Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 2 DECEMBER 1884

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LEGISLATIVE COUNCIL.

Tuesday, 2 *December*, 1884.

Assent to Bill.—Crown Lands Bill—committee.

The PRESIDENT took the chair at 4 o'clock.

ASSENT TO BILL.

The PRESIDENT announced that he had received a message from the Governor intimating that His Excellency had been pleased to assent to the Brands Act of 1872 Amendment Bill.

CROWN LANDS BILL—COMMITTEE.

Upon the Order of the Day being read for the further consideration of this Bill in committee, the President left the chair, and the House went into Committee accordingly.

On clause 26, as follows :—

"EXISTING PASTORAL LEASES.

"At any time within six months after this part of this Act becomes applicable to any run, the pastoral tenant thereof may give notice to the Minister that he elects to take advantage of the provisions of this Act with respect to such run.

"The notice of election shall be in the form in the third schedule to this Act or to the like effect.

"In the case of two or more conterminous runs being held by the same pastoral tenant, the whole shall be dealt with as one run (hereinafter called a consolidated run) for the purposes of this part of this Act; but the board may require any consolidated run which contains more than 500 square miles to be subdivided for the purposes of this part of this Act into two or more portions, but so that any two of such portions shall together contain not less than 500 square miles. Each of such portions shall be deemed to be a consolidated run for the purposes of this part of this Act.

"For the purposes of this section, the lease of any run the term whereof has expired by effluxion of time since the thirty-first day of December, one thousand eight hundred and eighty-two, shall be deemed to be a subsisting lease until the expiration of the period of six months hereinbefore mentioned."

The HON. A. C. GREGORY said the time given by the first portion of the clause for a pastoral tenant to give notice to the Minister that he elected to take advantage of the provisions of the measure, was six months; and, although it was not, to his mind, a very important matter, still he thought they might very fairly take into consideration whether six months was sufficient time or not. He was inclined to think that twelve months would not be excessive; because they must remember that postal communication involved some little delay, and also that the persons occupying the runs were not always the parties who were in a legal position to make formal application for the runs to be brought under the Act. He therefore moved formally—in order that the Committee might have an opportunity of considering the question—that the word "six" in the 1st line of the clause be omitted, with the view of inserting "twelve."

The HON. W. GRAHAM said he could bear out what the Hon. Mr. Gregory had said with regard to the difficulties that sometimes arose in communicating with pastoral tenants of the Crown, and could give a case in point. Some time ago he purchased a lot of land from persons who were tenants of the Crown and also freeholders; he was quite ready to pay his money for the property, but could not get his title-deeds; and he held the money for something like eighteen months, while the deeds were sent all over the world—to Russia, Madeira, England; and nearly that period elapsed before the parties were able to give him a conveyance. In the same way with regard to this provision—it was just possible that pastoral lessees might be scattered all over the world. They might have a manager here, but he might not care to act on his own judgment, and might have to get advice from the actual owners of the run. He certainly thought six months too short a period, and should cordially support the amendment.

The POSTMASTER-GENERAL (Hon. C. S. Mein) said he was surprised at the moderation of the hon. mover of the amendment in not asking for twelve years. It would have been just as reasonable as the amendment he had moved. The Bill had been before the House and the country for eight months; and did any hon. gentleman believe for a moment that the pastoral tenants were not very anxiously watching its fate?

The HON. J. TAYLOR: My word!

The POSTMASTER-GENERAL: The hon. gentleman exclaimed "My word," and there was no doubt of the fact; and there was no possibility, under any circumstances, of a case like that mentioned by the Hon. Mr. Graham occurring with regard to the matter. He could only say, in respect to the transaction referred to, that the person who sold the property must have been a very bad manager indeed; because when he authorised a person to sell his property he should have clothed him with authority to execute a conveyance of it. That was an exceedingly exceptional case. The pastoral tenants had now had eight months' notice of this contemplated alteration in the law with regard to their holdings, which they might take advantage of or not as they thought proper; and it was proposed, liberally, to give them six months to give notice of their intention to come under the provisions of the Act. That was exactly the period allowed under the Act of 1868; and he did not see that any roundabout process was required in giving notice to the tenants. In no single instance had he heard a complaint as to the shortness of the time. It would be impossible to bring the Bill into operation within twelve months according to the amendment. Its effect would be to unnecessarily defer the operation of the statute, and to frustrate, to a very large extent, the intention of the Legislature. He therefore trusted that the Committee would not agree to the amendment, especially as the Hon. Mr. Gregory had stated that he did not look upon it as a matter of vital importance.

The HON. W. FORREST said he understood the Postmaster-General to say that under the Act of 1869 there was only six months allowed for the tenant to decide.

The POSTMASTER-GENERAL: No; under the Act of 1868.

The HON. W. FORREST said that under the Act of 1869 twelve months was allowed, and indeed more than that, because the Act was agreed to in September, 1869, and the lessees were allowed until the 1st January, 1871. He thought there was a great deal of necessity for the proposed amendment, and that more especially when they considered what the pastoral tenants were going through. Doubtless they were anxiously considering whether the Bill would pass, as had been said, but they were probably more seriously considering whether they would have any stock left. The point raised by the Hon. Mr. Gregory was more serious than that raised by the Hon. Mr. Graham—that was, that a great many of those leases were held under mortgage, and in many instances it might be impossible to get the consent of the mortgagees within six months. The nominal owner of the run was not, so far as the Government were concerned, in many cases the real owner of the run, as the blocks stood in the name of the mortgagee. It was not what the nominal owner in such cases would say about the matter, but what the mortgagee would say about it, that they had to consider; and the time mentioned in the Bill was much too short. He would support the amendment.

The HON. W. GRAHAM said he agreed with the Postmaster-General, that the case he had alluded to might perhaps have been an exceptional one, but not so very exceptional as it might at first appear, because it was due more to the carelessness of the person's lawyers than anything else, and that was not a very exceptional thing. He had asked the person he alluded to if he had power to convey, and he replied that he had ample power, but when he came to examine his power of attorney, he found it was a very limited one. The Postmaster-General said the Bill had been before the country for eight months. But that was the original Bill; and before persons could decide what they were going to do, they would want to know what the Bill was going to be. There was only six months allowed after the Bill was carried in which to decide, and no one could judge, from what the Bill was when first introduced in the other House, what it would be when it left the Council. It might be a very different measure. A man might have plenty of time to decide what he would do under the original Bill, but he would have very little time to decide after it was finally passed.

The POSTMASTER-GENERAL: It will be a sweet Bill when it leaves here!

The HON. A. C. GREGORY said that perhaps the Postmaster-General would inform them, as it came within his department, how long it would take to transmit a copy of the Bill to the outside lessees, and get a reply in the ordinary course of business?

The POSTMASTER-GENERAL: Seventy days, if he is a smart man.

The HON. T. L. MURRAY-PRIOR said that considering the usual course of postal business, six months was much too short a time

to allow. As the Hon. Mr. Graham had said, although the lessees might have been very anxious about the Bill, they had had quite enough to fill their minds, and they would have to see the Bill and read it, and exercise their judgment upon it before they could possibly make up their minds as to what they would do. He thought twelve months was not at all too long to allow.

The POSTMASTER-GENERAL said, so far as he could understand the speeches just made, they sat there to legislate for absentees. The sole consideration was for absentees.

The HON. W. FORREST: That is one consideration.

The POSTMASTER-GENERAL said that was the sole argument advanced for the amendment—that mortgagees were not here. He differed from the Hon. Mr. Forrest in that, and he said that very few mortgagees were not on the spot, or, at all events, not easy of access. They were nearly all to be found in Australia. He said the persons interested in the runs—mortgagors and mortgagees—had had notice of a contemplated change in the law, and were anxiously looking out for it themselves long before the Government introduced that measure, and they had had ample time—if they were persons of ordinary business capacity—to appoint persons to represent them, and to clothe them with the necessary authority to do so. He thought therefore that hon gentlemen could hardly be sincere in their arguments. They were really asking that operation of the Bill should be postponed for twelve months, and because they should have consideration for absentees, who had plenty of time to get others to represent them.

The HON. J. TAYLOR: Bosh!

The POSTMASTER-GENERAL said there was no bosh about it. The hon. gentleman carefully stopped here to look after himself, and there was no reason why others should not do the same.

The HON. J. TAYLOR: So do you.

The POSTMASTER-GENERAL: So he did. He took proper precautions. Hon. gentlemen opposite desired to postpone the operation of the statute to as late a day as possible, and he was surprised to hear that the Hon. Mr. Murray-Prior, who believed the Act of 1868 to be the most perfect Act possible for a Legislature to pass, did not adopt the time adopted in that Act, which restricted the period during which persons had to make their selections to six months, which was ample time even at that time, and was especially so now when their communication with Great Britain was three times as rapid as it was in 1868. Ordinary mail matter was now delivered in forty days. The Bill could be sent home and a reply sent back within three months, so that persons interested in the matter would have three months in which to make up their minds, and that was even longer than gentlemen had taken here to consider the Bill itself.

The HON. T. L. MURRAY-PRIOR said the hon. Postmaster-General had a very nice way of misleading the ideas of the Council. He (Hon. Mr. Murray-Prior) had never said anything about mortgagees, mortgagors, or about England, or anything else. All he said was that in the usual course of postal communication in the colony six months was not sufficient. As for the Act of 1868, the hon. gentleman wished to compare that Act with the present Bill, but he omitted one thing—the hon. gentleman forgot to inform the Committee that the Act of 1868 was for the settled districts, and not for the outside country.

The HON. J. TAYLOR said he would vote for the amendment. He thought it a matter of vital importance, and should not be treated in the light way in which the Postmaster-General appeared to treat it. Most likely all the pastoral tenant had in the world was on his run, and it was an important matter for him to consider whether he would come under the Bill or not. He would, in many cases, have to consult the mortgagee, who was entitled to every consideration as well as the tenant. Twelve months was not a bit too long to give the parties owning a run, or the mortgagees, to consider whether they would bring their country under the Bill or not. He would support the amendment.

The HON. A. RAFF said that hon. gentlemen opposite appeared to overlook the fact that under the Bill a great deal more than six months was allowed. The Bill, if passed, would not come into operation until the 1st March, so that, instead of the time being limited to six months after the passing of the Act, it would really be about eight months, and that was long enough to give any lessee or mortgagee to decide whether he would take advantage of the Bill or not.

The POSTMASTER-GENERAL said he was surprised that no hon. gentleman opposite thought it necessary to reply to the last speaker. He had been keeping that shot in reserve himself. Hon. gentlemen had perhaps overlooked the fact that the Bill did not come into operation unless where it was otherwise specifically mentioned, until—in its present state—the 1st March. So that really, after the passing of the Act, there would be considerably more than six months, according as they fixed the period when the Bill generally should come into operation. Instead of there being only six months, the probability was that there would be eight months before they would have to make up their minds. And if the amendment was carried, the operation of the Act would really be postponed for fourteen months instead of twelve; and it should be remembered that the provisions of the Bill would really be rendered absolutely nugatory by the suspension of the operation of that 26th clause. The Government did not want to do anything that would be unfair, but it was really unfair to ask that the time should be extended as proposed.

The HON. W. FORREST said, speaking for himself, he was perfectly aware of the fact that the Bill would not come into operation until March; but a considerable portion of that time might expire before the Bill was passed at all, and that would limit the time which the pastoral lessee had to decide whether he would come under it or not. As the Bill stood at present, he knew a good many men outside did not understand it. They could not all hope to understand it as rapidly as the Hon. Mr. Mein, and he said six months was not sufficient.

The HON. W. F. LAMBERT said that many runs might be unstocked when the Bill became law, and before a man could decide whether it was better for him to come under the Bill or not he would have to take into consideration the probability of an extended drought. He knew many places where it was impossible, at present, to form an idea as to whether it would be better to come under the Bill or not. The runs would have to be inspected before the owners could decide what would be best to do, and if the Bill came into operation in March, they might then have floods, and then six months would not, perhaps, be sufficient, as a man might not be able to get to a run and inspect it. He agreed with the amendment and would support it.

The HON. W. FORREST said there was another view of the matter which had escaped

both sides, so far, and it was one which affected the view taken by the Postmaster-General a great deal more than that taken by the Hon. Mr. Gregory in moving the amendment. If they tried to force a man, and gave him only six months—taking into consideration what the pastoral tenants had gone through—he would not be able, in the limited time given him, to determine what to do. The Government professed that the Bill would offer such advantages as would induce everyone to come under it, but if they forced a man's hand they would only defeat the object they had themselves in view. He ventured to say a great many more would come under the Bill if the time during which they were to decide was extended to twelve months, than would come under it if it were left at six months.

The HON. A. C. GREGORY said he would point out that under previous Acts under which lessees were to have made application for new leases, and under which they got decided advantages, there were always a considerable number, who, from some difficulty in transacting their business, were late. But it was also a remarkable fact that in almost every case the majority came under the Act without waiting for the last moment. Evidently there had not been any attempt made by the lessees hitherto to evade the provisions of the statute, or to procrastinate. Nevertheless, several instances must occur in which lessees were unable to communicate with the Government. There was the case of the ordinary period taken up by mail communication, and there were also cases in which drought or flood might stop the mails for an indefinite period. With regard to the contention of the Postmaster-General, that the lessees had so many months since the Bill was before Parliament to consider their position, he would point out that if they did consider the matter, and came to a decision before the Bill passed, they might find themselves in a similar position to that of a certain land commissioner. The gentleman to whom he referred set to work and issued a lot of leases to pastoral tenants under certain conditions, and when he was asked why he had done so, he replied, "Oh, it is all right; it will be in the Bill now before the House."

The POSTMASTER-GENERAL: Was that the late Commissioner for Darling Downs?

