemen,—With the permission of the House, I wish to move the following motion without notice. I am aware that it will require the permission of the House, and I believe that under similar circumstances such permission is generally granted. I beg to move—

That, under the 96th Standing Order, the names of the Hon. W. G. Power and the Hon. W. Graham be added to the Select Committee appointed on the 15th July last to inquire into and report upon the management of the Benevolent Asylum at Dunwich.

Motion, by permission of the House, put and passed.

ADDITIONAL SITTING DAY.

The POSTMASTER-GENERAL (Hon. C. S. Mein) said: Hon. gentlemen,—I beg to move, pursuant to notice—

That during the remainder of the session, unless otherwise ordered, the House will meet for the despatch of business on Friday in each week, at half-past 3 o'clock p.m., in addition to the days already appointed for meeting.

I tabled this motion because it was apparent to me, as I think it must be to hon. members, that we are beginning to make some approach towards the end of the session. We have very important work before us, and the Legislative Assembly will send up, in the course of a few days, some more important matters to be dealt with. These, and the consideration of the Estimates and the Loan Estimates, are all the important matters that are likely to come before Parliament during the present session; and whilst the Legislative Assembly is engaged in discussing the Estimates, which we are not in the habit of dealing with in detail, we will have under our consideration the Land Bill, the Defence Bill, and any other measures that may be sent up to us. The Land Bill is a measure that is viewed with considerable interest by a very large number of members of this House, and I have no doubt it will receive very careful and deliberate consideration. Under these circumstances it will be necessary for us, in order to keep pace with the Legislative Assembly, to extend our deliberations over a larger number of days. I therefore ask the House to appoint Friday, which I believe is most convenient for hon. members generally, as another sitting day. If we find that we do not require it, of course we can postpone our deliberation until some later day. I beg to move the motion.

Question put and passed.

QUEENSLAND NATIONAL BANK.

The HON. G. KING said: Hon. gentlemen,—I rise to move the adjournment of the House. The statement made by the Hon. Mr. Walsh last week with reference to the Queensland National Bank, which was refuted by my hon. friend the Postmaster-General, will be fresh in the recollection of most of you. It is utterly impossible for us to judge of the merits or demerits of what was said upon that occasion, because the necessary information was not then before us; but it is a question which very materially concerns the interests of the country, because I have the Auditor-General's report in my hand, from which I find that on the 30th Sept. last we had £3,326,929 in a bank with a capital of £600,000, and a further call of £600,000 upon the shareholders. Now this is altogether too great a risk to run. Would any prudent merchant—would any insurance company—run such an extraordinary risk, as to put all its eggs in one basket—for that is what it really comes to; for beyond £100,000 in the Bank of New South Wales, everything is at stake in this one bank. You may remember that we recently read of the failure of the Oriental Bank, which was a very disastrous affair; but the funds of the Victorian Government were distributed throughout all the banks in Melbourne, and the failure did not produce a crisis but passed over without inflicting any injury. But what would have been the effect if the whole of the funds of the Victorian Government had been in the Oriental Bank; and what would be the effect of such an event here if it were to occur where we have anything in one bank? It is fearful to contemplate. It is a serious question—a very serious question. The Government would have to borrow money from all the banks; and the assistance which those banks would give would result in curtailing the assistance that is usually given to the public. The arrangement with the Queensland National Bank is wanting in the element of security. The money should be distributed throughout the different banks of the colony, and then whatever occurred no crisis could happen. The paid-up capital of eight banks in this colony is £7,100,000. In addition to that there is a liability of shareholders to the extent of £8,500,000, so that we would have a security of £15,600,000 as against £1,200,000. The present state of things should not be allowed to continue. This is the real volcano that has been spoken of and not the myth that was pointed out; and although it is a very delicate matter, still the Government will have to deal with it with forbearance but decision, so that the amount held by the Queensland National Bank may be gradually reduced, and that the moneys of the colony may be distributed amongst the different banks, so that we need not ask the question "Is our money safe?"

The PRESIDENT: Does the hon. gentleman move any motion?

The HON. G. KING: I moved the adjournment of the House.

The HON. J. TAYLOR said: Hon. gentlemen,—It was said by some hon. gentlemen last week, when the Hon. Mr. Walsh made the remarks he did about the Queensland National Bank, that he made a most uncalled-for and unwise speech; but I think the speech just made by the Hon. Mr. King was ten times more uncalled-for and unwise. One could not possibly damage the credit of the bank or the country more than by speaking in the way the hon. gentleman has just spoken; and I am surprised that the leader of the Government has not made some answer. If I understand the question aright, the bank account was let by tender, and the offer of the Queensland National Bank being the best was accepted. How then can the Government take the money from that bank and distribute it amongst the other banks? I believe the contract has a certain number of years to run, and before it terminates no alteration can be made. I do not wish to go further into the subject, because I think this is a most

inopportune time to do so; but I repeat that the speech made by the Hon. Mr. King was a most unjust, unwise, and impolitic one.

The POSTMASTER-GENERAL said: Hon. gentlemen,—As this is a matter concerning the Government, I may be expected to offer some observations. I may point out to the Hon. Mr. King that, as it is a matter of such importance, it would be much more convenient to follow the ordinary course, instead of taking the House and myself by surprise. It is a matter which does not directly concern my department; and it would have been much more convenient if the hon. gentleman had tabled a motion on the subject, and invited an expression of opinion on the part of hon. members. As far as I understand the question, the hon. gentleman, after referring to the Auditor-General's report, has become alarmed because it appears that an amount of £3,295,000 odd is entrusted to the care of the Queensland National Bank, whereas that institution has only a paid-up capital of £600,000 and an uncalled capital of £600,000, there being only apparently, as the figures would indicate, if we did not know what was at the back, £1,200,000, which the colony can draw upon in the event of the institution failing to carry out its obligations. According to the statutes, the Queensland National Bank, in common with other banks, is compelled to periodically file a statement of its affairs; and on referring to the last one published in the *Government Gazette*, dated the 14th of this month, I find, under the sworn testimony of the general manager of the bank—which is corroborated by that of the board accountant—that the liabilities of the bank, including what the Government had deposited on all accounts, amount to £3,320,652 5s., whilst the assets are £4,204,624 7s. 8d. The assets consist of balances due from other banks, landed property, coin, and other securities. In addition to that we have the uncalled capital of £600,000; so that, as a matter of fact, there is £4,800,000 assets, as against £3,320,000 liabilities; and there need be no apprehension on the part of the Hon. Mr. King, or any other hon. member, as to the stability of the institution. With regard to the deposits, and the fact that the sum of £3,295,000 happens to exist in the bank at present, I explained some time ago, in reply to a question asked by the Hon. Mr. Walsh, that over £2,000,000 of this amount consists of moneys received on the sale of debentures in London sold through the Bank of England. The proceeds of the sale came in much more rapidly than was anticipated, and in accordance with our usual arrangement with the bank we availed ourselves of the privilege contained in the contract, and deposited the money with the bank—very much against their will. It is very inconvenient for a bank which does not carry on large financial operations in London to have such a large amount as nearly £2,000,000 in its hands at call, and bringing in only a moderate amount of interest; and the Queensland National Bank would have been very glad to have been relieved of the responsibility of taking charge of that money upon the terms it was held. The amount we have at fixed deposit is £700,000, and there is a current account of £203,000, making in all £900,000, and there is no fear of the bank being unable to render a just account of that sum. But, as the Hon. Mr. Taylor pointed out, it is in accordance with the terms of the agreement that the money is held by the Queensland National Bank; and however unwise the Hon. Mr. King may think it was to take the Government account from the Union Bank, viewed in the light of subsequent events, and the great services the Queensland National Bank has rendered to the colony in times of depression, we must come to the conclusion that it could not be in better hands. When all the banks whose head quarters are not here, and who only distribute their moneys in Queensland when they have a surplus from their investments in the other colonies—when those banks have refused to give assistance, the Queensland National Bank has rendered great service in being in a position to take over accounts which the southern banks were throwing out of their hands without regard to the mercantile people here. Those banks have called in their moneys most capriciously and harshly before now in order to get funds to meet their engagements in the southern colonies; and if we have an institution that gives accommodation here we ought to give that institution fair treatment. They treat their customers very well when things are going smoothly, and there is a large amount of money uninvested down south. Then the banks here are considerate to their customers; but when there is pressure down below they get their deposits from us, and use them to relieve themselves from difficulties in the southern colonies. I do not think any advantage would be derived from interfering with the existing arrangements; and I am sure there is sufficient evidence to prove that the bank is thoroughly stable, and that there is no cause whatever for anxiety on our part.

The HON. G. KING: I did not question the stability of the Queensland National Bank for one moment, but I questioned the prudence of allowing so large an amount to lie there at deposit. I was desirous of drawing the attention of the Ministry of the day to the matter, so that what I considered an error might be remedied—that the accounts might be gradually, very gradually, reduced—in order that there might be greater security to the Government. That is the only object I had in view in moving the adjournment, and, with the permission of the House, I will now withdraw my motion.

Motion, by leave, withdrawn.

MARYBOROUGH AND URANGAN RAILWAY BILL—SECOND READING.

The HON. P. MACPHERSON said: Hon. gentlemen,—I have to move the second reading of this Bill, which is a Bill to authorise——

The HON. W. H. WALSH said: I think that when a private Bill of this kind, which has been introduced in and passed by the other Chamber, is brought before us, the evidence taken before the Select Committee should be appended to the Bill.

The HON. P. MACPHERSON: I have a copy of the evidence. I may state——

The HON. W. H. WALSH: I merely referred to the practice of the House.

The HON. P. MACPHERSON: Hon. gentlemen,—I have to move the second reading of this Bill, which is a Bill to authorise the Vernon Coal and Railway Company (Limited) to construct and maintain certain lines of railway in the Wide Bay district, to be called the Maryborough and Urangan Railway, and to enable the said company to acquire certain lands in the Burrum Coal Reserve, and for other purposes. The lines referred to in the Bill are a line surveyed from the 7-mile peg on the Maryborough and Burrum line, and along the surveyed route to Pialba, 15 miles 15 chains, and extending a further 4½ miles along the coast to Urangan, where there is deep water; also a loop line, 4 miles 5 chains in length by the company's survey, commencing at a point 12 miles 24 chains from Maryborough, and connecting that line with the Maryborough and Pialba survey. There is also a duplication of the Government line from

Maryborough as far as Croydon, where the Gympie line branches off, a distance of 1 mile 6 chains or thereabouts from Maryborough, so as not to interfere with the traffic from Maryborough to Gympie. The company are also authorised to construct all such other lines from the company's line as shall be in accordance with plans, sections, and books of reference that may hereafter be approved by both Houses of Parliament. There is a plan now before the House to which I would invite the inspection of hon. members. It contains the feature surveys of the lines. The Bill before the House was referred to a select committee of the Legislative Assembly, composed, I believe, of gentlemen most competent for such an inquiry, and they recommended the Bill to the Legislative Assembly with certain improvements, which improvements have been adopted in the Bill as it now appears before this House. The advantages claimed by the promoters of the Bill are, the increased developement of the large coal deposits known to exist in the Burrum Reserve, and their more speedy and convenient transit to deep water than now exists by the Mary River. The company are also, as appears from the evidence taken before the Select Committee, prepared to advance considerable sums of money for mining operations. The concessions asked for by the company for the leave of the House to construct this line are 1,000 acres of land in the Burrum Mineral Reserve, at the upset price put upon those lands by the Government—namely, 30s. per acre, and liberty to acquire, so far as Crown lands are concerned, the lands through which the railway passes at a price to be agreed upon between them and the Government. They also ask the further concession of using the Burrum line from the Croydon Junction to the 7-mile peg. As a guarantee of good faith, the Bill requires by section 5 that—

"Before they begin the construction of the line the company shall prove to the satisfaction of the Minister that they have a capital subscribed in good faith, and by responsible persons, equal to one thousand pounds for every mile of railway as shown on the deposited plans, and a paid-up capital actually available for the purpose of the construction of the said railway equal to not less than one-tenth of such subscribed capital."

And by section 6 it is enacted that—

"The company shall, before the commencement of the railway or entering into possession of the lands to be selected under the third section of this Act, and within six months from the passing of this Act, deposit to the credit of the Minister in some bank carrying on business in Queensland a sum equal to one-twentieth part of the estimated cost of the main line of railway, which sum shall be retained as security for the due completion of the same, and upon such completion shall be returned to the company. The sum so to be deposited may be determined by agreement between the Minister and the company; but if such sum cannot be so agreed upon, or if any dispute or difference shall arise with respect thereto, the same shall be determined by arbitration."

By clause 81, which was inserted at the suggestion of the Select Committee, it is provided that—

"If the main line of railway referred to in the deposited plans, sections, and books of reference is not completed within three years from the passing of this Act, then, on the expiration of that period, the powers, rights, and privileges by this Act granted to the company for acquiring land by purchase or otherwise, and for working and completing the railway, or otherwise in relation thereto, shall cease and determine, and thereupon the sum deposited by the company to the credit of the Minister as aforesaid as security for the due completion of the main line of railway shall be and become absolutely forfeited to Her Majesty."

