Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 27 NOVEMBER 1884

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LEGISLATIVE COUNCIL.

Thursday, 27 *November*, 1884.

Parliamentary Buildings.—Question of Order.—Crown Lands Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

PARLIAMENTARY BUILDINGS.

The HON. W. FORREST said: Hon. gentlemen,—In accordance with the notice given by me yesterday, I now rise to move—

1. That the Report, with accompanying plans, of the Joint Parliamentary Buildings Committee, as laid on the table of this House on the 20th November, be now adopted.

2. That an Address be presented to the Governor, praying that His Excellency will be pleased to cause the necessary steps to be taken for giving effect to the foregoing resolution.

I trust that this motion will meet with the hearty approval of the House. I need not say much in support of it, as the necessity that exists for the contemplated additions to the present building is well known to hon. members. I do not think I can do better than quote the words of the report in that respect :—

"The Library accommodation is manifestly insufficient, the want of space making itself felt more and more every time additional books arrive; while the heat, bad ventilation, and limited space of the Refreshment Rooms are painfully obvious to all who use them."

I may also say, with regard to the Refreshment Rooms, that owing to the building being constructed of wood the risk of fire is very great, and it is a standing danger to the main building. Apart from other reasons, that is a matter that weighed considerably with the Buildings Committee in making this recommendation. Reference to their proceedings will show that they did not arrive at those conclusions without a considerable number of sittings and very careful consideration. Even at the present time the accommodation afforded is not sufficient. There are not enough committee rooms; there is no accommodation whatever, as hon. gentlemen are aware, afforded for witnesses who may be summoned to appear before parliamentary committees, and who have consequently to stand on the verandahs or sit about in the lobbies. If this proposed plan be carried out it will provide for those defects. I may also add that it was not merely present requirements by which the committee were guided. We looked to the future also. If the accommodation now afforded is not sufficient for the present requirements of the colony, it is not far to see that it will be utterly insufficient before very long. I beg to move the motion standing in my name.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I regret that I am unable, as the representative of the Government, to give my assent to the resolution the Hon. Mr. Forrest has proposed. In common with him, and I have no doubt a majority if not the whole of the members of this Chamber, I admire the plans that have been prepared by the Colonial Architect, and no doubt it would be very comfortable and convenient for members of both Chambers if those plans were carried into effect. But I think it is our duty to have some regard to the cost of such an undertaking. I find the estimate of the Colonial Architect, which experience would tend to show not likely to be within the mark, is £43,000; and the entire result of that expenditure would be to conduce to the comfort and convenience and add very considerably to the enjoyment of hon. members. I think such an expenditure would be too great a burden to put upon the taxpayers for so small a result as would be attained. I quite agree with the Hon. Mr. Forrest that the present Refreshment Rooms are not only dangerous but most unsuitable. I suffer very much inconvenience myself from being compelled to take my meals there. In the evening the heat there is almost intolerable, especially in the summer months, and the accommodation is quite insufficient when both Houses are sitting. The Government recognise that state of affairs, and have placed upon the Loan Estimates a sum of £20,000, with the view of making extensions sufficient for our requirements at present and for a long time to come. A very substantial portion of the proposed improvements consists of a large addition to the Library. I think, and the Government think, that the time has arrived when some provision should be made for the indirect education of the people by the establishment of a public library. We have a very valuable collection of books at present in our Library, to which very few people have access; and I think that in future purchases—except in the case of books for the special requirements of the Legislature—we should have regard to the requirements of the public more than of ourselves. Any substantial addition to any library constructed at the expense of the State should be in the form of a public library, to which all members of the community should have access. The Government, therefore, propose in their Loan Estimates, for the consideration of Parliament, that £40,000 should be expended in the erection of a public library. If that is done I think it will be unnecessary for us to make anything like the extensive additions proposed to be made to the present Library. Under these circumstances, and feeling convinced that the £20,000 proposed expenditure will provide quite sufficient accommodation for present and future requirements in the shape of additional refreshment rooms and conveniences required for witnesses attending committees, I hope the House will not agree to the proposition contained in the Hon. Mr. Forrest's resolution.

The HON. W. H. WALSH said: I have some difficulty in understanding the argument of the Postmaster-General. Surely, when the Government are proposing to spend ten millions of money recklessly upon certain railways—surely they can afford to spend £20,000 or £40,000 upon certain works in the city of Brisbane, where the metropolitan supporters of the Government exist! Surely such a thing cannot stand for one moment! If the Government are going to set their faces against further lavish expenditure of money in the city of Brisbane, I agree with them; I shall support them if that is their intention. If the Postmaster-General means to say that he will put his foot down upon this kind of expenditure, let us understand that that is the intention of the Government, and let us agree with him. We ought to have done so long ago. The idea of refusing £20,000 when we are proposing to spend £10,000,000 upon the most useless railways ever promulgated in the world—the idea, for the sake of economy, of refusing the one and agreeing to the other is simply ridiculous. I do not think the expenditure necessary. I do not think the country can at all afford to borrow ten millions; I do not believe it; and I think the Postmaster-General is perfectly right when he begins his economy by telling the country that we cannot afford to waste £20,000 in the city of Brisbane. I shall support him in his object of economy.

The HON. W. GRAHAM said: Hon. gentlemen,—I was not fortunate enough to be in time to hear the whole of the speech of the hon. the Postmaster-General, but I heard the latter part of it, and having read the report of the committee I know tolerably well the reasons he would give for opposing it, and I must say that I agree with him. I look upon the £43,000 recommended to be expended upon additions to this building as something enormous—quite too enormous. The reasons given in support of the proposition I consider very poor :—

"The Library accommodation is manifestly insufficient, the want of space making itself felt more and more every time additional books arrive."

Well, I know myself that the last three books I got from the Library were about the greatest rubbish I ever read in all my life; and I think a little more discretion should be exercised in selecting books. One of them was a yellow-backed book; how it got there I do not know, but a more trashy book I never read, and I can read

anything. I can read a newspaper right through, advertisements and all, but I could not get through this book. I have had two since. I do not know who recommends the books that are bought, but I suppose they come under the notice of the Library Committee; and I think it would be better if they exercised a little more discretion in the way of getting only good books. The Library is not supposed to be intended for novels and rubbish and that sort of thing, but to be a library of good books; and I cannot see where the deficient accommodation comes in. There is a room overhead where the most abstruse works can be put, and where people who wish to do so may consult dull abstract works. As to the Refreshment Rooms, there is not the slightest doubt that at the present time they are very hot and uncomfortable; but I think that ought to be altered by sitting at the proper time. We are sitting at the wrong time altogether; we have no right to be in session now at all; and any Government ought to arrange that the session should be held at a time of the year when the Refreshment Rooms are perfectly comfortable for everyone. As I said before, there is no doubt that they are now frightfully hot; and I hope the Postmaster-General, by timely concessions on other questions, will enable us to shorten the session so that we can get away before it is any hotter. Meanwhile I object to the expenditure of £43,000. I think it is something monstrous, and the country will think it monstrous. I believe that those who give a fair amount of time and attention to the business of the country ought to have fair accommodation and reasonable comfort; but I do not believe, and I never did believe, that we should have luxuries. I object most decidedly to the motion.

The HON. W. D. BOX said: Hon. gentlemen,—Ever since I have been in the House there has been an ever-present feeling of danger in the existence of the wooden structure which we use as refreshment rooms. At any moment, in my opinion, the whole of this magnificent building may be gutted by fire. Of course, the greatest care is taken; but even in spite of the greatest care buildings of superior construction are sometimes burned down; and how likely is it, then, that such buildings as these may be burned at any moment! Not only is this beautiful building in danger, but there is the Library, together with the records of the Legislature and many other valuable things. Therefore, if the matter comes to a division, I shall support the motion.

The HON. T. L. MURRAY-PRIOR said: Hon. gentlemen,—It appears to me to be a question whether the sum of £20,000, or thereabouts, as mentioned by the Postmaster-General, for the purpose of altering the buildings, should be expended, or whether, after the committee have sat and gone fully into the matter, the larger sum of £43,000 should be expended as recommended by them. As far as my judgment goes, looking to what the requirements of the country may be hereafter, and also to the fact that the wants of hon. members who come here should be attended to, as well as the fact that we should not allow the presence of wooden buildings near the place—under those circumstances I think it better that we should take the recommendation of the committee, and say that £43,000 shall be expended on a more perfect building, than that we should have an imperfect building for the minor sum.

The PRESIDENT: Hon. gentlemen,—I wish to point out, in reply to what has just fallen from the Postmaster-General, as to the expense of the proposed accommodation recommended by the Buildings Committee to this House, and the plea that the country is not able to afford the expense, that if hon. members will look through the Loan Estimates they will find that it is proposed to throw away twenty times the amount on very doubtful works of public utility. Without going into the question of branch railways at all—political railways, as they have been called by an hon. member—I would call the attention of hon. members to one item, and I shall confine myself to that item alone—the buildings of Brisbane. If hon. members will look down the list they will see that for buildings at the penal establishment, St. Helena, a sum of £35,000 is put down. Now, I can state from my own knowledge and experience that £35,000 for buildings at St. Helena is no more wanted than we want the moon at midday. The buildings at St. Helena are complete in their way; they are as safe and efficient a gaol and stockade as can be made—quite as efficient as any stone building. "Stone walls do not a prison make." It is the warders who make the gaol; and I look upon this item of £35,000 for buildings at the penal establishment, St. Helena, as money that might just as well be thrown into the Bay. It is a mere "fad" of the present superintendent, for I never heard it mentioned by anybody else. The buildings can be of no earthly use, because there is ample accommodation for four times the present number of prisoners; and additional accommodation can be made by the prisoners themselves, costing merely the price of the timber required. I think, therefore, this House may well pause and say, "Cannot that item be wiped off the Loan Estimates, and part of it be applied to buildings, which every member of the House admits are very much wanted?" I say it is of no use tinkering. If you mean to have a building which will be a credit to the colony—a building which will meet the requirements of the colony for some years—it is far better to carry out the plan as recommended by the Buildings Committee.

The HON. A. C. GREGORY said: Hon. gentlemen,—I fully endorse what has fallen from our President, and I feel satisfied that if we do not at once adopt some scheme of providing for the extension of the Library and proper Refreshment Rooms we shall only go on frittering away money from year to year—a little on one thing and a little upon another, till in a short time we shall have expended quite as much as would give us a good and permanent addition to the buildings. With regard to the amount to be devoted to the buildings, which are estimated to cost £43,000, it is not as though that sum had to be provided at once. The buildings cannot be completed in less than three years, and it is much more likely that four years will have elapsed before they are fully completed; so that if we adopt the recommendation of the committee we shall only be spending at the rate of £11,000 per annum to get a good and really creditable place where we can get refreshments. As it is, we go there to get dinners, but, instead of getting dinners in comfort, we get cooked ourselves; and if we do not do something in the way of improving the buildings we shall find it scarcely possible to carry on business during this period of the year. Fortunately, this year we have not been subjected to the usual November weather, but that is an exception, and we cannot expect a repetition of such weather in future years. On those conditions I think it far better that something of the kind proposed here should be commenced at once, than that we should go frittering away our money in making one bit of patchwork and another bit of patchwork, which will only result in inconvenience and loss in the end. I shall certainly support the adoption of the report.

