Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 3 DECEMBER 1884

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LEGISLATIVE COUNCIL.

Wednesday, 3 *December*, 1884.

Crown Lands Bill—committee.—Burrum Railway Extension.

The PRESIDENT took the chair at 4 o'clock.

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.

Clause 29—"Grazing right on resumed portions of runs or holdings"—passed as printed.

On clause 30, as follows:—

"If in the opinion of the board any lessee exercising the right of depasturing is injuriously using the land over which the right to depasture is exercised by overstocking the same, the board may require him to reduce the number of his stock thereon to such an extent as the board may think fit; and if the lessee fails to comply with such requisition within six months after receipt thereof, his right of depasturing shall be determined."

The HON. W. H. WALSH said the clause appeared to be a very singular one, introducing something quite new as between tenant and landlord in connection with the occupation of Crown lands. If proper provisions were to be made in a subsequent part of the Bill that competent persons or authorities should be employed to deal with the matter, it would be a very advantageous clause—even if it pervaded the whole of that portion of the Bill dealing with pastoral occupation. But unless the Postmaster-General could promise that some such arrangement was to be made, he warned the Committee that it would be a very dangerous clause to pass. For instance, supposing the Government, in the exercise of their undoubted right, and in a fit of wisdom perhaps, appointed as members of the board two gentlemen who knew nothing whatever about pastoral or agricultural pursuits—two barristers or solicitors who knew nothing about the grazing power of land, who could not explain the difference between one style of sheep and another—it would be reduced at once to an absurdity. The clause said if, in the opinion of the board, the lessee was injuriously using the land.

The POSTMASTER-GENERAL (Hon. C. S. Mein): It may be referred to arbitrators.

The HON. W. H. WALSH: There was nothing in the clause about arbitrators.

The POSTMASTER-GENERAL: A previous part of the Bill provides that anyone dissatisfied with the decision of the board may have the matter referred to arbitration.

The HON. W. H. WALSH: He was not sure that the previous clause mentioned referred to clause 30 at all. At any rate, he was not going to take up the time of the Committee on the subject. He merely wished to point out that the clause was insufficient, although, as he previously stated, the object was a good one.

The POSTMASTER-GENERAL said he quite agreed with the hon. gentleman that it would be very desirable to frame some machinery for the purpose of stipulating that no lessee should be at liberty to overstock his country, but he did not see how such machinery was to be provided. The only way in which he thought the matter could be dealt with would be upon the principle he suggested last night—that there should be a gradual increase in the rentals towards the end of the term. That would prevent a pastoral tenant from depreciating the value of his holding for pastoral purposes by overstocking. However, that had not been provided for, and he did not see any other way out of the difficulty. It must be remembered by hon. gentlemen that the clause under discussion simply applied to the portion of the run over which the grazing right was exercised, and not to the leased portion at all. It applied only to the portion held under grazing right, and as the lessee would not have the same interest in keeping that land as valuable as that held under his lease, provision was made that the board should have it in their power, if they thought that any lessee was injuring the country by overstocking, to make him reduce his stock. And as the Bill now stood, any person feeling aggrieved by their decision could refer the matter to arbitration.

The HON. J. TAYLOR said he objected to the clause in its entirety. He would go further, and say that no man who overstocked country could injure anyone but himself. He had been told repeatedly that he was overstocking Cecil Plains, on the Darling Downs, but he had always found that after a few inches of rain the grass sprung up again as luxuriantly as ever. He objected to any such clause being in the Bill, by which the board should have power to fix what amount of stock country could carry. What in the name of patience did the board know about it? Men would not overstock, because it would not be for their own benefit; and they must know more about the capabilities of the country than any board could possibly know.

The HON. SIR A. H. PALMER said the clause was a very objectionable one as it stood. Take, for instance, a case where, during the drought, there were 10,000 head of cattle on a run, and all the water was at one end of it; would all the boards that were ever invented keep the cattle from the water, or prevent that part of the run from being overstocked? It was only giving a mischievous power to an irresponsible board, who probably would know nothing about the matter; who could only work by means of under men. If a piece of country was overstocked the holder of it would suffer far more than the country would. The country would recover itself if it was overstocked, but it would take the holder of it a long time to recover himself. It was a meddling clause which had no business in the Bill at all.

The POSTMASTER-GENERAL (Hon. C. S. Mein) said hon. gentlemen overlooked the fact that that provision did not apply to leases at all, but to the portion of the run over which the lessee had a grazing right.

The HON. SIR A. H. PALMER: It is just the same.

The POSTMASTER-GENERAL said he begged to differ from the hon. gentleman; it was not the same; it was totally different. That land could be taken away from the occupation of the lessee at any moment for the purpose of being converted into grazing or agricultural farms. And the object of the clause was to prevent the land being made useless by overstocking for that purpose. They might have the pastoral lessee running the whole of his stock upon it. The cases of drought referred to were amply provided for in the clause, which gave the lessee six months' notice before the provisions of the clause would be put into operation. In any case of drought, allowance would unquestionably be made, and the board would not harshly enforce the provisions of the clause.

The HON. W. H. WALSH said he did not think the hon. gentleman sufficiently understood the matter. The hon. gentleman said it only applied to the resumed portions of runs, and which might be resumed at any time for agricultural purposes. Why, the more a run was overstocked——

The POSTMASTER-GENERAL: I said agricultural and grazing farms.

The HON. W. H. WALSH said he had not understood the hon. gentleman to say so. He did not think it was possible for the clause to be properly carried out. While he admitted that with proper machinery for carrying out the clause effectively it might prove of great advantage, he maintained that the probability was that it would not be properly carried out, and would be the means of exercising the very worst tyranny towards the pastoral tenants of the Crown.

The HON. W. FORREST said he had another objection to it. The clause was framed in such a way that he believed it could be construed to mean the lessee of a holding or lease. The clause said:—

"If in the opinion of the board any lessee exercising the right of depasturing is injuriously using the land."

Turning to the interpretation clause, he found that a lessee was described as "the holder of a lease under the provisions of this Act." He believed that if the clause was strained it might be made to apply to the holders of leases.

The POSTMASTER-GENERAL: And this is the man who talks about obscurity!

The HON. W. FORREST said he agreed with what had been said about the clause by the Hon. Mr. Walsh. He failed to see how it would be possible to say, under certain conditions, that a man was overstocking his run. In cases such as the last seasons they had had the stock could not be removed, and must stay where they were, whether to live or die. It was a very unnecessary, arbitrary, and dangerous clause.

The POSTMASTER-GENERAL said the hon. gentleman spoke last night about obscurity of thought and confusion of ideas. He did not know where the hon. gentleman's ideas had gone to that afternooon. He had previously given the hon. gentleman credit for a considerable amount of intelligence; but that he should now get up and tell that Committee that he believed the clause could be stretched so as to apply to the holdings of lessees was beyond his (the Postmaster-General's) comprehension, and he believed beyond the comprehension of every member of that Chamber.

The HON. W. GRAHAM: No.

The POSTMASTER-GENERAL said the hon. gentleman deliberately stopped in the middle of a sentence, and he believed the hon. gentleman did so because he saw what he had previously stated had no application whatever. He (the Postmaster-General) would read the whole sentence:—

"If in the opinion of the board any lessee exercising the right of depasturing is injuriously using the land over which the right to depasture is exercised by overstocking the same, the board may require him to reduce the number of his stock thereon"—

On what? On the land over which he was exercising the right of depasturing.

"To such an exteat as the board may think fit; and if the lessee fails to comply with such requisition within six months after receipt thereof, his right of depasturing shall be determined."

He said if they did not have a clause like that, lessees of an improper turn of mind—dishonest men—and he presumed there might be some of them——

The HON. J. F. McDOUGALL: No, no!

The POSTMASTER-GENERAL: No, he had forgotten. They were all immaculate, he believed. Were they not all "honourable men"—men who would not injure an unfortunate selector, or take a threepenny bit away from the country—men who never thought of their own interests, and always looked to the interests of the selector? If such a clause were not passed he said it would be competent for a lessee to turn all his stock on to the resumed portion of his former run, and render it absolutely useless for grazing purposes by exhausting all the natural grasses which rendered the country of value for that purpose.

The HON. W. FORREST said that when the Postmaster-General gave an opinion, and more particularly where it was a legal opinion, and he was proved to be wrong, he never forgave the man who had shown him his mistake. The hon. gentleman had given another opinion just now, and he had given an opinion last night, and had surrounded it with confusing language, and he was wrong. The hon. gentleman referred to what he (Hon. Mr. Forrest) said yesterday, and he (Hon. Mr. Forrest) might refer to what the hon. gentleman himself had said yesterday, and he said that the legal opinion given by the hon. gentleman last night, with all his brilliancy and ability, had been shown to be wrong; and when such was the case last night, he (Hon. Mr. Forrest) thought he had very good reason to doubt the correctness of the hon. gentleman's opinion now. He had given a deliberate opinion last night and another to-day. He (Hon. Mr. Forrest) had shown that the hon. gentleman's opinion as given last night was wrong, and he did not accept the opinion which the hon. gentleman gave to-day.

The HON. J. F. McDOUGALL said he understood the Postmaster-General to say that the lessees might overstock that country to an injurious extent so as to render it unfit for the incoming man. The hon. gentleman forgot, however, that in doing so the lessee would be ruining his own stock. By overstocking his country he would be starving his stock, and no man would be so foolish as to do that. The contention was manifestly absurd.

The HON. W. GRAHAM said he agreed with a great deal of what had been said by the Hon. Mr. Forrest as to the phraseology of the clause; and the careful explanation given of it by the Postmaster-General consisted in his simply reading it over. The clause still remained the same. The best way to get over the difficulty would be to insert after the word "exercised," in the 3rd line of the clause, the words "under the provisions of the previous clause," so that the clause would read:—

"If in the opinion of the board any lessee exercising the right of depasturing is injuriously using the land over which the right of depasturing is exercised under the provisions of the previous clause by overstocking the same," etc.

That would meet the objection raised by the Hon. Mr. Forrest. He looked upon the whole clause, however, as unnecessary, and impossible to be carried out. There were clauses enough in the Bill. What on earth was the use of putting in clauses that any practical man knew it would be utterly impossible to carry out? If the Postmaster-General would tell them the names of the gentlemen who were to form the board, they might judge of how the clause would be carried out.

The POSTMASTER-GENERAL: Mr. Gregory and Mr. Taylor, probably.

The HON. W. GRAHAM: Then Mr. Gregory and Mr. Taylor would have a very rough time of it if they were supposed to ride all over the country and find out whether it was being overstocked or not. The only way in which the clause could be made workable would be by getting envious neighbours to give information, and the board would have to go up and satisfy themselves that the information given was correct. He considered the board was a perfect farce, and they would find that out before they sat very long.

The POSTMASTER-GENERAL said he did not think it was likely that they would sit for a very long time to come.

The HON. J. TAYLOR said the clause was a useless and unnecessary one, and he formally moved that it be expunged.

The HON. A. J. THYNNE said he thought there was another side to the question altogether. If hon. gentlemen would look at clause 121 they would find that a restriction was placed upon the selectors who took up country on the resumed half of the runs, and if there was a restriction to be placed upon the number of stock which the selector was allowed to depasture on or about his selection, it was only fair play that a similar restriction should be put upon other people; in short, if the selector was to be restricted as to the number of stock he should depasture on his selection, the pastoral tenant should be placed in exactly the same position.

The HON. A. C. GREGORY said they had frequently heard of the overstocking of runs; but in the clause under discussion they were not dealing with runs at all, but with what was practically a species of commonage. It was, in fact, to be a kind of commonage between the lessee who held the adjoining land and the selector who took up a part of it. That would, at all events, be the case for a time, and under those conditions he thought that the clause would not act injuriously.

The HON. W. H. WALSH said that he had stated the restriction would not act injuriously if it were properly enforced; but he maintained the probability was that it never would be properly enforced, and only arbitrarily and perhaps spitefully in the only cases in which it would be enforced. He objected to the machinery which would probably be employed in enforcing the clause, and to the motive that would in all probability set that machinery in motion. If the clause prevailed all over the Bill, and proper machinery was introduced in order that it might be carried out in a businesslike and satisfactory manner he entirely approved of the clause; but it was not right that a man should be liable to be suddenly pounced upon by men who would determine whether he was overstocking his run or not, and who, if he should bring overwhelming testimony to prove the contrary, might come to the conclusion that he was overstocking his run, and, in the language of the clause, "his right of depasturing shall be determined."

Question—That the clause as read stand part of the Bill—put, and the Committee divided:—

CONTENTS, 10.

The Hons. C. S. Mein, W. Pettigrew, J. Swan, A. Raff, J. C. Heussler, T. L. Murray-Prior, G. King, A. C. Gregory, W. G. Power, and A. J. Thynne.

NON-CONTENTS, 10.