The Hon. A. C. GREGORY said it was not—it was a commissioner for the Leichhardt district. That officer put the Government into a little bit of a difficulty, and had the lessees tried to enforce their rights there would have been some trouble over the matter. That incident clearly showed how very unwise and how very improper it was to suppose that the effect of a Bill before the Legislature when passed would be the same as it was when originally introduced. Since the colony had been in existence Parliament had had before it rather more than one Land Bill per annum. He had counted up thirty-seven Land Bills that he had manipulated. Omitting all mention of little Bills which only occupied one page, there had been some seventeen measures dealing with Crown lands before the Legislature in a period of about twenty-four years. Those facts showed that if a lessee acted upon every Bill that came before the Legislature, and made his financial arrangements upon the supposition that they would become law, he would get into a nice mess. In moving the amendment he had submitted to the Committee, he disclaimed any desire to delay the operation of the Bill, notwithstanding anything that might be said by the Postmaster-General. He was satisfied even if they gave the pastoral tenants twelve months, that more than one-half of them would come under the Bill within six months; but there were a few cases in which he thought it was desirable that a longer period should be allowed, so as not to put the lessee in the awkward position of having to remain under the Act of 1869 when he wished to come under that Bill. In his opinion, the Government, by insisting on the clause as it stood, would to a great extent defeat the object of their own Bill, which was, he believed, to get as many lessees as possible to bring their runs under its provisions and not continue their leases under the Act of 1869. Therefore, if the Government were really sincere in their intention, they ought to afford every facility in reality, as well as professedly, for pastoral tenants taking advantage of the Bill. Under the circumstances, he considered it desirable that the lessees should have the opportunity of making their applications within twelve months, because that would have the effect of giving the provisions of the Bill a much wider operation.

The HON. W. FORREST said there was no parallel between the Act of 1868 and that Bill, as stated by the Postmaster-General. The Bill as it stood allowed lessees six months to come under its provisions. The statement made by the Postmaster-General was slightly misleading, though perhaps not intentionally so, as to the provisions of the Act of 1868. That statute made it compulsory on the pastoral tenant to come under its provisions. The Act of 1869 allowed them fifteen months to consider their position—from September of that year to the 1st of January, 1871.

The HON. W. H. WALSH said that the Hon. Mr. Gregory had stated that he had manipulated no less than thirty-seven Land Bills in that House. Lessees had not hitherto possessed indefeasible leases; but every Bill that had been brought forward had promised pastoral tenants that they should have an indefeasible lease. He might as well state that the Bill which was now offered to the country—and held out as an inducement to people to take up land under the promise that it contained indefeasible leases—did not afford such leases, although it gave the lessees longer tenures. He would not hesitate to record his opinion that the longer the term the less indefeasible was the lease possessed by the Crown tenant. He ventured to say that the very idea that fifty years' or thirty years' leases were granted to tenants of the Crown would lead to a speedy and violent agitation for the abrogation of such leases. He believed that the longest leases would almost be annual ones, and he warned hon. gentlemen and the Government not to commit themselves to the absurdity—for his experience had shown that it was an absurdity—of promising indefeasible leases. He had now been a tenant of the Crown in Queensland for thirty years, and had never seen his lease, yet the Government had flagrantly gazetted him as a defaulter at a time when he was nothing of the sort. That was the way the Crown dealt with their oldest tenants. He held that the longer the lease was apparently the shorter would be its operation. He had listened attentively to the Hon. the Postmaster-General, and was rather puzzled about one statement he made, and which he would ask the hon. gentleman to explain. The hon. gentleman stated that Crown tenants were to get six months' notice, and that this would really be eight months' notice, except in the case of those who would be specifically dealt with in the Bill.

The POSTMASTER-GENERAL said the hon. gentleman did not quite follow him. What he stated was that, except where otherwise specifically mentioned, the provisions of the Bill

would not come into operation until the 1st of March. It was not provided that that part of the Bill dealing with pastoral lessees should come into operation before the 1st March. Therefore, the period of six months allowed to pastoral tenants to elect whether they would take advantage of the provisions of the Bill was really eight months; that was, assuming that the Bill was passed and became law at the end of the present month. That, he thought, was sufficient time to allow. If a man could not make up his mind in eight months, his mind was not worth having. He would just point out that the amendment might have the effect of really injuring pastoral tenants, and he was sure the Committee did not desire to do that. If land were wanted for selection under the subsequent part of the Bill relating to agricultural and grazing farms, it would only be necessary to give the pastoral tenants six months' notice under the Act of 1869, and then after a period of eight months had elapsed the Government could get any land they wished, unless both Houses of Parliament dissented from the notice. Under those circumstances, therefore, land might be taken away from the pastoral tenant which, if that Bill came into operation, would remain in the hands of the lessee. The Hon. Mr. Forrest thought proper to say that his (the Postmaster-General's) recollection of the Act of 1868 was inaccurate. He (the Postmaster-General) thought the hon. gentleman's recollection was imperfect. The Act of 1868 provided that within four weeks after the passing of the statute the Minister for Lands should give notice to the holders of runs in the districts affected by the Act that after the expiration of a certain period all runs not already resumed should be open for selection. It also provided that a pastoral tenant might elect to bring his run under the provisions of the statute within six months. The effect of that election was that the run was divided into two parts by the pastoral tenant, and the Government took the better part, leaving the remaining part in the hands of the lessee.

The HON. W. GRAHAM: He had not the option of continuing his lease.

The POSTMASTER-GENERAL said the provision was as he had stated — in fact, it was very analogous to the provision in the Bill before the Committee, so far as the settled districts were concerned. At the present moment the lessees in the settled districts held their runs under a tenure which allowed the Government to resume all the run or any portion of it without any notice. Now it was proposed that their runs might be brought under the provisions of that Bill. Under those provisions half of their holdings would be resumed, and the tenant would receive what was practically an indefeasible lease for the remainder for ten years. That was almost precisely on all-fours with the provision in the Act of 1868. But that was not the point before the Committee. The question for their consideration was whether twelve months was a reasonable period to give pastoral tenants to make choice as to whether they would retain their runs under the present tenure, or take advantage of that Bill. He maintained that six months was quite long enough.

The HON. W. FORREST said that, notwithstanding the explanation of the Postmaster-General, he still maintained that his statement was correct—namely, that under the Act of 1868 it was absolutely compulsory on the lessees to come under the provisions of the Act. If they did not the whole of their run was to be taken away. With regard to the Bill before the Committee, it was optional with the pastoral tenant whether he came under its provisions or not; and the contention of those who argued in favour of the amendment was that six months was not a sufficiently long period to allow him to decide.

The POSTMASTER-GENERAL: Eight months.

The HON. W. FORREST: It would be eight months if the Bill should pass before the 1st January; but they had not passed it yet.

The HON. J. C. HEUSSLER said the Hon. Mr. Gregory had spoken of the difficulties of communication in times of drought and flood; but the coaches which carried mails could also take the notices with regard to runs. The Postmaster-General had informed the Committee that the Bill itself allowed eight months; and if the Hon. Mr. Gregory would alter his amendment from twelve months to nine months he would support him. That would be a very fair compromise.

The HON. A. C. GREGORY said he would accept the hon. member's suggestion.

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

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Question resolved in the negative.

Question—That the word "nine" be inserted—put and passed.

The HON. W. FORREST moved the omission of all the words from the word "Act" in line 4 of page 8, to the word "Act" in line 10. A little consideration would show the necessity for the amendment. If the words were retained, a run containing 1,000 square miles could be divided into four parts, and according to the next clause each of those parts might again be divided; so that such a run might be divided into eight parts. Then the Government could resume portions of each of the four parts, or resume the middle portion of the whole run, leaving the remainder unworkable. According to the clause as it stood, the resumed parts need not necessarily join one another, and he had therefore proposed his amendment.

The POSTMASTER-GENERAL said the hon. gentleman was quite inaccurate in his statement that the Government could take anything out of a tenant's run; they could take nothing. As a matter of fact, in case of a difference of opinion, the person who decided what was to be taken out was the umpire appointed by the arbitrator of the pastoral tenant—according to the Bill in its present shape. The Government officer would divide the run fairly into two halves; his division would be reviewed by the board, whose decision was to have been final according to the Bill in its original shape; but, assuming that the alteration would be agreed to, the arbitrators—or, in the event of a difference of opinion, their umpire—would decide. He admitted that there was some force in the hon. gentleman's argument that it was possible for the parties concerned—the authorities, assuming the umpire to be the authority — to determine that a run of 1,000 square miles should be divided into four consolidated blocks of 250 square miles each, and to take the resumed part out of each block; and it was possible that hardship might be done to a lessee under those circum-

stances. But he did not think that hardship was likely to ensue. The division was to be as fair as possible under the circumstances, and in ninety-nine cases out of a hundred it would be more convenient for the Government to resume in one block. The amendment did not affect any fundamental principle of the Bill, and he thought it might be agreed to without injuring the measure in any way. It was merely considered that in the interests of settlement it would be better to leave the power in the hands of an independent tribunal.

Amendment put and passed.

The HON. A. C. GREGORY said there was a small amendment necessary in the last line of the clause, contingent upon the alteration of the word "six" to "nine," in the first portion of it. He therefore moved that "six" be omitted, and that "nine" be inserted.

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

On clause 27, as follows :—

"Upon the receipt of any such notice by the Minister, the following consequences shall ensue, that is to say:—

1. The Minister shall cause the run to be divided into two parts, one of which, hereinafter called 'the resumed part,' shall be thereafter deemed to be Crown lands (subject to the right of depasturing thereon hereinafter defined), and for the other part the pastoral tenant shall be entitled to receive a lease for the term and on the conditions hereinafter stated;
2. Land which has been resumed from a run under the provisions of the fifty-fifth section of the Pastoral Leases Act of 1869, but has not been alienated or selected for sale, shall be deemed to be a portion of the run for the purpose of the division thereof;
3. In the case of runs within the Railway Reserves created by the Western Railway Act and the Railway Reserves Act, the whole or any part of which has since the passing of those Acts respectively been resumed from lease under the provisions of the fifty-fifth section of the Pastoral Leases Act of 1869, so much of the resumed lands as has not been reserved, selected, or alienated, shall be deemed to be a portion of the run for the purpose of the division thereof;
4. The proportion of a run to be included in the resumed part shall be determined by the following rules:—
   I. In the case of runs held under the Settled Districts Pastoral Leases Act of 1876 or the Settled Districts Pastoral Leases Act of 1876 Amendment Act of 1882, one-half is to be included:
   II. In other cases—
   (*a*) If at the time of this Act coming into operation with respect to the run a period of twenty years or upwards has elapsed from the date of the issue of the first license to occupy the land comprised in the run for pastoral purposes, one-half is to be included;
   (*b*) If at that time a period of ten years, and less than twenty years, has elapsed from the date of the issue of such license, one-third is to be included;
   (*c*) If at that time a period of less than ten years has elapsed from the date of the issue of such license, one-fourth is to be included;
   (*d*) In the case of a consolidated run, the area to be resumed from each separate run is to be ascertained by the foregoing rules, and the total quantity so ascertained will be the quantity to be included in the resumed part of the consolidated run;
5. For the purposes of making such division the commissioner, or some other fit and proper person appointed by the Governor in Council, shall be required to inspect the run and report as to the best mode of making a fair division thereof;
6. In making a division, the following rules are to be observed:—
   (*e*) The whole resumed part is to be in one block:
   (*f*) The average quality and capabilities of the resumed part are to be, as far as practicable, the same as the average quality and capability of the whole run;
   (*g*) In cases where the quality and capabilities of different parts of a run are unequal, an allowance may be made in area; and the proportion to be included in the resumed part may be increased or diminished accordingly, so as to make the relative values of the resumed part and the remainder of the run bear the relative proportions hereinbefore prescribed;
7. Upon receipt of the report of the commissioner or other person appointed as aforesaid, the Minister shall refer the same to the board.
8. The board shall by order confirm the division recommended with or without amendment, and the division so confirmed shall be notified in the *Gazette*, and shall thereupon take effect."

The HON. A. C. GREGORY said that subsection (*e*) of subdivision 6 provided that "the whole resumed part is to be in one block." He saw no objection to that, but some doubts had been raised as to whether the words were sufficient to express what was intended. He therefore proposed to add these words :—"and, where practicable, shall be separated from the remainder of the run by one straight line, and at least one-fourth of the external boundaries shall be coincident with the original boundaries of the run." Hon. gentlemen would see that the amendment involved no violation of the policy set forth in the Bill, but was simply intended to make perfectly clear to those who would have to work the measure how they were to proceed. As the clause stood it would allow those who had the selection of the portion to be resumed out of a run, to take a block in the very middle of it, so that it would practically ruin and destroy the rest. The additional words he had proposed would have the effect of requiring the block to be taken as fairly and as simply as possible. They could not make an absolute rule that the run must be cut by one straight line, because there were many cases in which that would not be practicable, or in the interests of either the State or the lessee. He therefore proposed that one of the boundaries should be coincident with the outside boundary of the original block from which the land was taken. He did not think there would be any very great difference of opinion on a matter of that kind, because, even if exception was taken to the words he had used, the principle must be recognised by all who really wished success to the operation of the Bill.

The POSTMASTER-GENERAL said the hon. gentleman had made one admission that he was very glad to hear. He said that if the resumed portion were taken from the centre of a run it would utterly injure and destroy the rest.

The HON. A. C. GREGORY: It might.

The POSTMASTER-GENERAL: The hon. gentleman said it would, but he was willing to accept his modification that it might utterly injure and destroy the rest. That was exactly what he (the Postmaster-General) said with regard to pre-emptions—that the real object of those gentlemen who wished to get pre-emptions was not to secure permanent improvements, but to pick the eyes out of the country in such a way as to render it absolutely unsuitable for pastoral occupation by any other person; or, in other words, that the incoming tenant for pastoral purposes would be bound to make such terms as the outgoing tenant required for the possession of the pre-empted selection. He counselled the hon. gentleman and his following not to adopt the amendment. He could conceive several cases in which it might work unfairly to the pastoral tenant. The scheme of the Bill was to make the division as fair as possible; not unduly to deprive the pastoral tenant of anything. The part he was to retain was to be quite as good, for pastoral purposes, as the part taken away. The division was to be equal and fair; or rather

it was to be a fair division, equal in some cases, and in others varying from three-fourths to one-half. Take the case where only one-fourth was taken away. By the proposed amendment the division was to be by a straight line.

The HON. A. C. GREGORY: Where practicable.