The HON. W. FORREST: Hon. gentlemen,—Before the motion is put I should like to say a

few words in reply, and I wish particularly to address my reply to the remarks of the Postmaster-General with regard to the Library. The part of the plan between the main building and kitchen is intended for the Library, as an inspection of the plan will show; and that is the part which meets with the particular disapprobation of the Postmaster-General. But I can assure hon. gentlemen that the Buildings Committee went into the matter very carefully, and if they will look they will see that under any circumstances there must be two walls. There is the wall of the main building, and there must be the dining-room wall, so that the additional cost, whether it be twenty feet or forty feet, will only add a few thousand pounds to the cost of the magnificent Chamber which it will be if carried out on the plan recommended. Then the Colonial Architect informs the Committee that the work will extend over three years; so that the whole amount will not be wanted at once; and surely, as pointed out by the Hon. Mr. Walsh, a colony that can borrow all at once £10,000,000 for railways can afford to pay £2,000 per annum—for that will be the interest on £43,000 at the rate at which the colony can borrow money—for buildings which will be a credit to the colony. Let not hon. members lose sight of the fact that some buildings must be erected, and that the difference between the cost of buildings which are not capable of affording accommodation, and that of buildings in accordance with the plan now submitted for the approval of the House, will be very little indeed. We must do something; and if we do not erect buildings on a proper plan, after they are put up it will be found that the money expended has been so much money wasted.

The HON. J. TAYLOR said: Hon. gentlemen,—It seems to me that these plans are very perfect, and yet there is a deficiency. I am surprised that the Committee did not bring up a recommendation to make provision for bedrooms for hon. members. Bathrooms and billiard-rooms have been provided, and why not also provide bedrooms? I should like to know how many members use the bathrooms and dressing-rooms. I should like also to know why a billiard-room should be attached to the House.

The HON. W. FORREST: Where is that?

The HON. J. TAYLOR: It is on the plan. The hon. gentleman who brings this report forward does not know that there is a billiard-room shown on the plan. I have no doubt he understands all about the Refreshment Room. I shall vote against the motion, as I think the proposed expenditure would only add to the convenience of a few people in this House.

The HON. J. C. HEUSSLER said: Hon. gentlemen,—I think it is generally agreed that the present Refreshment Room is entirely inadequate. It strikes me that we might proceed with the erection of new refreshment rooms now, and defer the additions to the Library until some later period, so that refreshment rooms might be finished next session, or, at any rate, before the end of the following session. The library might be built afterwards.

The HON. W. FORREST: That is the way it will be done.

The HON. J. C. HEUSSLER: I was not aware of that. I am delighted to see that the proposed additions will be in unison with the present building, which is the best building in Brisbane. I should like the Hon. Mr. Forrest, who is a member of the committee, to explain why the present arrangement of the rooms has been adopted. I think it would be better if the library were at one end and the refreshment room in the middle.

The PRESIDENT: The Hon. Mr. Forrest cannot speak again.

The HON. J. C. HEUSSLER: The hon. gentleman might have explained this, as it is a very important matter. As to the cost of the additions being £43,000, I believe it will be nearer £50,000. With regard to the ground-floor, I suppose that something must be done to utilise it, and that the new buildings must be on the same level as the present structure. Part of the ground-floor will have to be used in some way, but that need not be done immediately. I think the £20,000 set down on the Estimates for alterations and additions to the Refreshment Room will be fully enough for the next two or three years. If we begin to build a new refreshment room it should be done in a style that will be in unison with the present buildings; otherwise we will have to pull it down again in three or four years and erect another. I will take this opportunity of speaking about our general success in architecture. I never before saw a building erected in the same style as our Court house. It is built in the Greek style, and has a French light in it. And the Lands and Works buildings, which have just been put up, are a miserable lot of buildings with little shutters on the top of the windows. In a hot climate like this there should be some sort of ventilation. With reference to the remarks that have been made respecting a public library, I hope, when it is decided to establish one, that a good site will be chosen. Brisbane is beautifully situated, and may be made one of the prettiest towns in the world. I trust, therefore, that the public library, which is certainly a necessity, will be a good building, and that a suitable situation will be selected for it. When I come to look at what has been done with regard to the Museum, I find that that is another miserable production. One has to go up a miserable corkscrew staircase to get to the first floor, and——

The PRESIDENT: I think it would be desirable for the hon. member to confine himself to the question. The question is about additions to these buildings, and not about the Museum.

The HON. W. H. WALSH: Hon. gentlemen——

The PRESIDENT: The hon. member has spoken.

The HON. A. H. WILSON said: Hon. gentlemen,—It is my intention to vote for the motion. We have a very handsome building here, and the first time I went through it and went down to the Refreshment Room I was astonished to se a large wooden building. It struck me at the time that if a fire occurred there this building would run a very great risk—even if it escaped. Therefore, I think we ought to spend some money in order to provide some more suitable place for the accommodation of hon. members, and I do not think it would be right to put up any erection that would be out of keeping with the present building. I will vote for the motion, as I have already intimated, because I believe the money will be properly expended.

The PRESIDENT: In putting the question I wish to point out to hon. members that, although there is no rule against members speaking after the mover of a motion has replied, it would be much more convenient for practical purposes if hon. members would address the House before the mover replied, as that would give him an opportunity of replying to any objection made to his motion. I merely put it to the sense of the House that such a course would add to the convenience of business.

Question put, and the House divided:—

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The Hons. C. S. Mein, W. Graham, J. Swan, D. F. Roberts, J. Taylor, W. G. Power, W. Aplin, J. C. Foote, and W. H. Walsh.

Question resolved in the affirmative.

QUESTION OF ORDER.

The PRESIDENT: If there are no questions or notices of motion the House will pass to the Orders of the Day.

The HON. W. H. WALSH: One moment, sir!

The PRESIDENT: I will not wait for anybody. If there are no further questions or notices of motion the House must pass to the Orders of the Day.

The HON. W. H. WALSH: The hon. President says he shall not wait for anybody. That is a new doctrine to promulgate in this Chamber. I shall not now be able to make my motion so complete as I had thought to do.

The PRESIDENT: There is no question before the House. The hon. member is out of order.

The HON. W. H. WALSH: I am addressing the House.

The PRESIDENT: There is no question before the House.

The HON. W. H. WALSH: I am putting one. The hon. President, I understand, says he will not wait for anybody while a question is being put; I am putting one, and I am not to be hurried at all in my proceedings. Unfortunately, I have mislaid my glasses, but I think I can see enough of this motion to propose it. Why the hon. President should have taken advantage of my weakness at this moment to hurry on the business, I do not understand. I beg to give notice that to-morrow I will move that there be laid on the table of this House copies of all correspondence between the Government and Mr. C. H. Buzacott, a prominent proprietor of the *Courier* newspaper, relative to the construction of a tramway through certain streets in Brisbane.

CROWN LANDS BILL—COMMITTEE.

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

Clauses 15 and 16 passed as printed.

On clause 17, as follows:—

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

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

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

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

The HON. SIR A. H. PALMER said he would ask the Postmaster-General whether there was any provision made in the Bill for defraying witnesses' expenses. Parties might be brought from the extreme end of the colony, and unfortunately were often brought at the present time in police-court cases, without any expenses being given them at all. He would like to know whether any provision was made for that in the Bill.

The POSTMASTER-GENERAL said that power was given the board to order the payment of witnesses' expenses in the last paragraph of the clause. It said:—

"The board may make such order as they think fit, as to the cost of any inquiry, appeal, or dispute, heard and determined by them."

And it further provided that they could enforce that order in the same way as an order of the Supreme Court. Of course the expenses of witnesses attending to give evidence, and any expenses arising out of an investigation by the board, might fairly be considered as part of the "costs of any inquiry."

The HON. SIR A. H. PALMER said he thought it would be very advisable to particularly include the costs of witnesses in the clause. It would make the thing clear. It was a very great hardship that witnesses should be dragged all over the colony at Mr. Smith's wish, or against Mr. Brown, and should have to depend upon the board to grant them their costs. If, as the Postmaster-General said, the clause gave the board power to make an order of that kind, there could be no objection to putting it plainly in the clause, and he should be very glad if the Postmaster-General would amend the clause in that way.

The HON. A. J. THYNNE said he thought the clause should go further than to provide for the mere cost of witnesses' expenses. It seemed to him that under the clause the board had not sufficient power to enforce the attendance of witnesses. They could summon them, and, when a matter was decided, fix the amount of costs, but he could see no penalty provided for the case of witnesses who did not choose to attend. It might be said that the board had granted them the powers of judges of the Supreme Court in connection with the summoning and examination of witnesses. That was so, but hon. gentlemen should bear in mind that the power of a judge of the Supreme Court to punish for the non-attendance of witnesses was a power for the punishment of contempt of court. He did not think hon. gentlemen would be inclined to extend the powers of the board beyond those already given them, to such an absolute power as to inflict the very severe penalties that might be inflicted for offences called "contempt of court." He thought it would be a good thing to insert a specific clause to enforce the attendance of witnesses under penalty. In the District Court Act there was such a clause, and, he thought, in other Acts. He did not make the suggestion for the purpose of captiously finding fault with the Bill, but in the belief that it would improve it, and with a view to render it as workable as possible.

The POSTMASTER-GENERAL said he did not think it necessary to amend the clause in the direction indicated by the Hon. Mr. Thynne, because the judges of the Supreme Court had not only power to commit for contempt, but they could issue a warrant directing the apprehension of persons who disobeyed a summons to attend as witnesses. That would be a very effective way of securing the attendance of refractory witnesses who were subpœnaed and refused to answer the subpœna. He would endeavour to draft an amendment to meet the objection raised by the Hon. Sir Arthur Palmer.

The HON. A. J. THYNNE said the Postmaster-General was quite right in saying that the Supreme Court had power to issue a warrant for a witness who refused to attend, but the foundation of the warrant was the fact that the man had committed a contempt of court. They did not want to give the board power to arrest a man for contempt of court or supposed contempt of court.

The HON. W. H. WALSH said he would like to know what was the question before the Committee.

The POSTMASTER-GENERAL: I am preparing an amendment.

The HON. W. H. WALSH said that he was told not long ago that there was to be no waiting for him. Was one course of conduct to be allowed the Postmaster-General and another to be allowed other hon. gentlemen in that Chamber? He was told distinctly that there was to be no waiting for him, and he wanted to know why this difference?

The POSTMASTER-GENERAL said he thought the objection raised by the Hon. Mr. Thynne would be sufficiently met by inserting the words "and enforce the attendance of" after the word "summon" in the 2nd line of the clause. He differed from that hon. gentleman to a great extent with regard to the powers that should be conferred on the board. They would have very important duties to perform; duties involving the consideration of very large sums of money—amounts probably in excess of the ordinary amounts that judges of the Supreme Court had to decide upon. He thought they certainly ought to have the same powers as judges of the Supreme Court with regard to compelling the attendance of witnesses.

The HON. J. TAYLOR asked how the hon. gentleman would word the clause so as to give power to the board to enforce the attendance of witnesses?

The POSTMASTER-GENERAL said it was proposed by the clause to give the board the same powers as judges of the Supreme Court to enforce the attendance of witnesses.

The HON. J. TAYLOR: That is arrest.

The POSTMASTER-GENERAL: They could issue a warrant for the arrest of a witness and bring him down if they thought his evidence was necessary to determine, perhaps, a very important matter in dispute between lessees, or between a lessee and the Crown. How could they be expected to give fair decisions unless they were enabled to secure the attendance of a person who might have very valuable information to give concerning the matter in dispute, but who might be reluctant to give evidence, either, because it might affect his own position or be injurious to a friend? Under such circumstances they should have power to get at the whole truth, whether the witness liked it or not, just in the same way as in ordinary trials before the Supreme Court. There, if a witness was subpœnaed and failed to attend, and the court was satisfied that he was a material witness, they could direct his attendance, and if he failed to obey the order, after tender of any reasonable expenses he would have to incur, his attendance would be enforced. That was the rule that applied in the Supreme Court. That court would, under no circumstances, issue a warrant to direct the apprehension of an unwilling witness, unless he refused to attend after tender of reasonable expenses. They did not propose to confer any more, and they did not wish to confer less, power upon the board.