The Hons. Sir A. H. Palmer, J. F. McDougall, W. Aplin, W. Graham, W. H. Walsh, J. C. Smyth, W. F. Lambert, W. Forrest, P. Macpherson, and J. Taylor.

The CHAIRMAN said, the votes being equal, it became his duty to give the casting vote, and he gave it in favour of the "Contents." The question was therefore resolved in the affirmative.

Clause 31—"Lessee may waive grazing right"; clause 32—"Description of leased land"; and clause 33—"Use of timber or material by lessees"—passed as printed.

On clause 34, as follows:—

"Any person driving horses, cattle, or sheep along any road passing through a holding under this part of this Act, which is ordinarily used for the purpose of travelling stock, may depasture such horses, cattle, or sheep on any land within the distance of half-a-mile from such road, which is not part of an enclosed garden or paddock within two miles from the principal homestead or head-station, notwithstanding that such land is leased under this part of this Act, or is enclosed.

"Provided that, unless prevented by rain or flood, such horses, cattle, or sheep shall be driven towards their destination at least six miles within every successive period of twenty-four hours."

The HON. A. C. GREGORY said there was an expression in that clause to which he personally took exception, and that was the phrase "or is enclosed," at the end of the 1st paragraph. The effect of that provision would be that anyone driving stock along a road, one side of which had been fenced, would have the right to break down the fence and depasture his stock on the land. It would be much better to deal with the very important question of providing pasturage for travelling stock in a separate measure. He was afraid that, as the Bill at present stood, the Committee could hardly introduce amendments sufficiently large to deal with the matter in the way its importance demanded. Therefore he now spoke more on the general question raised by the clause than with the view of proposing any substantial amendment. He considered that it would be far better to eliminate the clause altogether, and to insert a provision giving the Governor in Council power to proclaim stock roads not exceeding one mile in breadth through pastoral holdings. That would meet the difficulty, which had hitherto arisen, as to what were roads along which stock might be driven. He would earnestly commend the provision made in the Land Act of New South Wales to the consideration of the Government, so that at some early period they might adopt substantially the principle enunciated in that enactment, which provided for travelling stock along roads in a separate Bill. He thought all hon. members were agreed that the law on that subject, as it at present stood, was in a very unsatisfactory position.

The POSTMASTER-GENERAL said he agreed with the Hon. Mr. Gregory, that the present arrangements with regard to travelling stock were unsatisfactory. The question presented considerable difficulty, and he himself did not see his way out of it. That clause, as the hon. gentleman had stated, and as the Committee were probably aware, differed somewhat from the provision in the Pastoral Leases Act of 1869. The difficulty which arose in dealing with the matter was twofold; first, if they proclaimed a road through the lessee's holding it might be a hardship to the lessee; and second, if they did not proclaim roads through runs and make proper provision for travelling stock, it might be unfair to persons driving stock to market. The real difficulty was how to decide what was fair between the two parties. He was free to admit that the clause in its present shape, and all previous clauses with regard to travelling stock through lessees' runs, had the appearance of hardship. The clause before the Committee provided that a person travelling stock might depasture them on any land within a distance of half-a-mile along any road ordinarily used for that purpose, and even on any enclosed land along the road which was not a garden or paddock within two miles from the head-station. The effect of that would probably be that a lessee having stock travelling over his run would not be very likely to cultivate paddocks or enclosures which were distant two miles from the homestead, if they were near a road along which stock would pass. He believed the matter had been well considered elsewhere, and he did not see his way to amend the clause so as to meet the difficulty suggested by the Hon. Mr. Gregory. He would, however, be very glad to have the matter discussed, and to contribute in any way to clearing up that difficult question.

The HON. J. TAYLOR said it was a question which it was impossible to clear up. A man

travelling stock must have a right to half-a-mile on each side of the road, whether the country was fenced or unfenced, and he would support the clause, although in doing so he might be opposed to his friends on that side of the Committee. He maintained that they had as much right to legislate for travelling stock as for lessees. A great number of stock came a distance of 1,000 miles, and they ought not to be kept in a long lane between two fences, where they could get neither water nor pasture. He might state that he had one property over which a quarter of a million stock passed every year. He would support the clause most heartily.

The HON. W. GRAHAM said there was no doubt it was a difficult matter. He had suffered from travelling stock, but perhaps he had stolen as much of other people's grass as anybody, having been a drover himself for a considerable time. In such cases as that mentioned by the Hon. W. Taylor, no doubt stock must have grass, and he thought that if he were travelling stock in such a place he would cut down the fences in order to give them grass and water. The only suggestion he could offer was that there should be gates at intervals along fences where both sides of the road were fenced, and that drovers should have the right to take their stock a mile from the road where only one side was fenced. The whole question, however, should be dealt with in a separate Bill. The Postmaster-General had told the Committee that the matter had received careful consideration; but that was not the case, for the clause was very little different from the former provision. He did not like the idea of fences being cut down; but stock must have grass.

The HON. W. H. WALSH said the Hon. Mr. Graham very feelingly wound up with the remark that stock must have grass. That was really the expression which was always used by gentlemen who had a great deal more stock on their runs than they should be allowed to carry, and who, when hard times came, set their stock travelling in tens of thousands along the roads stealing the grass belonging to other people.

The HON. W. GRAHAM: "Let the galled jade wince; our withers are unwrung."

The HON. W. H. WALSH: And no person did it more ruthlessly than the Hon. Mr. Taylor, whom he charged with carrying affliction to numbers of other people by means of the stock he sent travelling about the country. Was it not notorious that he had brought disaster on a neighbour of his in that way? He (Hon. Mr. Walsh), after the number of his stock had been reduced by drought, had to put up with tens, and almost hundreds of thousands of sheep going deliberately on his run and stealing the grass for which he paid the country, and which he absolutely required to keep his own stock alive. It was all very well to listen to those platitudes and pleadings from hon. gentlemen who were famous for travelling stock in the days of trouble; but was that Committee to take no thought for the poor creatures who had to pay their way, but were victimised by the inroads deliberately made by the tremendously large squatters who, regardless of what was their own, deliberately cut down and robbed them of the pasturage they rightfully possessed? There was another remark of the Hon. Mr. Graham which he was astonished to hear any Englishman make.

The HON. W. GRAHAM: I am not an Englishman.

The HON. W. H. WALSH said he presumed the hon. gentleman did not mean to say it was illegal for him to fence his leased country, and if he had a legal right to do that, where was the hon. member's right to do as he said—reluctantly, he admitted—to break down fences?

The HON. J. TAYLOR: By this clause.

The HON. W. H. WALSH asked where was the authority? The hon. gentleman knew that no clause in that Bill would become law: but he was trying to satisfy his conscience in regard to the ruin he had brought upon those persons whose grass his travelling stock had taken away. If he (Hon. W. H. Walsh) had a right to fence in his run, where could be the right on the part of the grass-robber, simply because he had more stock than he could find pasture for—where was his right, legal or moral, to break through fences? He never objected to travelling stock having as much grass as they required when they passed through his run. He had never objected before to the inroads of persons who sent their stock from the rich western country to the poor coast districts to deliberately rob them in winter. For the last ten or fifteen winters he had been robbed in that way of his grass, but when he heard of provision being made for it, and the right of the thing being advocated, and the law spoken of as being set aside, he protested against such an interpretation being put on the laws, and the assertion of rights which he knew did not exist. He embraced that opportunity to protest against the action of stock-owners like the Hon. Mr. Taylor, who sent his sheep, whether sound or otherwise, not to market or to any given spot, but to zigzag and meander over the country in search of other people's grass in order to spare his own.

The HON. T. L. MURRAY-PRIOR said there was a great deal to be said on both sides. No doubt if the Hon. Mr. Walsh was so situated that his stock were dying of starvation he objected strongly to travelling stock. He (Hon. Mr. Murray-Prior) also disliked the idea of grass-pirates; but he could not say that if he were in the same position he would let his stock starve, and not do all he could to preserve their lives. It was far better not to look at the matter from a personal point of view, but to do their best to find a way out of the difficulty if possible. The only way to meet it effectually would be by a separate Bill, which he hoped would at no distant date be introduced. It struck him that if stock were allowed to go through enclosed lands they might even go into lucerne paddocks, and that would be very unfair. In particular cases there would always be a difficulty, but drovers would take care to look out for grass and water; and if they found themselves between two fences they would probably break one of them down. If they did so they would of course have to take the risk. He hoped, now that the drought was over, and the season for rain had come, that there would be no necessity for stock to travel in search of grass; but he agreed with the hon. gentlemen who had spoken on the subject that some provision should be made for stock travelling. As he said before, he should like to see a Bill introduced for that purpose; but in the meantime he would move, by way of amendment, the omission of the words "or is enclosed" at the end of the 1st paragraph of the clause.

The HON. J. TAYLOR said that if the amendment were carried it would mean ruination to all stock travelling. He could not account for the speech of the Hon. Mr Walsh, unless the hon. gentleman spoke in a great passion, or had taken leave of his senses, for he did not suppose there was a man in the colony, possessing large numbers of stock, who travelled them less than he (Hon. Mr. Taylor) did. Whenever he was compelled to do so, he gave his drovers particular

instructions not to go into that wretched part of the country occupied by the Hon. Mr. Walsh. Only two lots of his sheep, 8,000 in each, had been travelling during the present season, and they were perfectly sound till some of them were unfortunately taken near the hon. gentleman's property, where they caught the disease. As to his being the greatest offender in the matter of travelling stock in the colony, that was a falsehood. As he said before, he was compelled to travel a certain number of sheep during the present season, and he had paid pretty dearly for doing so. He denied being a grass pirate. The Hon. Mr. Walsh was far more a grass pirate than he was. And as for bringing stock from the west to the coast districts, he never brought any stock from the west to the district occupied by the Hon. Mr. Walsh at all. With regard to the clause, if a drover got into a lane between two fences forty or fifty miles long, what in the name of patience was he to do with his sheep or cattle? He must simply stick there and die. There was nothing else for it, unless he was allowed to cut the fences and get grass for his stock. He maintained that men had no right to fence within half-a-mile on each side of the road. Where they had done so, make them move their fences back half-a-mile from the road, and there would be no occasion for cutting fences. He thought a provision to that effect ought to be inserted in the Bill. The amendment proposed would mean simple ruination to men who were compelled to travel stock to market or otherwise, and he for one would not agree to it in any way.

The HON. W. GRAHAM said there was a good deal in what the Hon. Mr. Walsh had said. As the clause stood, anyone having an enclosed garden, lucerne paddock, or vineyard, more than two miles from the station, would be liable to have travelling stock passing through it. He thought that the difficulty might be got over by inserting the words "cultivation paddock" after "or" and letting the remainder of the clause stand.

The HON. W. F. LAMBERT said by the clause a lessee could fence in the road two miles on each side of his head station. Travelling stock, in passing the station, would then have to go through a lane of four miles; they had a mile to travel over at each end; and every one conversant with travelling stock would know that those places would be perfectly bare, even in ordinary seasons, and there would be nothing for stock to eat. The clause certainly wanted amending, and he thought that if the two miles were struck out altogether it would be better.

The HON. W. FORREST said the longer they considered the question the greater the difficulties appeared to be; and as they were all agreed that something should be done in the matter, but were scarcely prepared to say what was best, would it not be advisable to postpone the consideration of the clause until the other portions of the Bill had been disposed of? He had no doubt that by that time the hon. the Postmaster-General or some other hon. member would have a proper amendment to propose. He had great sympathy with what the Hon. Mr. Walsh had said with regard to grass pirates—men overstocking their runs, and then travelling about keeping their stock on their neighbour's grass; but he would remind the hon. gentleman that every man who travelled stock was not necessarily a grass pirate. He was just as alive to the necessity of having ample room for stock to travel as any man in that House or out of it, and he would be glad to see something done to meet the necessity of the case. The Hon. Mr. Taylor very nearly hit the mark when he said that there ought to be a law to prevent lessees from fencing within half-a-mile of the road. He thought they ought not to be allowed to do anything of the kind, and a provision of that sort would meet the Hon. Mr. Walsh's objection. That hon. gentleman objected, and so did he (Hon. Mr. Forrest) that inasmuch as the lessee of a run could legally fence it in, to allow his fences to be broken down was utterly wrong. But they must have roads to travel stock over, and he would get over the difficulty by providing that whenever an existing fence came within half-a-mile of the road the lessee should be compelled to remove it back; but he should get compensation for doing so.

An HONOURABLE MEMBER: From whom?

The HON. W. FORREST: From the State, who allowed him to put it up. He also thought that those half-mile or mile roads should be proclaimed, and that where they went through a run the lessee should pay no rental for the land they occupied. Those were some ideas that had passed through his mind as a means of meeting the difficulty.