The POSTMASTER-GENERAL: Where practicable; and at least one-fourth of the boundaries should be composed of the original boundaries of the run. Now, supposing a run had a frontage to one creek, it could be divided by a straight line running north or south, east or west, as the case might be, in such a manner as to take away the whole of the water frontage from the pastoral tenant, and still come within the provisions proposed by the hon. gentleman. If they laid down a hard-and-fast rule for the guidance of the parties concerned, it was possible that injustice might be done to the pastoral tenant; and he thought, in view of the stipulation in the Bill—that the division was to be a fair one—it was unnecessary to hamper the persons who were clothed with the operation of the statute with such an amendment. He certainly counselled the hon. gentleman not to go on with it.

The HON. W. FORREST said the hon. the Postmaster-General had answered his own objection in a very forcible way by pointing out that the division was to be a fair one. Taking the case that the hon. gentleman had assumed with regard to the water frontage—how could it possibly be a fair division if they drew a line to cut all the water off from the pastoral tenant? It would be most decidedly unfair. They must leave either party a certain amount of water frontage. The object of the amendment was to ensure that runs would not be cut up in such a way as to render them almost unworkable. The next provision of the clause was to the effect that, where the land to be taken away was not equal in quality to the remainder, the area might be increased. Assuming that one-fourth was to be taken away, if it was not equal in value to the other portion, the area could be increased. There were a good many stipulations—perfectly fair ones, he admitted—providing, as far as possible, that the runs should be fairly divided; and that very stipulation would prevent the case the hon. gentleman had quoted from happening.

The HON. W. H. WALSH said he did not think it was worth while the Government going on with the Bill—even their own Bill—if it was to be further complicated by the introduction of such an amendment as that just proposed. He confessed that he felt distressed to think that it was within the bounds of possibility that they would have the Bill amended in such a way that nobody on earth would be able to understand or administer it, except, perhaps, the Hon. Mr. Gregory. How was any ordinary mortal to comprehend such an amendment as this:—"At the end of subsection (*e*), line 16, insert 'and where practicable shall be separated from the remainder by one straight line, and at least one-fourth of the external boundaries shall be coincident with the original boundaries of the run'"? How could any ordinary pastoral tenant be expected to understand the meaning of that? Was it to be supposed that anybody but a professional man could understand it? How could the ordinary Commissioner of Crown Lands be able to understand that, or how could the ordinary Minister for Lands be expected to understand it? But that was not sufficient apparently. Let them read what subsection (*f*) said, or, worse still, what subsection (*g*) said. Subsection (*f*) said:—

"The average quality and capabilities of the resumed part are to be, as far as practicable, the same as the average quality and capability of the whole run."

It seemed to him utterly impossible to determine how the runs were to be subdivided according to that section. What did subsection (*g*) say?—

"In cases where the quality and capabilities of different parts of a run are unequal, an allowance may be made in area; and the portion to be included in the resumed part may be increased or diminished accordingly, so as to make the relative values of the resumed part and the remainder of the run bear the relative proportions hereinbefore prescribed."

He would defy any man, or any two men, at any rate, whatever might be their knowledge, to determine the meaning of that. One man might say, "I consider such a portion of the run most valuable," and the other might say that particular portion was the most wretched portion of the whole run. How was it to be decided? By open land, well-timbered land; brown soil, black soil, or sandy soil? How were they to determine the relative capabilities, so as to arrange that the "values of the resumed part and the remainder of the run bear the relative proportions hereinbefore prescribed." No man who was not gifted with the scientific knowledge and power of ascertaining those matters of the Hon. Mr. Gregory, and he was perfectly sure no ordinary squatter or Government officer, would be able either to understand or carry out the provisions of that clause. To say men should decide in the case of a run containing 500 square miles of most unequal soils, and most unequal country, the proper division of the run so as to retain "the relative proportions hereinbefore prescribed"—it was utterly impossible for them to suppose anything of the kind; and if they could not frame a Land Bill of a simpler character than that, it would prove a most unsatisfactory one to the country. If the Postmaster-General intended to go on with the Bill, under those circumstances, he felt sorry for him, because he defied any honest men, unless they were parties having the same intentions and views with respect to a particular part of the country—he defied any two men to come to an understanding as to how to arrange for a fair proportion of the bad part of the land, to equalise and balance the good portion resumed.

The POSTMASTER-GENERAL asked whether the words "where practicable" were to apply to the last part as well as to the first part?

The HON. A. C. GREGORY: To both.

The POSTMASTER-GENERAL said the hon. gentleman said it was to apply to both, but if they were going to incorporate the amendment in the Bill they should at least make it intelligible, and he very much doubted whether the words "where practicable" would apply to both provisions of the clause. The hon. gentleman's amendment would make subsection (*e*) read as follows:—

"The whole of the resumed part is to be in one block, and, where practicable, shall be separated from the remainder of the run by one straight line, and at least one-fourth of the external boundaries shall be coincident with the original boundaries of the run."

Was that to be an absolutely fixed rule, or was it to apply only in cases where it might be practicably enforced?

The HON. A. C. GREGORY: The latter part would be always practicable.

The POSTMASTER-GENERAL said the former part would be practicable too, because they could always divide the run by running a line through it; and the question was whether it would be practicable to do it, and at the same time carry out the remaining provisions of the clause, by which it was provided that the division was to be so made that the resumed part should be of the same average quality as the remainder of the run. Circumstances might arise where they could not make that division and have at

least a quarter of the external boundaries taken in. It might happen that they would only have to resume a quarter of the run if the run had been held for ten years. Very well; let it go.

The HON. A. C. GREGORY: I do not think any difficulty will arise in the interpretation of it.

The POSTMASTER-GENERAL: Of course the hon. gentleman is always perfect, and will remain so to the end of the chapter.

Question — That the words proposed to be inserted be so inserted—put, and the Committee divided:—

CONTENTS, 13.

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

NON-CONTENTS, 9.

The Hons. C. S. Mein, G. King, J. Swan, W. H. Walsh, J. C. Foote, E. B. Forrest, W. Pettigrew, J. C. Heussler, and A. Raff.

Question resolved in the affirmative.

The HON. A. C. GREGORY said he wished to propose an amendment in subsection 8, which was contingent on a previous amendment referring the decision of the board to arbitration. Subsection 8 now read as follows:—

"The board shall by order confirm the decision recommended with or without amendment, and the division so confirmed shall be notified in the *Gazette*, and shall thereupon take effect."

If that were passed as it stood, it would clash with the previous amendments; therefore, as a matter of form and in order to make the two provisions harmonise, he moved that the words "and shall thereupon take effect" at the end of the clause be omitted.

The HON. W. H. WALSH said he would like to point out, before the amendment was put, that that subsection involved a much more serious consideration than that dealt with in the amendment. Subsection 7 stated that "Upon receipt of the report of the commissioner or other person appointed as aforesaid, the Minister shall refer the same to the board," and then the next paragraph went on to say "the board shall by order confirm the division recommended with or without amendment." If the board were allowed to amend the division they might make a total change in what had been done by the commissioner, to the great disadvantage of the Crown tenant.

The POSTMASTER-GENERAL said it was provided under a previous part of the Bill that the board should not be at liberty to vary the decision of the commissioner without giving the parties concerned an opportunity of being heard in open court. The previous amendment with regard to arbitration would affect the clause referred to by the Hon. Mr. Walsh. Any person dissatisfied with the decision of the board would have the opportunity of referring the matter to arbitration. The amendment now proposed was undoubtedly consequential on an amendment passed when the Bill was last before the Committee.

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

On clause 28, as follows:—

"The pastoral tenant shall thereupon be entitled to receive a lease from the Crown for the remainder of his run not included in the resumed part.

"In the case of a consolidated run which has been subdivided by order of the board, separate leases shall be issued for each part of the subdivided portions not so included.

"Every such lease shall, in the case of runs held under the Settled Districts Pastoral Leases Act of 1876, or the Settled Districts Pastoral Leases Act of 1876 Amendment Act of 1882, be for the term of ten years, and in other cases for the term of fifteen years, from the 1st day of January, or 1st day of July, nearest to the date of the notification in the *Gazette* of the order of the board confirming the division, and shall be subject to the following conditions and stipulations:—

1. The lessee shall, during the continuance of the lease, pay a yearly rent at the rates hereinafter stated, and such rent shall be payable in respect of the year ending on the thirtieth day of June, and shall be payable at the Treasury in Brisbane, or other place appointed by the Governor in Council, on or before the thirtieth day of September in that year;

   Provided that the rent payable in respect of the period terminating on the thirtieth day of June next after the commencement of the term of the lease shall be payable within three months after the notification of the order of the board confirming the division.
2. The rent shall be computed according to the number of square miles of land comprised in the lease: Provided that any portion of the run, not exceeding one-half of the whole, which consists of inaccessible ranges or for the time being consists of dense scrub, and which is for the time being wholly unavailable for pastoral purposes, shall not be included in computing the area upon which rent is payable.
3. The rent payable for the first five years of the term of the lease shall, in the case of runs held under the Settled Districts Pastoral Leases Act of 1876 or the Settled Districts Pastoral Leases Act of 1876 Amendment Act of 1882, be at the rate of forty shillings, and in the case of other runs at a rate to be determined by the board, not exceeding ninety shillings, and not less than ten shillings, per square mile.
4. The rent payable for the second period of five years and for the third period of five years (if any) shall be determined by the board.
5. In determining the rent regard shall be had to—
   (*a*) The quality and fitness of the land for grazing purposes;
   (*b*) The number of stock which it may reasonably be expected to carry in average seasons after a proper and reasonable expenditure of money in improvements;
   (*c*) The distance of the holding from railway or water carriage;
   (*d*) The supply of water, whether natural or artificial, and the facilities for the storage or raising of water; and
   (*e*) With respect to the rent for the second and third periods of five years the relative value of the holding at the time of the assessment as compared with its value at the time of the commencement of the lease:

   Provided that in estimating the value any increment in value attributable to improvements shall not be taken into account;
6. If default is made by the lessee in the payment of rent the lease shall be forfeited, but the lessee may defeat the forfeiture by payment of the full amount of rent within ninety days from the date hereinbefore appointed for payment thereof, with the addition of a sum by way of penalty calculated as follows, that is to say—if the rent is paid within thirty days 5 per centum is to be added, if the rent is paid within sixty days 10 per centum is to be added, and if the rent is paid after sixty days 15 per centum is to be added; but unless the whole of the rent together with such penalty is paid within ninety days from the appointed day the lease shall be absolutely forfeited.
7. When the rent of a holding is to be determined by the board, the lessee shall, until it has been so determined, continue to pay at the prescribed time and place the same amount of rent per square mile as theretofore, or the minimum rent hereby prescribed, whichever is the greater amount; and when the amount of rent has been determined by the board the lessee shall, on the next thirtieth day of September, pay at the prescribed place any arrears of rent found due by him at the rate so determined, so as to adjust the balance due to the Crown."

The POSTMASTER-GENERAL said the 2nd paragraph, referring to consolidated runs, would have to be omitted in order to make the clause agree with the amendment made in clause 26. He therefore moved the omission of the words "In the case of a consolidated run which has been subdivided by the board, separate leases shall be issued for each part of the subdivided portions not so included."

Amendment put and passed.

The HON. A. C. GREGORY said he had a further amendment to move in that clause. Under the Settled Districts Pastoral Leases Act and the other amending Acts, the runs which were now under lease had in the majority of cases somewhere about eight or ten years to run; consequently, if the Committee were to say that they would give the tenants leases for a term of ten years, it would be only just giving them a lease for about the period their existing leases would have to run, and that would be offering no sort of advantage to the persons who possessed holdings in the settled districts. Again, if they took the unsettled districts where the leases were held under the Pastoral Leases Act of 1869, they would find that in the majority of instances the leases had eight years to run, and that in some cases there was still a period of twenty years to elapse before the leases would be determined. That was the currency of the existing leases. If the clause were passed as it stood, it would really discourage tenants holding those leases from coming under the Bill. Under those circumstances, he would move that the word "ten" in the 4th line of the 3rd paragraph be omitted, with a view of inserting the word "fifteen."

The POSTMASTER-GENERAL said the hon. gentleman stated that the Bill offered no privileges to the holders of runs in the settled districts. He (the Postmaster-General) said it offered undoubted and excellent privileges. Every lessee of a run in what was popularly known as the settled districts was liable at any moment to have all his run, or any portion of it, resumed without any notice. It was proposed by that Bill to provide that only one-half should be liable to resumption, and that the lessee should receive a confirmed lease for the remaining half, which was not to be liable to alienation. If that was not a privilege he did not know what was. It was precisely the same privilege that was conferred on lessees in the settled districts by the Act of 1868. The Government proposed to take away one-half the runs, and render that half liable to alienation; but until it was actually alienated it was to continue in the occupation of the pastoral tenant. The remaining half was to be absolutely confirmed to the lessee for his possession for ten years; that was to say, if he chose to bring his run under the provisions of the Bill. The Government did not say, "You must come under the provisions of the statute," but gave the lessee eleven months to exercise the privilege of taking advantage of it. That was practically one year, so that what the hon. gentleman said was eight years, vanished, and became seven years. It was for the pastoral tenant himself to determine whether it would be better for him to retain his existing lease which was liable to resumption and selection under certain notice, or to accept the undoubted privilege offered by that Bill.

The HON. W. H. WALSH said he wished to say a word with reference to the position occupied by the Crown tenants after the passing of the Act of 1868. It was not one for which they had any reason to be thankful to the Government, inasmuch as after one-half of their run was resumed they had to pay rent for it if they used it, and then they only held it on sufferance. The Government were always looking out for fresh tenants, and grasping at every opportunity to dispossess their old tenants. The very squatting party who persecuted the Crown tenants by the Act of 1868 passed the Act of 1869. The grossest injustice was done under the provisions of the Act of 1868. In his own case he was called upon to pay the survey fee for the very portion of his run that the Government took away from him. Therefore, as he had said, the lessees had nothing to be thankful for; the way in which the inside men were dealt with was most unfair and uncharitable.

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

CONTENTS, 9.

The Hons. C S. Mein, W. H. Walsh, A. Raff, J. C. Foote, W. Pettigrew, J. Swan, G. King, W. D. Box, and J. C. Heussler.