There is a further provision in the Bill to which it is necessary to draw hon. gentlemen's particular attention, and that is this, that—

"At any time after the expiration of five years from the final completion of the railway, the Governor in Council may purchase from the company the railway with the rolling-stock and all appurtenances thereof at a sum equal to the cost price of the said railway, with five pounds per annum calculated from the date of such final completion for every one hundred pounds of the said cost price added thereto, together with a sum equal to the then value of the said rolling-stock and appurtenances. The amount of such purchase money shall be certified to by the engineer before the same shall be paid to the company; but if any dispute or difference shall arise between the company and the engineer or the Minister as to the sum to be inserted in the engineer's certificate, or as to the said purchase money, the same shall be determined by arbitration."

And clause 58 says :—

"At any time after the final completion of the railway the Governor in Council may purchase from the company that part of the railway between the school reserve in Kent street, Maryborough, and Croydon"—

That is the duplication of the line, 1 mile 7 chains—

"at a sum equal to the cost price of such part, with five pounds per annum calculated from the date of such final completion for every one hundred pounds of the said cost price added thereto. The amount of such purchase money shall be certified to by the engineer before the same shall be paid to the company."

Having now stated the leading features of the Bill, I will proceed to go through the measure in detail, and show how much of it is original and how much is new, as this course will probably save a great deal of discussion in committee. I have already alluded to clause 3, which enables the company to purchase, within certain limits, a thousand acres of land in the Burrum Reserve. Clause 4 I have mentioned incidentally; I have given the route of the proposed line in different language, but substantially the same as it is stated in this clause. I have also referred to clauses 5 and 6. Clause 7 specifies the breadth of land to be taken up for the railway, and provides that—

"The lands to be taken or used for the line of railway shall not exceed twenty-two yards in width except where a greater width is necessary for an approach to the railway or for waggons and other carriages to turn, remain, stand in, lie or pass each other, or for raising embankments for crossing valleys or low grounds, or in cutting through high ground, or for the erection or establishment of any fixed or permanent machinery, stations, toll-house, warehouses, wharf, or other erections and buildings, or for excavating, removing, or depositing earth or other materials."

I may state that this clause is almost a copy of the 12th section of the Railway Act of 1863, with the difference that the Railway Act fixes the width at 100 yards. I believe the Colonial Secretary objected to 100 yards being allowed in this Bill, on the ground that it is too much. Clause 8 provides for lateral deviations, and is an adaptation—in fact, almost a copy—of section 15 of the Railway Clauses Consolidation Act of 1845, which is an Imperial Act. Clause 9 deals with the guage of the line, which is to be the same as that on Government railways; this provision is taken from the Railway Companies Preliminary Act of this colony. Clause 10 provides that the company shall submit vouchers of all expenditure upon the railway to the inspecting engineer appointed by the Minister. This clause was suggested in the report of the Select Committee and was adopted by the Legislative Assembly. Its object is to give the Government a check on the expenditure of the company. Clause 11 states that the company shall be entitled to purchase Crown lands required for the purposes of this undertaking; this is an adaptation from the Railway Companies Preliminary Act. Clause 12 enacts that the company shall be entitled to a deed of grant for all Crown lands purchased by them for the purposes of the railway, when they have complied with the provisions of the Bill. Clause 13 adopts the provisions of the Public Works Lands Resumption Act of 1878 in arriving at

the value of land which has been taken by the company from private individuals. The 14th clause gives the company power to purchase lands for additional accommodation; this is taken from the Railway Clauses Consolidation Act of 1845. Clause 15 is new; it provides that lands held under conditional purchase may be transferred to the company although the conditions of the lease under which they are held may not have been complied with. This principle has already been sanctioned by this House on a previous occasion, in connection, I think, with some Mackay sugar-mill. Clauses 16 and 17 enable the company to cut timber on Crown lands, and to procure stone, gravel, etc., from the same; these are taken from section 18 of the Railway Companies Preliminary Act. Clause 18 provides that materials required for the construction of the railways, and to be used, thereupon, shall be admitted duty free, and is a copy of section 19 of the Railway Companies Preliminary Act. The next clause is a new one, and is as follows:—

"All materials, plant, and rolling-stock required by the company in the construction of the railway shall be carried on the Government railways at a cost to the company not exceeding twopence per ton per mile."

Clause 20 gives power to the parties to make private branch lines communicating with the railway, and is taken from section 76 of the Railway Clauses Consolidation Act, and the 100th section of the Railway Act of 1863. I may here state that I have personally verified all these references. Clause 21 provides that the line shall be inspected by an engineer acting under the authority of the Minister before it is deemed complete; this is taken from the Railway Companies Preliminary Act, section 6. Clause 22 provides that the Minister may interdict traffic when the line is unsafe, and is taken from section 7 of the same Act. Clause 23 provides that the company may employ locomotive power, carriages, etc., and demand toll, and is taken from the Railway Clauses Consolidation Act of 1845, section 86, and the Railway Act of 1863, section 101. Clause 24 states that the company shall not be lable to a greater extent than common carriers, and is a copy of section 102 of the Railway Act of 1863. Clause 25 provides that—

"The line shall, at all reasonable times, be open to and freely used by every person who complies with the regulations for the time being in force on the railway."

This is a copy of section 10 of the Railway Companies Preliminary Act. Clause 26 provides that—

"The company shall, free of charge and with all reasonable despatch, carry on the public service all such mails, together with the officers in charge thereof, as the Minister from time to time requires them to be conveyed upon the railway, and shall allow to all members of the Legislative Council and members of the Legislative Assembly the same privileges of travelling over the railway free as are enjoyed by such members on Government railways."

I am happy to say that that is an adaptation of clause 11 of the same Act. Section 27 provides that the company and the Minister are to have running powers on each other's lines. That is a copy of section 30 of the same Act. Section 28 provides that the company is to be entitled to the use of the Government line between the companies' lines. This is a new clause to enable the company to make an arrangement with the Government to run over that portion of the Maryborough and Burrum line, between Croydon and the 7-mile peg. Clause 29 provides the terms upon which the facilities mentioned in the last section are to be granted, and that they shall be mutually agreed upon. This is an adaptation of section 31 of the Railway Companies Preliminary Act. Section 30 provides a penalty for not giving the facilities agreed upon; and is a copy of section 32 of the same Act. Clauses 31 and 32 are new. Clause 31 provides that—

"The company shall be at liberty to use in conjunction with the Government and free of charge, any telegraph post, poles, or standards erected, or which may be hereafter erected, on any Government line of railway forming a continuous line of communication between any portions of the said railway, for the purpose of establishing a telegraph or telephone thereon, and to affix thereon or suspend therefrom any telegraph and telephone wires, and such telegraph or telephone shall be exclusively used by and for the purposes of the company."

And clause 32 provides—

"The railway shall be deemed to be ratable property within the meaning of the laws in force for the time being for the government of municipalities or divisions. Provided that for the purpose of determining the rates to be levied or made by the municipal council or divisional board of any municipality or division through which the line passes, the net annual value of such portion of the line shall be deemed not to exceed such proportion of the net income of the entire line as the length of the line so passing through such municipality or division bears to the length of the entire line of railway."

I believe the proviso of this last section is exactly following up the law as it has been decided in England, and I think the Postmaster-General will bear me out in that. Clause 33 provides that a list of tolls are to be exhibited on a board. That is according to section 103 of the Railway Act of 1863. Section 34—"Tolls to be taken only whilst board exhibited"—follows section 104 of the Railway Act of 1863. Clause 35—"Tolls to be paid as directed"—follows section 105 of the same Act. Section 36—"In default of payment of tolls, goods, etc., may be detained and sold"—follows section 106 of the Railway Act of 1863. Clause 37—"Account of lading, etc., to be given"—follows clause 107 of the same Act; and clause 38—"Penalty for not giving an account of lading"—follows section 108 of the same Act. Section 39 provides that disputes as to the amount of tolls chargeable are to be settled by two justices, and that section follows section 109 of the Railway Act of 1863, with the exception—if my memory serves me aright—that that Act says one justice, and I believe this clause has been amended on the recommendation of the committee. Section 40—"Differences as to weights, etc."—provides that—

"If any difference arise between any toll collector or other officer or servant of the Company, and any owner of or person having the charge of any carriage passing or being upon the railway, or of any goods conveyed or to be conveyed by such carriages, respecting the weight, quantity, quality, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge, or otherwise measure the same, and if upon such measuring or examination such goods appear to be of greater weight or quantity, or of other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage or the respective owners of such goods shall also at the option of the company be liable to pay the costs of such measuring and examining; but if such goods appear to be of the same or less weight or quantity than and of the same nature as shall have been stated in such account, then the company shall pay such costs, and they shall also pay to such owner of or person having charge of such carriage and to the respective owners of such goods such damage (if any) as shall appear to any two justices on a summary application to them for that purpose to have arisen from such detention."

That is a copy of section 110 of the Railway Act of 1863. Section 41 follows section 111 of the same Act, and provides that the toll collector is to be liable for wrongful detention of goods. Section 42—"Penalty on passengers practising frauds on the company"—is a copy of section 112 of the Railway Act of 1863. The following section—"Detention of offenders"—is

a copy of clause 113; and clause 44—"Penalty for bringing dangerous goods on the railway"—is a copy of clause 114 of the same Act. Clause 45 is a copy of section 115 of the Railway Act of 1863; and section 46 is a copy of section 116 of the same Act. Section 47, providing that the Governor in Council may, from time to time, revise and reduce the tolls prescribed by any regulations, is adapted from clause 9 of the Railway Companies Preliminary Act. Section 48—"Power to make regulations and by-laws"—is a copy of section 117 of the Railway Act of 1863. Section 49—"Publication of by-laws"—is a copy of section 118 of the same Act. Section 50, providing that such by-laws shall be binding on all parties, is a copy of section 119 of the same Act. Section 51 provides that—

"The production of a printed copy of any such regulations or by-laws under the common seal of the company shall be received in all courts of justice as *prima facie* evidence of the making and approval thereof."

Section 52—"Power to lease the railway"—is an adaptation of section 124 of the Railway Act of 1863. Section 53 is an adaptation of section 125 of the same Act. Section 54—"Trains to be run regularly"—is new. Section 55 is also new, and provides that:—

"If at any time after the completion of the railway it is proved to the satisfaction of the Minister that the company—

(1) Fail or refuse for a period of one month to work the traffic on the railway pursuant to the regulations in that behalf; or

(2) Fail, after traffic has been interdicted by the Minister by reason of the line being unsafe for traffic, to render it fit for traffic within a reasonable time in that behalf:

the Governor in Council may, after one month's notice of his intention, served upon the company at their principal office in the colony, and published in the *Gazette*, direct the Minister to forthwith enter upon and take and retain possession of such railway."

And so on. Clause 56—"Penalty for refusing to give up possession of railway"—is also new. Clause 57 I have already referred to, and it gives the Governor in Council power to purchase the railway, under certain conditions, in five years. Clause 58, which I have also referred to, enables the Governor in Council to purchase the reduplication of that part of the railway which ends at Croydon. These clauses are adapted from the Railway Companies Preliminary Act. Clause 59 is also a new clause, and provides for the settlement of disputes by arbitration. Clause 60—"Service of notice upon company"—follows the 126th section of the Railway Act of 1863; and clause 61—"Tender of amends"—follows clause 127 of the same Act. Clause 62 is an adaptation of the 99th section of the Railway Act of 1863; and clause 63—"Penalty on persons obstructing a free course of railway"—is a copy of the 129th section of the same Act. Clause 64—"Punishment for destroying works"—is a copy of section 132 of the same Act. Clause 65, which provides for the punishment of persons employed on the railway and being guilty of misconduct, is a copy of section 133 of the same Act. Section 66—"Method of proceeding before justices in question of damages, etc."—follows section 134 of the Railway Act of 1863; and clause 67 is an adaptation of section 135 of the same Act. Clause 68 is a copy of the 136th section of the same Act; and clause 69, providing that penalties may be summarily recovered before two justices, is a copy of section 137 of the Act of 1863. Clause 70—"Damages to be made good in addition to penalty"—is a copy of section 138 of the Act of 1863. Clause 71 is a copy of section 139 of the same Act; and clause 72—"Parties allowed to appeal to next district court on giving security"—follows section 140 of the same Act; while clause 73—"Court to make such order as they think reasonable"—is a copy of section 141 of the Railway Act of 1863. Clauses 74 to 80 inclusive are taken from the Queensland National Bank Act. They provide that members of the company may be registered at an office out of the colony; that such office is to be a registered office for certain purposes; that the company may have a duplicate seal; that they shall have an annual list of members, and a register of members; that notice of the situation of every branch or other office situated beyond the limit of the colony shall be given to the registrar of joint stock companies; and in clause 80 it is provided that:—

"All other acts, matters, and things necessary to be done by the company at any such office as aforesaid shall be done within one month of the time when the same would be required to be done if the same were done at the registered office of the company in the colony."