The HON. W. H. WALSH said the objection to half-mile roads was that they were virtually made commonages, and they all knew what a curse commonages had been to towns where, through certain influences, they had been proclaimed. He was perfectly sure that Dalby had been strangled in its infancy by the enormous commonage that was made round about it, not for the travelling stock or for carriers, or for the benefit of the townspeople, although ostensibly so, but for other reasons. He had always held that Dalby would have had a large population compared with what it had now, had it not been for the enormous reserves that were made there, extending, he believed, twenty miles out of the town. His objection to the clause was that it would enable the public to invade private property. A man might have a garden two miles from his homestead—probably he held no land at his homestead at all suitable for making a garden, but he was very desirous of having one—and according to the clause, if strictly carried out, travelling stock might invade it; a man might turn his bullocks into it for the night, or persons travelling mobs of cattle or horses might do the same thing. He objected very strongly to a clause of that kind. The ways of pastoral people were certainly wonderful. He found that in the Bill, as originally introduced by the Government, the clause ran thus:—

"Any person driving horses, cattle, or sheep along any road passing through a holding under this part of this Act, which is ordinarily used for the purpose of travelling, and is not separated by fences from the adjoining land, may depasture such horses, cattle, or sheep on any unenclosed lands within the distance of half-a-mile from such road, notwithstanding that such land is leased under this part of this Act."

That was the proposal in the Government Bill. They thought it absolutely necessary to protect the public. But no! The pirates of grass and other large squatters, who had constantly a great portion of their stock in a locomotive state, advocated the altering of the clause into the shape in which it now stood? He had no doubt that if they examined the parties who led to the amendment being made in the original clause in the other Chamber they would find that they were the gentlemen who sat on the opposite side to the Government benches. He wished to make it perfectly clear that, in his opinion, the clause as it originally stood dealt very fairly with men who were travelling stock, while at the same time it gave them no right whatever to invade the legitimately fenced

ground of the lessee. If the law authorised a man to put up a fence around his property, was an intruder to be allowed to break down his fences and take possession of the land for which he paid nothing at all, and whose stock might be travelling in order to evade the law—to prevent them from paying certain dues at certain times of the year? Far be it from him to say that that was done by any person that he knew in the country, but it might be done; stock might be travelled at a particular period of the year to evade certain well-known Acts. He was obliged to the Hon. Mr. Taylor for giving his country a very bad name. The hon. gentleman's remarks reminded him very much of what they used to do when he first came to the country many years ago. They used to put up boards all round about the run with the words "Beware of scabby sheep" upon them. He, as manager of a station, was obliged to keep those boards erected on all the highroads about the place, not because they had scab everywhere—unfortunately they had it in some parts of the run—but in order to prevent travelling stock coming near them. He hoped that the remarks of the Hon. Mr. Taylor would prevent not only his sheep, but other sheep, from coming down upon his (Hon. Mr. Walsh's) country. At the same time he trusted that the hon. gentleman's remarks about his sheep that were diseased—probably through passing through his (Hon. Mr. Walsh's) run—would not have a deterrent effect, and prevent any person who desired to buy really good stock from going to his hon. friend to select them.

The HON. J. TAYLOR said he could satisfy the hon. gentleman on one point. As soon as his sheep that were diseased were destroyed and paid for by the Government, he had got a higher price in the market than ever.

The HON. T. L. MURRAY-PRIOR said he did not wish hon. gentlemen to be misled with regard to his proposed amendment. His object in bringing it forward was to preserve, as far as he could, existing interests, and to give time for the Government to bring in a comprehemsive measure for regulating the driving of stock. He was not wedded to the amendment, if any other hon. gentleman had one that would meet the case. He did not think, with some hon. gentlemen, that there was very much to fear from roads being fenced in on one side. As a rule leaseholders had their runs on each side of the road, and it would hardly pay them to fence in the road one chain. Any person having a large extent of country of that sort, and having, as the Hon. Mr. Taylor had said, to put up twenty, thirty, forty, or even fifty miles of fencing on each side, would make a calculation and would see at once that it would be much better for him to allow travelling stock to travel through his run without any fence at all than to go to the expense of so much fencing. He looked upon the clause as a very serious one. He hoped the discussion upon it, however, would soon close. They had discussed it for a considerable time, and if any hon. gentleman had n amendment to move which he thought better han his, he would be most happy to withdraw his.

The POSTMASTER-GENERAL said that perhaps he could propose a compromise between the conflicting opinions, as it was evident "doctors differed" as well as ordinary mortals. It seemed to him undesirable that a person travelling with stock should be at liberty to go into a paddock under cultivation, and it was also undesirable that he should be at liberty to turn his stock into any paddock near the homestead where, perhaps, selected animals from the stock of the owners of the station were being depastured. He suggested, therefore, to modify the clause to provide that no person travelling with stock should be allowed to enter upon any enclosed garden or paddock under cultivation or upon any enclosure situated within a mile or two miles of the head-station. It had been suggested to him that one mile would be sufficient to provide for, because two miles from the head-station would really mean four miles. He thought two miles was sufficient, if they prevented travelling stock going into any enclosed garden or paddock under cultivation.

The HON. A. J. THYNNE: No matter at what distance from the head-station?

The POSTMASTER-GENERAL: No matter at what distance it was from the head-station. Personally, he would like to see a clause framed that would meet the objection of those who had suffered from travelling stock, as well as the convenience of those who had to travel their stock.

The HON. T. L. MURRAY-PRIOR said he felt that the Postmaster-General was trying to steer them over a difficulty; but for his own part he preferred the clause as it stood to the proposed amendment. At the same time he would withdraw his amendment with the permission of the Committee.

Amendment, by leave, withdrawn.

The POSTMASTER-GENERAL said it would meet the amendment he suggested if they inserted the words "under cultivation or is not" after the word "paddock" at the end of the 5th line of the clause, and omitting the word "two" in the 6th line with a view of inserting the word "one." The clause would then read:—

"Any person driving horses, cattle, or sheep along any road passing through a holding under this part of this Act, which is ordinarily used for the purpose of travelling stock, may depasture such horses, cattle, or sheep on any land within the distance of half-a-mile from such road, which is not part of an enclosed garden or paddock under cultivation, or is not within one mile from the principal homestead or head-station, notwithstanding that such land is leased under this part of this Act, or is enclosed."

HONOURABLE MEMBERS: That is worse than the other.

The POSTMASTER-GENERAL said it was not worse than the other. Under the present state of the Act, a man could travel sheep within two miles of the head-station so long as he did not go inside an enclosed garden or paddock. He proposed by the amendment that a man travelling sheep should not be at liberty to go within any enclosure within a mile of the head-station, or within any garden or enclosed paddock under cultivation. That was to say that within one mile of the head-station all enclosed land was shut out from travelling stock, and also all enclosed land under cultivation, at whatever distance from the head-station.

The HON. W. H. WALSH said that surely the Postmaster-General did not recognise the fairness of allowing any man to travel stock upon enclosed land, such as a garden or paddock under cultivation?

The POSTMASTER-GENERAL said that, on the contrary, the amendment he had suggested provided that any enclosure under cultivation was absolutely sacred wherever it was on the run, and every enclosure within a mile of the head-station was also absolutely sacred.

The HON. J. F. McDOUGALL said that the amendment still did not meet the question of fencing. A man might have four or five miles of a paddock fenced off; and the clause, even as amended, would still allow persons travelling with stock to pull down the fences and enter it, unless it was within a mile of the head-station.

The POSTMASTER-GENERAL: If it is not a cultivation paddock.

The HON. J. F. MCDOUGALL: If it is not a cultivation paddock. He thought that they should prevent the intrusion of persons travelling stock upon land fenced off in that way; and if they broke through, or pulled down the fences, they should give compensation. He fully admitted the necessity of providing for travelling stock, and he quite agreed with the Hon. Mr. Walsh in what he had said, because he knew something of the country to which that hon. gentleman had referred—he had travelled stock there himself. It would be a most arbitrary thing for them to compel those individuals to shift their fences or allow persons travelling with stock to pull them down without giving compensation. That would be a very hard case indeed, though it was perfectly right that they should say that in future no fences should be erected within half-a-mile of the road—that was only just; but where persons had already put up miles of fencing, they should not be obliged to take it down for the benefit of persons travelling with stock. The Hon. Mr. Taylor had spoken of the number of sheep that had been travelled through his run, but that would not apply in the present case at all, as the hon. gentleman's land was freehold, and there was no danger of travelling stock doing much damage upon freehold land without the owner having to pay for it. He himself was personally not interested one way or another, but he thought it unfair that persons who had already erected fencing should be obliged to remove it, or should have to submit to its being pulled down by persons travelling stock.

The POSTMASTER-GENERAL said the hon. gentleman spoke about compensation. Who did he expect was to pay the compensation? Was it the person who travelled the sheep, or was the country to pay it?

The HON. J. F. MCDOUGALL: I admit that that is the difficulty.

The POSTMASTER-GENERAL said he did not believe there were a hundred roads in the country fenced in so as to become enclosed lands within the meaning of the Pastoral Leases Act of 1869. Land was not enclosed by running a fence on two sides of it, unless that fence was only one of a series of fences completely surrounding it. He had known many cases where persons had enclosed land in that way, and insisted that they had a right to keep out travelling sheep. They had no such right. He hoped the hon. gentlemen would settle the matter among themselves; he was quite willing to adopt the views of the majority, and frame a clause to meet them. He had suggested a clause, which in his opinion was a fair one under the circumstances, and, if it did not work well, legislation could be readily obtained to alter it.

The HON. W. H. WALSH said his objection from the very outset was not so much to travelling stock as to the dictum laid down by an hon. gentleman, who said he had the right to break through any fence in order to let his travelling stock upon enclosed ground. He objected to that, and it seemed to him it was assuming a very serious aspect when they found the Postmaster-General to some extent endorsing that opinion. He said the protection of the rights of the subject was of far more consequence than looking out for the interests of travelling sheep. He said that, when a lessee had a right to fence in his leasehold, no individual had a right to break through that fence; but the whole argument now appeared to be tending to the effect that any person travelling stock in search of grass had that right. The argument appeared now to be that any person travelling stock could take the law into his own hands; and, if a man erected a fence to enclose his land, he could not insist upon its being left alone. That was not the liberty of the subject to which Englishmen were accustomed. Grass pirates or legitimate travellers, as the case might be, were now to be the judges as to whether they should break down a man's fence or not. He said it was absolutely atrocious, and it would lead to bloodshed. He remembered himself a memorable case of a man insisting upon driving his stock through another man's paddock, and that led to bloodshed, but happily not to death. He said it would lead to bloodshed, and endless expense in the courts of law; and that was the first time he had heard it advocated that a man had a right to take the law into his own hands, and break down a fence which another man had erected.

The HON. A. J. THYNNE said it seemed to him that the Hon. Mr. Walsh assumed that the lessee of a run who put up a fence along a road did so legitimately.

The HON. W. H. WALSH: I said so.

The HON. A. J. THYNNE said there was reason to doubt the correctness of that assumption. Travelling stock were privileged to go along a road and to graze on the land half-a-mile each side of the road; and if the lessee erected a fence along the road without making proper provision for stock going half-a-mile on each side, it would be his own fault if the fence were broken down.

The HON. W. GRAHAM said he must make a few observations, in reply to what had been stated by the Hon. Mr. Walsh. He (Hon. Mr. Graham) did not claim the right to break down people's fences; he simply said that he would take down a fence when necessary. He had driven a man's sheep away from his own fenced waterhole and watered his (Hon. Mr. Graham's). He knew that he was bringing himself under the law in doing so, but he was prepared to accept the consequences, even though he were to be heavily fined, as he believed he was doing the best he could for his employer under the circumstances. He claimed no right to cut down fences, but contended that such a right was conferred by the clause before the Committee. As to the amendment of the Postmaster-General, he thought it would in some measure meet the difficulty. It gave more latitude than the clause, but it secured gardens and cultivation paddocks at any distance from the head station, and it also secured horse paddocks, which was really what was desired. That was a very reasonable provision. Very few drovers, if any, would put their sheep into a horse paddock, because they knew that if they did so they would be made to suffer for it afterwards. But, after all, it was hardly worth their while tinkering with that part of the Bill, and really it was only tinkering. A number of suggestions had occurred to his mind, but he did not think it was any use discussing them. In his opinion, the question was one which might very well be referred to a committee. Whether it was too late to do that this session or not he did not know.

The HON. T. L. MURRAY-PRIOR said he must confess that on first reading over the clause he had to a great extent misunderstood it. He had told the Postmaster-General that the amendment was worse than the clause, but on looking into it more closely he found what he really did not expect to see—that by the clause as it stood stock could actually travel over any enclosed land half-a-mile on each side of the road, provided the land was not part of a garden

or cultivation. Under those circumstances he thought the amendment was an improvement on the clause.

Amendment put and passed.

On the motion of the POSTMASTER-GENERAL, the words "one mile" were inserted instead of the words "two miles" in the 6th line of the 1st paragraph.

Clause, as amended, put and passed

Clause 35—"Penalty"; and clause 36—"Time of laying information"—passed as printed.