The HON. J. F. MCDOUGALL said an amendment should be made specifying that expenses should be tendered to witnesses before their attendance was enforced.

The POSTMASTER-GENERAL said he could not prepare an amendment in five minutes. The board would have the same powers as judges of the Supreme Court, which could be ascertained on reference to the laws in force.

The HON. W. GRAHAM thought the proposed amendment quite unnecessary. If the board were to have the same powers as judges of the the Supreme Court, as had been explained by the hon. Postmaster-General, there was no necessity to give them any further power. He objected thoroughly to any irresponsible member of a land board having such powers; and it was quite unnecessary to make the clause any stronger than it was. It was quite strong enough; and if an amendment were moved to make it weaker, he should cordially support it.

The HON. A. H. WILSON thought the words "and enforce the attendance of" might be very well omitted; but he should like to see something on the face of the clause to show that witnesses should get their costs. The clause said: "The board may make such orders as they think fit as to the costs of any inquiry, appeal, or dispute," but in some cases they might not give witnesses anything like sufficient. However, he was given to understand that the hon. the Postmaster-General was drafting an amendment to meet the case.

The HON. W. H. WALSH said there appeared to be some extraordinary arrangement come to between hon. members on the other side of the Committee and the Postmaster-General. It was quite beyond his comprehension or knowledge. At any rate, the Postmaster-General said he could not prepare an amendment in five minutes, and he threw back those words upon that hon. gentleman. If the Postmaster-General could not prepare an amendment to the clause in five minutes, were hon. members to be called upon to sanction that clause, which they could not discern—which he, at any rate, was not able to comprehend—without having five minutes probably to consider it? It appeared very evident to him that there was a fallacy running through the whole Bill. It was not a Government Bill at all so far as that Chamber was concerned. It had been concocted, propounded, managed in a certain way by three or four members. It was no more a Government Bill than it was his Bill; but the Hon. Mr. Gregory was, he believed, the real author of it, or the defender of it as it passed through that Chamber. He thought it would be much better that the colony should go on as it had been for some years than that they should have such a Bill—such a jumble of a Bill as this—and waste their intellect in discussing it. He thought they ought to pause and consider seriously whether they should proceed further with it. He should vote against it on every occasion that he had an opportunity.

The POSTMASTER-GENERAL moved that the following words be inserted after "them" in the 13th line—"including allowance to witnesses attending for the purpose of giving evidence at the hearing of any such inquiry, appeal, or dispute." He thought that would meet the objection raised by the Hon. Sir Arthur Palmer.

The HON. P. MACPHERSON said he had listened with considerable interest to the discussion, although hitherto he had taken no part in it; and he saw a good deal in the objection of the hon. the President. He would therefore suggest to the Postmaster-General, that at the end of the first part of the clause words should be inserted to the effect that witnesses summoned to give evidence should be entitled to a tender of their reasonable expenses. That would prevent any difficulty arising upon the point.

The POSTMASTER-GENERAL said he thought there was no necessity to insert the proviso, because each party would be responsible for the attendance of his own witnesses. If he wished his witnesses to attend he would tender them their reasonable expenses; otherwise he

would not be able to place the board in a position to enforce their attendance. No warrant would ever be issued for the apprehension of an unwilling witness, unless he had been tendered his reasonable expenses for coming to and returning from the place at which the investigation was being held. In the first place, it was entirely a matter between the witness and the person who wished to secure his services. If he attended, the successful litigant ought to get his expenses. The proposition now made was to enable the board to decide as to the payment to a witness who did attend. It might not be necessary in all cases to decide that the expenses should be paid. A man might be summoned as a witness who could give no evidence, and in such a case the unsuccessful litigant ought not to be called upon to pay his expenses. Some discretion must be left to the board, which was practically a court. He saw no necessity for the provision, but he offered no objection to it.

The HON. P. MACPHERSON said he was very glad to hear that his hon. friend saw no objection to the amendment; but there was another matter. Was there any form of summons provided in the Bill?

HONOURABLE MEMBERS: No.

The HON. W. FORREST: There is power to make regulations.

Amendment put and passed.

The HON. P. MACPHERSON moved the addition to the clause of the following words:—

Every witness summoned on any such inquiry and appeal shall be entitled to a tender of his reasonable expenses by the party requiring his attendance.

The HON. T. L. MURRAY-PRIOR said that not long ago the Hon. Mr. Walsh found fault with him for taking up time by going across the floor to speak to an hon. gentleman. He now took the opportunity of hinting to that hon. gentleman that he (Hon. Mr. Walsh) wasted a great deal more time than any other hon. gentleman, and, instead of lecturing him on that score, the hon. gentleman deserved a lecture far more himself. He trusted the hon. gentleman would profit by the hint.

The HON. W. H. WALSH said he doubted whether they were not going beyond their powers in proposing a tax on the people of the colony. If they arranged that witnesses should be paid, that would involve taxation, and he put it to the Postmaster-General whether it was such an amendment as he could sanction on the part of the Government? He was very much inclined to put it to the Chairman as a question of privilege whether they could pass any amendment in any Bill which would involve a tax on the people of the colony?

The POSTMASTER-GENERAL said there was no doubt the Committee had power to agree to the amendment. It was simply inserted for the purpose of giving effect to the provisions of the statute, and would not involve any tax on the people. A man would be entitled to remuneration for his services when they were required, but no amount was specified.

The HON. P. MACPHERSON said the objection was, in his opinion, so futile that it was not worth answering.

The HON. W. H. WALSH said he did not consider the matter so futile as to deserve the summary dismissal suggested by the hon. gentleman. It was a question whether that Chamber could make such an amendment in a Bill as would increase the burdens of the people. He was sure the Postmaster-General, in trying to get a Bill of that kind through, was not a safe exponent of the laws of the colony. The amendment distinctly provided that certain witnesses were to receive expenses which were to be paid by the people of the colony; and he would ask the Chairman whether such an amendment could be put. With all due deference to the Chairman, he might say that, if he ruled against him, he should appeal to a higher authority.

The HON. P. MACPHERSON said the expenses were not paid by the people of the colony, but by the other party to any litigation that might take place. What a private matter of litigation had to do with the burdens of the general public he failed to see.

The HON. W. H. WALSH: I ask your opinion, Mr. Roberts.

The CHAIRMAN: I am of opinion that the amendment does not involve a tax on the public.

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

On clause 18, as follows:—

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

1. The board shall require the commissioner to furnish them with a valuation and report of and respecting the land or improvements in respect whereof the rent or compensation is to be paid;
2. They shall also require the pastoral tenant, or lessee, or other person, by or to whom the rent or compensation is or will be payable, to furnish them with a like valuation or a claim, as the case may be;
3. The board shall, in open court, on a day to be appointed by them for the purpose, hear the last-named person, if he desires to be heard, and shall pronounce their decision in open court;
4. Before deciding, the board may call such witnesses, and take such evidence, whether on oath, affidavit, or declaration, as they think fit;
5. Any person who will be affected by the decision of the board shall be entitled to see and take copies of such evidence, and of the report and valuation of the commissioner."

The HON. A. J. THYNNE, in calling attention to the 5th section, said that while persons affected by the decisions of the board might see and take copies of documents, other people would be to a certain extent precluded from exercising the same right. He did not see why the proceedings of the board should not be open to full daylight—to the Press, and to any member of the general public who desired to see for himself what occurred. The board had been compared, in several speeches, to the Supreme Court, and they ought both to be in the same position as regarded the publicity of their proceedings. If all the proceedings under the different Land Acts in years gone by had been exposed to the fullest daylight; if all evidence had been taken in writing, and witnesses had been required to sign their names, the amount of perjury and the number of false declarations complained of would not have existed to anything like the degree to which they had reached.

The POSTMASTER-GENERAL said he quite concurred with the hon. gentleman in the opinion that the proceedings of the board should be open to the fullest daylight; but the clause just passed stipulated that every inquiry and appeal should be heard and determined in open court; and the paragraph to which the hon. gentleman had referred, provided further that any person who would be affected by the decision of the board might see and take copies of the evidence, report, and valuation; and he did not see that anything more was wanted. Nothing could be done in secret, and any party interested

in the proceedings was at liberty to get any copies of documents that appertained to the matter in dispute.

The HON. A. J. THYNNE said he did not think the privilege which was conceded by the clause was sufficient to check possible abuses that might arise in many ways. He could conceive of a party to a proceeding before the board being to a certain extent at one with the board. Under certain circumstances there might be very little dispute or difference between the board and the party whose matter they had to adjudicate upon, and he thought that the right to see the documents upon which the board had acted should not be restricted in all cases to those persons who were actually interested in them. He could quite conceive of a selector or squatter bungling his business through some country solicitor, and having it sent to head quarters, where it might be passed as a matter of form, when there was really some serious matter underneath. He thought the public, who were almost as much interested in the proceedings of the board as the parties having cases before them, should be entitled to take copies of the evidence if they paid for them.

The HON. W. GRAHAM said he had a very strong opinion on the question of appointing an irresponsible land board, and would take every opportunity of expressing his thorough disbelief in the proposal. At the same time he thought if a board was to be appointed they should do all they could to make it as effective as possible. There were several subsections in the clause under discussion, and he thought they might be dealt with one at a time. There was one matter to which he would like to refer, but he was under the impression that it came under a clause which had already been passed. It would, however, come on again at a later stage, and he would then like to have the Postmaster-General's opinion on it. He alluded to the provision which described the way in which the board should take evidence. It stated that they might take evidence on oath, affidavit, or declaration.

The POSTMASTER-GENERAL: That is in the 4th subsection of clause 18.

The HON. W. GRAHAM said he did not object to it, but he would like to have heard some opinion on the subject.

The HON. J. TAYLOR said he noticed that the board had to take evidence in open court. He would ask the Postmaster-General whether the board were to have a secretary or other officer to take that evidence?

The POSTMASTER GENERAL said there was no provision in the Bill for a secretary being appointed. He thought that in all probability the board would make the land agent or commissioner secretary for taking down notes of evidence if they did not take them themselves.

The HON. J. TAYLOR: Will all the evidence be taken down?

The POSTMASTER-GENERAL: Yes.

The HON. A. C. GREGORY said he thought the provision in the clause for allowing persons affected by the decision of the board to take copies of the evidence was sufficient, and that it was not necessary to make the amendment suggested by the Hon. Mr. Thynne. The board would sit in open court, and give their decision in open court, and if the proceedings were of the slightest interest to the public, there would be reporters present to take down notes for publication in the newspapers.

The HON. A. J. THYNNE said he was of opinion that it was desirable to amend the clause as he had suggested, and would therefore move that the words "Any person who will be affected by the decision of the board shall," in the 5th subsection, be omitted, with the view of inserting the words, "Every person shall on payment of the prescribed fees." The clause would then read, "Every person shall on payment of the prescribed fees be entitled to see and take copies of such evidence, and of the report and valuation of the commissioner."

The HON. P. MACPHERSON said he really thought, with all due respect to his hon. friend, that the clause was very well as it stood. There was no doubt a good deal in his argument that everything should be aboveboard; but there was another side to the question, and that was that a certain number of people in the world had so little to do that their whole amusement and enjoyment consisted in looking after their neighbours and prying into their business. He failed to see what the public had to do with litigation between A. and B. about a matter affecting their private affairs; and although the court would be an open court it would, in all probability, like the railway arbitrator's court, be to a certain extent private. He respected his hon. friend's judgment, but thought he was carrying his opposition too far.

The HON W. H. WALSH asked, was he to understand that the Postmaster-General agreed to the amendment?

The POSTMASTER-GENERAL: No.