NON-CONTENTS, 14.

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

Question resolved in the negative.

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

The HON. A. C. GREGORY moved that the word "fifteen" in line 45 be omitted, with the view of inserting the word "twenty." The leases in what were now termed the settled districts were held for terms varying from eight to twenty years, and it was only fair to give the lessees a little longer tenure if their rent was to be increased, and the halves of their runs taken away.

The POSTMASTER-GENERAL said he had no objection to the amendment—in fact, he had personally been of opinion all along that twenty years would be a fair term; but he did object to a misapplication of terms, in which the Hon. Mr. Gregory had been indulging so far as the Bill was concerned. The Government took away nothing; the pastoral tenant voluntarily surrendered. If the lessee thought he had a good bargain now, he would adhere to it; if he thought it would be a better arrangement, he would bring his run under the operation of the statute. The hon. gentleman was also incorrect in stating that the terms of the leases varied between eight and twenty years. There was not a single run within the area described in the schedule that had anything like twenty years to run. It was true that the Act might be extended outside that area, but then it would be entirely voluntary on the part of the tenant to come under its provisions. He was prepared to admit that there was some reason in the contention that those in the outside districts, who held their runs under the Act of 1869, should have a longer tenure; but the previous proposition of the Hon. Mr. Gregory was very unreasonable, and he was glad no hon. gentleman had the temerity to get up and answer the observations he (the Postmaster-General) made on the question.

Amendment put and passed.

The HON. W. FORREST moved the omission of the proviso at the end of subsection 1—

"Provided that the rent payable in respect of the period terminating on the thirtieth day of June next after the commencement of the term of the lease shall be payable within three months after the notification of the order of the board confirming the division."

Supposing the board confirmed the division in October, November, or December, the lessee would have already paid his rent up to the 30th June following.

The POSTMASTER-GENERAL : That provision only applies to the initiatory steps relating to the lease.

The HON. W. FORREST said it was a question of paying rent. He had worked it out, and he was satisfied that the conclusion to which he had come was correct. If the board came to their decision at any time after September till the end of the year they notified the fact to the lessee, and called upon him to pay the rent he

had already paid up till the following 30th June. The whole thing was provided for in subsection 7, on page 11, which was perfectly clear; whereas the proviso whose omission he had moved only led to confusion. If hon. gentlemen would work it out they would find that he was perfectly right.

The POSTMASTER-GENERAL said the hon. gentleman had forgotten that the proviso only related to the first period of the rental. It only dealt with the beginning of the lease; but subsection 7 dealt with the period which elapsed between the expiry of one period of five years and the determination of the rent for the succeeding period of five years, and then provided that during the interval the lessee was to pay rent according to the antecedent rate, but that afterwards it should be adjusted. The lease was to commence from the 1st day of January or the 1st day of July nearest to the date of the proclamation determining the division of the runs, and the tenant had to pay his rent up to the succeeding 30th June within three months after the commencement of his lease. The rent for the succeeding period of twelve months would be paid on the 30th September, so that he could not be called upon to pay rent twice over. According to the scheme of the Bill, the tenant paid nine months in advance, and got three months' credit in regard to the next year's rent.

The HON. W. FORREST said at the time of the adjournment he was just rising to explain, or rather re-explain, how the proviso which he wanted left out would act, and in doing so he should repeat, to some extent, what he said before. To get at the bottom of the thing he thought it would be better to take the whole problem from the beginning. It must be remembered, in the first place, that the clause they were discussing applied entirely to runs already in existence. It was not a question of new leases at all, but of those already in existence. When a pastoral lessee elected to come under the Act certain things would take place. The scheme of the Bill, as it stood in regard to the payment of rent, was this: On or before the 30th September, the rent was to be paid; that rent was for the period from the 30th June to the following 30th June. In other words, the lessee got three months' grace and had to pay nine months in advance. He would assume the case of a man who came under the operation of the Act and had paid his rent on the 30th September. Up to that time the board had not made a division of his run, nor given him any notice with regard to his lease, and he therefore paid his rent as before under the old Act.

The POSTMASTER-GENERAL: No.

The HON. W. FORREST: On the 30th September he paid his rent; that should carry him on until the 30th June following; but almost immediately after he paid it, or at any time before the end of the year, the board gave him notice that they had divided his run, and might then call upon him, at any time within three months, to pay again the rent that he had paid prior to that, and that should carry him on from the 30th September previous to the following 30th June. According to the wording of the proviso, if a division was confirmed on the first day of October, the board might call upon the lessee within three months to pay the rent that he had already paid up to the 30th June following. He maintained that the proviso would not harmonise with subsection 7; and that it was utterly unnecessary and perfectly unfair.

The POSTMASTER-GENERAL said the hon. gentleman was quite in error. Subsection 7 applied only to leases issued under the Bill. It said:—

> "When the rent of a holding is to be determined by the board, the lessee shall, until it has been so determined, continue to pay at the prescribed time and place the same amount of rent per square mile as theretofore, or the minimum rent hereby prescribed, whichever is the greater amount."

And so on. That was in respect of the holding; or, in other words, the land that was leased according to the provisions of the Bill. The word "prescribed" meant "prescribed according to this Act," not according to the Act of 1869 or of 1876, under which the run was previously held. Subsection 7 would apply only to land after it had actually had a lease issued in respect of it under the statute—that was to say, the unresumed half of the run in respect of which a lease was issued. The object of subsection 7 was simply to provide that where, between any one period and another, the rent had not been determined, the pastoral tenant should continue to pay at the antecedent rate; but the proviso was to the effect that as soon as a lease was issued of a holding under the Bill, the first fractional part of a year was to be paid for according to the prescribed rate up to the succeeding 30th June. When the pastoral tenant—that was the holder of a run under the Act of 1869, or, in the settled districts, the Act of 1876, and its subsequent amendments—had made up his mind to bring his run under the provisions of the Bill, he gave notice to the Minister, and as soon as that notice was received by the Minister, practically the run was brought under the operation of the statute. All the rest was a matter of detail. Before the pastoral tenant knew what rent he had to pay the run had to be subdivided into two portions, and then the rent had to be ascertained. No lessee would be so unwise as to pay his rent for the old kind of holding, when he knew that immediately after he sent in his notice to the Minister, he practically entered upon a new kind of holding. And even supposing he had paid his rent, there would be a failure of consideration on the part of the Government, and if they did not like to give him credit for it, he would get his rent back. If the proviso were struck out, what would be the effect? Supposing a man had not paid his rent, and he elected to come under the provisions of the Bill, it would take several months, under the most favourable circumstances—especially in view of the various processes the matter would have to go through in the event of a dispute—before it could be determined how the run would be divided. No rent would be paid by him in the meantime, because he would have a new holding, and would not know what he had to pay until the assessment had been made. Then, after the division of the run had been determined upon, several months must elapse before the amount of rent was determined, because that would have to go through a separate investigation by the board, the arbitrators, and possibly by the umpires. There might be three investigations before the rent to be paid was determined, so that the pastoral tenant would be in occupation for probably nine months without paying any rent at all; and instead of getting three months' credit, he would get actually fifteen months' credit. That was the state of affairs that might arise if the subsection were left out. No man would be so unwise, whilst the question as to his holding—both as to its boundaries and its rental—was undetermined, as to pay under the old system. There was nothing in the statute to make a man pay twice over. If he paid according to the old tenure, he could get his money back if the Government did not choose to give him credit for it.

The HON. W. FORREST said the Postmaster-General had pointed out that subsection 7 in no way applied to the proviso he (Hon. W. Forrest) wished to see struck out, but that it applied to holdings under the Bill, and, consequently, to the adjustment of the rent for the second period. If anything could possibly illustrate the obscurity of the clause and the confusion which must have existed in the minds of those who drafted it, he certainly thought it was shown by that clause and the explanation they had just had of it. He was not a bit surprised, under the circumstances, at the confusion that had arisen with regard to the 54th clause of the Act of 1869. The hon. Postmaster-General said subsection 7 was intended to apply entirely to the second period.

The POSTMASTER-GENERAL: I did not say the second period.

The HON. W. FORREST said he would read subsection 7:—

"When the rent of a holding is to be determined by the board, the lessee shall, until it has been so determined, continue to pay at the prescribed time and place the same amount of rent per square mile as theretofore, or the minimum rent hereby prescribed, whichever is the greater amount; and when the amount of rent has been determined by the board the lessee shall, on the next thirtieth day of September, pay at the prescribed place any arrears of rent found due by him at the rate so determined, so as to adjust the balance due to the Crown."

Having read that, he would draw attention to subsection 4, which said:—

"The rent payable for the second period of five years and for the third period of five years (if any) shall be determined by the board."

How were they to pay the minimum rent named in subsection 7 in that case? There was no minimum fixed in that part of the clause. For the second period there was no such thing fixed, and that showed that it was never intended to apply to that period.

The POSTMASTER-GENERAL: The word "minimum" there has been accidentally allowed to remain in. It is a blunder of the Legislative Assembly, and I intended to call attention to it when we came to it.

The HON. W. FORREST said that when a lessee came under that Bill, whether his rent was determined at that time or not, he held, not a run but a holding. The moment he elected to come under the Bill his run became a holding.

The POSTMASTER-GENERAL: It does not. He only gets a lease of half of it. How can the resumed half be called a holding?

The HON. W. FORREST said the Postmaster-General said the run did not become a holding when the lessee elected to come under the Bill, but if the hon. gentleman would go through the Bill again he would find that it did become a holding.

The POSTMASTER-GENERAL: It does not.

The HON. W. FORREST said if the owner did not pay rent under subsection 6 his run or holding would be liable to forfeiture, and that rent was to be fixed by the board. One section of the clause said—"When the rent of a holding is to be determined." What did that mean? It showed that rents had only to be determined in certain cases. In the settled districts the rent was already fixed at £2. The reference to rents which had to be fixed and the reference to a minimum showed clearly that it applied to the first period under the Bill, as there is neither maximum nor minimum fixed for any other period. He repeated again, as he had already done half-a-dozen times in the Committee, and had worked it out carefully, that the lessee having paid his rent once the Government could demand that the rent for a portion of the year should be paid again. There was no getting out of it.

The POSTMASTER-GENERAL said the hon. gentleman talked about the "obscurity" of the men who drafted the clauses of the Bill. The hon. gentleman ought to have looked into his own breast. He had displayed a great deal of obscurity, and while attempting to talk about the inability of the persons who drew up those clauses to explain their meaning, he had failed to express his own meaning or intention by the obscurity of his own explanation. The hon. gentleman said that as soon as a lessee or pastoral tenant elected to come under the operation of the Bill his run immediately became a "holding." Nothing of the sort.

The HON. W. FORREST: How?

The POSTMASTER-GENERAL said the whole thing had been explained before, but whether it was owing to the obscurity of the phraseology of the clause, or to the obscurity of the hon. gentleman's own mind, he would leave hon. members to discover.

The HON. W. FORREST: You enlighten them.

The POSTMASTER-GENERAL said that if the hon. gentleman turned to the definition of "holding" he would find it set down as "land held by a lessee." The pastoral tenant took up a lease of half of his run or three-fourths of it, as the case might be, according as he held it for twenty years or less than twenty years, and he did not become a lessee until the lease was issued to him; and it was only issued to him in respect of a portion of his run. That lease was not issued until after the division of the run had been effected by the board, or possibly by arbitrators, and that would take a considerable time. Subsection 7 did not refer to a run at all, but to the rent to be paid in respect of a holding, and not of a run. If the hon. gentleman did not see it yet it would be advisable for him to read the clauses a little more carefully through, and give credit to those persons who drafted them for knowing what they intended to convey by the language used, especially as they were men whose lives had been entirely devoted to the consideration of language and the meaning of words.

The HON. W. FORREST said if the present holder of a run did not become the owner of a holding as soon as he elected to come under the Bill, what did he become? Nobody knew better than the Hon. Mr. Mein that the moment a man elected to come under the Bill he became a lessee within the meaning of the Bill. Further than that, the granting of the lease was only a question of time. Supposing a man got land by freehold, did he get the deeds at once in every case, and was he any the less a freeholder because he had not got them? He asked whether a man was any less a freeholder or leaseholder simply because a certain document was not issued? He asserted again that as soon as a man elected to come under the Bill he was a leaseholder, and his run became a holding. While trying to show how little he (Hon. Mr. Forrest) knew about the Bill, the hon. the Postmaster-General very carefully avoided his own palpable blunders in trying to explain subsection 7, because if he had read over the Bill carefully he would have found, as he (Hon. Mr. Forrest) had pointed out, that it could not in any possible way have referred to the second period.

The POSTMASTER-GENERAL: I said subsection 7 referred to the period succeeding the first period.

The HON. W. FORREST: Exactly; that was what he said. It referred to the first five years,

and if the Postmaster-General had more carefully considered it he must have seen that it would not, under any circumstances, apply to the second period. The rent was to be absolutely determined for the first period, and it had to be determined according to the maximum or minimum rent fixed in the Bill.

The POSTMASTER-GENERAL: The rent is fixed by the board every five years.

The HON. W. FORREST: Just so; but he had pointed out that that subsection 7 would properly adjust the rent if left there by itself; but if the other subsection he referred to was allowed to remain in it would simply clash with it and lead to confusion; and it would also lead to the lessee being liable to pay his rent twice over.

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

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Question resolved in the negative.

The HON. A. C. GREGORY said that in subsection 3 it was provided that 10s. per square mile should be the minimum rent to be paid during the first five years by any lessee. It had been urged by the Postmaster-General that, by introducing the principle of arbitration, they had also introduced the principle that it would practically be the minimum rent allowed by the Bill that would be fixed. He hardly thought that objection would hold good in practice, but still, to meet the objection raised, he proposed to increase the minimum rent during the first five years of the lease from 10s. to 15s. per square mile. The Bill was intended to increase the revenue from the lands of the colony, and the amendment he proposed would prevent the board lowering the rent down to 10s. The average rent paid under the pastoral leases now in existence was a very little over 10s. per square mile.

The HON. W. GRAHAM: About 9s.