On clause 37, as follows :—

"If any lease under this part of this Act is forfeited or otherwise determined before the expiration of the term thereof, the Governor in Council may, by proclamation, declare the land which was comprised in such lease to be open to be leased to the first applicant, for the remainder of the term of fifteen years, subject to the same conditions as were applicable to the former lease.

"Or the land may be dealt with under any other provisions of this Act applicable thereto.

"If two or more applications are made at the same time the right of priority shall be determined by lot in the prescribed manner.

"If the land is leased for the remainder of the term, then if there are upon the land any improvements, the new lessee shall pay to the former lessee compensation for such improvements. The amount of such compensation shall be determined by the board after hearing both parties, and shall be recoverable by action in any court of competent jurisdiction.

"If the land is otherwise dealt with, then any amount which is afterwards received by the Crown in respect of such improvements shall be paid over to the former lessee."

The POSTMASTER-GENERAL moved that the words "fifteen years," in the 1st paragraph, be omitted, so as to make the clause harmonise with the amendment made in clause 28.

The HON. W. H. WALSH said he thought it was necessary to amend a previous part of the clause. As it now stood it provided that "if any lease under this part of this Act is forfeited or otherwise determined before the expiration of the term thereof, the Governor in Council may, by proclamation, declare the land which was comprised in such lease to be open to be leased to the first applicant." He objected to that entirely. There might be some collusion between the first applicant and the Government of the day. Some clerk in the Lands Office or in some other office might get an inkling of what was going on in respect to a forfeited selection, and put some friend of his on the *qui vive*, so that the latter might become the first applicant. The provision was very unfair to the public.

Amendment put and passed.

The HON. A. C. GREGORY said it would be very convenient in the working of the business of the Lands Department if it were provided that the incoming tenant or lessee, or holder of a run, should produce a receipt from the outgoing tenant for payment of compensation for improvements, and that that receipt should be taken as sufficient evidence of such payment. And as there might be cases in which the outgoing tenant refused to accept payment when it was tendered, he thought they should provide that in such cases the money might be lodged with the commissioner.

The POSTMASTER-GENERAL : Or other prescribed officer.

The HON. A. C. GREGORY said the suggestion of the Postmaster-General was a good one, and he would therefore include those words in the amendment he was about to submit to the Committee, which was that the following words be added to the 4th paragraph :—

"Provided that the new lessee shall not be entitled to receive a lease until he shall produce evidence of having duly paid the said amount of compensation, or shall have lodged the amount in the hands of the commissioner or other prescribed officer."

He now formally moved that amendment.

The HON. W. H. WALSH said it seemed to him that that was a very clumsy way of effecting the object the hon. gentleman had in view. He thought that provision should be made for the payment of compensation to the outgoing tenant within so many days after the amount was determined by the board.

The POSTMASTER-GENERAL said the clause provided that the amount awarded should be recoverable in the same way as an ordinary debt. The 4th paragraph stated that "the amount of such compensation shall be determined by the board after hearing both parties and shall be recoverable by action in any court of competent jurisdiction." The amendment of the Hon. Mr. Gregory went further, and said that a man should not have a lease which afforded all the rights of occupation and all the privileges attached to the lease until he had paid the compensation due to the outgoing tenant. He did not see any objection to the amendment, as the person entitled to compensation ought no doubt to receive protection.

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

Clause 38—"Forfeited leases of runs under the Pastoral Leases Act of 1869 may be offered at auction"; clause 39—"Agricultural areas may be proclaimed"; and clause 40—"Governor may proclaim lands open to selection"—passed as printed.

On clause 41, as follows :—

"Before any land is so proclaimed open for selection it shall be surveyed under the direction of the Surveyor-General and divided into lots of convenient area for selection, with proper roads and reserves for public purposes, and such lots shall be marked on the ground by posts not less than three feet in height at the corners of the lots."

The HON. A. C. GREGORY said he wished to draw the attention of the Postmaster-General and the Government to the extreme difficulty that would attend any attempt to work out that provision. It was quite evident that the real state of the case was not understood when it was passed. At the same time he did not see how they could amend it without mauling the Bill in such a manner as to give reasonable ground for saying that the Committee had made a mess of it.

The POSTMASTER-GENERAL : Adopt the clause which has been struck out.

The HON. A. C. GREGORY said that was as bad, inasmuch as it allowed unrestricted free selection; and if the clause was passed as it now stood it would be absolutely necessary before six months had elapsed to pass an amending Bill. He could frame a clause which would meet the case, and which could be worked easier and cheaper; but he did not intend to move an amendment, as the matter was entirely one of departmental administration.

The HON. A. J. THYNNE said the clause involved a very serious alteration in the practice of the colony regarding selection. It was really cancelling the privilege which men in search of land had possessed up to the present time—the privilege of going where they chose and picking out the land that suited them best. They were now to be tied down to the rectangular blocks formed by the ruler of a clerk in the Surveyor-General's office. He thought the way the Government proposed to treat the selectors, as compared with their treatment of the graziers, did not redound to their credit. They went on the principle that the people would make the best use of the land because they had to pay a fair rent; and that being so, he would ask why they restricted people with the absurd conditions with which they must comply before

they could get their land? Why should a man be compelled to take the piece offered to him and no other, instead of being allowed, within reasonable limits, to choose such a piece as would suit his own interests and convenience? If hon. gentlemen would examine a map of the Logan district of ten or twelve years ago, and a map of the same district at the present time, they would see a wonderful difference between the two. In that district men had taken up land under the Acts of 1868 and 1876 to suit their own purposes, and as the land became more valuable the odd pieces that were at first rejected were all taken up. There was very little unoccupied, and that little consisted of land which was at the present time comparatively worthless. There was no doubt that if the Government insisted on the public taking up land only in certain marked areas it would be one of the greatest possible checks to real genuine settlement; because a man would work with greater spirit when allowed to choose a piece of land suited to his wants than he would if he could only get land with the choice of which he had very little to do. He did not propose to move any amendment, but he thought the matter well worthy of discussion. He thoroughly endorsed what the Hon. Mr. Gregory said in regard to the necessity for an amending Bill, and he was convinced that it would only require a few weeks' practical working of the measure now before the Committee to produce such an outcry as would force the Government to make some alteration. He strongly protested against the clause.

The POSTMASTER-GENERAL said he sympathised to a large extent, though not altogether, with the remarks of the last speaker. He was entirely opposed to free selection all over the country, the disastrous effects of which could be plainly seen in New South Wales; but he believed in selection within prescribed areas; a system which had hitherto worked fairly well in the colony, and which had been incorporated in the Bill originally submitted to the Legislative Assembly. He did not know what fault the Hon. Mr. Gregory had to find with the Bill in its original shape so far as selection was concerned, because the clauses were almost precisely similar to those which were so admirably administered by the hon. gentleman himself. Perhaps, now that guiding mind was not in the department, it would be found difficult to properly provide for the wants of the community; but perhaps, if the Government got into a corner, the hon. gentleman, with his liberal generosity, would come to their assistance. He could not help admiring the extreme generosity with which both the Hon. Mr. Gregory and the Hon. Mr. Thynne abstained from coming to the relief of those unfortunate selectors. How energetic was the Hon. Mr. Gregory in bringing forward his amendments for the relief of the pastoral tenant, and how cordially the Hon. Mr. Thynne co-operated with him in bringing them to a practical result! But, where the selector was concerned, they left him to the tender mercies of an unsympathetic Government—according to their ideas. Where the pastoral tenant was concerned, hon. members opposite combined solidly from top to bottom in forcing upon the Government amendments which they knew were distasteful to the majority of the people; but it was very different when the selector was concerned. He duly appreciated the two sets of motives which led to the different courses of conduct; and he now asked the Committee to assent to clause 41, not because it provided a perfect system, but because a vast majority of the representatives of the people thought it was the best system that could be adopted.

Question put and passed.

On clause 42, as follows :—

"With respect to land which, before the passing of this Act, had been proclaimed open for selection or for sale by auction under the provisions of the Crown Lands Alienation Act of 1876, or any Act thereby repealed, and as to which it is practicable to divide the land into lots without actual survey, and to indicate the position of such lots by means of maps or plans, and by reference to known or marked boundaries or starting points, the following provisions shall have effect:—

1. The Governor in Council, on the recommendation of the board, may suspend the operation of so much of the last preceding section as requires the land to be actually surveyed and marked on the ground before it is proclaimed open for selection, and may require the Surveyor-General to divide the land into lots, and to indicate the position of such lots on proper maps or plans;
2. The land may thereupon be proclaimed open for selection in the same manner as if it had been surveyed, and the delineation of the lots on the maps or plans shall be deemed to be a survey thereof, and the lots shall be deemed to be surveyed lots for the purposes of this part of the Act;
3. The powers conferred by this section may be exercised at any time within two years after the commencement of this Act, but not afterwards."

The HON. A. C. GREGORY said the Postmaster-General, in speaking in regard to clause 41, referred to the method in which the administration of the lands under the old Acts was carried out, and said that they were very successful in their operation; and the Hon. Mr. Thynne made somewhat similar remarks. Now, it was a very singular thing, that in a certain district of the colony the administration of those Acts was of a most peculiar character. In fact, it was exactly such an administration as an irresponsible board would possibly have adopted. The business was conducted in this way: If a selector wanted a piece of land, he drew up a description of it and took it to the commissioner. The commissioner would look at it and say, "I cannot understand this application; the description is not sufficiently clear." The applicant would say, "How can I make it right?" and the commissioner would say, "If you take it down the street to No. So-and-so, and go into a certain office, you will find Mr. So-and-so; he will be able to put it right for you." The selector would go and see Mr. So-and-so, and get the description drawn up, for which he had to pay a guinea, and it was then accepted. In any case, unless the selector had got his description drawn up by that particular individual, he never got his application accepted. That went on for many years; no doubt they would call it a very lax system of administration; and what was the result? It was very peculiar, that, under an autocratic system like that, the particular surveyor who drew up those descriptions decided what land the people should have and what they should not have, and unless they accepted his division of the country they had to go without. That went on for a good many years with the full knowledge of the Minister. It was what they would call highly irregular, but, at the same time, it happened to be very successful. That was the history of that particular district at that time, and it only showed that sometimes they might have an autocratic system which was to some extent an advantage. He knew that those facts would be used by the hon. the Postmaster-General as being against the argument he had brought forward in opposition to the land board. However, the upshot of the matter was, that at last it was found that one guinea was not sufficient to secure a description that would be accepted, but two guineas were required, and then the public began to object. The consequence was that they got a description drawn up somewhere else, and took it to the commissioner, who said, "I cannot understand this description"; and then—beginning to think that

there was something in it—he said he would give an answer to-morrow. Then on inquiry he found out where the description had been prepared, and the whole scheme broke up. That was an instance of the way in which these things might be done; and although it might have been successful in the early days of the business in that district, it eventually changed into a grievance, by levying blackmail upon the public in a way that was highly improper. In regard to the clause under discussion, the Surveyor-General would have to make arrangements to divide the land much in the same manner as the surveyor to whom he had referred had managed it. It would have to be done in an autocratic manner; but there must be some system devised which would satisfy the public generally. If the Government tried to work the sale of land in suburban lots, their only way of getting over the difficulty was to cut it up into the smallest-sized areas allowed by the Act, and then allow people to select one, two, three, or four portions, according to the quantity they required; but an objection to that method was, that they would get all sorts of irregular boundaries, because, if a man wanted two or three blocks, they could hardly be expected to have symmetrical boundaries. It would have been far better for the Government to have adopted a system of having simply a feature survey of the country made, laid out their main roads, marked off their reserves—which could have been done at a very cheap rate—and then to have allowed the selectors to mark off on the maps the portions of land they wanted. Of course there would have to be some rules and regulations with regard to how a selector was to lay out his boundaries, but that would have been a comparatively simple matter. Whatever might be the result of the clause at present, he recommended the Government to look carefully into the matter, and see whether they could not devise a workable system to give effect to the object in view. Unless they did something of that kind, they could not transact the business of the country with satisfaction either to themselves or to the people. As the clause stood, with the exception of the land already declared open to selection, survey must take place before selection, and land must be selected in lots as shown on the subdivisions that would be exhibited under the proclamation; and if the Government did not find themselves in a fix it would be a pity. He therefore suggested that they should carefully consider the matter, and as early as possible next session introduce some amendment, which they would have ample time to consider, and upon which they would be able to get proper advice. He did not expect that they should go to him for advice, but to those persons who were properly their advisers. If they had taken any trouble to ascertain what would probably be the result of the carrying out of their policy, they would certainly never have brought in a couple of clauses like those he referred to.

The POSTMASTER-GENERAL said the hon. gentleman had made one important omission. He referred to that district in which those alleged malpractices had occurred. He would like to know whether it was the Darling Downs district?

The HON. A. C. GREGORY: No; Moreton.