The HON. W. H. WALSH said he was glad to hear it, and now he wanted to know whether the Hon. Mr. Gregory and the Hon. Mr. Forrest agreed to it? If they agreed to it, and the Government did not, then there would certainly be a crisis in connection with the passing of the amendment. Were they to understand that the amendment was put forth with the concurrence of hon. members opposite? The Postmaster-General had said nothing, as far as he could recollect, to show that the Government were opposed to it. The Committee seemed to be in a regular fog. Of course the Hon. Mr. Thynne was a great authority, but he (Hon. Mr. Walsh) would support the Government if he understood what he was doing.

Question—That the words proposed to be omitted stand part of the clause—put, and the Committee divided:—

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The Hons. Sir A. H. Palmer, C. S. Mein, J. C. Heussler W. H. Walsh, W. Pettigrew, J. Swan, W. D. Box, W. Aplin, J. C Foote, J. C. Smyth, J. Taylor, G. King, P. Macpherson, and F. H. Hart.

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The Hons. A. J. Thynne, A. H. Wilson, J. F. McDougall W. Graham, T. L. Murray-Prior, A. C. Gregory, W. F. Lambert, W. Forrest, and W. G. Power.

Question resolved in the affirmative.

Clause passed as printed.

Clause 19—"Dispute to be settled by board"—passed as printed.

On clause 20, as follows:—

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

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

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

The HON. A. C. GREGORY said that at that stage he proposed to bring forward an amendment of some considerable importance. He proposed to omit all the words from the word "Governor," inclusive, to the end of the clause, with a view of inserting the following:—

Minister shall remit the matter to arbitration in the manner prescribed by the Public Works Lands Resumption Act of 1878, and the award of such arbitrators or their umpire shall be final.

Should the amendment be adopted, the clause would then read :—

"Upon the application of any person aggrieved by a decision of the board, the Minister shall remit the matter to arbitration in the manner prescribed by the Public Works Lands Resumption Act of 1878, and the award of such arbitrators or their umpire shall be final."

First, as to the reason why he had fixed upon the Public Works Lands Resumption Act as the Act under which arbitration was to be introduced into the clause, because there were some half-dozen other Acts providing for arbitration, any one of which might have answered the purpose equally well. Clauses 105 and 109, it would be seen, referred to the Public Works Lands Resumption Act as the Act under which arbitration was to take place in the case referred to in those clauses ; and it was far more convenient that the same mode and system of arbitration should be continued throughout the Bill. The question was one of very great importance, and if the amendment he proposed was adopted, it would, he must admit, to a very great extent, modify the tendency of the Bill. As the Bill stood, the board was irresponsible, and their decisions were practically final. Even the Governor had only power to require that they should rehear a case ; but on rehearing a case their decision was final, and the matter could not be reopened. In a great many transactions under other Acts, particularly where powers were given to settle claims, the parties deciding upon them were not directly responsible to either branch of the Legislature, or to any particular individual ; but their decisions in almost all cases were subjected to revision by at least the Supreme Court.

The POSTMASTER-GENERAL : Not under the Public Works Lands Resumption Act.

The HON. A. C. GREGORY said in most cases they were subject to revision by the Supreme Court ; and he had not the smallest doubt that his hon. friend the Postmaster-General would find a way of bringing decisions inside the Supreme Court if his instructions were to do so, even though those decisions were given under the Public Works Lands Resumption Act. It would not require a very great amount of legal acumen to get a matter into the Supreme Court if the parties interested had money enough to pay their way. In the Bill before them he did not see any provision for taking the decision of the board into the Supreme Court, and he thought the Postmaster-General would agree that that was the condition and intent of the Bill as it stood. Under those circumstances, in trying such a new system as a land board such as that mentioned in the Bill, it appeared to him necessary that there should be some system under which it would be possible to review their actions, and subsequently to remedy any defects there might be in the decisions come to by them. A great part of the Bill was simply taken from the new Land Act passed in New South Wales, and though in some cases the clauses were very slightly altered, and not always to their advantage, in that particular instance there had been a greater departure than usual from the principle adopted in the Act passed in New South Wales. In New South Wales, the land boards were local institutions, whose decisions would be only similar in effect to those of the land commissioners in Queensland. In New South Wales the land boards were to consist of the commissioner and two persons to be appointed in each district from the residents of the district, and not apparently Government officials ; and in almost every case their decisions had to come before the Minister for his revision and decision before they could come into operation, unless they were of a very trivial nature indeed. There they saw that a sufficient safeguard had been adopted to prevent the land boards from running into any extremes that might be prejudicial to the public interests. The Minister, as a matter of course, was responsible to Parliament, and Parliament would take very good care to express their opinion of the Minister's conduct in any case where it might be at variance with the views of the majority. It was not necessary to enter upon a long discussion upon the matter, and he might therefore just briefly repeat the arguments he had brought forward on previous occasions in regard to the constitution of the board not being such as would enable them to put full confidence in it—not, perhaps, from any intentional defects on the part of those who might be placed on the board, but from the almost utter impossibility of men being sufficiently conversant with all matters brought before them, to be able to collect accurate evidence upon the matters upon which they would have to decide. It would, of course, have had some effect had the Minister been placed upon the board, so as to make it a board of three, and by that means, to some extent, bring the board under the revision of the Legislature through his responsibility. As that did not appear to have been considered a proper course to pursue, he thought it necessary to render the decisions of the board liable to reconsideration by a board of arbitrators. It would possibly be objected that the arbitrators would be dealing with matters far beyond what were contemplated, under ordinary circumstances, in the Act from which he proposed to introduce their powers into that Bill ; but it might be observed that he did not by that amendment propose to interfere with the powers of the board in regard to recommendations to the Government. The board would, in those cases, necessarily be the source from which information and recommendations must accrue ; but they could not be finally carried out without the action of the responsible portion of the Government. The amendment was sufficiently short and concise, and there was no difficulty as to its meaning ; and they had already discussed the principle so fully that he did not intend to detain the House longer on that occasion.

The POSTMASTER-GENERAL said so far as he could follow the Hon. Mr. Gregory he understood his objections to the board were these : first, that they were responsible to nobody ; secondly, that their decision would be final and there would be no review ; and thirdly, that most of the clauses of the Bill—he did not know whether that was the most important objection—had been taken from the New South Wales Land Act recently passed, and that they had not adopted the clauses of that statute with regard to land boards in their entirety, as there the land boards did not give decisions that were final. He would take the last objection first. He could assure the hon. gentleman, and hon. members generally, that none of the clauses of the Bill had been taken from the Land Act recently passed in New South Wales. He should be ashamed of such a Bill. They were able to draft Bills here very much better than that Bill was drafted. He had attempted to read it, but could not get beyond the second page. It was the most long-winded jumble he had ever come across in the whole course of his existence ; and as far as the land board was concerned there was an attempt made to copy the provisions of our Bill respecting land boards. There was no provision for land boards in that Bill in the first instance. This was the first Government that had formulated the idea, and in New South Wales they attempted to adopt the principle in its entirety from our Bill ; but the gentlemen who indulged in lobbying there—land agents and others—were

too strong in the Legislative Assembly to get the scheme carried through. They wanted further opportunities of perpetrating the jobs and like arrangements for which land agents and lobbyists in New South Wales were so notorious. With regard to the irresponsibility of the board, they were as much responsible—far more responsible than the persons who would have to determine matters according to the hon. gentleman's scheme. They would be responsible to public opinion and to the Parliament of the colony, and if they administered the Act unfairly or acted improperly in any way Parliament could dismiss them. Parliament had the same power over them as over a Minister. A Minister would be responsible to the same extent as, and no further than, the board. If he conducted himself improperly, and had not a subservient majority at his back, he would be dismissed from his position; and a Minister could command influence and make use of material which the boards would not have at their command to influence the determination of Parliament. The boards would be men selected for their special knowledge, skill, and ability to deal with the different matters to be submitted to them. A Minister might have a number of influences brought to bear which might induce him to give an improper or unjust decision —perhaps convenience, friendship, or worse motives. The Government had considered it desirable, in providing the machinery to administer the Act faithfully and well, to get hold of competent and responsible men, who would be amenable to Parliament and to nobody else—men who would not be dictated to by any Minister, who would be placed, by statutory provision, beyond the control of Government, and who would be amenable only to the authority that created them. With regard to their decisions being final—there must be finality somewhere; but in order that any slip should be reconsidered, and that no unjustice could possibly be done—through the inability of one of the contesting parties to produce evidence, or from any other cause—if good ground could be shown to the Governor in Council for a review of the matter, the clause provided that it should be recommitted for further consideration by the board—by those competent men he had mentioned. What was the scheme the hon. gentleman proposed? He thought he should not be using unduly harsh words if he described it as the most crude, ill-considered scheme that could, under any circumstances, be proposed to deal with the matters to be dealt with by the Bill. He very much questioned whether the hon. gentleman had read the Public Works Lands Resumption Act, the provisions of which were totally inapplicable to any circumstances arising out of cases in which the decision of the board would be final. The Public Works Lands Resumption Act was intended to deal only with cases where there was to be compensation paid for the deprival of an individual of his property, either entirely or temporarily, and in all analogous cases provision was made for appeal to a like tribunal. Now, what were the cases—the only important cases—that the board would have to deal with entirely? They were the determination of the rents of runs, and of the division of runs, and other smaller matters which were comparatively unimportant in comparison with those two things. How could they adapt the machinery of that Act to deal with the amount to be paid by a tenant as rent for his run? The provisions were totally inapplicable. And under the Public Works Lands Resumption Act he would point out that there was a special clause which provided that, where the amount of compensation awarded exceeded £300, there was to be an appeal to a jury if either of the parties to the decision was dissatisfied. How could they make that clause applicable to the questions to be dealt with under the Bill? If the rent per annum was fixed at £300, by some roundabout process they might make the provisions of the statute applicable; but where the original amount at stake did not exceed £300 it was impossible to take advantage of that section. The theory of the statute was that, where the amount at stake exceeded £200, anyone dissatisfied with the award of the arbitrators or the umpire should have the right of appeal to a jury. But how could there be an appeal to a jury with regard to a question of boundaries? The whole principle of the Public Works Lands Resumption Act was inapplicable to the circumstances which would exist in all those matters in which it was proposed that the decision of the board should be final. Then the hon. gentleman had not told the Committee why he wanted the matter referred to arbitration. Had not the experience of years and years shown that where the Crown was concerned arbitration was a farce? What was its object? He thought he might without hesitation say that it was to secure, if possible, the worst terms for the Government; to enable the parties interested, the pastoral tenants, and the lessees of holdings to pay as little as possible to the Government, and get as much out of the Government as possible. Was that scheme preferable to a decision by competent, impartial, and honourable men? Decidedly not. If he wanted an authority in support of his argument he need go no further back than 1872, when the Council passed a proposition, submitted by the Hon. Mr. Murray-Prior, to do away with arbitration in all matters in which the Government were concerned. He should rely on the support of that hon. gentleman, who, referring to the Act of 1872, said:—

> "In the first-named matters, great inconvenience had been experienced, as in disputes concerning the value of land, if taken into court, juries almost invariably gave verdicts against the Government; and arbitrators were, in fact, worse than judicial courts. So much was this the case, that the Minister for Works never thought of going to arbitration now."