In connection with this part of the Bill, Mr. Hart, who was examined before the committee, said—

"Under the Companies Act of 1863 it was impossible to have share registers in any place beyond the colony, and in working companies under the Act it was found extremely inconvenient. Shareholders expected to get their shares registered at once; the result, very often, of the inconvenience, being that the head office of a company was opened in another colony. In fact, it is very undesirable that that should be so; because in such case the capital is kept beyond the colony, and the office is outside. The Articles of Association are drawn up for this company, providing that the meeting of shareholders and directors shall be held in this colony. Of course that might, under the Act of 1863, be at any time altered by special resolution; but in order to provide against a temptation of that kind, I thought proper to insert a clause in the Bill as in the Queensland National Bank Act, and to provide for duplicate register of shares to be kept out of the colony. It was found absolutely necessary to make such provision for shareholders in the bank residing in London. The company will have power to keep a register out of the colony, and lists will have to be sent in to the head office here, periodically, to be filed with the Registrar of the Supreme Court."

I hope I have not exhausted the patience of hon. members; and I now come to the last clause of the Bill—clause 81—to which I have already alluded, and which provides that:—

"If the main line of railway referred to in the deposited plans, sections, and books of reference is not completed within three years from the passing of this Act, then, on the expiration of that period, the powers, rights, and privileges by this Act granted to the company for acquiring land by purchase or otherwise and for working and completing the railway, or otherwise in relation thereto, shall cease and determine, and thereupon the sum deposited by the company to the credit of the Minister as aforesaid as security for the due completion of the main line of railway shall be and become absolutely forfeited to Her Majesty."

The main line of railway, by the interpretation clause of the Bill, means the whole railway with the exception of the small duplication of it one-mile and seventy-six chains to Croydon. I hope I have not wearied the patience of hon. gentlemen in going through the Bill. The question is to a certain extent a novel one, and I wished to show how much was really novel in the Bill. Evidence was taken on the subject before a select committee in another place at considerable length. I do not wish to quote from it extensively, but will simply read a few lines of it that show the importance of the work. Mr. Rawlins, the engineer of the company, and a thoroughly capable man, I believe, was asked:—

"By Mr. Hart: Can those coal mines and coal lands in that district be developed without some such railway as this now projected? No; certainly not with any success."

Then he goes on to say that at present the mines are not successfully worked, and adds—

"A short time ago they wanted to ship by the 'You Yangs' 500 tons of coal. The steamer came, but she had to go away with 300 tons only on board."

He then proceeds to give his reasons why the mines are not successfully worked. He says—

"Because, in the first place, of the difficulties of getting the steamers with anything more than 12 feet of draught to come up the Mary River; and, secondly, because of the fact that the Railway Department does not understand anything about the coal trade at all. They do not know really the position they are in. They are short of rolling-stock to begin with. There is no sympathy at all in the department with the trade. There is a want of sympathy—there always is in Government undertakings.

"I suppose large capital is required for the development of those mines? Yes. The two pits that I propose to put down will cost nearly £60,000 in the 960-acre block."

I may here state that 1,000 acres of land are proposed to be taken; 960 for mining purposes, and the other 40 for smelting works. He continues:—

"Included in our scheme is a line of steamers to run on the coast here. We cannot do with any other steamers what we require; so we must put on our own. We cannot get any of the steamship companies to send us steamers at all, because they have no suitable vessels for the trade, and they would have no back loading."

It appears in another part of the evidence that the deep water at Urangan—I have never had the pleasure of being there, and I do not intend to go there unless I am compelled to do so—I believe the depth is something like 4½ or 4 fathoms. We all know what the depth of the Mary River is. We all know what a picturesque, clear, transparent, deep, rapid flowing river it is; but I really think, leaving joking on one side, that it will be better for the people of Maryborough, and better for the coal proprietors there, such as my hon. friend, Mr. Walsh, who, I am confident, will benefit by this Bill, although I have no doubt he will do his very best to prevent it from passing—I say it will be the very best thing for them that this line should be constructed. It will afford additional facilities for taking away the immense deposits of coal supposed to exist, and which I have no doubt do exist, in the basin of the Burrum; and it will also afford the good people of Maryborough facilities for delightful holiday outings. They will be able to enjoy recreation on the sea beach at Pialba; and the Bill provides for a further extension of the line to the romantic watering place of Polson and other equally romantic places in the neighbourhood. I have already detained the House at considerable length, and, with these remarks, I express a hope that hon. gentlemen will read the evidence in connection with the Bill and judge for themselves of its importance. I beg to move that this Bill be now read a second time.

The HON. A. C. GREGORY said: Hon. gentlemen,—I am fully impressed with the fact that if this railway is constructed, so far as the simple question of a railway is concerned, it will be of considerable benefit to the district; and may possibly assist in developing the very important industry of the coal trade from the Burrum coal-fields. But, while generally admitting that it is desirable that the railway should be established, we have further to consider the question whether it is desirable to carry it out by private enterprise. That, I think—when duly guarded by proper precautions against unreasonable monopoly, and the undertakings being taken in hand by those who are unable to carry them out, and thereby bring discredit on the colony—is a very desirable way of proceeding in regard to the construction of our railways; but when I look through this Bill I find that the chief promoter of the scheme says that he bases his estimate of the value of the Burrum Coal Field on a lecture delivered by the Rev. Tenison-Woods. That, I admit, was a very admirably written document of the kind; but it was simply a lecture got up for the purpose of showing the people of Maryborough what valuable and extensive coal deposits exist in other parts of the world, and what they might possibly have on the Burrum. But, although the reverend lecturer may have passed through Burrum, he never inspected any of the coal-pits, or examined the outcrops, and could not have taken the trouble to read the public documents with regard to the coal deposits known to exist there. If the company is based on a foundation like that, I do not think that they are building upon a very sound basis. However, I chance to know something from peronal examination of the Burrum Coal Field, and I can say that it is a very important and valuable one. There are no less than four seams of a workable character one beneath the other, and each of those seams will, I believe, produce somewhere about from 2,000 to 3,000 tons of coal per acre. That is about the quantity of available coal that can be got out per acre, but putting it down at only 2,000 tons, the yield from the four seams will be about 8,000 tons per acre. Then the company want to buy 1,000 acres of land at 30s. an acre. The average value of lands which contain coal, as between private parties, is a royalty of 1s. per ton. Under these circumstances, I think that the reasonable value for the Burrum coal lands—that is, for land known to contain coal; and allowing that you will have several years to collect the royalty—may be fairly put down at £200 an acre, and the company offer 30s.! Even if it were worth £200 an acre, if we got the railway possibly we should not lose, so far as the public are concerned. But we have to look a little further, and on referring to the 1st clause of the Bill, we find—

"The expression 'undertaking' means the several lines of railway and branches, and all stations, wharves, buildings, erections, and works constructed by or necessary for the purposes of the company.

"The expression 'main line of railway' means the line of railway from the junction with the Maryborough and Burrum Railway"—

And so on. If we then turn to clause 57, we find it provides:—

"At any time after the expiration of five years from the final completion of the railway the Governor in Council may purchase from the company the railway with the rolling-stock and all appurtenances thereof at a sum equal to the cost price of the said railway with five pounds per annum calculated from the date of such final completion for every one hundred pounds of the said cost price added thereto, together with a sum equal to the then value of the said rolling-stock and appurtenances."

Power is given to purchase only the railway; not the wharves. In the evidence we find that the railway is estimated to cost somewhere about £120,000, and the wharves about £45,000; but there is no provision whatever in the Bill giving power to the Government to purchase back the wharves. I understand that there is only a small narrow space, at the place in question, where vessels can possibly come in; and the result will be that the company will secure absolute control of the position. If the railway is carried from Maryborough to it, the place will no doubt become the seaport of Maryborough; steamers running up north will only call there in place of going up to Maryborough, and the company will practically have secured the seaport of Maryborough, and will be able to impose any conditions they may think fit; and although it may be possible to resume the land by special Act of Parliament, as we can resume any other piece of ground that may be required for public purposes, still we should have to pay a tremendous big price for it, because the value of the property would be shown to be something enormous. I therefore think it would be very unwise to throw

a very important seaport like that into the hands of a private company or syndicate. Of course, there are other little matters that it is scarcely convenient to touch upon on the second reading of the Bill, and which can be better dealt with in committee. However, I look upon it that the objections to the Bill are so great that I think it would be desirable if we could deal with it much in the same way as we deal with plans, specifications, and books of reference for projected railways, that are sent up to us from the other House; that is, to refer it to a select committee. I am not going to propose that course myself, because I think it is the duty of the Government to take such action as is necessary to protect the public interests when their attention is drawn to matters from which it is likely the public may suffer.

The POSTMASTER-GENERAL said: Hon, gentlemen,—The hon. gentleman who has just spoken has so pointedly invited me to make some observations on the Bill, that I will fall in with his suggestion, and make one or two remarks respecting it. I do not think that he has made out a sufficient case to induce the House to refer the Bill to a select committee, and therefore shelve it; because we know that we are now so far advanced in the session that if it were referred to a select committee the House would never see it again this session. The Bill has been fully considered by the Legislative Assembly; and the Select Committee which previously considered it was composed of skilful and practical men, including the late Minister for Works, Mr. Ferguson, and other gentlemen capable of forming an accurate conclusion on the subject. These gentlemen unanimously reported in favour of the Bill, with certain modifications which the Legislative Assembly adopted, and which are included in the Bill as sent for our approval. The objections raised by the Hon. Mr. Gregory are twofold. The first is, that the promoters of the railway are to be at liberty, by way of a bonus, to purchase from the Government without competition a certain quantity of land at 30s. per acre, for the construction of the line. The second objection arises out of the first. The company propose to construct not only a railway but also a wharf, and though the Bill gives the Government power to purchase the railway after a certain time, it does not reserve to them power to purchase the wharf. If one wharf constructed at the terminus of the line would absorb the whole of the port, possibly it would be desirable for the Government to have the right to purchase the wharf; but that is no reason why the Bill should be referred to a select committee of this House. Objection has also been taken to the price of these lands. If I mistake not they have been open to selection as mineral lands for many years past, but no one has ever offered to take them up.

The HON. W. H. WALSH: They have been withdrawn from selection.

The POSTMASTER-GENERAL: They have been withdrawn from selection, but not from purchase as mineral lands. Anyhow, they were open for a number of years, and it was very problematical till recently whether the land contained payable coal-seams—the land in the neighbourhood of the Burrum—and it has yet to be proved that this particular land which the company wish to purchase at 30s. an acre is carboniferous to any great extent. It is absolutely valueless for cultivation or for any other purpose except mining. If any persons are prepared to develop unknown mines that may be in existence, and for that purpose wish to construct a railway to benefit the country as well as themselves; and inasmuch as it is a short line and will not interfere with the interests of the public, I do not see why an opportunity should not be afforded them if they will pay a reasonable rate for the land they wish to acquire. I have not much considered the matter, but my colleagues, after diligent and careful inquiry, have satisfied themselves that the interests of the country are not likely to be jeopardised, but are carefully conserved and protected by the provisions of the Bill, and in view of their decision, and of the fact that no stronger arguments than those adduced by the Hon. Mr. Gregory have been urged against the Bill, I certainly feel inclined to vote against the measure being relegated to the tender mercies of a select committee at this late period of the session.

The HON. W. H. WALSH said: Hon. gentlemen,—If a Bill like this, which is a most peculiar Bill, will not bear the light thrown upon it by a select committee of this Chamber, it will require very close observation from us, and we are bound to view it with grave suspicion. It proposes to make a railway which is to utterly undo a Government railway. The Government having unwisely made a railway for the express purpose of bringing coal from the Burrum to Maryborough, have sanctioned the construction of a line by a private company to take coal from the Burrum, and divert the traffic to their own line. If the proposed line be a success, then the Government may as well sell the rails of their railway for old iron; and if the coal trade is diverted to Urangan, the costly wharf at Maryborough may as well be burnt, for it will be of no use either to the Government or the public. It is the height of folly to sanction the construction of a private railway to compete with a Government line. It seems to me utter madness. And who is the line to be constructed by? and who for? and what for? The Government have been ostensibly legislating to prevent the influx of Southern persons into this colony to take up land; but this Bill is undoubtedly for the benefit of a Melbourne proprietary, and not for the benefit of Queenslanders at all, except so far as it may open up trade of which they may avail themselves. It appears absolute folly on the part of the Government to do such a thing. I can understand a Government opposing a measure, but failing to defeat it on account of its advocates being numerically stronger than the Government; but to lead the van in destroying one line, and raising up another for the benefit of a Melbourne proprietary, is utterly beyond my comprehension. Surely it is not patriotism; surely it is not statesmanship. What is it, then? The only conclusion to which I can come is, that Mr. Rawlins, the representative of the company, is a very clever man; that he managed to get the ear of a good many of our public men; and that he has hoodwinked, not only the majority of the members of Parliament, but also the majority of the members of the Government. I do not charge the Government with anything worse than being utterly unaware of the course they are pursuing. I have the report of the Select Committee which took evidence in another place, and there is one thing that struck me at once when I looked over it. Not a single Government engineer was called to give evidence; and I will venture to say that any local engineer in the employ of the Government would have loudly protested against the railway, and that the Engineer-in-Chief or his deputy would have pointed out the impropriety and incongruity of the speculation. There is nothing that I can see to justify the Government in sanctioning a measure of this kind. These are not the plans and specifications Parliament require to have

placed before them in considering a railway Bill; and I feel it my duty—though if anything could be of advantage to me as the proprietor of coal-mines it is the passage of this Bill—to point out that, if this project is approved of, we shall virtually hand over the port of Hervey's Bay to a private proprietary. If deep water exists at Urangan—and it has been reserved for Mr. Rawlins to make the discovery—its use will be denied to the public should this Bill pass. A more repugnant result of the labours of a select committee I never saw in my life, and for that reason I think the suggestion of the Hon. Mr. Gregory should be adopted, and that we should know a great deal more about the measure before we agree to pass it into law. I have strong private feelings on the subject, and therefore shall carefully abstain from saying anything further, but I warn hon. members that if the Bill be passed and the company floated—for it has yet to be floated——

The POSTMASTER-GENERAL: The company has been formed.