The HON. A. C. GREGORY said it was about 9s. on the gross area, but a little over 10s. upon what might be termed the net area. Under those circumstances, they wished to guard the territorial revenue.

The POSTMASTER-GENERAL: Hear, hear! The smallest contributions thankfully received!

The HON. A. C. GREGORY: After that expression of opinion from the Postmaster-General, he would be satisfied with simply moving the amendment.

The HON. W. H. WALSH said he doubted whether the Committee could make such an amendment. They could do nothing that would increase the burdens of the people, as that would possibly do. He maintained that it was not within their jurisdiction to make such an amendment as was proposed by the Hon. Mr. Gregory. It was not a question of how would the lessee like it, but whether hon. members should obey those principles which were laid down in the Constitution. His impression, without consulting the authorities on the subject, was that the amendment could not be put.

The HON. J. TAYLOR said he did not see how the amendment would increase the taxation of the people at all. The matter it proposed to deal with was a contract between the lessee and the Government. If a lessee had to take his land at 15s. instead of 10s. a square mile, he could not see how that would increase the burdens of the people. He was pleased that the amendment had been moved, as it would show that what was called the conservative side of the Committee was more liberal towards the country than the radical side.

The HON. W. H. WALSH: I said nothing about taxation of the people.

The HON. J. TAYLOR: The burdens of the people then.

The HON. W. H. WALSH said that was quite another thing, and no one should know the difference between the two better than the hon. gentleman. He (Hon. Mr. Walsh) still maintained that the amendment would increase the burdens of the people. As to what hon. members opposite said with reference to increasing the revenue of the colony, he thought the less said about that the better. He would like to have the opinion of the Postmaster-General as to whether the Committee had the right to make such an amendment as that moved by the Hon. Mr. Gregory.

The POSTMASTER-GENERAL said he thought the Committee had power to make the amendment. It was not a tax. It simply fixed a limit within which the officers who were to be entrusted with the administration of that Bill were to work, and the amounts fixed were for the purpose of enabling them to carry out the provisions of the Bill. The amendment therefore came within the exceptions recognised by the House of Commons. In saying this he was dealing with the question upon the assumption that this Legislature was on precisely the same footing as the Imperial Legislature, and that the functions of that Chamber were similar to those of the House of Lords, and also that they were not to be strictly confined within the four corners of the Constitution Act which created those Houses, but were to follow the rules which were adopted between the two Houses of Parliament in the old country. Speaking now of the amendment, he was quite willing to accept it, although he could not say he did so in the spirit in which it was offered. He thought he would probably be thanking the Opposition for nothing. He had not the slightest doubt that there were not ten runs within the area indicated in the schedule of which the rental was not more than 15s. per square mile.

The HON. W. F. LAMBERT: The rent of some of them is 3s. per square mile.

The POSTMASTER-GENERAL: For available country?

The HON. W. F. LAMBERT: For dry country.

The POSTMASTER-GENERAL said he thought he knew the Act as well as the hon. gentleman. If hon. members opposite thought they were going to hoodwink the people by their pretended show of liberality, they were very much mistaken. He supposed that amendment would be followed by another, in a subsequent part of the clause, to the effect that for every suceeding period of five years there would also be an increase in the rental, so that the provision would be something similar to the one in a subsequent part of the Bill respecting agricultural and grazing farms; otherwise, while there would be an apparent increase in the rental for the first period, the pliant arbitrators and their umpire would be at liberty to reduce the rental for the remaining period.

The HON. A. C. GREGORY said, in explanation of what the Postmaster-General had remarked, he would say that he wished to keep nothing back, but would put before the Com-

mittee what were the intentions of hon. members on that side, so far as they had arrived at a conclusion.

The POSTMASTER-GENERAL: Arrived at a conclusion!

The HON. A. C. GREGORY said it was his intention to move, if that amendment were carried, a further amendment increasing the minimum rent to be charged for each succeeding period of five years by 5s. per square mile; also to increase the maximum by 10s. per square mile for the same periods. He thought that explanation would show the hon. gentleman what it was they proposed to do. There was nothing kept back, although just now the amendment he had proposed was to omit the word "ten" with the view of inserting the word "fifteen."

The POSTMASTER-GENERAL said he was very glad to hear the hon. gentleman speak so candidly in the plural number, and that he had admitted that hon. gentlemen opposite who had so subserviently followed his lead on previous occasions had made up their minds as to what they were going to do. It would be much more convenient to him and to hon. members if they would just put in type the conclusions they had arrived at. Their previous deliberations had indicated that discussion was absolutely futile. The hon. gentleman had a solid following who voted with him on every possible occasion. If the hon. gentleman would give him the decisions he had arrived at, he (the Postmaster-General) would have them put in type, and then they would know at once what hon. gentlemen opposite had decided upon, and what the country had to expect from them. It was the usual practice in Bills of that magnitude and importance, that any amendments intended to be moved should be foreshadowed, put in print, and handed round before they were discussed. The amendments, however, which had been hitherto proposed in that Bill came upon them like a thunderbolt; they struck him with amazement and fell on each occasion as if a thunderbolt had fallen at his feet. He would like to have the thunderstorm over at once, and know what amount of electricity was in the atmosphere, and probably he would then be able to sleep in comfort; but his mind was now constantly disturbed with wondering what the next move would be. They had not got through one-fourth of the Bill yet, and it would relieve him of a great deal of mental anxiety if the decisions come to by hon. members opposite were announced at once.

The Hon. W. FORREST said he could easily imagine the hon. gentleman's astonishment. Speaking for himself, he (Hon. Mr. Forrest) could say that he was determined as far as possible to prevent an arbitrary board—from which there was no appeal—being appointed; and he was also determined, as far as he could, to prevent the revenue of the colony being decreased. If the hon. gentleman wanted to know what were their intentions, he would say that their intentions were to do what they thought best between every class, and what was best for the country.

The POSTMASTER-GENERAL: Hear, hear! And yourselves into the bargain.

The HON. W. FORREST: The hon. gentleman, in referring to the amendment which proposed to increase the minimum rental from 10s. to 15s. per square mile, said they were attempting to hoodwink the country. He (Hon. Mr. Forrest) would like to know what was the amount fixed at 10s. for? Was that intended to hoodwink the country? If 15s. was nothing, then 10s. was 5s. less. The Hon. Mr. Gregory had stated that the average rental of the runs in the colony was a little over 10s. per square mile, but that was a mistake—the average rental was about 9s. 2d. per square mile. If the rent was increased, as suggested in the amendment, it would produce an increase in the revenue of 60 or 70 per cent.

The POSTMASTER-GENERAL: The Bill is not to be applied to the whole colony.

The HON. W. FORREST said very likely the whole colony would be brought under the Bill by proclamation. Then how would the revenue be affected by the proposal before the Committee? It would be increased to the extent of about £160,000.

The POSTMASTER-GENERAL said he must again correct the misapprehension the hon. gentleman persistently fell into. The whole of the colony was not to come under the provisions of the Bill. If a lessee thought the terms under which he held his land were better than the terms proposed by the Bill, he would stop as he was. If he thought it was better for him to come under that measure he would do so, and the Government would get no privilege. The lessee would make the best bargain he could for himself.

The HON. T. L. MURRAY-PRIOR said the Postmaster-General knew very well that a person could not well help coming under the provisions of the Bill. The question would simply be whether he preferred putting up with a sort of blackmail under the Bill, or whether he would run the risk of losing his station. As for the way that side of the Committee voted, it was well known that they were acting together there and striving to make the Bill as workable as possible. At present it was perfectly unworkable, and he felt sure that before it had been in force a year an amending Bill would have to be passed. The Postmaster-General talked about the phalanx opposed to him, but it was fortunate for the country that they were in a majority, and that the majority who had hitherto supported the hon. gentleman did not now believe in him. Formerly the hon. gentleman could face his opponents and look very pleased, but now he had no majority he did not take his beating so pleasantly.

The POSTMASTER-GENERAL: I never was more pleased in my life.

The HON. T. L. MURRAY-PRIOR said he was glad to hear it, and he hoped that in future the hon. gentleman would refrain from using the words he had applied to the hon. gentlemen with whom he acted.

Amendment put and passed.

On the motion of the HON. A. C. GREGORY, subsection 4 was amended so as to read thus:—

"The rent payable for each succeeding period of five years shall be determined by the board."

The HON. A. C. GREGORY said he now had to move an amendment in paragraph (*d*), which was not merely of a verbal character. According to the clause as printed, in assessing the rent regard must be had to the supply of water, whether natural or artificial, and the facilities for the storage or raising of water. Either that was one of those accidental defects which crept into a Bill or it must have some meaning which he had not been able to ascertain. The best course to adopt would be to insert the word "natural" after the word "the" at the beginning of the paragraph, and strike out the words "natural or artificial." That something of the kind was necessary was shown by the proviso at the end of subsection 5, which said:—

"Provided that in estimating the value any increment in value attributable to improvements shall not be taken into account."

Surely an artificial supply of water involved an improvement! And sufficient protection was given to the State by the provision that in

assesing the rent regard must be had to the facilities for the storage or raising of water. He moved the insertion of the word "natural" after the word "the."

The POSTMASTER-GENERAL said the amendment was a most guileless and innocent one. The hon. gentleman wanted the Committee to assume that it was a very confused mind that had drawn the clause, but he would not do him the injustice of retorting that the amendment was drawn by a confused mind. It was suggested by a mind which was most acute and ingenious, and he only hoped the Committee would not be led away by its acuteness or its ingenuity. The generosity with which hon. members opposite proposed to increase their rentals was very refreshing. But how many runs were there in the country where there was no permanent water, but where, by the expenditure of a small sum of money, an unlimited supply could be secured by means of dams? If the amendment were carried, all that would go for nothing. Then the hon. gentleman would have the Committee believe, and make them think he believed, that the increment in value related to the first five years of the term of twenty years; but it did nothing of the sort. That proviso related to subsequent assessments by the board, in regard to subsequent periods of five years. The hon. gentleman wanted some innocent supporters of the Government, or those innocent young men who had not been sitting with closed doors discussing the ins and outs of the Bill for days past, to support his amendment. One could easily understand the generosity of the hon. gentleman. In assessing the rent, the run as it now stood would be considered, and the rental fixed for the first period of five years. The proviso stipulated that any improvement on a holding was not to be taken into consideration in assessing the rent for a succeeding period. If there was any water on a run available for pastoral purposes, in assessing its value as a holding it ought to be taken into consideration in determining the rent for the first period of five years.

The HON. T. L. MURRAY-PRIOR said the hon. the Postmaster-General liked to argue in his own way, and by his own lights. In what way could they make a person pay for improvements more than by requiring him to pay for a dam he had put up himself, and by which he had improved the country and increased its capabilities for carrying stock? That was not what was proposed by the innocent people on that side of the Committee, but by the hon. gentleman's own Bill. Subsection (*e*) said:—

"With respect to the rent for the second and third periods of five years the relative value of the holding at the time of the assessment as compared with its value at the time of the commencement of the lease:

"Provided that in estimating the value any increment in value attributable to improvements shall not be taken into account."

This was certainly an increment of value attributable to improvements, and therefore it ought not to be taken into account.

The HON. G. KING said he could not at all agree with the view of the Postmaster-General, because it would be very unfair to tax a property upon which there had been no water hitherto, but upon which he had gone to the expense of £6,000 or £7,000, as he had done, in endeavouring to produce water—and in producing only salt water as yet. To have to pay additional rent because he had spent that money for the purpose of obtaining a supply of water, would be most unjust to him.

The POSTMASTER-GENERAL said the hon. gentleman altogether misapprehended the position. He was not to pay additional rent for having expended the money at all. The supply of water on the run at the time it was being assessed for the first period of five years was to be taken into consideration, from whatever source that water was obtainable—whether by artificial means, or whatever facilities existed upon the run at that moment for the raising and storage of water.

The HON. J. TAYLOR: It is unfair.

The POSTMASTER-GENERAL: The expenditure was not taken into consideration at all. What they had to consider was the supply of water for the purposes of grazing. If there was a supply, it was an element to be considered; that was all.

The HON. A. C. GREGORY—having, at the request of the Hon. J. Taylor, read over the clause as it had been amended—said the question they had now arrived at was whether they should adopt the amendment to omit the word "artificial" in regard to water supply and retain only "natural." The hon. the Postmaster-General had stated that the provision only applied to the first five years; but when they came to read the clause as amended, it showed that it applied not only to the first five years, but to every succeeding period. The subsection went on to say—"and the facilities for the storage or raising of water"; and the consequence would be that if a man had a run without one drop of water upon it as a natural permanent supply, the board, in valuing the run, would be able to take into consideration whether water could be got by sinking a well. It might be decided by the valuers that water could be got by sinking a well which would cost, say, £100; and if the well was not sunk the value would be based only on the possibility of getting a supply by expending that amount of money. But what the hon. the Postmaster-General said was that if a lessee had sunk a well and spent £100 in getting water, the land would be worth twice as much as it was without the well, and, therefore, he should pay an extra rent, because he had sunk the well and succeeded in obtaining water.

The POSTMASTER-GENERAL: Certainly not.

The HON. A. C. GREGORY: The hon. gentleman said "Certainly not," and he was perfectly right that lessees should not have to pay more under such circumstances. But as the Bill stood, they would be liable to be charged not only for the possibility of getting water, where there was a known possibility of getting water by sinking a well, but they would be charged for the actual artificial supply; and, further than that, a lessee would be charged because he put up a windmill to raise the water. He certainly thought that they had no right to impose further rent upon an individual because he had expended certain sums of money in making improvements and utilising the natural resources of the country.

The POSTMASTER-GENERAL said the hon. gentleman had answered himself. He was willing that the rent should be affected by the possibility, and, when the possibility had been reduced to a certainty, there would be nothing to be paid. He did not say that subdivision (*d*) did not apply to the first period. What he did say was that subdivision (*d*) would meet the case of runs as they now stood, but that the provision (*e*) indicated that any improvements that were erected subsequently were not to be taken into consideration in assessing the rental for the period succeeding the first five years.