Those words were as true as gospel. Before that time the most iniquitous claims were made by persons with respect to injuries caused by the construction of railways, and when they were referred to arbitration the Government almost invariably suffered; but since a railway arbitrator had been appointed, though the awards were fairly liberal, there had not, he believed—and he had had a good deal of experience in such matters—been a single appeal from his decision to a higher tribunal. Before 1872 experience proved that arbitration in railway matters was a perfect farce—that injustice was invariably done to the Government; because it was supposed that they could afford to pay, while the claimant, however iniquitous his demand, would only be getting it from a party who would not suffer by the loss. The desire to get arbitration was prompted by a desire to squeeze as much as possible out of the country, and to enable persons interested—as against the Government, who were only interested on behalf of the country, and not personally—to pay as little as possible. Anybody with experience of arbitration knew that in almost every instance an arbitrator went into a matter not for the purpose of doing justice, but as an advocate for the person who employed him.

The HON. W. FORREST: No.

The POSTMASTER-GENERAL: In almost every instance he considered it his duty, and in all instances it was expected of him by the man who employed him that he would stand by him,

And because that was invariably the case, the Government of which the Hon. Mr. Murray-Prior was a member, and of whom the President was head, introduced the alteration in the railway laws to which he had referred. He now asked those hon. gentlemen who supported that alteration to be consistent and vote for the provision contained in the clause. If, however, they wanted the matter referred to another tribunal, it should be an independent tribunal—either a judge of the Supreme Court, or a judge of that court assisted by a jury. He repeated that the provisions of the Act were totally inapplicable to the state of affairs in connection with the Bill before the Committee, in cases where there was no appeal from the decision of the land board. It might be said that the Bill as originally introduced made no provision in many cases from appeals against the decision of the board. But that defect was pointed out and rectified in another place. It was pointed out and recognised that in the case of compensation for taking away a man's property it would only be fair to let him have the same privilege which was accorded in many other cases—cases where land was taken away for public purposes. Hence the adoption of those provisions in Part IX., where provision was made for an appeal from the decision of the board to arbitration in the case of compensation for resumptions. But the contention in favour of arbitration had no force in regard to rental and divisions of runs, and all other matters in which the decision of the board was to be final. In further support of his contention as to the want of consideration given to the amendment, he might point out that the proposal would give to the aggrieved person an opportunity to appeal until the day of judgment almost. There was no period specified within which the appeal must be made. In a subsequent part of the Bill—Part IX.—it was provided that the person aggrieved must lodge his objection to the decision of the board within one month ; but in the proposal of the hon. gentleman opposite no limit was fixed. If the majority of the Committee made up their minds to allow an appeal from the decision of the board to arbitrators, they certainly ought to fix the limit to the time within which the appeal should be entertained.

The HON. W. FORREST said that, amongst the Postmaster-General's many admirable qualities, he certainly possessed that of coolness. The hon. gentleman had expressed the hope that the Hon. Mr. Murray-Prior would be consistent, but if the Postmaster-General were to be consistent with the opinions he expressed when the Western Railway Act was under discussion, he would no more agree with any provision in the Bill before the Committee than he would attempt to fly. Probably when an opportunity offered he would read that speech—which was a most excellent one, containing sound political economy—to the Committee. With regard to the amendment before the Committee, the amendment did not go into the question of the duties of arbitrators under the Public Works Lands Resumption Act. It simply indicated the manner in which arbitrators should be appointed. The Postmaster-General was right to a certain extent, because provision was made for arbitrators in the question of compensation ; but it was also necessary to provide for arbitration in regard to the decisions of the board in other matters. Provision was made for arbitration in the Act of 1869 in cases of dispute regarding the valuation of improvements and the determination of rent ; and he never heard of a single case where the system worked badly. A proper safeguard would be for the Government in the first instance to fix a fair minimum which would be sufficient to protect the country, and at the same time not be an infliction on the holders of inferior runs, and to fix a maximum high enough to reach those who held really good runs. As long as the maximum was high enough to reach the one, and the minimum low enough to prevent injustice to the other, no one could suffer any hardship. There was a vast difference between the cases of arbitration referred to by the Hon. Mr. Murray-Prior when speaking on the railway laws and the cases which would arise under the Bill. In the cases referred to by that hon. gentleman there was no minimum fixed ; they might fix the amount as high or as low as they thought proper. But in the present case there were two lines—a maximum and a minimum—and the Government were therefore protected.

The POSTMASTER-GENERAL : That is in the first instance, not in the two succeeding periods.

The HON. W. FORREST said the Government would, at all events, act wisely in securing fair and reasonable protection to the State by fixing a minimum for all the periods. The great danger that he saw lay in the fact that nobody would know what to do, as they would always be in a state of uncertainty owing to the periodical valuations. With regard to the board, he was strongly opposed to it as it was at first proposed to be appointed, because the members were to be clothed with very arbitrary powers—such powers as were not possessed by any tribunal in the colony, or in any other country that he knew of ; but since the measure had been amended in such a manner as to provide for appeal from their decisions, he approved of the board, because he thought it would facilitate the business of the Lands Office. He believed they would be a great assistance to the Minister, by doing work of which he might very properly be relieved ; and he had not the slightest doubt that a properly constituted board—now that the right of appeal was provided for—would give such decisions as would be very seldom appealed from.

The HON. G. KING said he was not in a position to say whether the machinery of the Public Works Lands Resumption Act of 1878 would be applicable to cases under that Bill, but he could not see the advantage of having a matter reheard by the same tribunal that had already adjudicated upon it, unless the parties could bring forward further evidence. With reference to the proposal respecting arbitration, he might state that he had often acted as an arbitrator for the past twenty-five or thirty years, and had had many important cases to decide during that period ; and he could conscientiously say that he had never considered himself an advocate for the parties by whom he was appointed. After he was appointed he always refused to hear any statement of the case until it was brought before him, not as an advocate for the person by whom he was appointed, but as a judge to try the case.

The HON. T. L. MURRAY-PRIOR said he must in the first place answer for what he did in the year 1872, when he had to pass a certain Bill through that House. He was perfectly satisfied with what he did on that occasion. The circumstances in the two cases were not analogous at all. There was a very good reason why the Bill he referred to should be passed at that time. Railways had not been very long under construction, and many persons who expected the lines to go through their property, and tried all they could to induce the Government to bring them in a certain direction, afterwards exacted large sums of money from the Government for the lands through which the railways passed. That, he thought, the Postmaster-General would not deny, and it was for the purpose of dealing

with such cases that the Bill of 1872 was introduced. Arbitration was necessary under the Bill before the Committee. As the measure now stood, two men—it might be of undoubted probity—were to be nominated as members of the board, and they would have to judge the whole colony. It was perfectly impossible that they could know all the circumstances of the case, and they must therefore take the opinion of the commissioner, or of those who were situated near the country or the places where the disputes arose. He thought that if he were a commissioner or a member of the board nothing would give him greater pleasure than not to have his determination final. He would look upon such a provision as a very great help, and a relief from a good deal of his responsibilities. Under such an arrangement the members of the board would be able to discharge their duties more independently than they would if there was no appeal from their decision, or if when their decision was appealed from the case had to be again brought before the same tribunal. The result of a case being reheard by the same tribunal would probably be that the same decision would be arrived at. There was one thing in connection with what the Postmaster-General had said, to which he must refer, and that was, that in addressing the Committee the hon. gentleman alluded to one portion of the community only—the squatters. He never alluded to the duties of the board except in regard to squatters.

The POSTMASTER-GENERAL said he really must interrupt the hon. gentleman—he was misquoting him. He (the Postmaster-General) specifically used the expression "pastoral tenants and persons having holdings under the Bill." He did not mention agricultural or grazing farms certainly, but he distinctly referred to them.

The HON. T. L. MURRAY-PRIOR said the Postmaster-General might have done so, but he could only say that he (Hon. Mr. Murray-Prior) did not hear him. He might have stated so once, but, as a rule, he alluded to pastoral lessees or pastoral tenants. Now, that Bill was not for pastoral tenants—it was intended to be a Land Bill for the whole of the colony; and the land board would have to adjudicate on matters arising in different parts of the colony, and the greater number of persons interested in adjudications would be small holders of land, or licensees under that Bill. It was in their interests, as much as in the interests of large capitalists, that he now spoke. With regard to arbitration, that had always been the manner in which runs had been assessed for rent; and he believed he was correct in saying that as a rule the Government had appointed one arbitrator, and that very seldom had the holder of the run appointed another. In fact, the lessee had left it a good deal to the decision of the Government officer himself.

The POSTMASTER-GENERAL: Why object now to two men appointed by the Government?

The HON. T. L. MURRAY-PRIOR said the hon. gentleman asked him why he now objected to two men appointed by the Government. Well, in the first place, a lessee had the power under the existing law to appoint another arbitrator if he chose; and, in the next place, the decision of two men would not be the same as the decision of one. An independent person who knew all the particulars of a case would be better than any two men who did not possess such qualifications. The holder of a run should not be in the position of having his rent uncertain. It was not fair that any board or any landlord, or any person representing a landlord, should be able to put any rent upon a tenant that he chose without allowing the tenant a word in the matter. He would now look at the question from a business point of view. What person would enter into a business, or rent a house or farm from a private person, unless he knew the probable rent he would have to pay during his tenure? If the rental was small at first and that was to be increased as the holding became more valuable, the tenant would like to know on what principle and to what extent it would be increased, so that he might make his calculations accordingly. But if the amount were to be subsequently named by some other person, then, however disinterested that person might be, the man would not enter into the business, because he would not be able to calculate the outcome. To his mind the very best way in which a decision could be arrived at in the case of rents was by arbitration. It was the best for all parties, best for the State which was the landlord, and best for the tenant. A lessee who had the power of appointing his own arbitrator had confidence in the man whom he appointed.

The POSTMASTER-GENERAL: Hear, hear!

The HON. T. L. MURRAY-PRIOR: The hon. gentleman said "Hear, hear." He (Hon. Mr. Murray-Prior) said the lessee had confidence in the man whom he appointed, because he was sure that that man knew the ins and outs of his business, and that such a person was the best qualified to do justice. Then again, if arbitrators were appointed, an umpire was always appointed by the two, and the decision of the umpire was final. What could be more just than that? The Postmaster-General looked at it as if they sat there as adverse parties to the Bill.

The POSTMASTER-GENERAL: Hear, hear!

The HON. T. L. MURRAY-PRIOR. And as if they were advocating the interests of only one section of the community. The hon. gentleman was never more abroad in his life. He (Hon. Mr. Murray-Prior) knew what he was doing, and he firmly believed that every gentleman voting on that side wished to make the Bill as good and as just as possible. He believed there should be no party feeling in the discussion of a Land Bill, and he could not see why it should come in. The Postmaster-General took an entirely one-sided view of the matter and judged it from his own side; but he said, with all due deference to that hon. gentleman, however good a lawyer he might be, and however well he understood his own business, he could not understand a Land Bill, or the practical working of a Land Bill, as well as hon. gentlemen who had dealt in land all their lives, and had mixed with all kinds of persons having dealings in land; and, knowing them, consequently sympathised with them. He looked to the yeomen—if he might so term them—to those who were commonly known as "free selectors"—as likely to become the backbone of their country, and under those circumstances he would give industrious men all the encouragement possible. He was speaking to those who had capital, more or less, and could not live without labour. Labour could not live without capital, and they ought to look upon themselves, not as enemies, because they had different gifts, but more as members of one body, all depending one upon the other. He was very sorry to think that there was a party in their community who did all they could to discourage that feeling of unity. He might safely say that never was there a Bill more unworkable than the Bill they were at present discussing. In deference to the wishes of the representatives of the country he would not wish to throw out the Bill. Let the

Government take the odium that would come out of it. They had framed the Bill, and entered upon the experiment; and he said, if the experiment succeeded, let the Government have all the praise, and, if it did not succeed, all the blame that would attach to its failure. They would, he hoped, make such amendments in the Bill as would not interfere much with the principle of the Bill, but which would give the Legislature an opportunity hereafter of bringing in an amending Act, that might set even that Bill to rights. He had no sympathy with the Bill, as he believed in freeholds and freetrade, and not in anything that tended to curb industry. He thought he had answered the Postmaster-General's question as to why they should appeal to arbitration. Arbitration was the best way in which to settle differences between landlord and tenant, whether in respect to rental or anything else. He differed from the Postmaster-General when he said that arbitration was resorted to always to secure the best terms for the tenant and the very worst terms for the Government. He was glad to hear the Hon. Mr. King state that in the many cases of arbitration he had been in, he always looked only to doing justice to both parties, and the Hon. Mr. King, he was sure, was not the only arbitrator who could say that. As to the reasons why arbitration should be final: it was to prevent litigation; to prevent matters being brought before the judges; and to prevent the lawyer taking the oyster and leaving only the shell to the litigants.