The HON. W. H. WALSH: I grant it is said that a company has been formed; but I can assure the Postmaster-General that the company is not formed, and that there is merely a company of promoters. I doubt very much if such a thing as a register has taken place; but I know that the gentlemen who subscribed the money for getting as far with the Bill as it has gone, are gentlemen mostly living in Brisbane and Maryborough; while the promised capital under the Bill is to come from Melbourne. I do not think that Mr. Rawlins is an engineer; and if not, we are asked to pass a Bill projected by no one who bears that qualification. The company will take possession of Urangan Point, and they will virtually be the possessors of the only deep water in the port. And in addition to competing with the Government in carrying coals on their own line, they will also have the opportunity of competing with them on the Government line from the Burrum to Maryborough. I must confess that I had never seen either the Bill or the evidence before now; and I do not think I shall even give a vote on the Bill. I have said all I shall say on the subject. I protest against it as a bad Bill for the colony. It is crude, and not sufficiently considered by the Government; and I repeat that the suggestion of the Hon. Mr. Gregory is the only one that we, as prudent legislators, can safely adopt.

The HON. A. H. WILSON said: I do not rise with the intention of opposing the Bill, but to a great extent I agree with what the Hon. Mr. Walsh has said. We must be very careful what we do with regard to this Mr. Rawlins. He seems to be a man who is backing up this idea of his by disparaging Maryborough. His whole statement is one tissue of falsehoods. For instance, he says that a short time ago the Queensland Land and Coal Company "wanted to ship by the 'You Yangs' 500 tons of coal; the steamer came, but she had to go away with only 300 tons on board." That would lead any hon. member to believe that the coal could not be got. Now, I know for certain what was the cause of that; it was not that there was no coal there, but that the Government had not sufficient trucks or carrying power to bring the coal down from Burrum to the "You Yangs." The steamer remained in port as long as she was able and then went away with 300 tons. That is one falsehood. The next one is in his answer to the question why he considered the coal-mines were not successfully worked, which was as follows:—"Because, in the first place, of the difficulty of getting steamers with anything more than 12 feet of draught to come up the Mary River." That is a straight falsehood. Mr. Rawlins would lead us to believe that the Mary River has only 12 feet of water, when it is well known that only the other day a vessel drawing 17 feet 4 inches went up the river and berthed at the wharf at Maryborough. And somewhere in his evidence, Mr. Rawlins also says that a vessel cannot get alongside the wharf if she draws more than 8 feet of water. Then in another place he brings in Wilson, Hart, and Company, and says:—

"A large number of ships come to Hervey's Bay, and they have to leave in ballast for Newcastle, New South Wales, where they load with coal. I could supply those ships—I could load ships at Urangan, if I had wharves. There were three ships in port the other day which brought out railway iron. They received 26s. a ton freight from England for the railway iron. They had to pay 14s. 6d. a ton to Wilson, Hart, and Co., for unloading them and supplying them with ballast, out of the 26s. Those ships could have been unloaded at the wharves at Urangan had the wharves been finished."

The fact of the matter is that the ships referred to only paid 6s. or 7s. for lightering what was required to enable them to get up the river; but this man makes capital out of the circumstance in order to prove what he could do at Urangan. Again, at question 249, we find the following—

"By Mr. Ferguson: It would incur the expense of a branch line? Yes, it would; besides, we should be only increasing the value of those persons' property. One man I saw, Mr. Southerden, about going through his land. I said, 'Shall I take the station up into your property?' He answered, 'Oh no; I cannot have it in my property; you cannot take it there.' 'At what,' I asked, 'do you value your property?' 'Well, I value it at £20,000.' 'Cannot I make any arrangement about it?' 'I do not want anything to do with you; I do not want to sell any land.' He, of course, wanted the railway to stop at his own paddock; he did not want it to go on."

Now, I saw Mr. Southerden, and interviewed him on this subject, and he informed me that the statement was false; that he never had any such conversation with Mr. Rawlins. Mr. Southerden said, "He came to my house and asked me if I would let him come through the paddock, and whether I would sell the land; and he made a proposal to me, but it was nothing like that, and it was left open to him. He was to call the following day, but he did not call till a fortnight afterwards. He then told me that it was not good enough. About a week later he called on me again, and said, 'I want to withdraw that.' I then replied, 'It is not good enough for me.'" Those are the facts of the case as stated to me by Mr. Southerden. I have got a copy of a letter here written by Mr. Southerden to Mr. Rawlins in reference to another place valued at £2,000. It is as follows:—

"30 July, 1884.

"— Rawlins, Esq., Maryborough.

"DEAR SIR,—Referring to recent conversation regarding Torquay, we beg to inform you that the sales to date have realised £2,700 on 200 acres. About 90 acres were resumed for streets, leaving a balance of about 430 acres, which we beg to submit to you at £5 per acre. This offer we are willing to leave open for three months, reserving the right to sell allotments in the meantime, and in the event of your purchasing, the area sold would be deducted. Failing your acceptance of this offer we shall be happy to meet you on your suggestion, viz.:—That the land resumed for railway purposes only be charged at 30s. (thirty shillings) per acre, conditionally on your company providing a station or stopping place as near as practicable to the junction of the Urangan road with Bideford street, the site of which to be appointed by us. Under separate cover we hand you lithograph of Torquay showing the unsold portions referred to above, coloured orange.

"Yours faithfully,

"(Signed) SOUTHERDEN AND CHRISTOE."

I wish to point out to hon. members that there is something shady about this matter. I do not know what it is; I cannot fathom it. I am positive, at any rate, that this railway can be of no benefit to Maryborough, because, as the Hon. Mr. Walsh says, it is bound to take away

a good deal of the trade that now passes over the Government line to Maryborough. Referring again to the Mary River, I would remind hon. members that in a period of six months the river was dredged from 14 feet to a depth which allowed vessels drawing 17 feet 4 inches to get to the town wharves. I may also state that I have it on the authority of Captain Sunners that there is not the slightest difficulty in taking a vessel drawing 18 feet of water up to Maryborough. And when the river is further dredged, I have no doubt that vessels of much heavier draught will be able to navigate it, for there is not a finer river in Queensland. I again say that we ought to be very careful how we deal with this matter. With regard to the deep water frontages which have been referred to, there is, so far as I know, only one, and that is at Urangan, and I do not believe the length of it is half-a-mile. The approaches to that frontage are in the hands of one person—a Mr. Corser. He holds the land, and there is nothing in the Bill providing that the Government shall have power to buy it at what it cost. If the company make the wharf, as they intend, the Government may get the railway, but it will be of very little use to them, as they will not be able to purchase the wharf. I think it should be provided in the Bill that the power to purchase shall extend to the wharf and the water frontage. I do not wish to say anything further on the Bill; but I should like to see the whole matter inquired into more thoroughly, because, in my opinion, it has not been sufficiently investigated. The only evidence that has been taken is the evidence of interested persons. I think we ought to have had some evidence from disinterested persons.

The HON. J. TAYLOR said: Hon. gentlemen,—I shall support the second reading of this Bill, perhaps for a reason for which no other hon. member of this House supports it, and that is because it will facilitate the making of railways by private companies. That is my reason for giving the measure my hearty support. One hon. member has stated that there is no association or company formed, but in the report of the proceedings before the committee I find that Mr. Hart handed in "an office copy of the 'certificate of incorporation of the Vernon Coal and Railway Company, Limited,' and a printed copy of 'Memorandum of Articles of Association' of the same company." So it appears that there is a company formed, and I have no doubt whatever that it will be a grand thing for the shareholders, and that it will wonderfully improve the country where it will carry on operations. The Hon. Mr. Wilson is very angry with Mr. Rawlins. I do not know the gentleman, but if we are to take him at the valuation of the hon. member he must be a great scoundrel. It appears that he has taken a bribe of £4,000 to carry the railway in a certain direction.

The HON. A. H. WILSON: I did not say anything of the kind.

The HON. J. TAYLOR: With reference to the steamer going away with only 300 tons of coal, it appears that there was no accommodation in the way of railway trucks to carry the coal. The Government show such apathy with regard to that coal that they do not care to supply the Hon. Mr. Walsh with trucks. It is stated in the evidence that the company could not get trucks to take the coal down for the "You Yangs." I think we shall do a wise thing if we pass this Bill without referring it to a committee, as has been suggested by the Hon. Mr. Gregory. I do not see any use in referring it to a committee. It has already been before a committee, the members of which are pretty acute gentlemen—namely, Messrs. Ferguson, Foxton, Grimes, and Macrossan. I do not think they are men likely to be deceived, and they have no doubt inquired into the matter very fully. I trust the Bill will pass its second reading. When it gets into Committee we can maul it there.

Question put and passed.

On motion of the HON. P. MACPHERSON, the committal of the Bill was made an Order of the Day for to-morrow.

BRANDS ACT OF 1872 AMENDMENT BILL—COMMITTEE.

On the motion of the HON. W. H. WALSH, the President left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill.

The preamble was postponed.

Clauses 1 and 2 passed as printed.

The POSTMASTER-GENERAL said he had a new clause to propose for insertion between clauses 2 and 3 of the Bill. When the Brands Act was passed, owing to an insertion of a clause in an earlier part of the Act, the 38th section, whilst intended to refer to the 27th and 28th sections of the Act, referred to the 28th and 29th sections. The 27th section made it an offence to brand stock not the property of the brander, and the offence was punishable in a summary way. Under the 28th section, an offence was created for blotching or defacing a brand; and that also was punishable in a summary way. Under the 38th section it was provided that, notwithstanding the provisions of the 27th and 28th sections, if the justices before whom the offence was being prosecuted were of opinion that a more serious offence had been committed, they might determine to send the matter to a higher tribunal. But instead of referring to sections 27 and 28, the clause referred to sections 28 and 29, and, as he had explained, the error was due to a clause having been inserted in an earlier part of the Act. It showed the inconvenience of referring to the numbers of sections gone before in a statute. He therefore proposed, in order to correct the error in the present Act, that following new clause be inserted:—

"The 38th section of the said Act shall be read and construed as if the 27th clause of the said Act had been mentioned therein, instead of the 27th clause thereof."

The HON. W. H. WALSH said he was much obliged to the hon. Postmaster-General, and he would avail himself of the opportunity afforded of correcting the error in the present Act.

The HON. A. J. THYNNE said he wished to say that it was a pity that, when an amendment of the Brands Act was proposed, the whole Act had not been investigated; because there were a great many defects in that Act which had led to failures in prosecutions in times gone by. He hoped the Government would soon examine the Act and see what amendments could be introduced into it. He did not wish to oppose the amendment proposed by the Postmaster-General; but he merely wished to direct attention to the fact that in many instances prosecutions under the Brands Act had failed because of the deficiencies of the Act itself.

The HON. W. F. LAMBERT said he thought it would be desirable to have the amendment put again, because many hon. members had not heard it at all; he had not heard it for one.

The POSTMASTER-GENERAL: You would have heard it if you had not been talking.

The CHAIRMAN said that the new clause proposed to be inserted was as follows:—

"The 38th section of the said Act shall be read and construed as if the 27th clause of the said Act had been mentioned therein instead of the 29th clause thereof."

The HON. W. FORREST said he only rose for the purpose of getting an explanation of the proposed amendment. He did not intend to oppose it at all. He must admit he did not quite understand it, and he wished to ask the Postmaster-General how the amendment proposed would affect clause 2. He only asked the question because he had not quite followed all the hon. gentleman had said.

The POSTMASTER-GENERAL said that the amendment had nothing whatever to do with clause 2. He was very glad to explain the new clause he proposed, and he did not object to explaining over and over again; but he might say that many of the explanations were really rendered necessary by the conversations going on all over the Chamber whilst different members were addressing the Committee. It was a very inconvenient thing for the reporters, who were expected to report correctly, to do so when they could not hear one another themselves. It was very hard to expect the reporters to hear what a gentleman was saying in addressing the House, when half-a-dozen different conversations were going on all over the Chamber. The new clause 3 which he proposed to insert was rendered necessary in consequence of an accidental mistake made in the 38th clause of the Act. The 38th clause of the Brands Act was identically in the same words as it was when the Bill was first presented to the Legislature for concurrence; but whilst the Bill was being considered by the Legislature, a clause was interpolated in one of the Houses of Parliament, and that altered the number of the subsequent clauses. The 38th section, instead of referring to the particular offences intended to be brought under its operation, referred to the numbers of the sections as they originally stood in the Bill; and whilst it was intended to apply to clauses 27 and 28 it mentioned clauses 28 and 29. The 29th section had no bearing whatever upon the subject. The 38th section provided that where certain offences were considered to be merged in very much more serious offences, such as cattle stealing, the justices before whom the information was laid, either under the 27th or 28th sections, as the case might be, were authorised not to proceed with the information, but to direct a prosecution for the more serious offence. The clause, in consequence of the improper mention of the numbers of the sections intended to be referred to, only applied to the 28th section. The amendment which he now proposed in the form of a new clause was intended to embrace the 27th section also.