The POSTMASTER-GENERAL said he would like to know who was the commissioner, and who was the surveyor and whether; the hon. gentleman was himself Surveyor-General at the time, and why he did not stop those malpractices if he was?

The HON. A. C. GREGORY said if the hon. gentleman wished to know he would tell him. It was in the West Moreton district, and the hon. gentleman knew perfectly well who was the commissioner.

The POSTMASTER GENERAL: I do not.

The HON. A. C. GREGORY said it was the late General Commissioner, Mr. R. J. Smith. He would leave the surveyor out, though he would say he was a man well acquainted with his profession. The hon. gentleman further asked why he, as Surveyor-General at the time, did not stop those malpractices. It was not in his department, because the Minister gave instructions that he was not to meddle with that.

The POSTMASTER-GENERAL: What Minister?

The HON. A. C. GREGORY said that, notwithstanding those instructions, when those peculiar transactions came to his knowledge, he sent a formal report of it to the Minister. But what did he say? He said "It is the only way to work the system."

The POSTMASTER-GENERAL: I would like to know who the Minister was.

The HON. A. C. GREGORY: He was a member of a Liberal Ministry.

The POSTMASTER-GENERAL: But I think the hon. member is bound to give the name after what he has said?

The HON. A. C. GREGORY: It was Mr. Thompson.

The POSTMASTER-GENERAL said that Mr. Thompson was not a Liberal. He was a colleague of the Hon. Mr. Murray-Prior. Nevertheless he hardly credited that Mr. Thompson would have been guilty of such misconduct, or that he would have been guilty of such a failure in the performance of his duty. He very much discredited whether there was any solid ground for the accusation brought against him, or that brought against the late Mr. R. J. Smith. If the hon. gentleman was himself Surveyor-General at the time those malpractices were going on, it was his duty, in the interests of the people whose servant he was, to have laid the matter before Parliament. That was the first time that he had heard of any suspicion being attached to those gentlemen with regard to the administration of the Act, and unless he had solid proof that it was a fact he would not credit it. It did not affect any personal friend of his own, or any associate of his in politics; but he had this much confidence in Mr. Thompson, that he was sure he would never have been a party to any such malpractices as had been referred to by the Hon. Mr. Gregory.

The HON. A. C. GREGORY said the Minister never looked upon it as a malpractice. He (Hon. Mr. Gregory) thought he was bound to refer the matter to the Minister, but that was as far as he could go. When the Minister was informed of what was going on, he (Hon. Mr. Gregory) could not go beyond him. The Hon. Mr. Mein knew perfectly well that in his own department he would certainly not countenance any of his subordinates going past him in anything, but would consider that all business to be transacted by the department should be transacted through him as the head of the department.

The HON. T. L. MURRAY-PRIOR said that Mr. Thompson having been a colleague of his own, and having been referred to, all he could say was that he (Hon. Mr. Murray-Prior) knew nothing whatever of the malpractices referred to, and he was perfectly sure that Mr. Thompson would never have done anything that he considered wrong in the slightest degree.

The HON. A. C. GREGORY: He said it was the best way to work the system.

The HON. A. J. THYNNE said, before the clause was passed, he thought he ought to call the attention of the Committee to the way in which the clause was now shaped. Selection would practically be stopped from the time the Bill came into force until such time as it suited the convenience of the Surveyor-General's Department to mark off the selections on the maps. He thought it was also a matter to which he should draw attention that, after the selections were marked off on the maps, there was nothing to mark them on the ground, or to identify portions on the ground with the portions marked off on the map; so that, when a man applied for a piece of land, according to the map, he was really drawing lots as it were from a lottery bag. He might ride over the country, and estimate the distance from one point to another, and guess approximately at the locality of the place; but when it came to be surveyed, he might find himself considerably out; and instead of having useful land which might be worth his trouble to cultivate, or occupy as a grazing farm, he would find that he was shifted on to a worthless piece of country. The clause was framed in such a way as really to deprive any selectors from getting any practical advantage by it. The first part of it said:—

"With respect to land which, before the passing of this Act, had been proclaimed open for selection or for sale by auction under the provisions of the Crown Lands Alienation Act of 1876, or any Act thereby repealed, and as to which it is practicable to divide the land into lots without actual survey, and to indicate the position of such lots by means of maps or plans, and by reference to known or marked boundaries or starting points, the following provisions shall have effect."

The putting in of the condition "as to which it is practicable to divide the land into lots without actual survey," rendered the boon professed to be offered under the clause absolutely worthless; and the practical effect would be that, until the survey could be completed throughout the colony in the different places where land was to be thrown open to selection, no one could take up a selection. If hon. gentlemen would take notice of the proceedings at their land courts in Brisbane, they would get a practical test of the farmer's idea of the Bill. At the land court held that month a large number of applications were made for selections of 1,280 acres—about the largest blocks which men could take up under the present system—in the Moreton district, and he said that when men would rush to get what was really the leavings after the pickings of years under the present conditions, it showed clearly that the farming classes did not look upon the proposals put forward in that Bill with anything like favour. The Postmaster-General made some remarks to the effect that he (Hon. Mr. Thynne) had omitted to move any amendments on that part of the Bill; but there were a good many considerations to be taken into account. In speaking upon the second reading of the Bill, he described the measure as one framed by the Ministry with a view, not so much of protecting the people to whom they chiefly owed their position, as to conciliate opposition which they expected from other parties. He must say they had succeeded well in their efforts to conciliate opposition; they had introduced a Bill which, in some respects, was the most liberal squatters' Bill that was ever introduced into any Colonial Parliament that he was aware of. But at the same time they had introduced what was a crude and incomplete measure in regard to the farming population, and such as anyone who took the trouble to look into it would find was almost unworkable. To point to the fact that the Bill was unworkable, he need only refer to clauses 41 and 42; and the Government actually proposed now to stop, for such a period as would suit the convenience of the Surveyor-General's Department, all selection. It amounted to that. If he were to move any amendment upon that part of the Bill it would almost amount to constructing a new Bill, and he must say that he had not the leisure to devote to such an undertaking as that. It was the duty of the Government, in introducing a Bill and carrying it through, to work out properly all the details of their measure, and not to leave it to private members of either House to work them out for them. He would even now suggest to the Postmaster-General to take up the matter in the interests of the selectors and farmers, and reconsider that clause; and say whether the present system of selection before survey, in the case of land now absolutely open for selection before survey, should not be continued until such time as surveys were effected in such numbers as to give a larger supply of land than there was a demand for. It would take years to do that, and they should consider the men who had come out here and fulfilled their engagements, and made all arrangements for entering upon farms, and should not stop by what he could only describe as the "red-tape" system, which was now proposed to be established under that Bill by Act of Parliament, those men from obtaining land. They saw what was occurring now month after month—men were found anxious to take up land, and there would be men anxious to take up land for months to come. Yet here they were telling those men, "You will have to put your hand into a lottery bag and take your chance as to what you shall draw out, or else you may wait until such time as the surveyors of the colony have had time to survey a sufficient number of blocks for you all to take up." He might here express his regret that the return for which he moved several days ago—respecting the number of surveyors available in the colony, whether in the Government Service or out of it—was not before them yet. If they had that return before them they would see that if all the surveyors in the colony were employed in the work of the arrears that had got to be done, they would not in twelve months be able to get through all that had to be done, and it would not be for a long time after that that they would be prepared to survey land open to selection under that Bill.

The HON. W. H. WALSH said they had got very much into the habit of mixing up so many matters in a discussion on one clause that it seemed very desirable to confine one's self to the actual question before the Committee, which was an amendment proposed by the Postmaster-General.

The POSTMASTER-GENERAL: No.

The HON. W. H. WALSH: Then it was something proposed at the instigation or with the concurrence of the Postmaster-General. The hon. gentleman who last addressed the Committee had struck a key-note with which he was very familiar, and it was so much in accord with his ideas that he could not help availing himself of that opportunity to say, although it might be foreign to the subject before them, that he endorsed the views of the hon. gentleman so far as selection before survey was concerned. Ever since he had first spoken on the Land question in this colony he had been a steady and steadfast advocate of free selection before survey all over the colony. If they wanted selection they must not restrict selectors to little pieces of land proclaimed available by the Government, but give freedom to persons to go all over the length and breadth of the colony and select the piece of land they wanted, always provided that the privilege was hedged in with a sufficient safeguard. The Hon. Sir John Robertson had

proposed, too late, in the Land Bill which he introduced into the Legislature of New South Wales, which he (Hon. Mr. Walsh) had heard deprecated that evening, that such a safeguard should be provided; and he advocated that wherever selections were made upon leased lands the possessors of them should have no right or title to the lands until they fenced them in. If a provision of that kind had been inserted in the Act of 1868, as he earnestly entreated Parliament to do at the time, there would have been no necessity for their subsequent Land Acts. The land belonged to the people, but by their legislation they were showing that the land did not belong to the people, and that they would withhold it from the people. He maintained that until they gave the people freedom to select all over the colony under proper restrictions they would never do away with that diverse, hostile legislation which they were now enduring, and which they had endured for the last twenty years. He was glad to find that there was in that Chamber another advocate for free selection besides himself. He did not take the view he did, in the interest of any particular party or class, but in the interest of the whole colony, and because he believed that it was free selection which would settle the differences that they all knew were being aggravated instead of lessened by the extraordinary legislation which they occupied themselves in discussing and passing, with a view to securing to selectors little bits of land in the vast territory comprised in the colony. If the Hon. Mr. Thynne would go to the trouble of himself framing a Bill, or even framing a clause which would bring about what they wished, he promised the hon. gentleman that he should have his most cordial support. He (Hon. Mr. Walsh) would do all he possibly could to grant what he considered would be a great boon to the colony.

The HON. T. L. MURRAY-PRIOR said he would premise what he was about to say by stating that he was as much in favour of small selectors as any member of that Committee. He thought there was one aspect of the question which had not been alluded to. The Hon. Mr. Thynne had stated that at the last land court in Brisbane there were a large number of applications received for selections, and that each of the applicants selected as large a quantity of land as he possibly could. That was very true, but what was the reason of it? The reason was that the people who made those applications already lived in the district with their families, and were anxious to secure as much of the adjoining land as they could now, because they felt that they would not be able to take up any more under that Bill. He did not anticipate that the Bill would induce that amount of selection which some hon. gentlemen seemed to expect it would. There would be very little selection in the Logan or Albert districts, as nearly all the river frontages had already been taken up and were either freeholds, or in the process of becoming freeholds; and all the land at present available was at a distance from navigable rivers, or in mountainous country. He did not pretend to be such an advocate for survey before selection as some hon. gentlemen were. He remembered a case in which there was a great rush for some country which was of very little use. Indeed he could hardly understand why the people took it up. At any rate there was a great rush for the land, and it was thrown open for selection. It was not surveyed; and it was found so difficult for the applicants to distinguish the land they selected, that the Government caused a survey to be made, which was completed in the course of a month. The main features were surveyed; and although the land was not marked out in allotments, the selectors, having been provided with a recognised starting point, were able to establish their position. He had not the slightest hesitation in saying that, by carrying out a survey of that sort, it would answer present purposes, and would not impede settlement. No doubt the Government would be compelled to make extensive surveys; but he did not anticipate that there would be any difficulty in providing land for all applicants. For his own part he totally disagreed with the provision in the Bill.

The HON. G. KING said that free selection before survey which had been so highly commended by his friends, the Hon. Mr. Thynne and the Hon. Mr. Walsh had, after twenty years' trial, been utterly condemned in New South Wales, and the people in that colony were now retracing their steps and resorting to a different mode of dealing with the land. Free selection before survey had been at the bottom of all the litigation and quarrels which had occurred between selectors and squatters in New South Wales; and he would be very sorry indeed to see the system introduced into this colony. He thought if the suggestion of the Hon. Mr. Gregory for a flying survey, or a plan of charting out upon a map the land to be selected, were adopted, a great deal of expense would be saved. By such an arrangement their object would be fully answered in the first instance, and a complete survey could be made afterwards; but free selection before survey would lead to nothing but mischief and litigation.

The HON. J. C. HEUSSLER said one of the best features in the Bill was the provision for agricultural areas prohibiting free selection before survey. It would, he believed, promote the best kind of settlement. In his humble opinion free selection before survey in New South Wales all over the colony had led to larrikinism, and bushranging, and all that sort of thing. If selection had been confined to prescribed areas, the people would have lived closer together and would have had schools in their midst, and these conditions would have prevented the growth of larrikinism. He would support the clause in its present form.