The POSTMASTER-GENERAL: That won't wash!

The HON. T. L. MURRAY-PRIOR said the Postmaster-General had said that arbitration was totally inapplicable to the Bill. He (Hon. Mr. Murray-Prior) said no Bill required it more. He believed he had answered the objections of the hon. Postmaster-General, and he had no doubt that hon. gentleman fully agreed with him in reality. He would conclude by saying that he believed arbitration would be the very best thing for the land board; arbitration would be the very best thing for the Government of the country—the landlord; and arbitration would be best and most just for the tenant.

The POSTMASTER-GENERAL said that in one part of his speech the Hon. Mr. Prior spoke magnanimously. He said he was most anxious to give the Government every opportunity of trying their experiment, and if they succeeded they should get all the praise, and if they failed they should get all the blame. But how did the hon. gentleman propose to give them the opportunity of trying their experiment? It was like the case of the tailor who suggested to a person that his coat wanted patching. He first took out one sleeve and put in a new one; then he took out the other sleeve and put in a new one; then he took out the back and put in a new back, until at last not a particle of the original garment was returned to its proprietor.

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

The POSTMASTER-GENERAL said he was going to give the hon. gentleman an opportunity of seeing it. They began by striking out one fundamental principle of the clause by striking out the clause affecting what was called the pre-emptive right; now they were practically going to abolish the board.

HONOURABLE MEMBERS: No.

The POSTMASTER-GENERAL: Yes; they were going to abolish the board. Everything the board did was to be submitted to revision by two indifferent men—indifferent in more senses than one. And he noticed, by subsequent amendments spoken of other principles of the Bill were going to be attacked in the same way. The Hon. Mr. Murray-Prior seemed to think that he (the Postmaster-General) did not believe that he was sincere. He was quite satisfied that no man in the community had a higher opinion of the hon. gentleman's sincerity than he had. But the hon. gentleman had shown that his judgment was warped by his prejudices. The hon. gentleman said that he (the Postmaster-General) was incapable of judging in that matter, and why? Because he had not mixed up with those persons who dealt in land, and had no sympathy with them. And the hon. gentleman said that he was himself much more capable of forming a judgment than he (the Postmaster-General) was, because he had mixed up with those persons and entered into their sympathies. He (the Postmaster-General) claimed to be unprejudiced; and, so far as sympathy was concerned, he sympathised with everyone.

The HON. J. TAYLOR: No.

The POSTMASTER-GENERAL: And he claimed to be quite as sincere and disinterested in that matter as the Hon. Mr. Taylor, who dissented from his proposition. He wished to see this country go ahead; he was a native of it, and was proud of it, and he wished to see it progress. He wished to do what, according to his lights—humble though they might be—would be justice to all, and to avoid as far as practicable doing injury to anyone. Then the innocence of the Hon. Mr. Murray-Prior—if he might presume to say so—was sometimes admirable. As an argument in favour of appointing arbitrators, he said that a man would naturally appoint as his arbitrator a man who would sympathise with him. That was the very thing he (the Postmaster-General) said, and therefore he said it was objectionable.

The HON. T. L. MURRAY-PRIOR said he must rise to a point of order. The hon. gentleman again wanted to put words into his mouth which he had never used. He did not say that a man would naturally appoint an arbitrator who sympathised with him; but a man who understood all the surroundings and workings, and was therefore best able to give a judgment.

The POSTMASTER-GENERAL said that perhaps the hon. gentleman had not said that in so many words, but he at all events implied it. The hon. gentleman said now that a man was to get hold of somebody who, before he was called upon to arbitrate, knew all about the matter, and was in fact thoroughly primed about it.

The HON. T. L. MURRAY-PRIOR said he must rise again to a point of order. The hon. gentleman had no right to say that. The hon. gentleman knew exactly what he meant, and let him say it, and not turn what he had said round about, as if he was addressing a jury. They were not a jury in that Chamber.

The POSTMASTER-GENERAL said he wished they were. He had no doubt if they were he would get a verdict. There was a great objection to the appointment of arbitrators to review the decisions of the board, and he would put the matter in a nutshell. It would be an appeal from two competent, capable, impartial, disinterested, independent men—men who had been selected to perform the duties on account of their possessing all the necessary qualifications—to two persons, each of whom——

HONOURABLE MEMBERS: Name! name!

The POSTMASTER-GENERAL: Each of whom would be appointed by interested parties, and who would, in ninety-nine cases at least out of one hundred, be least qualified to deal with the matter in dispute.

HONOURABLE MEMBERS: No, no!

The POSTMASTER-GENERAL: Of course not! Did anybody believe that he was so innocent as to think that any man having a dispute with a neighbour, on referring the matter to arbitration, would not select a man whom he considered would give him a verdict?

An HONOURABLE MEMBER: Yes.

The POSTMASTER-GENERAL: He did not believe it. Although the hon. gentleman was an innocent young man, he did not think he was quite so innocent as that. No person would select an arbitrator unless the appointer firmly believed that the appointee would stand by him in the case.

The HON. W. FORREST said he had been asked to act as arbitrator in cases of dispute, and he had never yet done so without telling his principal this: "Before I commence, understand that I do not go there to take up or support your views; I shall hear what is to be said, and I shall, as far as I am able, give a just decision between you and the person with whom you have the dispute, whether it is for or against you." Never under any other conditions would he undertake the duty; and in support of his statement he could refer to the Hon. Mr. King. The hon. the Postmaster-General had said that the matter lay in a nutshell, and he would show that it lay in another nutshell. Adopting the simile of the Hon. Mr. Murray-Prior—assuming that any member of that Chamber wanted to let a house, would he conduct the business by saying to the tenant, "I will let it to you, but I will not say exactly what I am going to charge you per annum; I will leave that to two men whom I shall appoint; you will have nothing to do with those men, but you must take it at their decision, whatever it may be; you are to have no voice in the matter whatever." Was there any man so lost to all sense of what was due to himself as to submit to such a proposition? He was amazed that the Government should ask them to consent to anything so utterly unreasonable and unfair.

The POSTMASTER-GENERAL said the present case bore no anology whatever to what the hon. gentleman had pointed out. In all cases, who was it found the rent? The landlord, and not the tenant.

An HONOURABLE MEMBER: Ireland!

The POSTMASTER-GENERAL: The landlord unfortunately was not allowed to fix the rent in Ireland. The State had taken that power out of his hands, and practically the rent was fixed by the tenant; but he did not suppose that the hon. gentleman desired to see such a state of affairs as that in the colony. To hear hon. gentlemen speak, one would think that Ministers had a personal interest in the lands.

The HON. J. TAYLOR: So they have.

The POSTMASTER-GENERAL: What interest?

The HON. J. TAYLOR: To get as much as they can out of them.

The POSTMASTER-GENERAL: They were the trustees of the public estate, and the public had an interest in those lands.

The HON. J. TAYLOR: What about St. Helena?

The POSTMASTER-GENERAL: He did not know whether the hon. gentleman intended to go there, but he had no intention of doing so. That argument floored him completely; he had nothing more to say.

The HON. W. GRAHAM said, in a former speech the hon. Postmaster-General claimed that the arbitration clause and another constituted the main part of the Bill.

The POSTMASTER-GENERAL: I said the constitution of the board and its functions were one of the leading principles of the Bill.

The HON. W. GRAHAM: He maintained that they were not the main part of the Bill. The main part of it—the part that appealed to the country—was that which provided for taking up 20,000 acres of land as grazing farms; and he believed that every member on that side of the Committee was in accord with that principle; and also that if the Bill now stood in the form in which it did when originally brought in—by which a person could take up 20,000 acres in every district of the colony—they would have been still more in accord with it. As to the question of arbitration, he had had a good deal of experience in matters of that kind, and he entirely disagreed with the remarks of the hon. the Postmaster-General on that point. He could quite understand that the hon. gentleman, with his legal training and ideas, should think that a man who was appointed as arbitrator should immediately constitute himself as an advocate on the side of the party by whom he was appointed. But he (Hon. Mr. Graham) had been appointed arbitrator over and over again—sometimes when he was unwilling to act, but the position was forced upon him, and when he did not know a single thing about the case; and he always rested entirely on the evidence put before him. He was once appointed to a position with all the powers of the Supreme Court, and he did not think that either the plaintiff or the defendant had accused him of being one-sided in his view of the matter. It was quite possible—although it was, no doubt, very hard for the Postmaster-General to believe it—for a man who had got a fair knowledge of things, and who had not got a legal training, to give a fair common-sense decision upon a question.

The POSTMASTER-GENERAL: And illegal.

The HON. W. GRAHAM: It might be illegal, but arbitrators were not bound to give their reasons. By certain clauses of the Bill, the land commissioner, and the Land Minister, if the matter was referred to him, had to give his decision not only in open court, but to give his reasons for his decision; and he (Hon. Mr. Graham) was satisfied that having to do so would bring him into most woful trouble. It was very easy to give a decision, and to stick to it, but when a man had to give his reasons in open court it would lead to a great deal of trouble; and he should be very sorry to be a land minister or a land commissioner under those circumstances. He thoroughly believed in the principle of arbitration, and that it could be perfectly well carried out—in fact, he had heard no argument at all to show that it could not be carried out. It seemed to him the most natural way of dealing with the matter. Under the Bill they had this irresponsible board——

The POSTMASTER-GENERAL: And you want to appoint two less competent and less responsible men to review their decisions.

The HON. W. GRAHAM: No; they would appoint two more responsible men, and the chances were that they would appoint two who would know more about the question. He should certainly support the amendment.

The HON. P. MACPHERSON said he intended to support the amendment. Like the Hon. Mr. Graham, he was a thorough believer in arbitration; in fact, he had lived by arbitration for the last ten years. There was no more incorrupt, honest arbitrator than he himself. At the same time, he quite agreed with the Postmaster-General when he told them that

some arbitrators were simply advocates. He remembered having the pleasure of representing the Government twelve or thirteen years ago as railway conveyancer—he was not then an arbitrator, but an advocate—and the arbitration was prior to the passing of the Act of 1872. It was held, say, in Ipswich; there were two arbitrators and an umpire; one of the arbitrators was a gentleman who was not a hundred miles away from that House at that moment, and he did not consider it necessary to take evidence. Having put the umpire in the chair, he cleared his manly throat and said, "Mr. *H*umpire, on behalf of my client, I beg to *h*urge," and so on.

An HONOURABLE MEMBER: Solid truth.

The HON. P. MACPHERSON: That was an instance that had come under his own observation; but the balance of his own personal knowledge being in favour of the continuance of arbitration, he should vote for the amendment.