New clause, as read, put and passed.

Clause 3, schedule, and preamble, put and passed.

On the motion of the HON. W. H. WALSH, the House resumed, the CHAIRMAN reported the Bill with an amendment, the report was adopted, and the third reading made an Order of the Day for to-morrow.

CROWN LANDS BILL—SECOND READING.

The POSTMASTER-GENERAL said: Honourable gentlemen,—From the earliest times in all civilised countries the mode of dealing with the public lands has been a subject that has caused the greatest anxiety and concern to statesmen. The experience of Australia has proved no exception to this rule. With the increase of population in this continent the interest of the public in connection with this subject have proportionately extended; and we find that during late years, particularly, the most important and most frequent question that has presented itself to public men for solution throughout the colonies has been—How shall the public lands be most satisfactorily and beneficially disposed of? Many fruitless efforts have been made in Queensland to solve this most serious question. The instructive history of our land legislation is doubtless familiar to you all. I shall therefore not weary you with any detailed reference to it, but I may mention, as a fact not altogether without significance, that, during the brief period of our history as a separate colony no less than seventeen Acts—disregarding altogether any reference to Acts relating to goldfields, or introduced for the purpose of clearing up difficulties—have been passed dealing with the alienation or disposition of the public estate. Many of these it will be admitted by politicians of all shades of opinion have failed to attain the objects of their framers; and although a large amount of *bonâ fide* industrious settlement has taken place under the provisions of the remainder, I think it cannot fairly be denied that they have not only not attained the objects of the Legislature, but that in many very material respects such objects have been entirely frustrated. Under cover of the four principal Acts that have had specially in view the promotion of agricultural settlement—the Agricultural Reserves Act of 1863; the Leasing Act of 1866; and the Crown Lands Alienation Acts of 1868 and 1876—many hundreds of thousands of acres have, contrary to the spirit and intention of the Legislature, passed into the hands of large monopolists, and been aggregated into large estates by means which it is unnecessary for me to describe or characterise. Up to the 31st December, 1883, the latest date to which our statistics have been compiled, six and a-half millions of acres of suburban and country lands had been alienated and granted in fee at an average price of something less than 12s. 2d. per acre. On the same date there were 4,099,850 acres of land held under lease as conditional purchases or homesteads; and of the land held under lease, only 69,132 acres, or 1·687 per cent. were under cultivation. The total area under cultivation throughout the whole colony, including the land under lease, amounted to only 167,476 acres. If we deduct from this area the quantity I have already mentioned as included under the head of land leased, we have a balance of 98,344 acres as the whole area under cultivation, amongst the lands alienated in fee, which have been alienated ever since the colony came into existence as a separate State. These figures, I think will be admitted, prove that so far as our legislation has been framed with a view to promoting agricultural settlement, it has been a failure. The causes of that failure are not far to seek. The areas permitted to be selected by individuals have been much too large; the period of occupation prior to the accrual of the right to purchase in fee has been much too short; and the facilities for the evasion of the provisions framed with the view of securing *bonâ fide* settlement have been much too great. It was anticipated that the conditions of occupancy that were imposed by the Act of 1876, which I had the privilege of passing through the House, would remedy many of these defects; and although it must be freely admitted that fraud has not been perpetrated under the provisions of that Act to the extent that prevailed prior to the passing of it, dummying has not ceased to exist; and it cannot be disputed that large areas of valuable land have, under the provisions of that Act, after a merely nominal compliance with the conditions, passed into the hands of monopolists, and been aggregated into large estates without any adequate return to the country. The people of the country and the Government for the time being, as the exponents of the representatives of the

people's views, therefore feel that if we are to secure the settlement of a large and industrious agricultural population upon the lands of the colony it is essential that there must be a fundamental alteration in the policy of our land laws with regard to alienation. It is also felt that the laws with regard to pastoral occupancy require serious consideration. On the 31st December, 1883, the date already mentioned, there were in the settled districts, held under lease, runs containing an area of 11,162 square miles, for which an average rental of £1 18s. 4½d. per square mile was paid. On the same date 475,601 square miles, or considerably more than two-thirds of the whole colony, were occupied as runs in the unsettled districts under a gross rental of £216,638 13s. 10d., or an average of something less than 9s. 1d. per square mile, being little more than one-sixth of a penny per acre. These figures include both available and unavailable lands. I think I am within the mark when I say that what is called unavailable land—that is, land unavailable for strictly pastoral purposes—is less than one third of the whole area. Making allowance for this unavailable area, therefore, I find that these figures prove that the average rental paid for runs in the unsettled districts of the colony in respect of available land only is about one farthing per acre. Now, considering the advantages that have been gradually conferred upon the pastoral tenants in the shape of increased facilities for getting produce to market, increased means of communication between the coast-line and the interior of the colony in the shape of railways, roads, and telegraphs, constructed at the public expense, it has been long felt—and pastoral tenants themselves, until very recently, admitted—that the rent paid for their runs in the unsettled districts of the colony was not fairly proportioned to the privileges conferred by the occupation of the country. But the pastoral tenants have contended that it would be unfair to exact from them a larger rental than they are bound to pay under the statutes by which they now hold their land, unless some equivalent is conferred upon them. The equivalent they have demanded has been something in the way of security of tenure. It has been urged that the tenure by which they hold their land now is very precarious, and that so long as it exists in its present condition they are unable to give security to persons for advances of money that they would otherwise be able to give if they had something approaching fixity of tenure; and many of them have admitted over and over again that were such a security afforded for a long term of years, they would willingly surrender a substantial portion of their runs, and pay for the remainder a rental more proportionate to the privileges the State would confer upon them by allowing them to occupy the remainder on such terms. In view of this condition of things the Government, having determined to introduce an alteration of the law with regard to agricultural settlement, also determined at the same time to make these provisions part of a comprehensive scheme dealing with the use and occupation of the public estate for pastoral as well as agricultural purposes. That scheme, modified somewhat by the Legislative Assembly, is embodied in the Bill I am now presenting for your approval. The fundamental object the Government had in view in the preparation of this measure was to secure, as far as practicable, and without doing any injustice to anybody, the close and permanent settlement of an industrious population on the public estate. Whilst keeping this primary object in view, they felt that, with the comparatively small population of the colony and the comparatively large area at their disposal, they would be enabled, whilst making adequate provision for those persons desirous of taking up land for *bonâ fide* agricultural settlement, to offer facilities and inducements to persons who are prepared to devote themselves to grazing combined with agriculture, or grazing alone on a small scale; and whilst making provision for settlement of this description they felt that it would be quite possible for them to do this without pressing unduly on the pastoral tenants, and to offer such terms to the squatters that they might secure to themselves fixity of tenure, for a long term of years, of a substantial portion of their holdings, so as to be enabled to utilise to the best advantage the portions secured to them, and at the same time give to the State a rental proportionate to the benefits enjoyed. In discussing the Bill, I shall not weary the House by referring to matters of detail, but shall confine myself entirely to matters of principle; and it will perhaps be more convenient if I follow, as far as practicable, the order in which they are set out in the Bill. Passing over the introductory clauses, the first which will attract attention is the 5th clause. This indicates the extent to which the Act is to apply. It will be observed that, in the first instance, the Government propose to apply the Act only to the districts described in the schedule—that is indicated on the map now before hon. members, partly by red and partly by blue lines. The red lines indicate the schedule first prepared, but which has since been modified; and the external blue lines indicate the area contained in the schedule as amended. The boundaries are purely arbitrary, but they indicate a district which the Government and the Legislative Assembly believe it will be necessary to have available for the requirements to the country for some time to come. The Government, however, are not particularly wedded to the exact district there indicated. Provision is made for the Act being extended hereafter to two classes of cases; one is where the owners of the runs wish to be brought under the operation of the statute—the owners of runs which do not at present come within the description of the schedule—and the second class extends to those to which the board, whose constitution and duties I shall hereafter more particularly refer to, think it necessary in the interests of the community that the operation of the Act should be extended. Then we come to a clause about which a large amount of discussion has taken place elsewhere, and which is no doubt of great interest to hon. gentlemen in this House. This clause proposes to repeal the 54th clause of the Pastoral Leases Act of 1869, popularly known as the clause dealing with the "pre-emptive right." It may be convenient here, as I think there is some misapprehension in the minds of hon. members, and possibly of persons outside, with regard to the meaning of the 54th clause, that I should discuss it at some length. The intentions of the framers of the statute can only be gathered as in similar cases from the language used. It has been urged of late that the 54th section conferred on the lessees of runs the absolute and almost indefeasible right to secure, whenever they thought proper, 2,560 acres of land on every twenty-five square miles of their runs, without competition, at a price equal to 10s. per acre. Now let us refer to the phraseology of the section itself; and in doing so, and in order to elucidate its meaning, I shall consider it necessary to deal with the two following clauses which, though they do not bear directly on this clause, will assist us to understand the true meaning of the clause if there is any difficulty or ambiguity about it. I confess I do not see any difficulty or ambiguity myself, but I feel bound to deal with it on the assumption that some persons can see something

equivalent to a right conferred by this section. The 54th section begins in these words—

"For the purpose of securing permanent improvements, it shall be lawful for the Governor to sell to the lessee of a run without competition, at the price of ten shillings per acre, any portion of such run in one block, not being more nor less than 2,560 acres."

We have to go back to the definition contained in clause 3 to see what "improvements" mean. Improvements there are defined to be "permanent buildings, reservoirs, wells, dams, and fencing." There is a singular adjective preceding the word "improvements" in the 54th section. They are there specified as "permanent." The definition does not contain the word "improvements" preceded by the word "permanent"; and I think it may be fairly concluded that the Governor was to be satisfied, in the event of his contemplating a sale, that the improvements the pastoral tenant desired to secure under this section, were of a permanent, and not of a temporary character. However, I have recently heard persons interested in runs in the unsettled districts seriously contend that, inasmuch as no limit is placed on the improvements referred to in the section, so long as a man had any improvements, even if it consisted only of one panel of fencing, inasmuch as it came under the description of improvements within the meaning of the 3rd clause, he was absolutely entitled under the 54th section to obtain, without competition, the acreage I have mentioned at 10s. per acre. If we had any doubt on the subject, a reference to the Acts Shortening Act would set it at rest at once. That Act tells us that where the words "it shall be lawful" are used, the matter is left to the discretion of the person authorised to exercise the function. But for some reason not known to myself, and possibly not known to the Legislature, the words "Pre-emptive right over improved land" have been inserted in the margin. Of late years, pastoral tenants, for obvious reasons, and possibly with an honest belief in the accuracy of their opinion, have held that they are absolutely entitled to the privilege. But I have never had any doubt that the only privilege or right given under the 54th section to the pastoral tenant, was the right to ask the Governor to allow him to take up those lands without competition at the price mentioned; and the only power conferred on the Governor was that, if he was satisfied that the improvements were of a permanent character, and that the interests of the public did not demand that the privilege should not be accorded, he was at liberty to sell the land on the terms stated. These same lessees who contend they have the possession of this right, at the same time urge against the demand being made for an increased rental that the tenure under the Act of 1869 is so precarious and insecure that it is nothing more or less than a six months' tenure, because the Governor in Council has the power, simply by notice in the *Government Gazette*, to resume any portion of a lease not exceeding 2,560 acres, and that, if the Government desire to secure the rest, all they have to do is to serve a notice on the pastoral tenant intimating that they intend to reserve the run, or any portion thereof; and after six months have elapsed from the giving of that notice, the schedule of the lands referred to in the notice can be laid before Parliament, and if both Houses do not dissent from the notice, it comes into operation, and the land is practically resumed from the tenant's lease. But under the succeeding section he has this right conferred on him: whenever any land is taken away on which are improvements which he is thereby prevented from enjoying, he must be paid the value of those improvements. Looking at those three sections as a whole, what conclusion can be arrived at? The only conclusion I can come to is that the pastoral tenant does to a certain extent hold his run on the terms here stated, that is to say, he is liable to be deprived of his run upon what practically amounts to not less than eight months' notice. He can get six months' notice from the Governor in Council, and when that notice expires the schedule of the lands proposed to be resumed must be laid upon the table of the House, and if not dissented from within sixty days, the notice takes effect. But the pastoral tenant has this right accorded to him—namely, that whatever expense he incurs in improvements, shall be reimbursed to him whenever these lands are taken out of his enjoyment. If there were a right conferred under the 54th section, then under the 55th section all that the Governor in Council would have to do to deprive the lessee of such right, would be to give him notice of the resumption of the whole run, and the right would then cease to exist. As I have said before, and it cannot be too often repeated, the assertion of the existence of this right has only been made of late years; and it was only when there was a necessity for getting money into the Treasury that successive Governments have allowed this clause to be dealt with in that way. I was here when the Act of 1869 was passed; and I know that for many years afterwards, whenever an application was made for the privilege given by this portion of the statute, the Minister for Lands required that it should intimate the character of the improvements and their value; and in no single instance in the early days of the administration of this Act was any man, within my knowledge—and it was not very limited, even in those days—allowed to take up a pre-emption unless he satisfied the Minister that he had made improvements on the land to the value of 10s. per acre. It is only within the last few years that, owing to the exigencies of the Treasury, successive Governments have failed to make inquiries of that description. No person who is accustomed to weigh words and construe Acts of Parliament can come to any other conclusion than that which I have come to, namely, that the 54th section was never intended to, and certainly did not confer, upon the pastoral lessee any right, but only gave the Governor in Council the right to sell the land on those terms, if the Governor in Council thought fit, and—this is important—if the interests of the colony warranted them in so doing. Therefore, holding these views, and with the intention of setting the matter at rest, and placing it beyond doubt, the Government have thought it desirable while dealing with the land question to introduce this clause which repeals the 54th section of the Act. There can be no doubt that several tenants, possibly a large number of pastoral tenants, have honestly thought that by an expenditure of money, equivalent to 10s. per acre, upon their runs in the shape of improvements permanently benefiting their runs, they would be entitled to secure, under this 54th section, 2,560 acres of land embracing the improvements. Many cases of this description have come under my own notice. It has therefore been provided in this clause that in all such cases where a sum of not less than £1,280 has been actually expended on the construction of permanent improvements, of the description indicated in the Act of 1869, such as buildings, reservoirs, wells, dams and fencing, prior to the passing of this Bill, the pastoral tenant shall be at liberty at any time within six months after the Act comes into operation to apply to the Minister for Lands to purchase the land. Inquiry is then to be made as to the extent of the improvements, their value and