The HON. W. H. WALSH said he believed that the free selectors in New South Wales who had been so much deprecated would turn out to be one of the grandest classes of land proprietors in the world. That there had been abuses in connection with the system he admitted, and Sir John Robertson had acknowledged as much. He (Hon. Mr. Walsh) had often heard that gentleman say that he made two mistakes in the first instance. One was that he did not provide for the fencing in of selections. If he had done that he would have been the originator and founder of one of the finest land laws ever instituted in the colonies. The second mistake he made was that a selector of 200 or 300 acres had a further right to depasture his stock over twice that area, the land over which he exercised his right belonging at the time by law to another party. In fact, a new class of pastoral tenants was set up at the expense of the first and more legitimate landholders. If they adopted the principle of free selection with proper restrictions, it would be the means of raising up a proprietary second to none in the world. But the Bill would merely create an enormous amount of serfdom. Nobody would feel that he had a stake in the colony; but everybody would feel that he had a harsh landlord; and when a general election came round, and the Government had some important measure in contemplation, they would then see trouble. They would have to make large concessions to the new class of poverty-stricken tenants they raised up, or suffer in some other way. He went in heartily for free selection all over the colony,

provided it was fenced in with such conditions as would prevent the new proprietary becoming a nuisance to the rest of the community.

The HON. A. J. THYNNE said he had to a certain extent been misunderstood; he had been credited with being an advocate of free selection all over the colony; but the remarks he addressed to the Committee were confined entirely to the question under discussion. He asked the Government to consider whether they could not make some arrangement by which intending selectors would be enabled to take up selections on the land now open, until such time as the departmental convenience of the surveyors enabled them to survey a sufficient quantity of land for all parties under the provisions of the Bill. In making a change to a new system, it was always desirable to do so with as little of a wrench as possible, but the sudden change now contemplated in regard to selection would cause a great deal of annoyance and inconvenience to large numbers of people in the colony. There would be no difficulty in carrying out his suggestion, because the land was now open for selection, and if allowed to continue so for a year or two, as one clause seemed to indicate would be allowable, he did not see where could be the loss to the Crown, the inconvenience to the department, or the injury to the public. If selection were stopped, a great many people whom it was most desirable to retain would be driven out of the colony. It was well known that hundreds of men who had lately been employed in the North had received their wages and were now out of employment; and they were practically told that they would have to wait twelve or eighteen months before they could get land to suit them. That was equivalent to telling them to go to some other colony where they could take up land without delay. He had a great deal of sympathy with those men, who wished to turn their means and their strength to profitable use. Probably when the proposed railways came to be constructed those men would find it easy to get employment; but what were they to do in the meantime? All reasonable means should be taken to retain in the colony those people who had been brought out at such trouble and expense.

The HON. A. C. GREGORY said that with a little stretching of the clause—though he did not approve of passing clauses with the intention of their being stretched afterwards—the difficulty might be overcome. Almost the whole of the Burnett district would be available for selection; and if the Government would just have main roads and reserves traced on the maps already in existence, the whole thing might be easily worked out. The Burnett, together with the Wide Bay district, in which the conditions as to survey were similar, contained a very large proportion of land exactly suited to the requirements of the small settler. There was not much land suitable for selection left in the Moreton district, but what little was left was equally available with that in the Burnett district, and if the Government adopted the plan, and allowed the selector to take up land in accordance with the maps already in existence, there would be no difficulty. They would be compelled to stretch the clause, by preparing a map with divisions all over it, and afterwards to modify the boundaries in accordance with the blocks taken up by selectors; and that would be far better than enforcing the clause as it now stood.

Clause put and passed

On clause 43, as follows:—

"1. The proclamation declaring the land open to selection shall appoint a day (not being less than four weeks after the date of the proclamation) on and after which the land will be open: And on and after the day so notified the land shall be open to selection accordingly.

"2. The proclamation shall also specify whether the land is in an agricultural area or not, and shall declare the maximum area of land which may be selected by any one person in the district.

"3. Such maximum area shall not—

(*a*) In the case of land in an agricultural area, exceed nine hundred and sixty acres, or be less than three hundred and twenty acres;

(*b*) In the case of other land, exceed twenty thousand acres, or be less than two thousand five hundred and sixty acres.

"4. The proclamation shall also specify the numbers of the lots, and their area, and the annual rent per acre to be paid for each lot:

"Such rent shall be not less than three pence per acre in the case of land in an agricultural area, and not less than three farthings per acre in other cases.

"5. In the case of land in an agricultural area, the proclamation shall further specify the price (not being less than twenty shillings per acre) at which the lessee may purchase the land in fee-simple, as hereinafter provided.

"6. The proclamation shall also state the value of any improvements upon any lot declared open to selection."

The HON. P. MACPHERSON moved the omission of the words "nine hundred and sixty" in resubdivision (*a*) of subdivision 3, with a view of inserting the words "one thousand two hundred and eighty." In moving the amendment he wished to assert himself.

The POSTMASTER-GENERAL: Hear, hear!

The HON. P. MACPHERSON said he was one of those stigmatised by the Postmaster-General as "a servile majority." When he was a little boy, and his internal clockworks got out of order, his grandmother——

The POSTMASTER-GENERAL: That is going a long way back.

The HON. P. MACPHERSON: Blessed be her memory! She used to inflict on him a dose of a very good powder called "Gregory's mixture."

The POSTMASTER-GENERAL: You have had enough of that, I hope. So have we all.

The HON. P. MACPHERSON said the effects of that powder were instantaneous and salutary. The powder was warranted not to kill, and he had survived its effects many times. Now, it struck him that the Government had been forced to swallow a good deal of Gregory's powder during the consideration of the Bill now before the Committee, and he believed its effects would be found most salutary. The Postmaster-General thought he was a master of satire, but he had better leave it alone when next he attempted to lecture hon. members. By way of showing his extreme liberalism, he would ask why the area should not be extended to 1,280 acres. He called on his hon. friend who represented the Government to consent to his amendment — to gracefully concede what he asked. The hon. gentleman represented a Liberal Government—a Government that wished to develop the resources of the country through the yeomanry class, as the hon. gentleman himself said; and he could not therefore consistently oppose the amendment.

The HON. W. GRAHAM said he was inclined to agree with the amendment, which he thought was a liberal one. Why a Liberal Government should have reduced the area, which had always stood at 1,280 acres—at 160, 320, 640, 1,280, and 2,560 acres—to 960 acres, he did not know. He expected it was one of those extraordinary theories which pervaded the Bill; but he dared say the hon. the Postmaster-General could give some reason for it.

The HON. A. J. THYNNE said he agreed with the amendment, which he thought ought to recommend itself to the Committee. In the

Moreton and other closely settled districts probably 1,280 acres might be too large; but hon. gentlemen must recollect that they were not legislating for the metropolitan districts only, but that there were such places as the Gulf of Carpentaria and other extreme northern parts of the colony, where 1,280 acres would not be a bit too large an area for a man to take up as a selection. Practically, the amendment amounted to an enlarging of the discretion of the Government for the time being as to the area to be proclaimed. It did not render it necessary that a man should be allowed to take up 1,280 acres in any part of the colony, but merely gave the Government discretion to increase the area to 1,280 acres in those districts where it was considered desirable that that area should be thrown open to selection. He believed it would be found in practice, by-and-by, that 1,280 acres would not be too large an area to allow to be selected, especially in connection with partially established or new industries in the way of cultivation which had not yet been established in the colony. He should support the amendment.

The HON. J. TAYLOR said he should support the amendment. He did not think 1,280 acres was a particle too much for a farmer, where it was possible to get the land. The Hon. Mr. Walsh, in the course of his remarks, said that Sir John Roberson made two grand mistakes in regard to his free-selection policy. He was commonly known as "Free-selection Jack," and no doubt he did make a mistake in regard to free selection, and also in regard to grazing rights; but what he (Hon. Mr. Taylor) wished to draw attention to was this—were they not actually wasting time, hour after hour and day after day, in discussing the Bill after what the Premier said in the other House last night? What he said was reported in the newspaper as follows:—

"The Land Bill was incidentally referred to in the Assembly last night. Mr. Macrossan asked Mr. Dutton, in accordance with his promise when the Bill was before the Assembly, to name the members of the land board. The Minister said he had not yet made up his mind, but in any case he thought it would be premature to state who would form the board. The Premier subsequently confirmed Mr. Dutton's opinion as to the chance of the Bill becoming law, to which Mr. Macrossan had incidentally referred. Mr. Griffith said he anticipated that the Bill would become law very nearly in the shape in which it left the Assembly, and not as some people desired it should do."

What did that mean? Was it not a threat to that House? Did it not mean that when the Bill was sent back to the Assembly with their amendments the Government would stand out against them and bring the Bill back to its original state? He hoped hon. members of that House would resist to the utmost all attempts to force them to withdraw their amendments. He, for one, would do so, and he trusted that there was sufficient pluck in hon. members to resist the Bill being altered back to its original state and passed in that form. He considered that what the Hon. Mr. Griffith said was a deliberate threat to that House.

The HON. T. L. MURRAY-PRIOR thought it a pity that that matter had been brought forward. They had made certain amendments in the Bill, and they would have to deal with them probably on a future occasion. With regard to the 1,280 acres, he could see no reason why the area should not be fixed at that limit as well as 960 acres. He was perfectly satisfied that 960 acres was far too little for most people, and that by extending the area many advantages would arise. To some persons 960 acres as an agricultural farm might seem a very extensive area, but they found that as an agriculturist went on his stock increased and he required more land, and that, in fact, 1,280 acres was not sufficient for his operations. As he said before, he believed in freetrade in land. People liked to have their own land, and if they merely held it upon lease they would not go on making improvements as they would otherwise do. He had no doubt that before long the principle of the Bill would be entirely changed—that the Government who framed it would find that in the agricultural districts it was not a Bill that would satisfy farmers or selectors. In the outside districts he believed in leasing—that it was far better in those districts to lease than to sell land, and 20,000-acre holdings might be found to work very well in some instances; but even in that case he would prefer that eventually the holder should be able to turn it into freehold, as all Englishmen liked to look upon the land as their own, and their house as their castle. He should certainly support the increased area.

The POSTMASTER-GENERAL said there was some argument in the observations of the last speaker. He had not spoken before because there had been no arguments brought forward to answer. He could very easily tell, from the manner in which amendments were brought forward, what was intended. The Hon. Mr. Macpherson wanted them to believe that it was all his own mixture that he had been taking; that it was not anybody else's; and that he had not swallowed the dregs at the bottom of the cup. He was glad to hear the candour of the hon. gentleman. He had observed him sitting there silently, swallowing every pill that was offered to him to swallow, and he really thought better of him. He had now admitted that he had swallowed everything that had been offered to him, and no doubt he would swallow the last dregs in the bottom of the cup. Hon. gentlemen overlooked the fact that there were two classes of selection under the Bill — agricultural farms and grazing farms—and experience had shown with regard to improvements in agricultural areas that the great bulk of the improvements, in the shape of cultivation, had been effected in the homestead areas by small men who were satisfied with 160 acres, and devoted their personal energies to the development of the land. He had no sympathy with persons who desired to acquire large freeholds in the name of agricultural holdings. He was at that moment looking at some persons who had selected land—the pick of the country—and who had not expended a shilling upon it. They got that land from the country at 10s. an acre.

The HON. T. L. MURRAY-PRIOR: Does the hon. gentleman refer to me?

The POSTMASTER-GENERAL: He was not referring to the hon. gentleman individually. Those men valued their holdings within three years after their selection at £10 an acre, although they only paid 10s. an acre to the State, and gave no corresponding equivalent whatever. He repeated that he had no sympathy with those men. They did not do any good for the country, but only benefited their own pockets at the expense of the State.

An HONOURABLE MEMBER: Who are they?

The POSTMASTER-GENERAL: And those were the men who called themselves patriots, the champions of the people, and of the poor man!

The HON. K. I O'DOHERTY said he did not know whether the hon. gentleman referred to him, but he looked very suspiciously at him. If he did, all he (Hon. Dr. O'Doherty) could honestly say was that he never made a greater mistake in his life. He had taken up land, it was true, and paid 10s. an acre for it; but there had been within the last three years £50,000 spent upon it. If that was not doing good to

the State he did not know what was. And now, after having spent £50,000 upon it, the hon. gentleman and his colleagues were trying to rob them of it.

The POSTMASTER-GENERAL: He denied the statement most distinctly. There was not a particle of truth in it. And he could go further, and say that the hon. gentleman himself had not spent a threepenny bit of his own money on it.

The HON. K. I. O'DOHERTY: Haven't I?

The POSTMASTER-GENERAL: He could say something more on that point, but would not do so. He repeated that he had no sympathy with those grasping persons who wished to secure, at the expense of the State, for the benefit of their own pockets, large areas of freehold land; and that past experience had shown that—although there might have been isolated cases where persons had selected fairly large areas and proved themselves to be good colonists—yet the bulk of the improvements had been made by small men. Whether the area was fixed at 960 or 1,280 acres did not matter very much. It was merely a question of extent, not of principle; but, personally, he thought that 960 acres was an amply sufficient area to be selected out of the picked lands of the country and sold away in fee at moderate rates. They had provided that persons in the outside districts could select 20,000 acres.

The HON. W. GRAHAM: They cannot buy.