The HON. W. GRAHAM said he had had a good deal of experience in regard to arbitration, and really the great thing in connection with it was the election of an umpire. Where two arbitrators were appointed, if they followed the principle pointed out by the hon. the Postmaster-General, and had not sufficient strength of mind to weigh evidence for themselves, the best thing they could do was to appoint an umpire, and then it came to a fair stand-up fight as to who the umpire should be. It did not always follow, however, that the umpire would have to give a final decision. He had known cases himself where the arbitrators settled the matter satisfactorily without any reference to the umpire at all, and he believed cases of that kind had occurred pretty often. He thought as a general rule in arbitration the two men appointed were prepared to deal with the matter before them in a straightforward way; and, as he had stated, in his own experience he had known many cases where there had been no necessity to refer the matter to an umpire, the arbitrators themselves arriving at a fair and just decision.

The HON. J. F. MCDOUGALL said that in the course of the few remarks that he addressed to the House on the second reading of the Bill, he had said that he had a very strong objection to the constitution of these boards, and therefore it was not surprising that he should support the amendment. That was the only way out of the difficulty. He could have little or no confidence in the board, and he thought that having their decisions referred to arbitration would be a wholesome check upon them.

The HON. J. C. HEUSSLER said he did not suppose anything he might say would influence the vote of any hon. member, but he had a few remarks to make concerning arbitration. When he wanted an arbitrator he certainly went to such a friend as he thought would sympathise with his case.

The HON. W. GRAHAM: That is very bad.

The HON. J. C. HEUSSLER: It might be very bad, but it was only human nature, and hon. members opposite would do the same. Well, what would be the consequence? His adversary would do the very same thing. He would get a gentleman of the greatest honour possible, from whom he would expect the greatest sympathy. In the majority of cases an umpire was chosen, a man who was trusted by both sides; and he was really the only person who decided the case. Some hon. gentlemen seemed to look on the Government as the adversary of the pastoral tenant, but he could not do so. He looked on the board as arbitrators.

The HON. W. FORREST: Appointed by one side.

The HON. J. C. HEUSSLER said he did not see that there was any side. Surely the Government had no business to take a side! If he thought they would do so he would give in at once, but he thought the Government ought to have the interest of the whole colony at heart, and not favour either one side or the other. The first principle of government was to do justice, and the next was to see that justice was done by its agents. He looked on the board as one of arbitration in a more independent position than any arbitrators that could be chosen by either party. The Hon. Mr. McDougall had said he had no confidence—that he hated the board; but the hon. gentleman had given no reason for his hate. He (Hon. Mr. Heussler) did not hate anything. The lines of the great English poet Coleridge were applicable to him:—

> "He prayeth best, who loveth best
> All things, both great and small."

He loved both man and beast. If a man hated the Government, as a matter of course he would hate the board, because the Government appointed the board. But he did not go so far as to hate any Government. In his humble opinion one Government was six and another was half-a-dozen. Sometimes he agreed with one measure better than with another, and he voted accordingly. In the present instance he had not the slightest reason not to vote for the provisions relating to the board, especially as the Minister of the day had the ultimate say in the matter. What more was wanted? The board would consist of two arbitrators who were entirely neutral, and there was the Minister who would also be neutral, so that he did not see what more was wanted, unless the parties interested wanted arbitrators who would sympathise with them.

The HON. A. H. WILSON said it appeared to him that there was an omission in the clause, inasmuch as it did not state to whom the application was to be made. He suggested the insertion of the words "to the Minister" after the word "application."

The HON. A. J. THYNNE said he was distinctly opposed to constituting in the colony any irresponsible functionaries such as the members of the board would be. At the present time there was something analogous in the position of Chief Engineer for Railways, who was the gentleman under whom the railway works were constructed, and who also was the arbiter of all matters in dispute between other parties and the Government. Serious complaints had been made about the manner in which the railway construction department had been administered in that respect, and there was on record an instance in which the present Government paid a considerable amount of money over and above the amount awarded by the Chief Engineer of the colony. In doing so, he believed they did justice so far as their lights went; but that was a strong argument in favour of the view he held in regard to the position of arbitrator and Chief Engineer. The system had failed in one important instance, and it might fail in several other instances in the future. If the proposed principle of arbitration were adopted he did not think it would be availed of to any great extent. In many statutes appeals were provided for, but the percentage of appeals which had been made was very low indeed. There would be appeals where matters of principle were to be determined, but afterwards there would be very few cases. He thought that the fact of having a check on the board would tend to the satisfactory working of the Bill, and would prevent complaints which would otherwise

be made. In New South Wales, if a contractor was not satisfied with the amount awarded to him by the Engineer-in-Chief he was assisted in taking the matter to court. A few such cases had been taken to court with varying success, but the fact was that there were very few complaints there about the Engineer-in-Chief; and the public confidence in that gentleman was very flattering to those who had to do with New South Wales affairs.

The POSTMASTER-GENERAL said he must correct the last speaker on two points. There was no analogy between the Chief Engineer of Railways and the proposed land board. The engineer's decisions might be viewed with some suspicion, because he held his office at the pleasure of the Government, but the members of the board would be men who held office at the pleasure of Parliament. Of course the Government in power, when the Bill became law, must make the appointment; but that Ministry might go out of office the very next day and leave it to be administered for years by another set of men. Of course the members of the board would hold office so long as they performed their duties with satisfaction to the country. With regard to the statement that there had been practically an appeal from the Chief Engineer, the fact was there had been no such thing. The decision was given by a person who was appointed chief engineer of the colony for the purpose of investigating the matter. He heard the President and several hon. members say "Oh!" He repeated, that the decision was given by a gentleman who was appointed chief engineer for the purpose of dealing with the matter.

The HON. J. TAYLOR: What were his instructions?

The POSTMASTER-GENERAL: His instructions were to award what was proper.

The HON. J. TAYLOR: Were they?

The POSTMASTER-GENERAL said those were his instructions, and he would defy anybody there to prove the contrary, whatever insinuations they might make. He repeated that the instructions to that gentleman were to award what was just. The reason he was appointed was that the officer who was chief engineer at the time was a man who had had disputes with the contractors, and it was found that his decision could not be impartial, as he would have to decide on a matter in which he was personally concerned. He was then *locum tenens*. The Chief Engineer had all along differed from the views that his subordinate and *locum tenens* had held, and the Government, feeling that it would be unfair to allow him to hear an appeal about a matter in which he was personally concerned——

The HON. W. GRAHAM: That is what the land board are to do.

The POSTMASTER-GENERAL: Got the assistance of a skilled man in the same profession as that gentleman, and appointed him chief engineer to investigate the matter. The Hon. Mr. Graham had interjected that that was what the land board would have to do under that Bill; but the cases were very different. The land board would consist of two competent disinterested persons, and not of persons interested in any dispute they would have to determine.

The HON. J. TAYLOR said if the Postmaster-General had been good enough to inform the Committee who were the gentlemen to be appointed on the board, a great deal of that talk would have been saved. The hon. gentleman, however, said he did not know. It appeared almost incredible that he did not know; but of course they must take his word. The hon. gentleman also stated that the Government were the trustees for the public. They ought to be the trustees for the public, and ought to act very differently to what they were doing that night. He thought the proposal to spend £35,000 at St. Helena, which had been referred to that evening, showed what kind of trustees they were likely to be for the country. Then there was their proposal to borrow ten millions, and their determination to make those unfortunate men who took up land pay the interest on the loan. That was what he understood from speeches made in the other Chamber, and also from speeches made outside the House. It was, in fact, stated that the loan would depend on the passing of the Land Bill. He thought it would be a very great hardship indeed to burden landholders in the way intended by the Government. The Postmaster-General had stated, with his lawyer-like views——

The POSTMASTER-GENERAL: How would you like me to say that you speak with your squatter-like views?

The HON. J. TAYLOR said the hon. gentleman stated that if disputes were not to be decided by the board they should go into the Supreme Court. It was all very well for the Postmaster-General to advocate that, as he was a lawyer; but he (Hon. Mr. Taylor) did not believe in it. He never went into the Supreme Court himself; he believed that once a person got in there he never got out. He would be most happy to support the amendment, because he thought it was nothing but right that they should have arbitration. The Hon. Mr. Heussler had argued that the board were arbitrators, but they were nothing of the sort. If they were arbitrators then the Minister for Lands was umpire—umpire in his own case. He (Hon. Mr. Taylor) would like to know what justice a man could expect from such arbitration as that. He was surprised that the Committee should agree to have a board at all; they ought to throw the whole responsibility of the administration of the land law on the Minister for Lands. The Postmaster-General had also said something about the railway arbitration at Maryborough. He (Hon. Mr. Taylor) would like to know what instructions were given to the gentleman who was appointed chief engineer?

The POSTMASTER-GENERAL: You will find them in the parliamentary papers if you like to look at them.

The HON. J. TAYLOR said he knew what the instructions were. They were very different from what the hon. gentleman had stated they were just now, and he knew what that officer said afterwards. As to the Chief Engineer not agreeing with Mr. Thornloe Smith, he believed those two officers were thoroughly agreed. But it was useless going on with that discussion. He would support the amendment, and hoped it would be carried by an overwhelming majority.

The HON. A. C. GREGORY said he would just say a few words in reply to the arguments advanced against the amendment. As to the contention that it was necessary to state to whom the appeal was to be made, he did not think, in a case of arbitration, that it made the slightest difference whether the appeal was made to the Governor in Council or the Ministers. It was immaterial to whom the appeal was addressed, so long as the arbitration was carried out. Another objection raised was tha no time was fixed for the appeal; and in answer to that he would point out that the time was fixed in the 24th clause of the Public Works Lands Resumption Act of 1878. He would also point out that by using the words "their decision shall be final"

it left the matter entirely to arbitration. It had further been objected that the arbitrators would have to deal with questions very different from those contemplated by the Public Works Lands Resumption Act. That statute provided that they should deal with matters of compensation and value. If they could determine questions of value they ought to be equally well able to determine what the rent of a run or piece of land should be, and what the actual capital value was. Indeed, the capital value in such cases must be deduced from the annual value of the land, rather than the annual value from the capital value. That objection, therefore, was of no avail. Then it was said that the board occupied the position of arbitrators. They would not properly be arbitrators, for they would be simply judging their own case. Had the decision of the board been left open to revision by the Minister for Lands, possibly he would not have moved his amendment; but that seemed to be so far apart from the principle on which the Bill was framed that he did not see how such a provision could be introduced. Another objection was that arbitrators would simply go to work to fleece the Government, and that hitherto the result of arbitration had been to mulct the Government to the uttermost extent. That, however, might be provided against by fixing the minimum rent. It was also said that, although arbitrators might be able to determine the amount of rent which should be paid by a lessee, they were not fit to determine a question of boundaries. Well, it was only within the last few days that he had to attend an arbitration on a boundary question, which was referred to arbitration by the Supreme Court. The judge actually came to the conclusion that it was more convenient that the boundaries should be settled by arbitration than by the court. If, therefore, the Supreme Court—which was, no doubt, an excellent authority—was of opinion that it was more convenient to decide a boundary question between two parties by arbitration, surely arbitration would be equally good between the Government and an individual. But under the Bill the questions which the board would have to determine would be between party and party, and not between the Government and another party.

The POSTMASTER-GENERAL: Not in every case. The board will have to decide what are the boundaries of an unresumed half of run.

The HON. A. C. GREGORY said in that case they would have to decide between the lessee and the Government. It was provided that the division of a run should be made by the Minister.

The POSTMASTER-GENERAL: The Minister appoints an officer, and the officer's decision is referred to the board, whose adjudication is final in the matter.

The HON. W. GRAHAM: But the Minister's decision in the event of a dispute is final.

The POSTMASTER-GENERAL: No; unless two members of the board disagree.