The HON. J. TAYLOR said that the Postmaster General told him some years ago, when he mentioned that he had been travelling out west, that it would do him good; and he certainly thought that if the Premier had sent that hon. gentleman

travelling out west before he took charge of the Bill, it would have been an immense advantage to himself and to that House. He would then have found out what the western country was like, and seen where thousands and scores of thousands of pounds had been laid out in endeavouring to get water—in making dams and reservoirs which had proved a failure. Tanks, some of which held millions of gallons of water, were now perfectly dry, and had been so for a long time past; and yet those tanks would be taken into consideration in assessing the value of runs.

The POSTMASTER-GENERAL: If they are dry there is no supply of water.

The HON. J. TAYLOR: Still the tanks were there. It was an attempt to make water; and no doubt the board would say, "Here is a fine dam, which has cost £3,000 or £4,000; it is a valuable addition to the country's resources; we will assess it"; and in making the new rental it would be assessed accordingly. He contended that it would be most unfair and unjust to do so; and he thought the Hon. Mr. King could tell the Postmaster-General a good deal about the expense of attempting to raise water, and the ill success which had attended his efforts.

The HON. W. GRAHAM said the Postmaster-General had explained very clearly the provisions of subsections (*d*) and (*e*), but he had entirely failed to prove that they were just. He agreed with the Hon. Mr. King that it was evidently intended that where the lessee had done nothing on his run he was to be best treated, and that the lessee who had attempted to improve his run, whether successful or otherwise, and by so doing had done good to the country generally in assisting future settlement, was to be harshly treated. He thought there could be no doubt on that point. Before going further he would like to refer back to the provisions of clause 4, in order to point out what a very dangerous power was given to the board, however it was constituted, and to whatever arbitration it might be subject. For the first five years the rent was provided for to a certain extent, but after that it was to be absolutely at the option of the board, and that was a most dangerous thing, and to his mind one of the strongest arguments against the board. Another thing he should like to refer to was the continual allusion on the part of the Postmaster-General to what took place out of that Chamber with closed doors. They had heard that several times, but he was not aware of anything that took place with closed doors.

The POSTMASTER-GENERAL: You are not in the secret.

The HON. W. GRAHAM: He knew, as he said before, that hon. members were giving a good deal of attention, as it was their duty to do, to the Bill, and he believed that not only would they alter it, but alter it very much for the better, and that the country would believe so. As for closed doors, he knew nothing whatever about them. No doubt if the hon. the Postmaster-General knocked at one of those doors he would be let in; but he (Hon. Mr. Graham) did not know how long he would stay.

The POSTMASTER-GENERAL: I should be taken in, I am afraid.

The HON. W. GRAHAM: Another question the hon. gentleman talked about was the cost of making water. He spoke of the slight expense of making water where there are natural facilities. He (Hon. Mr. Graham) spoke very strongly on the subject; and, without wishing to be offensive, he said that the hon. gentleman displayed the most utter ignorance—ignorance that could only be expected from him—with regard to that matter. The hon. gentleman had not served his apprenticeship to the business, and consequently he displayed the ignorance he did. He imagined that every place was fit to make a dam—that every water-channel was fit for that purpose—and that once a dam was made they had an eternal supply of water. He should like to take that gentleman to some of the dams he had made—and he thought he knew a little about dam-making—and he would see a good many of them filled up, and some of them standing with a new channel cut round them. It could not be valued as it at first existed when the assessors came. They might come and say, "Here is a magnificent waterhole or lake, and it will back the water up for two miles back"; but if after the next flood they visited the place they would probably, instead of finding the water backed up for two miles, find the waterhole and dam destroyed altogether. Those were things which the Postmaster-General could not be expected to know, but they were questions upon which those who understood the matter should give their opinion.

Amendment agreed to.

The HON. A. C. GREGORY said he begged to move, as a further amendment, that the words "whether natural or artificial," on the first line of subsection (*d*) be omitted. The subsection would then read:—

"The natural supply of water; and the facilities for the storage or raising of water; and."

Amendment agreed to.

The HON. A. C. GREGORY said that, with a view of rendering the clause consistent with the amendment he had spoken of previously in regard to limiting the amount of rent, he proposed to amend subsection (*e*) in the 1st line, by omitting the word "third," with a view of inserting the word "subsequent," so that the subsection would read:—

"With respect to the rent for the second and subsequent periods of five years the relative value of the holding at the time of the assessment as compared with its value at the time of the commencement of the lease;"

That seemed to him the most convenient way of proposing the amendment.

The HON. W. H. WALSH said that really he could not help expressing his opinion of what was going on. It was really the most astounding proceeding he had ever seen in the passing of a Bill in that Chamber. The Government seemed to have lost all control of the Bill, and the Postmaster-General quietly sat by while hon. members opposite got up and continually said, "We propose to do so-and-so."

The POSTMASTER-GENERAL: Hear, hear!

The HON. W. H. WALSH said he had something to say to the Postmaster-General on this state of affairs. He would not for a moment accept the position which the Postmaster-General at present occupied. The Bill appeared not to be a Government measure at all. It was a measure taken charge of by hon. gentlemen on the opposite side of the House, and the Postmaster-General called upon them to let him know as soon as they could what they proposed to do next. He agreed that it was unfair that those hon. gentlemen opposite, having their Bill, and a knowledge of the contents of their Bill, and perhaps, having a printed copy of their Bill in their pockets—that they should, section after section, in each clause, get up with their well-considered amendments and propose them, while hon. members on his side of the Chamber, and who might wish to support the Government, were in the dark as to what was going on. He put it to hon. members on his side to say whether

they were really not in that position. He did not really know himself—metaphorically speaking—whether he was on his head or his heels.

The HON. J. TAYLOR: Hear, hear!

The HON. W. H. WALSH said the Hon. Mr. Taylor might loudly call "Hear, hear." The hon. gentleman knew very well what was being done, while hon. members supporting the Postmaster-General did not know what was being done—beyond the fact that members opposite were forcing a Bill of their own upon the Government. He did not altogether regret it, because nothing gave him greater pleasure than to see that Bill blocked every way, and he intended to vote against every portion of it. He had voted against the amendments moved by hon. gentlemen opposite, simply because he believed the Bill would be injurious to the country if passed in any form; and when it came to its third reading he should vote against it, even if he should be the only member in the House to record that opinion. He said they were justified in calling upon the Postmaster General either to abandon the Bill, or to refuse to go on with it until they had seen the Bill which hon. gentlemen on the other side had determined should become law.

The HON. J. F. McDOUGALL said he had been a member of the House for a very long time, but that was the first time he had ever heard hon. gentlemen opposed for having taken a deep interest in a measure brought before them. That they had taken an unusual interest in that particular measure, and had given much consideration to the amendments they proposed to introduce into it, was no reason why they should be ridiculed, when they were acting in the interests of the country.

The POSTMASTER-GENERAL: In the interests of the country?

The HON. J. F. McDOUGALL: In the interests of the country. He said it again. The amendments they introduced were in the interests of the country; and it was amusing to hear hon. gentlemen on the other side condemning them for having considered the measure.

The HON. J. C. HEUSSLER said that hon. gentlemen on his side had not condemned hon. members opposite. On the contrary, they had praised them for the trouble they had taken in moulding the Bill according to their ideas. Whether the Bill would be improved by their action or not, he supposed would be decided when it was passed in that Chamber and went back to the elective Chamber of the House. They would no doubt put their veto upon it there, and they would hear what the colony had to say about it. He did not agree with what his hon. friend, Mr. Walsh, had stated as to what the Postmaster-General should do. The Postmaster-General could not force hon. members to vote with him, and he appeared to wish to get over the bitter pill as soon as possible. He tried his very best to carry his own opinion on the matter, though sometimes he was not very well understood. On various occasions he Hon. Mr. Heussler) was rather of that gentleman's opinion, but he thought it unnecessary to speak about it. It was useless to talk to the wind, or to talk to the sea; and where there was no object in speaking it was sometimes golden to be silent. The time would come, he had no doubt, when the Bill again left the more popular Assembly, and when they would have to reconsider many of the amendments they were now making. That was all he had to say on the subject.

The POSTMASTER-GENERAL said it was perhaps better that he should say something in reply to the Hon. Mr. Walsh's observations. The hon. gentleman overlooked one fact, and it was that that was an absolutely irresponsible House. Hon. gentlemen had made up their minds, and were responsible to nobody. In the representative Assembly there was some appeal, and if there were some appeal in that House to the people, then he could understand the hon. gentleman's complaints. He (the Postmaster-General) had, unfortunately, on every occasion that he was leader of that House, a majority opposed to him—persons who, on certain questions, were prepared to vote in a body, and that had been evidenced several times that evening; and they were responsible to nobody and to nothing, except their consciences.

HONOURABLE MEMBERS: Hear, hear!

The POSTMASTER-GENERAL: If those gentlemen could think while serving their own interest, they were also serving the country, he hoped their consciences would allow them to think so, but he (the Postmaster-General) had a duty to the country to perform, and to those gentlemen who put him in his present position. He was occupying his present position with the approbation of a large and overwhelming majority of the people of the colony, and he had a duty to them to perform. It was part of his duty to enable the people of the colony to know what the irresponsible majority of that Assembly wanted to have done with the lands of the colony in which they had so large an interest themselves. He said he had a duty to perform to them, and it was his duty to the Legislative Assembly, as the representatives of the people, to let them see to what extent hon. gentlemen opposite were willing to push their views. He was quite convinced that hon. gentlemen could not run away with the idea that the Government were prepared to swallow all the amendments they had already passed, and the other amendments they had in view. He would cease to be a member of any Government which would accept the dictation of an irresponsible majority like that. But, as he had said before, it was his duty to let the country see to what extent they would go, and if the country was of opinion that the amendments they proposed were better than the proposals of the Government, then the Government would give place to others. In the meantime they had the Bill before them, and let them proceed with the consideration of it. He quite agreed with the hon. gentleman's remarks that the Hon. Mr. Gregory had practically an amended Bill in his pocket, and he would say that it was very desirable that the Committee should all know what those amendments were.

The HON. T. L. MURRAY-PRIOR said he could not help rising again, after the manner in which the Postmaster-General had addressed the Committee. He could safely say that the hon. gentleman ought to be ashamed of himself in standing up in that Chamber and speaking of hon. members on that side as an irresponsible majority.

The POSTMASTER-GENERAL: Yes.

The HON. T. L. MURRAY-PRIOR said the hon. gentleman knew perfectly well that the majority, though not placed there by the people, were placed there by the representatives of the people, and therefore they were the representatives of the country quite as much as the hon. gentleman was. He did not blame the Postmaster-General for supporting the Bill if the hon. gentleman conscientiously believed that it was the best that could be devised for the country. He was quite right in doing his utmost to carry it if he believed that; but if on the other hand he did not think that it was the best, then it became his bounden duty to abandon the Ministry which had brought in such a

Bill. It was not right for the hon. gentleman to rise and address gentlemen such as they were in that Committee, who knew far more of the land legislation of the country than the hon. gentleman did, and say they were doing what they had done for their own benefit. There were few of them who were benefited as the hon. gentleman would make out. They were endeavouring to make the Land Bill as good a one as they could for the country at large, and the hon. gentleman would find that what they were doing in that part of the Bill would be as well done in another part of the Bill where the interests of the people were concerned. He was perfectly satisfied that when the Bill went before the country the people would be in favour of what hon. gentlemen on that side of the Committee had done, and would see that they had acted with impartiality.

The HON. W. D. BOX said he did not like the speech they had had from the Postmaster-General, because he had voted so far with what the hon. gentleman called "the subservient majority." The hon. gentleman said the Hon. Mr. Gregory had a Bill in his pocket. He (Hon. Mr. Box) had never seen it or heard of it. He had certainly voted with members on the Opposition side of the Committee, but the Postmaster-General must know as well as he did himself that he had no personal interest whatever in the passing of the Bill. All he wished to do was to do his best for the prosperity of Queensland. Everything he had was in the colony, and he always had done and always would do his best to further the interests of the colony. The action the Committee had taken so far in regard to that Bill was, he believed, in the interests of the country, and he thought the Postmaster-General would recognise that it was so when he got away from the heat and excitement of the contest. The hon. gentleman had fought the contest with great equanimity and courage, and in a wonderful way raising himself in the estimation of every member of the Committee. He was now excited, but when he got away from the heat of the debate he would see that the majority had done right in removing any ground there was for a charge of repudiation against the Government. They had also done well, he thought, in granting the right of appeal from the decisions of an irresponsible board.

The POSTMASTER-GENERAL: To an irresponsible umpire!

The HON. W. D. BOX said he would have preferred that the appeal should have been granted to the Supreme Court. He had no sheep walks and never had, except once when he lost money on them. He had no interest in any pastoral property now, and he distinctly stated that he gave his vote on that as on every other occasion, in a manner that he believed was best calculated to advance the colony.

The HON. K. I. O'DOHERTY said he sympathised very much with the remarks made by the Hon. Mr. Walsh. He (Hon. Dr. O'Doherty) thought that those important amendments should be printed and circulated among hon. members before they were called upon to discuss them in Committee. There could be no question that the Bill had been completely modified in principle as well as in detail.

HONOURABLE MEMBERS: No.

The HON. K. I. O'DOHERTY said he thought it had. They had by a majority completely done away with any attempt at repudiation, and they had also insisted on making provision for an appeal from an irresponsible board to arbitrators, which was a radical change in the principle of the Bill. His experience in the other Chamber was that, when important Bills of that kind were before hon. members, it was the custom, when any important amendments were intended to be proposed, to have them printed and distributed among the members before they were proposed. He thoroughly agreed with the Hon. Mr. Walsh, and if the hon. gentleman had proposed a substantive resolution to the effect that all such amendments should be printed before they were moved in Committee, he would have supported it. He (Hon. Dr. O'Doherty) did not claim to be in any way an authority on the matters dealt with in that part of the Bill under discussion. It was like putting a problem in Hebrew to him to ask him to vote on such amendments as had been proposed after hearing a few remarks on them. He hoped the Postmaster-General would insist upon all amendments being put in print.

The POSTMASTER-GENERAL: I have asked that that should be done half-a-dozen times.