The POSTMASTER-GENERAL: They could not buy, but they got a lease for thirty years, and he expected most of them would be in their graves before that. He knew he would. Further, whatever improvements a man erected upon his ground, either himself or his representatives would be paid for subsequently. Every encouragement was given to improve to the utmost extent, and all they were asked was to pay a fair thing for the land. However, if the Committee in their magnanimity were prepared to give the poor man, for whom they now, no doubt, professed to be legislating, the power to obtain 1,280 acres instead of 960 acres, he would not break his heart over it.

The HON. J. TAYLOR said he must contradict the Postmaster-General when he spoke of the vast improvements made by the small selectors. It was very evident the hon. gentleman had not been among the small selectors. He could take him to the selections of some of those small selectors the hon. gentleman spoke of, and could show them the miserable houses they had built, and the wretched fences they had put up. It was on the large selections, the large estates, where the money was spent. Thousands of pounds were spent upon them, and he could take the hon. gentleman to Jondaryan and show him them; to St. Ruth for another, to Yandilla for another, to Clifton for another.

The POSTMASTER-GENERAL: Cecil Plains for another.

The HON. J. TAYLOR: Yes, Cecil Plains for another; hundreds of thousands of pounds had been laid out on the runs he had spoken of.

The POSTMASTER-GENERAL: And they are all now in the hands of the pastoral tenant.

The HON. J. TAYLOR: Yes; all purchased fairly at auction or otherwise, and paid for too. And it would take hundreds of thousands of the 80-acre men to put up the improvements made upon those selections, and yet the hon. gentleman told them it was only the small men who made the improvements. Rubbish! How little the hon. gentleman knew about it, and how little he had seen! He ought to travel.

The HON. P. MACPHERSON said he failed to see what arguments the hon. the Postmaster-General had brought against his amendment. Talking about the mixture, he had learnt to take it a long time ago, but the hon. gentleman was only in his infancy yet and was not accustomed to it. He had not began to like it yet.

The POSTMASTER-GENERAL: I do not mind taking it in homœopathic doses, but I object to it in the shape of a bolus.

The HON. W. GRAHAM said the Postmaster-General could not have gone into figures when he spoke of men buying land at 10s. an acre. He failed to see that that could be considered an offence. Any man had a right to buy land at 10s. an acre if it was put up at that price. He would go further, and say that even if those men who bought the land at 10s. an acre had allowed it to lie idle, it returned 6d. an acre per annum to the State at 5 per cent. Under the provisions of that Act it was proposed to let land at 3d. an acre, which was only one-half that paid by the man who bought land at 10s. an acre; and if a man held land at 10s. an acre for seven years it would cost him considerably more than that if he never spent a shilling upon it.

The HON. A. C. GREGORY said he thought the defect there was in that part of the Bill would, to some extent, be remedied if a judicious arrangement could be made by which the better lands could be marked on the map as agricultural lands and the land adjacent as grazing lands. They might then meet the actual requirements of the selector, and could give him 960 acres, for which he might get a freehold; and he could have the leased land alongside for carrying the stock. Unless some such form was adopted the agricultural selector would not be able to utilise any of the adjacent lands for grazing purposes. He confessed that he did not see how it would be possible upon such a form as that Bill was in to arrange any system by which that could be carried out. Besides, the suggestion had been previously made to the Government, and they declined to accept it.

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

Clauses 44 and 45 passed as printed.

On clause 46, as follows:—

"No person who is under the age of eighteen years, or who is a married woman not having obtained an order for judicial separation or protecting her separate property, or who is in respect of the land applied for or held, or any part thereof, or interest therein, an agent, trustee, or servant of or for any other person, shall be competent to apply for or hold any land under the provisions of this part of the Act."

The HON. A. J. THYNNE said he thought it desirable to assimilate the age at which a person could select land with that adopted in New South Wales, and make it sixteen years. It was a matter of considerable importance that when a young man in this colony arrived at the age of sixteen he should be able to take up a selection. The sooner young men were settled upon the land the better, instead of having them congregating in their towns, and becoming degraded by the evil associations they would get into. One of the defects in their colonial settlement was an unfortunate tendency on the part of their young men to remain and congregate in the towns, and the sooner they were afforded an opportunity of settling for themselves in the country the better. For those reasons he would move that the word "eighteen" in the first line of the clause be omitted, with a view of inserting the word "sixteen."

The HON. W. D. BOX said he thought the hon. gentleman was making a mistake in that matter. To his mind a lad of sixteen was still, and should still be under the jurisdiction of his parents. He did not like the amendment at all. The State had no right to treat with a boy of sixteen. If a lad of sixteen was allowed to take up land it would be an inducement to a parent who had children to have land taken up in their names when they reached the age of sixteen, and he thought it would provide a capital plan for dummying. He looked upon the amendment as ridiculous, and he sincerely hoped the Committee would not accept it.

The POSTMASTER-GENERAL said the Hon. Mr. Box had anticipated his remarks, and he could add little to what had been so admirably said by that gentleman. It was against the whole policy of their laws to allow persons of that age to contract, and they were absolutely incapable from their youth of conducting an establishment themselves. He might state that instances had come within his own observation where gentlemen of wealth—and, in other respects, men of integrity—had employed their sons and daughters to take up land for themselves, and the hon. gentleman proposed that that state of affairs should continue. They were actually asked to encourage the employment of those young persons who were under the dominion of their parents to leave their homes and take charge of themselves at an age when they were not fitted to do it or to enter into any binding engagement, and it was actually encouraging those young persons to be employed by their parents to do improper and dishonourable things, and it was encouraging the parents to put their children to improper uses in that respect. They knew what had been done in the past, and it was certain to be done in the future. He did not believe that any hon. member in that Committee could honestly come to the conclusion that lads and girls of sixteen years of age should take up and manage establishments of that description. He felt sure they would believe that in doing so they would be doing wrong to them as well as an injustice to the State by allowing the provisions of the Bill to be amended in that way. He hoped the Committee would not accept the amendment.

The HON. W. H. WALSH said, whenever the question arose of making provision for young people born in the colony to acquire land, it appeared to him that gentlemen like the Postmaster-General and the Hon. Mr. Box became absolutely bereft of their senses. When they contended that their boys were not to be allowed to take up land, and that it was a crime on the part of the parent to wish to see his lad, a smart able youth, obtain a selection, and when he saw such astute individuals as the hon. gentlemen to whom he alluded opposing a proposal of that kind, he came to the conclusion that there was a craze on the part of the people of this country to endeavour to prevent colonists obtaining possession of the land, and that the hon. gentlemen, therefore, were not accountable for what they said. He hoped the Postmaster-General would listen to what he was going to say. He (Hon. Mr. Walsh) was interrupted by the conversation going on. If the Hon. Mr. Taylor would go and sit facing him, where he liked to see the hon. gentleman sit, and not attack him in the rear, as he was now doing, it would be far more satisfactory. He (Hon. Mr. Walsh) said their boys of sixteen years of age were incomparably more able, and had more right to select land than the loons and louts whom the Government proposed to introduce from foreign countries, and who would be allowed to take up land simply because they were eighteen years of age. He thought there was no comparison between their youths and those introduced from other countries by the Government. The colonial boys were going throughout the length and breadth of the world now, and acquiring honours for themselves, and yet they were told by the Postmaster-General that those youths were incapable of working a selection. Was it not known to hon. gentlemen that numbers of colonial youths had been all their lives working on the lands of the colony, and watching the way they were brought into a state of usefulness, and assisting to work them? The Government were proposing, at the present time, to expend hundreds of thousands of pounds in order to introduce to the colony the dregs of the louts of Europe, and because they were eighteen years of age they were to be allowed to snatch from the children of the colonists some of the prime lands of the colony. The clause would cause a great injustice to be done, and was unpatriotic in its provisions. If hon. members passed it they would be doing themselves and posterity an injustice. He protested against such a provision, and had always done so. He contended that if he wanted to endow his children with land he should have an opportunity of doing so. Their children were born in the colony and were Queensland colonists, and would probably remain here all their lives, yet it was proposed to shower the lands of the colony upon strangers who had no other claim upon them except that they were eighteen years of age. He would vote for the amendment. It embraced two objects, both of which he heartily approved—namely, free selection before survey, and an enlargement of the alienation of Crown lands. The state was the worst landlord a person could have, and the sooner the lands were alienated to their children, and taken away from the management of the old women of the colony, the better. He would call the attention of the Postmaster-General to a subsequent clause, which might be termed a bill of attainder. It provided that no person "who is a married woman, not having obtained an order for judicial separation or protecting her separate property * * * shall be competent to apply for or hold any land under the provisions of this part of the Act." It appeared to him that that provision was a direct encouragement to women to get judicial separation. How many married women were there in the colony who could take up selections and manage them better than their husbands? How many married women were there who had children sixteen years of age, and who would like to take up land for them, or for themselves, but could not do so because they were married women, and had probably good-for-nothing husbands from whom they had not obtained judicial separation? He maintained that that was an unfair provision, and, as he had said before, a direct encouragement to women to get judicial separation; and he did not hesitate to say that the clause would lead to husbands entering into arrangements with their wives for the purpose of obtaining land which they could not get so long as they remained married couples.

The HON. T. L. MURRAY-PRIOR said he was always sorry when the Hon. Mr. Walsh made comparisons between the people of this colony and those of other countries, or abused foreigners. He thought it was a great pity the hon. gentleman should do that kind of thing. He (Hon. Mr. Murray-Prior) would vote for the amendment, and would give his reason for doing so. The Postmaster-General had twitted him with being innocent and letting the cat out of the bag. Well, his (Hon. Mr. Murray-Prior's) words were meant. He did not beat about the bush, like a lawyer, in order that two interpretations might be given to his

words. He said what he meant, nothing more and nothing less. His object was to allow the youths and girls of the colony to take up land, and that was exactly what the Postmaster-General deprecated. He (Hon. Mr. Murray-Prior) had said before—and said so still—that, whatever 960 acres or 1,280 acres of land might appear at the first blush to a man commencing to work on the land, he would soon find that it was not enough, and would want to extend his holding if there was any land near him available. In order to enable such a man to do that, they should allow him to take up land for his sons and daughters, and give it to them to occupy. The father might pay for the land—very likely he would; but would he be doing any harm by paying for a selection and providing for his children? As for dummying, that was impracticable—simply because their wise legislators had provided that, if a father and son, or two brothers, or two partners, lived on adjoining selections, they could not leave their land to one another. Now, if they allowed youths under eighteen years of age to take up land, parents would be able to settle their sons on selections; and if the girls had the same right the land they acquired would be a dower for them. As to the contention of the Hon. Mr. Box that boys of sixteen were not able to do the work on a selection, he (Hon. Mr. Murray-Prior) on looking round him could see many gentlemen who were nearly as able at that age as they were now. A boy of sixteen in this colony was capable of entering into any business, especially anything connected with farming. He would therefore support the Hon. Mr. Thynne's amendment, which would confer a boon on selectors and greatly improve the Bill.

The HON. J. TAYLOR said there was one matter which appeared to have been overlooked, and that was this: If a boy of sixteen took up a selection, and entered into a contract to have the land fenced at a cost of some hundreds of pounds, how was the contractor to get his money? A boy of sixteen could not be sued.

HONOURABLE MEMBERS: Neither can a boy of eighteen.

The HON. J. TAYLOR said it was true that the same remark applied in both cases. Then no youth should select until he was twenty-one. If a boy sixteen or eighteen years of age entered into a contract to fence his selection at a cost of £1,000, how was the contractor to recover his money if the boy refused to pay it? That was what he wanted to know, and the question ought to be carefully considered by hon. members before they accepted the amendment.

The HON. T. L. MURRAY-PRIOR said that no fencer would enter into an agreement to fence unless he was pretty certain that he could get his money. If a fencer chose to trust a boy from whom he was not likely to get his money he deserved to lose it.

The HON. W. H. WALSH said that a fencer might enter into a contract with a man sixty years of age who had no money. How was he to get paid in such a case?

The HON. J. TAYLOR: Sue him!

The HON. W. H. WALSH said they must not assume that contractors were fools and would accept anything. They were not likely to do work for people from whom they were not likely to get their money.

The HON. J. TAYLOR still contended that it would be impossible to recover money from boys under age. And as for contractors being fools, if they saw that a boy had a rich father, they would enter into a contract, believing that the father would see that they were paid in case they could not get their money from the son.

The HON. T. L. MURRAY-PRIOR: An agriculturist is not likely to be a rich man under this Bill.

The HON. J. TAYLOR said the question did not affect agriculturists alone. He knew a little bit about the ways of the world as well as the Hon. Mr. Murray-Prior.