their character; and upon the Minister being satisfied that improvements of the required extent and character have been effected, the Governor in Council is at liberty at any time thereafter, prior to the land being resumed for any purpose or withdrawn from the lease, to sell it on the terms stated in the 54th section of the Act of 1869. In all other respects it is proposed to repeal that section. The other clauses in this part of the Bill relate purely to matters of detail and require no special reference. Part II. contains a very important modification with regard to administration. It will be observed that the Bill proposes that a board, consisting of two competent persons, shall be appointed to carry out most of the administrative duties afterwards prescribed by the Bill. I shall not detail all the duties which it is proposed that this board shall perform, but I may mention that in subsequent parts of the Bill, to which more particular reference will be made by-and-by, it will be seen that their duties are chiefly judicial, and relate to assessments of runs, the determination of values both of holdings and improvements, and the determination also of questions of fact with regard to the performance of conditions. In brief, the duties imposed upon the board are ones relating entirely to questions of fact and not of principle. They relate to questions which the Government feel it would not only be inconvenient but improper to impose upon the Minister administering the statute for the time being. The board will have to weigh conflicting claims and to deal with and determine matters between the Crown on the one hand, and lessees on the other, and will have to possess a special knowledge both of the country and the law, and of all questions arising out of the settlement and occupation of the lands. For obvious reasons it has been felt that it would be unfair and undesirable to impose these duties on a Minister. Any person who has been a Minister of the Crown must know, however honest his intentions may be, and however anxious he may be to administer an Act of this description faithfully and fairly in the interests of the public, circumstances will arise which will prevent him from giving that proper attention to it which the interests of all parties demand. A person administering the provisions of such a law as this must be above the suspicion of being capable of being improperly influenced. The Government have, therefore, fixed upon the appointment of two gentlemen who shall have powers given to them very similar to those conferred by statute upon the Auditor-General. They are placed by the large amount of salary attached to their office beyond suspicion, and they will hold their office during good behaviour, removable only by a vote of both Houses of Parliament. Section 13 provides that—

"The members of the board shall hold office during good behaviour, and shall not be removed therefrom unless an address praying for such removal shall be presented to the Governor by the Legislative Council and Legislative Assembly respectively in the same session of Parliament."

The HON. W. GRAHAM: How is he reinstated?

The POSTMASTER-GENERAL: The hon. gentleman asks me how he is to be reinstated. Circumstances may arise which render it necessary in the interests of the public that one of the commissioners should be suspended from the performance of his duties. He may be incapable, he may have accepted a bribe, or he may have done any other thing which would render his continuance in office undesirable in the interests of the public. Parliament may not be sitting at the time. It is therefore necessary that some person should be clothed with authority in the meantime to deal with the offender or the incapacitated person. The Governor in Council therefore is authorised, when Parliament is not sitting, by section 13, which I have quoted, in the event of the inability or misbehaviour of a member of the board, to suspend him from his office. But by the second paragraph of that clause it is provided that in the case of the suspension of a member of the board, a statement of the cause of such suspension shall be laid before both Houses of Parliament within seven days after the commencement of the next session. The third paragraph then states that—

"If an address shall during that session be presented to the Governor by the Legislative Council or Legislative Assembly praying for the restoration of the suspended member to his office, he shall be restored accordingly."

And what does that mean? Does it not mean there shall be the concurrence of both Houses of Parliament, not only in the removal but also in the suspension of the officer? If either House dissents from the suspension the member is restored to his office; and therefore there must be the concurrence of both Houses, not only in the removal but also in the suspension. If one House can get a member restored to his position, surely that is the same thing as that both Houses must concur in his suspension? The concurrence is shown by both Houses refraining from passing an address to the Governor praying for the restoration of the suspended member to his office.

The HON. W. GRAHAM: I do not see it.

The POSTMASTER-GENERAL: Very elaborate provisions are made for the manner in which the board shall perform their duties. Every investigation held by them must be held in open court. Each party concerned will have an opportunity of attending before the board and preferring his claim in person; and where any question of valuation arises, both parties, whether the Government or anybody else, will have to submit their estimate of value to the board; and evidence may be called by them in support of their statements, the witnesses being examined on oath, or otherwise, as the board thinks proper. The board will hear the evidence and pronounce their decision in open court, and, moreover, their decision except in one important case, is to be final. If they differ among themselves, they can refer the matter to the Minister; but under no other circumstances has the Minister any right of interference. If a person feels aggrieved, and is dissatisfied with the decision of the board, he can appeal to the Governor in Council and ask for a reconsideration of his case. That is practically the only appeal. The matter is reheard by the board themselves, and their second decision is final upon the subject. The only case in which their decision is not final is that of a case arising out of the resumption of a whole or part of a run. This is dealt with in a later part of the Bill. It is there provided that, where the whole or part of a holding is resumed, the amount of compensation to be paid to the person whose holding is dealt with is to be fixed by the board in the first instance. And if either party concerned is aggrieved by the decision of the board the matter is to be dealt with by arbitration, in the manner provided by the Public Works Lands Resumption Act of 1878. That is the only case in which an appeal is really allowed from a decision of the board. Hon. gentlemen may ask why we have fixed on the number "two." One would obviously be too small a number to entrust with these very important powers, and three we think to be undesirable. There would be a shirking of responsibility, and where questions of the magnitude of those to be submitted to these gentlemen are to be settled,

it is highly desirable that there should be unity of opinion. That is almost certain to be obtained if we have two, and if the difference of opinion is found so great as to prevent this, provision is made that the Minister may be referred to. Referring still to matters of administration, I may state that we have adopted, so far as has been consistent with the proposed change in the law, the method of procedure under the Act of 1876. We continue the existence of commissioners and land agents; and the commissioners are to hold courts in the same manner and receive applications for selections and perform their duties very much as they do at present, with one important exception. The commissioner's decision under the existing law in regard to the acceptance or rejection of an application to select is final, and the Minister is purely an executive authority practically recording what the commissioner decides. Now, it is provided in this Bill that the commissioner's decision shall not be final until it has been approved and confirmed by the board. The board have the power to deal with the decision, and confirm, reserve, alter, vary, or confirm it with an amendment; but with this provision, that in the event of any alteration or rejection of a decision the party affected by the variation of the decision has the right of being heard and having his claims investigated in open court in the ordinary way. Those are all the matters arising out of the administration of the law that it is necessary I should refer the House to. I shall now pass on to one of the most important portions of the Bill—Part III.—dealing with existing pastoral leases.

The HON. J. F. McDOUGALL: The Minister may vary the decision of a commissioner.

The POSTMASTER-GENERAL: The matter has been decided here before the Supreme Court comparatively recently. The Crown refused to grant a lease which had been approved by the Commissioner on the ground that the public policy rendered it desirable that the lease should not be confirmed, and the Crown was directed by the Supreme Court to grant the lease. The court practically decided that the Minister had no discretion in the matter at all, and was simply bound to carry out the decision of the commissioner. Passing on to Part III., dealing with existing pastoral leases. This Bill does not propose to interfere with any leases of runs now in existence, unless the pastoral tenant elects to bring himself under the operations of it. The schedule of the Act embraces the whole of the country in the settled districts, and it also includes a large number of runs in the unsettled districts. In the settled districts the runs are held under the Act of 1876 and its subsequent amendments; the runs in the unsettled districts are nearly all now held under the Act of 1869; some few of them are held really under lease from year to year, their leases having been under the Act of 1863, which expired some time before the 31st December, 1882. We do not propose to interfere with those leases in any way whatever in this Bill, unless and until the pastoral tenant of his own motion elects to come under and avail himself of the privileges of the Bill. I cannot too strongly impress that upon hon. gentlemen. There is no attempt to interfere with existing rights or leases, whatever. If the pastoral tenant thinks we offer him advantages which the present leases do not contain, he will bring his run under the provisions of the Bill; and if he thinks otherwise he will let his run remain under the existing tenure—which he is pleased to term a six months' tenure. Whenever the pastoral lessee wishes to bring his run under the operation of the Bill, certain consequences ensue. If his run is within the schedule area he must elect to bring it within the provisions of the statute within six months after the Bill extends to the district in which his run is. If his run is outside the area for the time being under the operation of the statute, he is at liberty to bring it under the operation of the statute whenever he thinks proper. For instance, take the runs far away in the extreme west—those held under the Act of 1869 are not likely to be interfered with for many years to come, and the pastoral tenant may therefore say, "I am not likely to be interfered with by selection, and although this is nominally a six months' tenure I look upon it as a twenty-one years' tenure; and I therefore prefer to go on paying my less than a farthing an acre for the use of this land, and if at any time I see settlement likely to encroach upon me, or the Governor in Council, by the advice of the board, likely to extend the operations of the Act to the district which embraces my run, I at once step in and say, 'I elect to take advantage of the privileges of this Bill.'" He can wait until the twenty-first year of his lease, and then come within the provisions of the statute so long as the provisions of the Act have not been extended to his particular area. When, as I say, he elects to bring his land under the provisions of the statute, certain consequences ensue. The Minister appoints a commissioner or some other suitable person to examine the land, and a certain portion of it is resumed from the occupation of the lessee. That portion will vary with the period during which the land has been held under lease. In cases where twenty years or upwards have elapsed since the license was first issued for the pastoral occupation of the land, one-half of the run will be resumed from the lessee. Where more than ten, and less than twenty, years have elapsed since the license was first issued for the pastoral occupation of the land one-third will be resumed; and where the land has been under license for pastoral purposes for a period of less than ten years only one-fourth will be resumed. These provisions, I should say, apply only to runs in the unsettled districts. In cases of runs in the settled districts one-half of the runs will be at once resumed. In examining the runs the commissioner or other person appointed has to observe the following rules: The whole part proposed to be resumed shall be resumed in one block: the average quality and capabilities of the resumed part must be, as far as practicable, the same as the average quality and capability of the whole run; but in cases where it is impossible to subdivide the run so accurately as that, and the quality and capabilities of the different parts of the run are unequal, an allowance is to be made in area, and the proportion to be included in the resumed part may be increased or diminished accordingly, so as to make the relative values of the resumed part and the remainder of the run bear the relative proportions I have before mentioned. After this inquiry and investigation have been made by the commissioner or other person appointed by the Governor in Council, his report is sent in to the board, and the board deal with it and may confirm or vary it in any way they think proper. The final conclusion of the board upon the subject is then gazetted and takes effect. Hon. gentlemen who are familiar with the provisions of the Act of 1868 will see how much more liberal the provisions of this Bill are than those of the earlier statute. Under that Act, when runs held prior to 1868 were brought within its operation, the runs were divided into two portions, but the portion resumed by the Government was the better portion of the two.

The HON. J. TAYLOR: No.

The POSTMASTER-GENERAL: Yes, I am certain of it. It does not really very much matter, but I say that the Government had the

right to take the better half of the runs, and in most instances did take it; unless perhaps in cases where the lessee was so astute as some hon. gentlemen opposite, and managed to humbug the Government into taking the worst half.

The HON. J. TAYLOR: Hear, hear! The lessees were fools in those days.

The POSTMASTER-GENERAL: My statement of the facts is correct. This is not the first time I have had to consider the Act of 1868. To resume: I say that these provisions are much more liberal than those contained in the Act of 1868; and which were so cordially embraced at the time by the gentlemen affected by it. The half of every run was to be resumed, and the Government had the right to take from the lessee the better half of the run.

The HON. J. TAYLOR: No.