The HON. A. C. GREGORY said it was alleged that arbitration was not a right way to proceed to a decision, and that parties to a question should not in any way have an opportunity of appointing arbitrators. But when they looked to their jury system they discovered that each of the parties to a question had, by a process of challenging, an opportunity of selecting the jurymen. So that arbitrators under the Bill would really hold a position similar to that of jurors, and everyone admitted that trial by jury was one of their grand institutions and one of which they thought so much. The amendment he proposed really only gave the arbitrators or jurymen, as they virtually were, an opportunity to decide the question between the board and the lessee—the irresponsible board and the people. Unfortunately other defects in the Bill arose really from the utterly retrogressive policy of it. It would appear that the existing Ministry were anxious to reduce the people of Queensland to the condition of the peasants and serfs of the middle ages. They wished to become the lords of the soil, and simply to allow the people to hold under them, while they retained the right of exacting such services or money in lieu of services as they thought fit. Under the old system the land was supposed to belong in the first instance to the sovereign, and he granted portions of it to his lords, and they again parcelled it out to their retainers, who were not allowed to acquire the fee-simple of it, but were compelled to do service and make contributions on all sorts of occasions. It was only as their civilisation had improved that the smaller holder of land had become something more than a serf and mere tenant, and had become the possessor of freeholds. They saw the most advanced parties at home at present doing all they could to extend the actual number of freeholds. They saw syndicates established, not for the purpose of securing corner allotments, but for the purpose of purchasing large estates and selling them in smaller portions to the people. Those arguments, however, seldom carried a vote in that Chamber, and it was therefore better, perhaps, that he should not continue to take up the time of the Committee.

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

The HON. W. H. WALSH said surely the Government were not going to quietly consent to the amendment?

The POSTMASTER-GENERAL: No; I want the thing to stand as it is.

The HON. W. H. WALSH said it was a most extraordinary thing that the hon. gentleman who was constituted apparently the leader of the Opposition in connection with that question—Hon. Mr. Gregory—should move an important amendment, and that the Postmaster-General should call "content."

The POSTMASTER-GENERAL: I am against the Hon. Mr. Gregory.

The HON. J. TAYLOR: It is all right.

The HON. W. H. WALSH said that when he found the Hon. Mr. Taylor agreeing to any question in that Chamber he knew the country was in danger.

The HON. W. GRAHAM: It is all right this time.

The HON. W. H. WALSH said that with the greatest reluctance he took the Hon. Mr. Graham's voucher to that effect. It did seem strange to him that, even after the eloquent speech made—evidently prepared for the occasion—by the Hon. Mr. Gregory, the hon. Postmaster-General should consent to his amendment.

Question—That the words proposed to be omitted stand part of the clause—put, and the Committee divided:—

CONTENTS, 6.

The Hons. C. S. Mein, W. H. Walsh, J. C. Heussler, W. Pettigrew, J. Swan, and J. C. Foote.

NON-CONTENTS, 16.

The Hons. A. C. Gregory, J. F. McDougall, W. Forrest, W. Graham, G. King, F. H. Hart, W. G. Power, W. D. Box, W. F. Lambert, J. C. Smyth, P. Macpherson, W. Aplin, J. Taylor, T. L. Murray-Prior, A. J. Thynne, and A. H. Wilson.

Question resolved in the negative.

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

Clause, as amended, put and passed.

On clause 21, as follows :—

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

"Every question referred by the board to the Minister which ought to be heard and determined by the board in open court, shall be heard and determined by the Minister sitting in open court at Brisbane with the members of the board, and his decision shall be pronounced with the reasons thereof in open court.

"The decision of the Minister shall be final.

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

The HON. A. C. GREGORY said that, having in view the amendment just passed in clause 20, he proposed to move an amendment in the clause at present under discussion, which he looked upon, to a great extent, as a contingent amendment. He proposed to omit the words "be final" after the words "Minister shall," in the 3rd paragraph of the clause, and to insert the words "have the effect of a decision of the board, and be subject to the like appeal." Should the amendment be carried, the third division of the clause would then read thus :—

"The decision of the Minister shall have the effect of a decision of the board, and be subject to the like appeal."

That was to meet the case of the Minister deciding in the event of the two members of the board disagreeing. It would not do to leave the decision of the Minister to be final in one case where that decision was practically the decision of the board ; and in another place to say that it should be open to revision by arbitrators. He looked upon this amendment as being a formal amendment contingent upon the last, and he would not therefore dwell any longer upon it ; but if any reason was given why it should not be so considered, he would meet the arguments advanced.

The POSTMASTER-GENERAL said the hon. gentleman blew hot and cold at the same time. He had stated on several occasions that if a Bill had been presented to the House containing a proposal that the Minister should revise the decision of the board he would accede to it ; and yet in this instance, where it was provided that the decision should be received by the Minister, he declined to accept it, and moved an amendment referring the matter to arbitration. He (the Postmaster-General) supposed the same solid vote was as available for that as for any other amendment. No doubt it had been very carefully deliberated upon outside, and he did not intend to weary hon. members by reiterating arguments, but would let the matter go.

The HON. A. C. GREGORY said it would be about as incongruous a matter as it was possible to conceive if they were to pass the clause as printed after having carried the amendment they did in the preceding clause. With regard to the hon. gentleman quoting his willingness to accept the revision of the decisions of the board by the Minister, he had said so, and he said so again ; but having adopted one system it would be absolutely absurd to then jump across to another, the second being inconsistent with the first.

The HON. W. GRAHAM thought the Postmaster-General ought to feel grateful to the Hon. Mr. Gregory, because a certain amendment had been carried, and in order to bring the clause into consonance with it he had taken the trouble to prepare the amendment which otherwise the hon. gentleman would have had to draft at a moment's notice. The Postmaster-General had on two or three occasions alluded to hon. gentlemen on that side of the Committee having given careful consideration to the Bill outside the House. Did he bring that forward as something objectionable ?

The POSTMASTER-GENERAL : I do not object to the careful consideration.

The HON. W. GRAHAM : He could tell the hon. gentleman that the Bill had received the careful consideration of many hon. members outside ; and in doing that he considered that hon. members were only doing their duty to the country. The hon. gentleman had also on two or three occasions made a deliberate threat to the effect that, if hon. members on that side did not accept the Bill, they would get something worse. Did the hon. gentleman know the position of hon. members on that side ? As had been pointed out by the Hon. Mr. Forrest, there were very few members on that side of the Committee who would be affected in the slightest degree by the Bill, whether it passed or not.

The POSTMASTER-GENERAL : I am very glad to hear it.

The HON. W. GRAHAM : He was very sorry that the hon. the Postmaster-General had, on two or three occasions, departed from the good tact and good taste that they all knew he possessed. He dared say the matter would have been commented upon more strongly, only they knew that the hon. gentleman was not very well, and everyone was perfectly willing to adjourn the debate for a certain time, because they knew that he had got common sense ; and they had also got a certain conviction that his heart was not altogether in the Bill. So that the hon. gentleman had received ample consideration from them, and he had gone out of his way on two or three occasions to allude to hon. members on that side as being personally interested in the Bill—besides the other matters he had mentioned.

The POSTMASTER-GENERAL said he was obliged to the hon. gentleman for his good-natured remarks, which he appreciated thoroughly. But he would remind him that the amendment was not necessarily consequential upon the one they had already passed. A new element had now been introduced, by which the decision of the Minister, in the event of there being any dissatisfaction respecting it, should be referred to arbitration in accordance with the provisions of the Public Works Lands Resumption Act. How many investigations were they going to have ? There was first that of the commissioner. His decision was to be referred to the board for review : the board disagreed, and referred the matter to the Minister, and after he had given his decision it might be referred to the two irresponsible arbitrators proposed to be appointed, who, in all probability, would differ, and then it would have to be referred to an umpire. So that they would have not less than five investigations, and the matter would be determined, in his humble opinion, by those who were least competent to give a final decision.

The HON. W. FORREST said he could hardly think the Postmaster-General was serious. He had pointed out that the proper plan would be, in the event of the board not agreeing, to refer the matter in dispute to arbitration under the provisions of the Public Works Lands Resumption Act. But if they did not agree, there would be no decision, and consequently nothing to refer to any other authority ? They must go to the Minister and get the decision of a third person ; and then, if that decision aggrieved any person, he could go to arbitration.

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

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

The POSTMASTER-GENERAL said he did not divide upon the last question, because he knew that the division would be the same as before, and he did not wish to cause unnecessary trouble, or to waste the time of the Committee.

Clause, as amended, put and passed.

The HON. A. C. GREGORY said before the next clause was moved he had the following new clause to propose, to follow clause 21 as printed :—

The board shall cause a register to be kept, in which shall be entered minutes of all its proceedings and records of all its decisions.

The POSTMASTER-GENERAL said he saw no objection to the clause, and was glad to assist the hon. gentleman when he felt in a position to do so.

The HON. W. H. WALSH said it appeared to him that the Hon. Mr. Gregory was not only introducing new clauses, but introducing a new Bill altogether, of which they had had no previous notion. He never in his life saw such a spectacle as the Government accepting not only amendments upon material points in their Bill—a Bill of vital importance to the management of the lands of the colony—but also entirely new clauses. To him it was something new, and he certainly could not account for it. Either he must differ from the Opposition entirely, or he must go with them, and if he did it amounted to placing on record his vote of want of confidence in the Government of the day. He should support the Government measure; he should divide, in fact, in favour of the Government measure and against the introduction of any amendment by the leader of a certain land party, who now seemed to have charge of the Opposition members of the House. But how the Postmaster-General, representing the Minister for Lands, could get up in that Chamber, and say, time after time, that he accepted the amendments of the leader of the Opposition in that Chamber, he did not understand at all. He never saw anything like it before; and it only remained apparently for the Hon. Mr. Gregory to get up and propose fundamental alterations in the future management of the lands of the colony, and for the Postmaster-General to immediately get up and say he accepted the suggestions of the hon. member. He (Hon. Mr. Walsh) would support the Government against the Postmaster-General.

Question—That the proposed new clause stand part of the Bill—put, and the Committee divided :—

CONTENTS, 18.

The Hons. Sir A. H. Palmer, C. S. Mein, G. King, J. C. Heussler, W. Pettigrew, A. H. Wilson, W. Graham, T. L. Murray-Prior, J. F. McDougall, W. G. Power, J. C. Smyth, W. Aplin, A. C. Gregory, W. F. Lambert, P. Macpherson, W. Forrest, A. J. Thynne, and J. C. Foote.

NON-CONTENT, 1.

The Hon. W. H. Walsh.

Question resolved in the affirmative.

Clauses 22 to 25, inclusive, passed as printed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again on the next day of meeting.

ADJOURNMENT.

The POSTMASTER-GENERAL : I beg to move that this House do now adjourn.

The HON. A. C. GREGORY : I move that the motion be amended by the addition of the words "till Tuesday next."

The HON. W. H. WALSH : I am not quite sure whether the Hon. Mr. Gregory is altogether in charge of the business of the House, or whether he is doing this with the concurrence of the Government. It appears most extraordinary that the hon. gentleman is retained—I will not say he has presumed—on the part of the Government to prolong our adjournment; and I think the Postmaster-General should say whether the Hon. Mr. Gregory expresses the views of the Government on this important matter.

The POSTMASTER-GENERAL : The Hon. Mr. Gregory moved his amendment after an arrangement between us. That arrangement was entered into partly with the view of assisting my hon. friend the Hon. Mr. Walsh, who is chairman of a committee whose desire it is to carry on their deliberations elsewhere than in this House to-morrow. In view of that fact, and in order to consult the convenience of hon. members, I arranged with the Hon. Mr. Gregory, as representing the opposing party as it were, that an adjournment should take place over Friday until Tuesday.

The HON. W. H. WALSH : One moment. Before the question is put——

The PRESIDENT : The hon. gentleman has spoken.

Question, as amended, put and passed.

The House adjourned at twenty-five minutes past 9 o'clock.