The HON. K. I. O'DOHERTY said one of the difficulties in that clause arose from making an attempt to give indefeasible leases for twenty years. An attempt of that kind must inevitably be attended with difficulties in regard to determining the proper amount of rent to charge. They could all readily understand that if the pastoral tenant was turned adrift into the bush he would have to spend many thousands of pounds on improvements to make his property valuable and productive. The difficulty then arose—What was the Government to obtain from the pastoral lessee in lieu of the twenty years' absolute tenancy that was given to him? In justice to the country it seemed to him that the Government must levy an increased rental. The only question then was, how could they determine a fair rent to charge the lessee on his holding which was made more valuable by his improvements? It should not, of course, be such a sum as would absolutely put a stop to the investment of money upon improvements. With reference to an irresponsible land board, they had only to go to unfortunate Ireland for an illustration of the danger that would follow placing the administration of the land in the hands of such a body. They might fix the rent at any amount they chose; they might be no better than the Irish landlords, who often exacted from their tenants a rent which was equivalent to the profit accruing from the capital invested. That to his mind was the great difficulty they had to contend with in dealing with indefeasible leases to pastoral tenants. He sincerely hoped that discussion would have a good effect. As for the Postmaster-General charging them with being a subservient majority, he would set his face against any such statements. He insisted he had the interests of the people as much at heart as the Postmaster-General. He should be very ungrateful indeed to the people who had had so much confidence in him in Brisbane as to return him for their representative for many years if he did not do all that he could for the advancement of the colony. He always gave his vote honestly in accordance with what he believed to be the true interests of the people, and not in accordance with the opinions of any one party, whether they sat on one side of the Committee or the other.

The HON. A. C. GREGORY said he quite agreed with what had fallen from the Postmaster-General, the Hon. Mr. Walsh, and the Hon. Dr. O'Doherty with regard to the desirableness of having amendments printed, if possible, before hon. members were called upon to consider them. He was not in a position to say—he did not

finally become aware of what amendments he should move that evening until five minutes before the House actually sat, and he could not ask the House to adjourn while he got those amendments printed. He was very anxious indeed to push on with the Bill, and wished to avoid anything that would delay its progress. But in future he thought it would be best to get the amendments which were to follow—but which would not be nearly so complicated as those they had already dealt with—printed and circulated in time for hon. members to consider them before they were discussed in Committee.

The HON. W. H. WALSH said he would just point out to hon. members that they had only passed two clauses during the whole of that sitting, and they were now trying to pass a third, and the Hon. Mr. Gregory had introduced no less than fourteen amendments. Those fourteen amendments were known to each hon. member who supported the Hon. Mr. Gregory.

HONOURABLE MEMBERS : No.

The HON. W. H. WALSH : But hon. members on his side were perfectly ignorant of them. It was, therefore, very easy for hon. gentlemen opposite to fortify themselves with arguments which they thought would be overwhelming, and which to him at times appeared very clever ; but if those amendments were put into black and white, the Committee generally would be better able to understand them, and to distinguish those with which they agreed from those with which they differed. Some had already been passed of which he could not make head or tail. And the amendment just passed was agreed to on the other side—it did not want arguing there—while hon. members on his side were in a perfect state of ignorance and amazement as to what was being done. Whatever defence they might set up in regard to the way in which the Bill had been treated ; it would be viewed throughout the length and breadth of the country as another attempt by the tenants of the Crown to grasp and maintain all they could ; and he saw clearly that the end of it would be that, sooner or later, that Chamber would be judged by its proceedings on that and on previous evenings in connection with the Bill. If it was the intention of the Committee to alter the Bill so that the acceptance of the measure in its altered form would be ignominious to the Government, it would have been more manly and dignified to have said : "This measure contains principles which are detrimental to the colony, and injurious to its best interests ; and we are determined to have nothing to do with it." It would have been far more dignified to have rejected the Bill on the second reading. But the hon. gentleman leading the Opposition had taken possession of the measure, and the Committee were called upon to submit to amendments they did not understand, and to see the representative of the Government placidly doing so. Instead of pleasantly submitting, he would much rather see the Postmaster-General as angry as he could be. To see the hon. gentleman smiling all the while they were rendering themselves open to an attack from the country tried his temper, and made him wish they had taken a different course on the second reading.

The HON. J. TAYLOR said they had heard a great deal from the hon. gentleman about the Bill, and about the blame they would receive from the country for passing the amendments, but he was satisfied that if the voters of Queensland were polled from Normanton to Southport, the Bill would be thrown out by an overwhelming majority.

The HON. T. L. MURRAY-PRIOR said he did not agree with what had fallen from the Hon. Mr. Walsh. It was far better, both for the Council and for the country, that they had discussed the Bill. What had been done in that Chamber would tend to show the people its real nature, and what they had practically to expect from the measure. They were there as the revisers of certain laws. The Bill had been passed in another place by an overwhelming majority, and they, instead of throwing it out on the second reading, had shown their willingness to go into it thoroughly and explain its features. Much more good would accrue to the country by what they had done than would have been the case if they had thrown out the Bill on the second reading.

Amendment put and passed.

The HON. A. C. GREGORY said the clause was much longer than the clauses which usually came under their consideration, though not longer than some contained in the enactments of other countries ; and that would account for so many amendments being made in a single clause. He now moved the following new subdivision to follow subdivision (*e*) :—

(*f*) The rent for the second period of five years shall not be less than twenty shillings, or more than one hundred shillings ; for the third period of five years, not less than twenty-five shillings, or more than one hundred and ten shillings ; and for the fourth period of five years, not less than thirty shillings or more than one hundred and twenty shillings per square mile.

The effect of the amendment would be to advance the minimum amount of rent for each period of five years by the sum of 5s., and the maximum for each such term by 10s. per square mile.

The POSTMASTER-GENERAL said the amendment fixed two limits—a limit beyond which the rent might not be raised, and a limit below which it might not go—and in either case an injustice might be done. He could quite understand a proposition that there should be a sliding scale for each successive period—that a certain percentage of increase should be allowed ; but he thought that fixing the maximum was unfair. He had seen runs sold at auction at considerably more than £6 per square mile.

The HON. J. TAYLOR : No.

The POSTMASTER-GENERAL : I have.

An HONOURABLE MEMBER : And forfeited next year.

The POSTMASTER-GENERAL : Because the persons who bought them wanted to keep *bonâ fide* occupants out they were run up most unfairly.

The HON. W. GRAHAM : Perhaps his head station was on it.

The POSTMASTER-GENERAL : It must have been a forfeited run ; and in nearly all those cases where runs had been forfeited the persons forfeiting had been using the country for a number of months without paying anything at all, and then when they found that the Government was likely to step in, or that some other person was inquiring about the country, when it was put up to auction the person who got it had probably to pay a considerable sum for it. A large number of cases had come under his own observation where more than £6 per square mile had been paid at auction. He believed that auction was the best test of the value of the country. That was the test that was applied in the amending Act of 1882 ; and he repeated that it was unfair to fix the maximum. He should very much prefer the Bill in its original shape, by which a moderate percentage might be taken for each successive period, especially in view of the fact that they had now given the pastoral tenants an extra five years during which they were to hold their runs

indefeasibly. However, he supposed that it was one of the amendments that had been already settled elsewhere.

The HON. W. FORREST said there was no doubt that the Bill, as it would stand with the amendment, would have a defect, because he knew that there was country that was not worth 15s.; but that defect could be easily overcome by introducing a clause similar to that in the New South Wales Act, by which, notwithstanding anything in the Bill, the board could, upon good reasons been shown, reduce the minimum. He did not intend to move such an amendment, but would leave it to the Government.

The POSTMASTER-GENERAL: Country that is not worth a farthing an acre is worth nothing.

The HON. W. H. WALSH said the objection to the new subsection proposed by the Hon. Mr. Gregory was, that the tenant in possession of a run had to pay a certain rental for the first five years; and the next five years he must pay an increased rental whether he was able to do so or not. Whether the country came up to his expectations or not—whether he had made a bad bargain or not, he had to pay a still higher rental for the third period, and for the fourth a still higher rent. Was ever such a system adopted in any part of the world?

The HON. K. I. O'DOHERTY: Ireland!

The HON. W. H. WALSH: He granted, for the sake of argument, that it might be in force in Ireland, and it had been the cause of all the bloodshed, and disasters, and misgovernment that had occurred in that country. And were they to follow in the footsteps of Ireland, and adopt such a system? It was within the knowledge of most hon. gentlemen that fifteen years, or even ten years of pastoral occupation of most of the Crown lands in the colony had led to their deterioration. Land that had been persistently occupied by sheep for fifteen years in any part of Queensland, he did not hesitate to say, had very much deteriorated. Was there not a time when the Darling Downs was considered magnificent country for sheep, and see what it was now? The Warrego and Barcoo districts and all the country away to the westward were much the same, and yet they were now told by persons from them that they were not what they were a few years ago; that they would not fatten sheep. If they wanted actual proof of the gradual deterioration of the country in that respect, let them go into any butcher's shop in Brisbane, and they would find that while twenty-five years ago a common weight for a fine wool merino was from 60 lbs. to 80 lbs., while now they would not weigh more than from 40 lbs. to 50lbs. That was owing entirely to the deterioration of the country in obedience to some law of nature in regard to pastoral country in barren regions. Hon. gentlemen seemed so taken up with the idea of posing before the country as honest men or patriots, or something of that kind, that they entirely ignored the fact that for pastoral occupation the country was gradually going on from good to bad, and bad to worse. It was absurd to think that the amendment was a just one. He could point to hundreds of miles of coast country, as well as western country, that would not fatten cattle at all, from which fifteen or twenty years ago they used to send cattle to boil down that returned very fair averages indeed. Those runs were not overstocked, unfortunately, but had so much deteriorated that the fattening of cattle on them had to be abandoned altogether, and the raising of store cattle only was now being pursued. Yet, in the face of that, it was now proposed to go on increasing the rents of that country, the result of which would be the abandonment or it, or the ruination of the owners. When the rentals got beyond the power of the tenants to pay, or were larger than it was worth their while to pay, the runs would be abandoned, and then the revenue instead of increasing would decrease. Another item worthy of consideration was the case of a young man coming to the colony to begin life, who purchased or took up country. The only landlord in the country he could go to was a political one. He got possession of a run, under apparently a twenty years' lease, and he could afford to pay the first five years' rental by endeavouring, during that time, to make both ends meet. But, although he might have made a mistake with regard to the character of the country, and found that it was not so suitable as he supposed it was, yet, during the next five years his rent must be increased. He had no choice in the matter; it was not a contract mutually agreed upon between landlord and tenant. Then, when he had got over the second period of five years, after working up hill and against disappointment, when he found that the country was still more unfitted for the purposes for which he settled upon it, and he still more unable to extricate himself from his difficulties, he must pay a still further increased rental; and the same for the fourth period; although his profits from pastoral occupation were still decreasing. He certainly thought that hon. gentlemen, with the knowledge they had of these matters, should not agree to the amendment.

The HON. T. L. MURRAY-PRIOR said what the Hon. Dr. O'Doherty had stated was very true—that there was considerable difficulty in fixing the amount of rent—and that had to be fought against. The difficulty, if there were no maximum, would be where the rental would stop. As the Bill was framed the board could put any rent they pleased upon the lessee, who would have no voice in the matter at all, but would have to accept whatever the board determined upon. He was quite prepared to allow, as the hon. the Postmaster-General had stated, that there had been instances where very large sums of money had been paid for certain pieces of country, but that had been under exceptional circumstances. Either the persons purchasing had come from a distance, gone to auction and paid for the land entirely as a speculation, knowing nothing whatever of its capabilities, or in the hope of forcing those who had runs adjoining them to pay very large sums of money for them. In cases large rents had been paid at auction where neighbours had had disputes and outbid one another. They all knew that when animus came into action, men had not the same quiet minds, and went to extremes that they otherwise would not. He believed that in all those cases where enormous rents had been paid, the runs had been forfeited; and he did not seen how they could do otherwise than fix a maximum and minimum. At all events it would be something to go upon, but there was a very wide difference between the two amounts proposed in the amendment as to the rent for the second period of five years. The minimum was fixed at 20s. and the maximum at 100s., or £5 per square mile. 100 square miles at the maximum would be £500 a year, and those who had had experience in stock-raising and knew the outside districts, were aware that no one could possibly pay £500 per annum for 100 square miles of country. It must be for very exceptional country, near the coast, and where certain facilities were given, that anything approaching that rent could be paid. One good provision in the Bill was that if the land board placed too high a rent upon land—rent far in excess of what the pastoral tenant could pay, he had the power to appeal to arbitration. As for the hon. the Postmaster

General's saying that "if they did not like it they could leave it," he must remember that it was a man's business—his means of living. If that hon. gentleman had rooms in a certain locality, and his landlord were to insist upon having a much larger rent than the rooms were worth, he could most likely obtain other rooms; if not, he would keep those he had until he could get others; but the pastoral tenant was not placed in the same position; he was on the land, and had expended, perhaps, a large amount of capital upon his run. He might have gone deeply into debt in meeting that rent, but he could not go away from the run—it would be the ruin of him to do so. The board had only the margin between the maximum and minimum, and if the amount fixed was too great there was an appeal from it. He agreed with a good deal that had fallen from the Hon. Mr. Walsh, but the hon. gentleman omitted to state that in the first settlement of a country people would take it up with only a small number of stock, and there would be so much picking for them amongst the best herbs that the stock would thrive. The fault had since been in a great measure of the selectors of runs who overstocked their country, but that was now being looked to and would have to be avoided. He differed from the hon. gentleman in respect to coast country, as he knew from personal experience that coast country which at one time was very bad and with which nothing could be done, but now, from improvement by ringbarking and other improvements, had become really good fattening country. The Government should not impose too heavy a rent upon their tenants, nor should the tenants overstock their runs; and if they had not to pay an enormous rent they need not overstock their runs.

The HON. W. H. WALSH said the new clause appeared to him to increase the liability of the tenants—it was actually extending it. It was true that one portion might be for reducing the minimum; but he must confess that, after being for twenty-five years a tenant of the Crown, he had never been able to get a reduction in the rent upon any run he had held.