The POSTMASTER-GENERAL: Here the area resumed varies with the period during which the land has been under pastoral occupation, and stringent provisions are made so that the lessee shall not suffer any disadvantage by the resumption. There is to be an equalisation of the value as far as possible; and where the character of the land does not admit of the equalisation of the value in equal areas, then an allowance is to be made by an increase or reduction of the area resumed. In taking into consideration the area that is under pastoral lease, all lands that have been resumed but have not been alienated are treated as portions of the run; and if a lessee has contiguous blocks he is to be at liberty to consolidate the whole of the blocks into one, so that he will have his subdivision in one consolidated block: except the board think that where the area of the consolidated run is more than 500 square miles it is desirable it should be subdivided into two or more runs, so that any two of such portions shall contain not less than 500 square miles. This subdivision having been effected, the lessee is entitled to have a lease from the Crown of the portion of the run not resumed, and in the case of a consolidated run which has been subdivided by order of the board, separate leases shall be issued for each part of the subdivided portions not included in the resumed part. In the case of runs held under the Settled Districts Pastoral Leases Act of 1876, and the amendments of it in 1882, the term of the new lease is to be ten years, and that is practically the same as the existing term. In other cases the term will be fifteen years from the first day of January, or the first day of July, nearest to the date of the notification in the *Gazette* of the order of the board confirming the division. The lease is subject to the following important provisions:—The rent payable during the first five years for runs in the settled districts is fixed by the board, and shall not be less than at the rate of 40s. per square mile, which is the minimum rate fixed by the existing statute. For runs in the unsettled districts, the rent for the first five years is also fixed by the board, and shall not be more than 90s. nor less than 10s. per square mile. Reducing these figures to acres, I may mention that 90s. per square mile means one and eleven-sixteenths of a penny per acre, and 10s. per square mile amounts to three-sixteenths of a penny per acre. The rent for each successive period of five years during the continuance of the term of the lease is also fixed by the board; and that, as well as the rent for the first period of five years, is determined by the following considerations: First, by the quality and fitness of the land for grazing purposes; second, the number of stock which it may reasonably be expected to carry in average seasons after a proper and reasonable expenditure of money in improvements; third, the distance of the holding from railway or water carriage fourth, the supply of water, whether natural or artificial, and the facilities for the storage or raising of water; and fifth, the relative value of the holding at the time of the assessment as compared with its value at the time of the commencement of the lease; subject to this important provision—that, in estimating the increased value, the increment in value attributable to improvements shall not be taken into account except so far as such improvements were necessary and proper improvements, without which the land could not reasonably be utilised. In other words, the board fix the rent for the first five years; other rentals are fixed for the succeeding period of five years also by the board, and the amounts of these rentals are to be fixed according to the capabilities of the run for pastoral purposes, and pastoral purposes only. If there is any depreciation in the capabilities of the run for pastoral purposes between one period and another, the lessee will get the benefit of that depreciation. The valuation is only to be the value of the run at the particular time of the assessment; and the improvements effected by the lessee are not to be taken into consideration in assessing that value. So that, as a matter of fact, if the run suffers deterioration between one period and another, the lessee's rent is diminished; if it increases in value as a pastoral holding, the lessee is called upon to pay an increased rental, but only such increase as affects the value of the country for pastoral purposes only. The pastoral lessee will therefore pay a rent barely proportionate to the privileges conferred upon him by the Act. The clause dealing with rentals also deals with forfeiture, and in this respect is practically the same as the present law. Leases of runs are liable to forfeiture if the rent is not paid in due time; but the forfeiture may be avoided on payment of an additional sum within ninety days of the time when the rent should have been paid, varying from 15 to 5 per cent., according to the period that has elapsed. In addition to the absolute tenure, to which I have referred, of the unresumed portion of his run, the lessee has conferred upon him the right of depasturing stock on the resumed part until it is alienated. He may elect to take that right or not, as he pleases; if he elect to take it, he must do so within six months after the resumption has taken place, and he has to pay for the privilege an annual rental to be fixed by the board, and which in no case is to exceed the rental previously paid by him in respect of that portion of his run under the old lease. There is, however, this important restriction: that if the board shall be of opinion that the pastoral tenant is exhausting the resumed portion by overstocking, they may compel him to reduce his stock; and if he fails to do so within six months after notice to that effect being served upon him, his right to depasturing is forfeited. I have stated that these clauses confer upon the pastoral lessee what is practically fixity of tenure for the term of fifteen years of the portion of his run varying between one-half and three-fourths, according to the period of enjoyment he has previously had; but in view of the fundamental object that we have in view in this measure, it may be found necessary, in the interests of the public, that some portion, or the whole of the holding, shall be resumed for public purposes. In such case, provision is made in a later portion of the statute that the Governor in Council may, on the recommendation of the board—not upon the caprice of a Minister, but upon the recommendation of the board—resume part or the whole of a run, if necessary, with these important consequences ensuing: that, after notice has been given that

a portion of the run is required to be resumed, the lessee may at once step in and say, "I elect that this notice shall apply to the whole of my run; I will not have any part of my holding, which I regard as practically committed to me absolutely for the period of fifteen years, taken away from me; I prefer losing the whole holding; you must take the whole." In that case the Crown will be compelled to take the whole. But if the lessee is content to lose only portion of his run, the Crown may take that, subject to the condition that they shall pay the full value of the loss the lessee has sustained, and that value is to be fixed by the board—subject, as I have already stated, to an appeal to arbitration under the Public Works Lands Resumption Act of 1878. The mode of assessment of that compensation—I am now referring to clauses 105 and 106—is arrived at by valuing the holding, or portion of the holding, at the rate which would be paid by the incoming purchaser of the whole, or that part for the remainder of the term of the lease. In addition to compensation to this extent, it is further provided that whatever improvements the lessee has erected upon his run shall also be paid for. They are to be valued by the board in the ordinary way, and whenever the enjoyment of the whole or a portion of a run is taken away from the party possessing it, the improvements are to be paid for by the Crown, or the person who subsequently obtains possession of the improvements. That is the rule with respect to compensation for improvements, and it applies throughout the whole lease, and on the termination of it from any cause whatever—forfeiture or otherwise. Hon. gentlemen must bear that in mind; I believe it is not fully understood. That is the provision: that whenever the lease is determined by forfeiture, or otherwise, the lessee is to be repaid the value of his improvements to be assessed by the board. It is distinctly provided in clause 37 that if any lease under this Act is forfeited or otherwise determined before the expiration of its term, the Governor in Council may declare the land which was comprised in the lease to be open to be leased to the first applicant, for the remainder of the term of fifteen years, subject to the same conditions as were applicable to the former lease; or may deal with it under any other provisions of the Acts. That is to say, it may be dealt with as Crown lands leased as a grazing or agricultural farm, or reserved for public purposes. If the remainder of the term is sold, then the incoming tenant pays the man who has forfeited his run the value of his improvements; and if the land is otherwise disposed of, the amount received by the Crown in respect of such improvements is paid to the former lessee.

The HON. W. FORREST: The grazing right?

The POSTMASTER-GENERAL: I am dealing with section 37, which has nothing whatever to do with the grazing right, but provides for payment for improvements made by the existing lessee when the lease has become forfeited during the currency of the term from any cause whatever. If the hon. gentleman will turn to the section I have just quoted, 107, he will see that it applies to all holdings under the statute — be they pastoral holdings, grazing farms, or agricultural farms. The word "holding" in clause 4 is defined to mean, "the land held by any lessee"; and clause 107 provides:—

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

I therefore say that my statement is perfectly correct that every possible inducement is offered for pastoral lessees to improve their holdings, knowing as they do that they will get the benefit of their improvements during the currency of the lease, and that if the land falls out of their hands at any time they will get the value of their improvements refunded to them. Those are the provisions with regard to the leasing of runs for pastoral purposes. I repeat again that this Bill does not compel any pastoral tenant to bring his runs under its provisions; but if he elects to bring them under its provisions, those are the conditions that ensue. Now, I put it to you, hon. gentlemen, can you conscientiously say that they are not liberal in the extreme? Can anyone firmly believe that there are any pastoral tenants within the area described on the map who will not willingly embrace the opportunity afforded them of bringing their runs under its provisions? The provisions of these clauses have been framed with an earnest desire to act as liberally as possible—consistently with our duty to the public—with the Crown lessees; and I am confident that the same result will ensue here that ensued when the Acts of 1868 and 1869 were passed. I recollect well that when the Act of 1869 was passed a number of my clients doubted whether it was advisable to bring their runs under it, but I invariably advised them to bring them under it. I know of no man who has brought his run under the provisions of that Act who has repented it, and I feel equally confident that any lessee who avails himself of the provisions of this Act will never regret having done so. Every encouragement is offered to the tenant to improve his land, and all that the State exacts in return is a fair rental for his holding. I now pass to Part IV. of the Bill, which deals with agricultural and grazing farms. Perhaps, however, it will be better before I refer to the special provisions of this part to direct attention to that portion which relates to sales by auction. On referring to Part VII., hon. gentlemen will observe there is no provision made for selling country lands by auction. If the Bill comes into force in its present state auction sales of country lands will be things of the past. The experience of the southern colonies, and our own experience to a more limited extent, has proved that the sale of country lands by auction has not been productive of settlement, but, on the contrary, that it has enabled wealthy persons to aggregate large estates which are not utilised for settlement. In Victoria, notoriously nearly all the public estate has by this system fallen away from the Government, and there is simply a remnant of the property left. In New South Wales they have very little as compared with Queensland, and the bulk of that which has been sold is in the hands of monopolists. Hon. gentlemen may say this provision is rather going back on the principles I advocated when asking the House to affirm the Railway Reserves Act. It is to a certain extent antagonistic to the principles I held then. The desire of the party in power then was simply to convert one form of capital into another, and we determined to sell lands by auction and devote the proceeds to another kind of capital in the shape of railways. Our successors misappropriated, I think, the funds so derived, and applied them to revenue purposes. The result, however, is that a large amount of our capital has been frittered away, and the lands then sold are now in the hands of a few pastoral tenants. Profiting by this experience, and with the desire to secure to the administrators of the public estate as much of its territory as possible, instead of extravagantly throwing it away, we have decided to abandon

the sale of country lands by auction, and to restrict auction sales to town and suburban lands, the sale of which will be carried on very much in accordance with the practice now adopted. I will now proceed to consider the provisions of the Bill with regard to the selection of lands. The Bill provides for two classes of selections — agricultural farms and grazing farms. Agricultural areas are to be proclaimed by the Governor in Council on the nomination of the board. These areas will be picked lands, and valuable for close agricultural settlement. It is anticipated that for the present and many years to come it will not be necessary to go outside the schedule indicated on the map before hon. members. Districts are to be proclaimed within which the provisions of the Act will be put into operation. In agricultural areas the limit of area to be selected is to be fixed by the Governor in Council, not on the recommendation of the board, this being a matter of policy and not purely of administration. The Governor in Council will fix the areas that are to be taken up, either as agricultural or grazing farms in the different districts; but a limit is fixed to the power conferred on the Governor in Council. The maximum area to be taken up by one person of an agricultural area will vary between 960 and 320 acres. In the case of country lands not within agricultural areas, the maximum limit will vary between 20,000 acres and 2,560 acres. The proclamation declaring the lands open for selection will also declare the annual rent for each lot. In agricultural areas the minimum rent will be 3d. per acre per annum; for grazing farms, which are selections outside agricultural areas, the minimum rent must be ¾d. per acre. In the proclamation in regard to agricultural lands, the price also will be stated at which purchase may be effected according to the subsequent provisions of the Act. It may be convenient here to mention that, for the first time, I think, in the history of the colonies, certainly the first time in the history of this colony, a stipulation is introduced into our land law, that survey must precede selection. This provision was not in the Bill when introduced into the other branch of the Legislature; it is a modification that has taken place there, and which, I frankly say, I myself much regret. A great deal can, I think, be said in favour of selection before survey, though I do not believe in selection before survey according to the ruinous plan adopted in the colony of New South Wales. In this colony we have been in the habit of not allowing indiscriminate free selection all over the colony, but of allowing it to take place only in proclaimed areas which are admitted to be suitable and available for selection puposes. I myself think it only fair that the person who desires to secure land, should have the opportunity of selecting according to his requirements within prescribed limits, and in prescribed areas. The other branch of the Legislature, however, in its wisdom, has thought fit to determine that selection shall take place only in respect of blocks which have been surveyed. In view of the fact that there is a limited number of surveyors, and that selection must necessarily be restricted unless selectors are allowed to take up land for a time before actual survey, clause 42 has been introduced. This clause provides that during the two years succeeding the commencement of the Act selections can be made without survey in all cases where land has already been thrown open to selection under the Act of 1878, or any Act repealed by it, and as to which it is practicable to divide the lands into lots without actual survey, and to indicate the position of such lots by means of maps or plans, and by reference to known or marked boundaries. In all such cases the Governor in Council, on the recommendation of the board, may suspend for two years the operation of the provisions restricting selection to land which has been surveyed. After the expiration of that time, any land selected for an agricultural or a grazing farm must be taken up according to lots, as surveyed. Here again, in the provisions with regard to agricultural and grazing farms, the principle adopted by the Government has been to secure as fair and adequate a return to the State for the privileges accorded to the selector as is practicable. The rent will be fixed by proclamation in the first instance; and it will in all cases be somewhat less than the annual value of the land for agricultural or grazing purposes, as the case may be, because we impose certain conditions which the selector must perform within the first few years, After the first year's rent has been deposited with the land commissioner, the value of any improvements paid, and the selection confirmed, a license is issued which enables the selector to enter on the land and utilise it, with the restriction, that under the 53rd section he is debarred from impounding 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. In the case of grazing farms, the selector is compelled, within three years from the issue of his license, to enclose his land with a good and substantial fence; and in the case of agricultural farms, within five years he must fence, or erect improvements which must have cost him an amount equal to the cost of such fencing. Fencing is exacted in the case of grazing farms, because the selectors will be contiguous to one another, and it will prevent the stock of the lessee from trespassing on the adjoining pastoral tenant's ground, or upon any of the contiguous licensee's ground. The necessity for fencing is not so great in the case of the selector of an agricultural farm, because he is not likely to be in possession of many stock; he will be engaged in preparing his ground for the plough, or in looking after his crops. We therefore leave it optional for the agricultural lessee to fence or improve as he thinks proper. But if, in the case of grazing farms, the selection is not fenced within three years, or in the case of agricultural farms, is not fenced or improved to the extent of the value of a fence within five years, the license is forfeited, and the licensee has no longer any title or interest in the land. Within a period of five or three years the agricultural tenant or the grazing tenant has to submit proof of the fulfilment of the conditions just mentioned, and on the commissioner certifying to the board that the improvements have been effected, the licensee becomes entitled to a lease of his holding. That lease, in the case of the tenant of an agricultural farm, is for a period of fifty years; and in the case of a tenant of a grazing farm, for a period of thirty years. The rent fixed in the proclamation in each case will be the rent for the first ten years. The rental for every successive period of five years is to be fixed by the board; and the board, in fixing that rental, will be guided by the following circumstances. They will take into consideration the quality and fitness of the land for agricultural or grazing purposes, as the case may be; in the case of grazing farms, the number of stock which the holding may reasonably be expected to carry in average seasons after a proper and reasonable expenditure of money in improvements; the distance of the holding from railway or water carriage; the supply of water, whether natural or artificial, and the facilities for the storage or raising of water; the relative value of the holding at