The HON. J. F. MCDOUGALL said the object of the amendment was to arrive at something like a certainty, by establishing a maximum and minimum. They all knew well, as had been mentioned by the Hon. Dr. O'Doherty, what had been the effect produced in Ireland by the uncertainty under which the people held their land. The rent was liable to be raised if any improvements were made upon the land, and hence the uncertainty, the turmoil, and the bloodshed. He admitted that that side had fixed a very high maximum, still they could not go beyond it, and they might go below it; he was quite prepared to say that in the majority of cases the rent fixed would be below it. They knew well that nothing strangled trade of any kind so much as uncertainty. If a man was making a bargain with another for a house, and said, "You will have the house for ten years, and after five years you must pay a higher rent for it," the other would say, "Well, let us fix the rent now." And if the first man said, "No; you will have to wait for five years before it is fixed," the reply of any honest man would be, "I decline to take it on such grounds." The object of the amendments, as he had said, was to do away with the uncertainty; and he hoped the Committee would accept it.

The HON. W. H. WALSH said the hon. gentleman said that members on his side had decided to raise the maximum rent, and, in reply to that, he (Hon. Mr. Walsh) said that members in another Chamber, representatives of the people, were content with less. The action of hon. gentlemen opposite seemed to him extra-judicial and unconstitutional, and, in his opinion, it was decidedly wrong of them to attempt to do it. It seemed to him unnecessarily liberal and somewhat unconstitutional for that House to determine to grant more to the country than the people's representatives had decided to give. The hon. gentlemen who had taken charge of the Bill were now trying to woo the people by offering them more than the people's representatives demanded, but he felt sure it would not create a favourable impression upon the people generally.

The HON. W. FORREST said, in reply to the Hon. Mr. Walsh, he would point out that that proposal only affected the periods after the first five years. The other Chamber fixed no rent for those periods, but left it to an entirely irresponsible board. The Hon. Mr. McDougall had spoken of the demoralising effects of uncertainty, and he agreed with him. Subsection 4 said—

"The rent payable for the second period of five years, and for the third period of five years (if any) shall be determined by the board."

There was nothing there to guide a person, but the amendment proposed that the board—or, in case of dispute, the arbitrators—should have two limits to run between, and they would thus be able to fix the rent in a more equitable manner. There was a vast difference in the value of runs. He had no hesitation in saying that some runs in the colony were better worth £5 a mile than others were worth 15s. The very difference in the cost of carriage might make the difference. The Hon. Mr. Walsh had touched upon a point he (Hon. Mr. Forrest) had referred to before. It was a defect in the clause, and he said it was absolutely necessary if they were determined to do what was fair to the lessee, and at the same time get the best revenue they could from the country. He was not going to propose the amendment himself, but he pointed out that there might be some land that would not be worth the minimum, and there was no provision in the Bill for dealing with that. In the New South Wales Bill there was a clause to the effect that, notwithstanding anything in the Act, the board might, upon good reasons being shown, reduce the rents below the minimum upon such lands, the rents fixed in those cases to be laid upon the table of the House at the end of the year; and there were certain other provisions to prevent any improper interference with the revenue. It simply provided for a revenue out of runs that might not otherwise be held at all, because the rent, if fixed even at the minimum, would be too high.

The HON. G. KING said it struck him that the maximum fixed by the amendment was altogether too high. Take the case of a small run of 275 square miles, and which would carry from 30,000 to 40,000 sheep. The rent upon that would amount to £1,375 as against the present rent of about £130 or £125. He thought that was too great a rise altogether. The minimum fixed—20s. might be too low, but to raise it to 100s. was a great stretch.

The HON. T. L. MURRAY-PRIOR: It need not be fixed at 100s.—that is only the maximum.

The HON. G. KING said his objection was the same, as the power was given to charge £1,375 for what they now only had to pay £130; and it was certainly a very great stretch. For the fourth period they would find it come to £1,500 a year or more.

The HON. J. F. MCDOUGALL said it did not follow at all that the maximum rent would be the rent fixed. It should be remembered also

that it would be revised at the end of the first period of five years. If it was found that the rent fixed was too high, it could be reduced by the board or by the arbitrators.

The HON. W. FORREST: They must not go below the minimum.

The HON. J. F. McDOUGALL said the hon. gentleman was right—they could not go below the minimum, but on the other hand they could not exceed the maximum. He did not know that the minimum was much too high. They had been paying at the rate of £2 for the past seven years for most of the country in the settled districts, and he did not think it was much too high to fix it at 20s. However, the amendment provided a certainty, and it did not at all follow that because the maximum was fixed at £5 that that was to be the rent charged.

The HON. SIR A. H. PALMER said he thought the amendment was a mistake, and that if hon. gentlemen would give it a little more consideration they would find that it was so. He would strongly recommend them to postpone the amendment, especially as the Postmaster-General had promised to recommit the Bill, if necessary, and to give the matter a little more consideration before coming to a conclusion upon it. He found nothing in the Bill that said the rent was to be increased for the first period of five years. In reference to succeeding periods it was provided that "The rent payable for the second period of five years and for the third period of five years (if any) shall be determined by the board. In determining the rent, regard shall be had to the quality and fitness of the land for grazing purposes; the number of stock which it may reasonably be expected to carry in average seasons," etc. But hon. members knew all about that, and he need not weary them by repeating the provisions. Hon. members knew very well that in some cases after country had been stocked for five years, the land commissioner, the land board, or the arbitrators would find that it was not worth anything like as much as it was during the first five years. They would know from their experience that there was plenty of country which had carried and fattened stock, but which would now do nothing of the sort. The amendment, he repeated, was a mistake, and if they carried it they would prevent the rent on inferior country being reduced to what was, perhaps, a fair rent. Even five years was a long time to look forward to, and country that twenty years ago—or ten years—had carried good stock and sheep and grown good wool, might afterwards become utterly useless for that purpose. He could point out hundreds—he might say thousands—of square miles that would at one time carry sheep and pay well, but which, if stocked with sheep now, would utterly ruin the holder. If hon. members interfered with that part of the Bill, let them confine themselves to the maximum, but not increase the minimum amount of rent. He would recommend the hon. gentleman who had proposed the amendment to withdraw it.

The POSTMASTER-GENERAL said he had listened with great interest to the discussion on the proposition made by the Hon. Mr. Gregory. He had been thinking that it was really possible that it had been introduced from some sort of patriotic motives by the hon. gentleman. Although he (the Postmaster-General) could not, as he had said, speak from his personal experience, he had read a great deal about the way in which country had been used for pastoral purposes, and the conclusion at which he had arrived was, that in the majority of cases in which the land had become deteriorated it was owing to overstocking on the part of the pastoral tenant, who had been trying to get too much out of it. Probably the hon. gentleman had in contemplation that in fixing an increasing minimum proper precautions would be taken by the pastoral tenant for preventing overstocking on his run. Unfortunately there was no provision in the Bill to prevent a pastoral tenant overstocking. There was a provision to prevent him overstocking the land over which he held a grazing right, but none to prevent him overstocking his holding or dealing with it injuriously except a restriction against the ringbarking of trees without the permission of the board. So that looking at the matter from that aspect it was desirable that there should be an increasing limit placed upon the rental, that was to say that in each successive period the rental should be increased, and not reduced below that of the antecedent period. Then the country would be protected against the pastoral tenant overstocking or injuriously using his land.

The HON. A. J. THYNNE said he had listened to that long discussion on the pastoral lessees with a great deal of interest. He had noticed that in the Bill as originally introduced, there was nothing to provide for increasing the minimum or for any minimum at all as regarded the pastoral leases, while with regard to agricultural and grazing farms, it was provided that the rents should be regularly increased. He thought they should deal with the two classes of grazing occupiers—the small man and the large man—on the same principle. It was immaterial to him which was adopted, so long as the matter was disposed of in a proper way. He certainly did not see the fairness of providing for the renewal of pastoral leases without fixing an increasing minimum rental, while in the case of grazing farms it was insisted that there should be an increasing minimum. It might be that before long they would have the rabbit pest that was so much feared in this colony, and would it not be absurd to have the selectors turned out of their holdings because they could not pay the increased rent, from no fault of their own, if a similar provision were not made applicable to the pastoral lessees? It was, of course, well to protect the country against any possible impropriety in the assessment of the land. They all knew from their experience in the past that it had been a very difficult thing to procure proper assessments. He defied any commissioner, or any gentleman whom the Government might choose to appoint, to go and inspect a holding, and make a valuation in a fair and proper way from his own knowledge. He could understand a man going on a selection and seeking to make a just and proper valuation of the capacity of the country; but if he was not thoroughly acquainted with the whole of the country, what means would he have of ascertaining what kind of land it was? If he had to be guided by some other person he would probably be taken over the best part of the country, if his guide wished to make it look well; but if, on the other hand, it was desired to impress him with the idea that it was not first-class country, he would be shown the inferior country. It was by tricks of that kind that the country might not be fairly dealt with, and it was, therefore, well to provide some minimum rental for each period of the lease. A minimum of 1½d. was fixed in the case of grazing farms, which was a very much larger sum than was charged for pastoral holdings. If those grazing farms could be made to pay at a higher rent there was scarcely any reason in theory—he did not say in practice—why a larger rent should not be put on pastoral land. As far as he was concerned, he

did not care very much what way the matter was settled so long as the Committee arrived at a consistent decision, and dealt with both classes of tenants on the same principle, and a fair solution of the difficulty was adopted.

The HON. G. KING said he quite agreed with the remark made by the Hon. Sir A. H. Palmer that there should be no minimum rent fixed, but that there should be a maximum. The latter might be, say, 40s. for the first period, 50s. for the second, and 60s. for the third.

Amendment put and passed.

The HON. A. C. GREGORY said he now came to the last subsection—namely, subsection 7, which provided that—

"When the rent of a holding is to be determined by the board, the lessee shall, until it has been so determined, continue to pay at the prescribed time and place the same amount of rent per square mile as theretofore, or the minimum rent hereby prescribed, whichever is the greater amount; and when the amount of rent has been determined by the board the lessee shall, on the next thirtieth day of September, pay at the prescribed place any arrears of rent found due by him at the rate so determined, so as to adjust the balance due to the Crown."

He remembered that, in dealing with the leases of Crown lands, it actually happened that where the lessees were holding their runs under conditions which required them to pay their rent in advance, when they got their new leases, which overlapped the old ones, the Treasury demanded payment under both, and practically confiscated a year's rent.

The POSTMASTER-GENERAL: The lessees were great fools to allow it to be done.

The HON. A. C. GREGORY: It was done in a great number of cases; and under the circumstances he thought it desirable that the matter should be made quite clear. The clause spoke of the balance due to the Crown, but did not refer to any balance that might be due to the lessee. Suppose a lessee had a run of 300 square miles for which he paid at the rate of £1 per square mile. If the Government resumed half the run and increased the run 50 per cent. there would be exactly the same amount to pay on the holding; and the consequence would be this: on the 30th September instead of there being any balance against him, in consequence of the increased rent, as he would have paid the rent for the preceding year up to the full, there would be a balance due to the lessees. He did not propose that the lessee should be allowed to claim it as a cash payment from the Treasury, because that would create a confusion of accounts; it would be sufficient to make a provision which would prevent any doubt as to the right of the lessee to be credited on account of future payments with the balance previously paid in advance. He therefore moved the addition of the following words at the end of subsection 7:—

And any excess of payment by the lessee shall be credited to him in payment of rent which may subsequently become due in respect of the holding.

The POSTMASTER-GENERAL said the amendment was perfectly harmless. No Government had authority to demand two payments in respect to the same thing, and if by any accident a man had paid twice over, he would have been entitled to receive one of the payments. There was not the slightest doubt that if ever such a case had occurred, and the tenant had made application, the money had been returned at once without demur.

Amendment put and passed.

The HON. A. J. THYNNE said they had now got through the clause, in which they had made many amendments; but he wished to call attention to the effect of the clause in one particular. It defined what the lease was to be; and he thought he was not describing it improperly when he said it was to be a lease indefeasible only on non-payment of rent, with a right conferred by the Bill of effecting improvements, and claiming compensation for the same at the termination of the lease. Comparing the terms of occupation with those under the Act of 1869, there appeared to be an important mission in the Bill before the Committee—there was no provision requiring the country held under lease to be stocked. He did not know whether that was a desirable omission or not, but he did not think it at all desirable. They heard of the Government giving notice wholesale of the cancellation of leases because of the condition of stocking not been complied with; yet the Government introduced a Bill abandoning that very condition. It seemed very peculiar, and he should like to hear an explanation from the Postmaster-General.

The HON. W. H. WALSH said that now the Hon. Mr. Gregory was in his place, he would ask that hon. gentleman whether he intended to go any further with the Bill to-night? If not, perhaps he would move the Chairman out of the chair.

The HON. A. C. GREGORY said he should very much like to finish with the 28th section.

The HON. A. J. THYNNE said he thought he was entitled to the courtesy of a reply from the Postmaster-General. What was the reason, or what was the policy of omitting the condition of stocking from the clause?

The POSTMASTER-GENERAL: The Bill speaks for itself.

The HON. A. J. THYNNE said that in that case he should move the addition of the following words as a new subsection to follow subsection 7:—

The lessee shall, during the continuance of the lease, keep his run stocked to at least one-fourth part of the grazing capabilities thereof. For the purposes of this Act every run shall be deemed capable of carrying at least 100 sheep or twenty head of cattle per square mile. If the lessee shall fail to keep his run stocked as aforesaid, unless prevented by unavoidable natural causes, the lease shall be thereby forfeited.

The amendment was intended to prohibit as far as possible the holding of land for mere speculative purposes.

The HON. W. FORREST said he hoped the hon. gentleman would not persist in his amendment, and he would give his reasons. That portion of the Bill applied only to runs already taken up, and on which the condition of stocking under the Act of 1869 had been complied with already. And with the increased rental provided for in the clause it would be impossible to hold land for speculative purposes, for no one could pay 15s. per square mile for land and hold it without stock; in fact, people would have to stock it very much heavier than they would have to do under the proposed amendment, or else they would have to give up the land.

Amendment put and negatived; and clause, as amended, put and passed.

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

The House adjourned at two minutes to 10 o'clock.