the time of the assessment, as compared with its value at the time of the commencement of the lease; but so that any increment in value attributable to improvements shall not be taken into account; and with this further stipulation, which differs from the stipulation I have referred to in the case of runs: that, for each successive period of five years after the first ten years, the rental must be increased by an amount not less than 10 per cent of the rental of the antecedent period. Then there are the usual provisions with regard to forfeiture and defeating forfeiture. The lessee may defeat the forfeiture by the payment of the full annual rent within ninety days of the date on which it is due, with an advance varying from 5 to 15 per cent. Here I may remark that there is one noticeable feature in this Bill which must have attracted the attention of hon. members—we make no provision for declarations. An experience extending over a number of years has proved the utter valuelessness of declarations.

The HON. J. TAYLOR: Hear, hear!

The POSTMASTER-GENERAL: It is astonishing—it is more than astonishing—it is marvellous—how many men, who are honourable in every other walk of life, do not hesitate to avail themselves of the services of men who perjure themselves for purposes of acquiring a piece of land. It is notorious throughout the length and breadth of the land, that many men, honourable in every other respect, do not scruple to acquire land by means of men who do not object to forswear themselves. Recognising, therefore, the valuelessness of declarations of this description, the Government make no provision for anything of the sort in this Bill; though they have taken every possible precaution to secure *bonâ fide* occupation. The 6th subsection of the 56th clause provides that the lessee shall occupy the land continuously and *bonâ fide* during the term of his lease. The occupation is by the lessee himself, or some person in his employment, who is registered in the office of the commissioner as his agent or his manager; and there is a stipulation that no unregistered occupation shall be recognised. In fact, what the Government desire to secure with regard to the leases of agricultural and grazing farms, is occupation of a continuous and *bonâ fide* character. They care not whether it is performed by the lessee, because they exact from him a fair equivalent for the enjoyment of the land as a leasehold for fifty years. They are satisfied that no man will take up a lease on these terms unless he intends to improve the property, and take advantage of all the privileges that it can confer upon him. They will therefore be content if the lessee himself, or some person in his interest, continues to occupy the land. There is no restriction against alienation. A lessee can alienate his land to any person he pleases, as long as the alienee is a person capable himself of holding a selection under the provisions of the Bill. I will here refer to a matter that I ought to have referred to before. It is provided that no person shall at any one time be the lessee of agricultural land to a larger extent than 960 acres. He can have that in one or more farms, but the maximum area must not exceed that throughout the whole of the colony. With regard to grazing farms, the maximum area that any person can hold in any district, or throughout the colony, is 20,000 acres, with this condition: that there shall be *bonâ fide* occupation on the land by the lessee or by some person in his interest, and in his interest only. There will be no bar to alienation whatever. In order to secure, as far as practicable, the occupation, it is provided in clause 61 that—"Proof that the stock of any person other than the lessee are ordinarily depastured on a holding under this part of this Act shall be *primâ facie* evidence that the lessee is a trustee of the holding for the owner of such stock." If it is proved to the satisfaction of the commissioner in open court that the land is not occupied in accordance with the spirit of the Act, or that any of the conditions with regard to occupation are being evaded, the Governor in Council may, on the recommendation of the board, declare the land forfeited. But, notwithstanding the forfeiture, the lessee is entitled to be repaid the value of his improvements whenever the Crown receives that from the subsequent incoming tenant. There are further privileges conferred upon the tenants of an agricultural or grazing farm. One is that he may mortgage his property. Any holding under the 4th part of the Bill can be mortgaged by way of security for the payment of any sum of money, provided it is done in the manner prescribed by the Bill. The security must be registered, and more than one mortgage can be executed, in which case the mortgages will take effect according to priority of registration. The privilege conferred on the mortgagee is that in default of payment of the money secured to him he shall be at liberty to enter into and remain in occupation of the holding for a period of twelve months, which may be extended by the board. Then he must sell the holding by auction, after having first given notice of his intention to sell for a period of thirty days in the *Government Gazette* and a local newspaper. There is also this further stipulation: that the purchaser must be a person himself capable of selecting the farm under the provisions of the Bill. These are practically the only restrictions placed upon the power of the mortgagee. A power to sublet is also given to the lessee, but this is not allowed except under special conditions. I am not quite satisfied as to the prudence of inserting this provision in the Bill, but it is there, and the only precaution against the privilege being availed of for the purpose of dummying is contained in the stipulation in subsections 2 and 3 of clause 67, which provides that the approval of the board must be obtained to the under-lease, and that such approval will not be given except special grounds are shown to the satisfaction of the board for granting it. I now come to the provisions of clauses 71 and 72, which enable the freeholds of agricultural farms to be acquired. It has been felt impossible in view of the liberal provisions of land laws elsewhere to extend the principle of leasing to all lands throughout the colony. There is a strong desire—in fact, people have been educated up to the desire—to acquire freeholds for themselves in moderate quantities, and that is a sentiment that cannot possibly be ignored by any Government. The present Government, at all events, is not disposed to disregard it; and in giving effect to this wish we have stipulated that the privilege shall not be accorded until the selector has given some substantial evidence of his *bonâ fide* intention to settle on the land and use it. The 71st clause provides that whenever a lessee has, or a series of lessees of an agricultural farm have, continuously occupied the land for a period of ten successive years, the last lessee, or the lessee himself, if only one, shall be at liberty to purchase the land—if the application is made within twelve years after the first selection at the price fixed in the proclamation; but, if the application is made after the expiration of twelve years, at a price proportionate to the increased rental. With regard to agricultural farms of 160 acres, we have practically continued the provisions existing in our present law respecting homestead selections in homestead areas. Where a man proves to the satisfaction of the commissioner in open court, within seven years after he

has selected a piece of land, that he has continued five consecutive years in the occupation of that land, and has otherwise fulfilled the conditions imposed by the Statute in respect of it, he is to be at liberty to purchase the land at 2s. 6d. an acre. These terms are very liberal. It has been felt that they are somewhat inconsistent with the other provisions of the Bill with regard to alienation, but it has also been felt that those people who are satisfied with small areas in the shape of agricultural farms will confer more benefit on the State than under other conditions, and that it is only fair, under the circumstances, to continue the provisions of the present Act. These are practically the leading principles with regard to alienation of agricultural areas. The only remaining provisions of the Bill that require special consideration are embodied in Parts V. and VI. These relate to scrub lands and the granting of occupation licenses. There are large areas of land partially or wholly overgrown by scrub, which at the present moment are unemployed. It has been thought that if some inducements were held out to persons these might be reclaimed and made useful for pastoral purposes. It is therefore proposed by clause 75 to allow the Governor in Council, on the recommendation of the board, to declare any country lands overgrown by scrub open to selection as scrub lands within the meaning of the Bill. These lands are divided into four classes, according to the area or portions overgrown by scrub varying between one-third and the whole. After the proclamation is made, any person may apply to the commissioner to become a lessee of such land, and his application will be dealt with in precisely the same way as applications for agricultural or grazing farms. When the application has been approved by the commissioner and confirmed by the the board the land will be surveyed, and on the completion of the survey the applicant will be entitled to a lease for thirty years, and the rental is very moderate indeed. No rent at all is to be paid for the first periods of five, ten, fourteen, and fifteen years respectively according to the classification of the land, or rather according to the extent to which it is overgrown by scrub. There is, however, this condition attached to the occupancy that the land must be securely fenced during the period during which a peppercorn rent is to be paid. The lessee must also, during such period in each year, ringbark so much of the land as is overgrown by scrub as bears the same proportion to the whole area overgown by scrub as one year bears to the whole period for which the peppercorn rent is to be paid. After that the rental varies between 1d. and ½d. per acre, according to the class of scrub. If in any year the lessee fails to carry out the provisions with regard to ringbarking or fencing, then the lease is forfeited to the Crown. The lessee is also debarred from impounding the stock of any person, coming into his holding in places not enclosed by a fence. These provisions are simply tentative; it is hoped they will be availed of. It is not safe to predict what the result will be, but I hope, myself, that some of the anticipations of the originator of the clause will be realised. I come now to Part VI., dealing with occupation licenses. These provisions will, I think, be availed of in cases where the pastoral tenant of a run who has elected to bring his holding under the provisions of the Bill does not exercise his right to depasture upon the resumed half. These occupation licenses practically are yearly leases, with the right of renewal from year to year by the lessee, and subject to the right of the Crown to cancel the lease in any year upon giving six months' notice to the tenant. The land is first declared open to selection or occupation, and must be selected in the areas specified in the proclamation, and according to the rents specified therein, and subject to the conditions I have referred to. The occupation will be practically, as I have said, a yearly occupation, and will not be utilised to a very large extent, but only in those cases where the land is being held in suspense, as it were, to be available on six months' notice for purposes of settlement of a more complete description. I think, hon. gentlemen, I have sufficiently wearied your patience by these references to the provisions of the Bill. I feel confident that the more the Bill is considered the more it will commend itself to the approval of hon. gentlemen, and particularly to those gentlemen interested in the pastoral occupation of the Crown lands. For the reasons I have so fully dilated upon and repeated I feel quite confident that hon. gentlemen upon mature consideration will come to the conclusion that this Bill has been drawn up with an earnest desire to do injustice to none. Whilst the Government have endeavoured to attain the fundamental object of settling permanently upon the lands of the State as large and industrial an agricultural population as possible, they have no desire to unduly interfere with any persons possessing any rights or privileges at the present moment. We desire to offer every encouragement to every interest and industry, to do injustice to none, and to secure at the same time as great a benefit as possible to the State. It is in this belief and with this intention the Bill has been framed, and I confidently anticipate that the Bill itself will meet with the cordial approbation of this House. I beg to move that the Bill be now read a second time.

The HON. T. L. MURRAY-PRIOR said: Hon. gentlemen, — I think the Postmaster-General will feel that, after listening to all that he has said in his able discussion of the Bill, it will be difficult at this time of the evening to follow him. I think, therefore, that it will be acceptable, both to the Postmaster-General and to hon. members of this House, that the debate should be adjourned. I therefore beg to move the adjournment of the debate.

The POSTMASTER-GENERAL: I have no objection to the adjournment of the debate; but I hope hon. gentlemen will be prepared to push on with the business before us before the extreme heat of the summer comes on.

Question—That the debate be now adjourned—put and passed.

The POSTMASTER-GENERAL moved that the resumption of the debate stand an Order of the Day for to-morrow.

The HON. W. H. WALSH: I would like to know whether the Hon. Mr. Murray-Prior has not spoken on the question of the second reading of the Bill?

The HON. T. L. MURRAY-PRIOR: I intend to begin to-morrow.

The HON. W. H. WALSH: According to the practice of Parliament, I think the hon. gentleman has spoken.

The POSTMASTER-GENERAL: We can agree to his speaking again.

The HON. T. L. MURRAY-PRIOR: I have not spoken upon the Bill at all.

The HON. W. H. WALSH: The hon. gentleman spoke, notwithstanding.

Question put and passed.

The House adjourned at eight minutes to 9 o'clock.