The HON. A. J. THYNNE said that, if a young fellow wanted to get his land fenced, the person giving him a start in life would naturally guarantee the payment of the money. If it was a mere question of being under age, the contention of the Postmaster-General was not a logical one, because his objections with regard to the age of sixteen years applied with equal force to any age under that of twenty-one years. The Hon. Mr. Taylor had looked at the question only so far as taking up a new selection was concerned. But under the Bill, if a man already held the full quantity of land allowed, he would be incapable of becoming the owner of any selection in the same district which might be willed to him by his relatives. Why should not young people of sixteen years, or even younger people, be in such a position that, when their relatives willed selections to them, they would be incapacitated from taking possession? As the Bill stood, if the relatives of a farmer already possessed land, he must leave his land to someone outside of his own family. People generally worked and slaved for their properties in order that they might leave them to those who came after; and why should people be debarred from getting the benefit of their predecessor's labour?

The HON. J. TAYLOR said he did not like the idea of boys selecting, because it could only lead to trouble, annoyance, and quarrelling. He should be quite prepared to support a Bill giving every native-born child in the colony 1,280 acres of land; in fact, they ought to have passed such a Bill long ago, instead of confining their grants of land solely to clodhoppers.

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

CONTENTS, 11.

The Hons. Sir A. H. Palmer, C. S. Mein, J. Taylor, G. King, J. Swan, W. Pettigrew, J. S. Turner, W. D. Box, E. B. Forrest, A. Raff, and J. C. Heussler.

NON-CONTENTS, 11.

The Hons. T. L. Murray-Prior, A. C. Gregory, W. H. Walsh, W. Forrest, W. Aplin, K. I. O'Doherty, W. G. Power, W. F. Lambert, J. C. Smyth, A. J. Thynne, and P. Macpherson.

The CHAIRMAN: A division having been called, and the numbers being equal, it becomes necessary that I give my casting vote in favour of the "Contents." The question is, therefore, resolved in the affirmative.

Clause put and passed.

On clause 47, as follows:—

"Any person desiring to select Crown lands under this part of this Act must lodge with the land agent an application in the prescribed form, and must himself or by his duly constituted attorney sign the entry of his application in the register of applications.

"The application must be for a lot as surveyed, and must refer to it by its number as specified in the proclamation.

"The application must be accompanied by the full amount in cash for the first year's rent together with the survey fee.

"Applications shall take priority according to the order of their being lodged with the land agent.

"Provided that if two or more applicants shall be present at the time of opening the land agent's office, the applications lodged by them shall be deemed to be lodged at the same time. In such case the right of priority shall be determined by lot in the prescribed manner."

The HON. A. C. GREGORY said the clause especially provided that any person selecting land under the Act was to sign an application either himself or by his duly constituted attorney. It was merely a formal matter; but there were very few people who were likely to become selectors who would understand the term "duly constituted attorney," and he therefore proposed the omission of those words, with the view of inserting the words "duly authorised agent."

The POSTMASTER-GENERAL said the provision was a reproduction of the present arrangement, which had worked very well. It was just as difficult to duly authorise an agent as to duly constitute an attorney. The object of the provision was to prevent persons using the names of others with the view of getting selections which they were not properly entitled to take up. The execution of a power of attorney involved a certain formality on the part of the person wishing to employ another individual to act for him, but it was a form which effected the object in view, whereas if the amendment were adopted a loose way of doing things might come into force, by which persons could employ the names of others to take up selections in the names of those others, while they were really for themselves. It would be far better to leave things as they were, seeing that nobody had complained, so far as he could learn. The form used was very simple, and could be obtained from any bookseller or newsvendor in the colony.

The HON. W. D. BOX said he trusted that the Committee would not accept the amendment. He thought the provision of the clause with respect to a duly authorised attorney was a wise and satisfactory one. It would-give security to the selector, and encourage him to make himself conversant with the ways to be adopted for procuring land. If all applications had to be made to the Land Office in Brisbane, perhaps it might be better to say "duly qualified agent," but if he understood aright, applications were to be made to the land agent of the district; and he thought it was desirable that would-be selectors should make themselves conversant with the rules and regulations of the land courts. He therefore thought that the clause should be accepted as printed.

The HON. A. J. THYNNE said the question was not one of very great importance; but he had seen an instance in which a selector had sent in a power of attorney, which contained all the usual legal phraseology, but because it did not contain the words "duly constituted," it was rejected by the intelligent commissioner who received it, and it was with the greatest difficulty that he was ultimately bounced into accepting it. That was an example of difficulties that might arise. The term "authorised agent" did not require any legal technical form. Any man could be authorised by telegram, or otherwise, to act for another. On the other hand, take the case of a man in the country who sent his son a considerable distance to take up land, if he could only act under power of attorney he must get someone to prepare it, which he would not have to do if he was simply an agent.

The HON. J. TAYLOR said he understood the hon. the Postmaster-General to say that printed forms of power of attorney could be easily procured at any bookseller's, and he (Hon. Mr. Taylor) hoped that the amendment would not be accepted. He would much sooner see a man doing business by power of attorney than as an authorised agent, because there could be no mistake about it.

The HON. A. C. GREGORY said he had listened to the remarks of the Postmaster-General, who from his legal training was much better qualified than himself to discriminate as to the legal value of the terms, and if he was satisfied that the words "duly constituted attorney" were equally simple as the words "authorised agent," he did not see that any advantage would accrue from passing the amendment. Still it was one of those matters to which his attention had been drawn, and it struck him that possibly there might be some difficulty in connection with it. However, if, as he had stated, the Postmaster-General was of opinion that it was practically only changing one word for another, with the permission of the Committee he would withdraw the amendment.

The HON. W. H. WALSH said they had now arrived at a very melancholy spectacle. Surely the sun of the Hon. Mr. Gregory must have set entirely, for they not only found him abandoned by his supporters, but opposed by the chief of them, whom he now found sitting by the side of the Postmaster-General and assisting him. He certainly thought they ought to have some pity or sympathy for the Hon. Mr. Gregory, and if he would press his amendment to a division he (Hon. Mr. Walsh) should certainly vote with him.

Amendment, by permission, withdrawn; and clause put and passed.

On clause 48, as follows:—

"Subject to such general regulations concerning surveys, roads, or the prevention of a monopoly of permanent water, or otherwise, as may be made under this Act, land having frontage to a main watercourse, or, in the case of land in an agricultural area, to a main road, shall not have a greater breadth of frontage thereto than two-thirds of the depth."

The HON. W. H. WALSH said he always took objection, until he saw it could safely be sanctioned, to the introduction in their Bills of regulations authorising the Government of the day to frame regulations. He knew that Acts had been very much misconstrued by various Governments and maladministered, and the regulations emanating from such Governments were, probably, not in accordance with the Act. That was the first clause in which he had seen any intimation respecting regulations, and he wished to point out that they should be very careful in giving any Government such large powers as were contained in it. Then again clause 69 said:—

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

They saw by that clause how the power of the Government was being extended. Then further on in clause 132, they found it provided—

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

And after enumerating certain things it said—

"All other matters and things that may be necessary to give effect to this Act."

It seemed to him to be an enormous power. Parliament took a great deal of trouble to frame an Act which, when it left their hands, was supposed to be almost perfect—that it left nothing to be desired, and no difficulties to be overcome—and yet they knew from experience that the giving of such enormous power had led to the very spirit of the Act being changed by the way in which regulations had been framed. And further, it must be borne in mind that not only did clause 132 give such enormous powers, but clause 141 provided:—

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

The regulations might be at variance with the Act and with the spirit of the Act, and although if they were tested in a court of law no doubt they would in justice be held to be void, yet Governments had issued them, and they had always tried to prevent them from doing so in days past. But the Bill seemed to revive, as it were, the old malady, and gave even more copious powers than ever; because it provided that if any person infringed the regulations, he was to be held as culpable and as liable to punishment as though he contravened the very Act itself. It was an arbitrary and dangerous power to place in the hands of any Government.

The HON. A. C. GREGORY said the clause was simply intended to carry out the provisions of the previous Act, which had worked very well, and he could not see that any advantage would be gained by altering it.

Clause put and passed.

Clauses 49 and 50 passed as printed.

On clause 51, as follows:—

"No person shall at the same time, either in his own right or as a trustee for any other person, except as hereinafter provided, hold in the same district two or more farms of the same class, the aggregate area of which is greater than the maximum area of land for the time being permitted to be selected as a farm of that class in that district."

The HON. A. C. GREGORY said he proposed to move an amendment in the clause, for the purpose of pointing out what he considered were objections, and after those objections had been considered, they would see whether it was desirable to follow them up. As the clause now stood, any person might have made a selection in a district in which the maximum area of land he was allowed to hold was, say, only 640 acres, instead of 1,280 acres. He might also have selected 640 acres in the next district; and if the boundaries of the district were so altered as to bring both selections into one district, he would be disqualified as regarded one of his holdings. Under those circumstances he thought it was desirable to make it clear that an alteration in the boundaries of a district should not create disqualification. It might be perfectly right to leave it in the hands of the Government to decide how much land should be selected in a district, but it would be very hard indeed if the alteration of a boundary was to be held to create a disqualification. He therefore begged to move, as an amendment, that the following words be added to the first paragraph of the clause:—

But no alterations in the boundaries of a district shall prejudice any then existing holding.

Amendment agreed to.

The HON. W. D. BOX said he would like to ask the Postmaster-General a question. Supposing a person had selected the maximum quantity of land he was entitled to hold in a district, and his brother, or sister, or some other person by will bequeathed to him a similar estate, would not that person absolutely lose and forfeit that property?

The POSTMASTER-GENERAL: No.

The HON. W. D. BOX asked if it would pass to the Crown, or if the person to whom it was bequeathed would be obliged to sell it? In the exigencies of life it was possible that a man by no motion or action of his own might become possessed of land; an accident might take away a valuable life, and the man become heir to the property of the deceased person. The clause said "no person shall hold" under certain circumstances, and it seemed to him that it was a similar enactment to saying, "no person shall have more than £5,000 a year." It was not in accordance with the spirit of English law, and, in his opinion, it was not right.

The POSTMASTER-GENERAL said the Crown could not step in as the hon. gentleman had said. In the 59th clause there was a provision which said that the restriction should not apply in the case of persons who were trustees under settlements, or executors, or administrators of estates of deceased persons; so that if a testator bequeathed property to his executor he could hold and dispose of it in the terms of the will. But if a testator, for instance, provided that property should be transferred to one of his sons, then holding the maximum area under the Bill, the Crown would not step in and take the property bequeathed, but the party interested would be enabled to find a purchaser for it. There was no bar to alienation, but against monopoly. The property could be alienated so long as the alienee was a person who was not debarred from selecting, or had not himself become possessed of the maximum area prescribed by the Act to be held by any one individual. He could understand a case arising—in fact, such cases had occurred—of a person taking up land in the interests of some other person; and having made a will, handing it over to the other person. Cases where the dummy had made a will in favour of the person for whom he dummied. It was to prevent such things as that, and to provide against monopoly, that the clause was inserted; but there was no bar to alienation where a person either by process of law or by will or otherwise became beneficially entitled to an extra parcel of land.

The HON. W. H. WALSH said the Postmaster-General's explanation had not met the objections raised by the Hon. Mr. Box. If an individual held the maximum quantity allowed by the Bill in a certain district, and a similar or a smaller quantity was devised to him, under that clause he was not allowed to become the possessor of that land. He must find a purchaser for it. Suppose he could not find a purchaser for it, what was to happen? Suppose the legatee was not the administrator under the will, but a stranger, according to the explanation of the Postmaster-General he must find another buyer. And he had to go into the market handicapped because he could not go amongst wealthy men of the district who might be able to give him the value of the property, because in all probability they would themselves be possessed of the maximum area they could hold; but he would have to go to the poorer portion of the population who had not much land and might be able to purchase it. According to the Postmaster-General's explanation, he had no doubt the legator's design would be frustrated. The legatee would have to suffer, and all that was brought about by that horrid bugbear that seemed to possess them in passing any Land Bill—that somebody was going to commit a crime against the country by endeavouring to acquire a few acres of land more than the politicians engaged in considering the Bill thought they should acquire. When would they do away with such nonsense, and have freetrade in land as well as in everything else? Here they were actually frustrating a dying man's bequest, because in his charity he bequeathed a piece of land to a relative or friend, and all because under that almighty Bill, it was not thought proper that a man should acquire any more land after he had got the full amount which the Bill said he should possess. Such horrid legislation was a disgrace to the country, and would drive people out of the country, and he was sure that it would prevent people having the independence of spirit which he possessed from ever coming into the country.

The HON. T. L. MURRAY-PRIOR said the fact of the matter was that the Government intended to prevent anyone from having more than 1,280 acres.

The POSTMASTER-GENERAL: At one time.

The HON. T. L. MURRAY-PRIOR: At any time; and he said they would very soon find the people rise against them and alter their Bill.

The HON. W. D. BOX said he would vote against the clause, which was against all their rights as British subjects, that they should not accumulate anything after they had worked hard for it. He would put a suppositious case: Say two brothers came out to the colony, and one of them was married, and they took up selections of the maximum area alongside of each other, and that some time after they were taken up one of the brothers died, and he willed his holding—as he naturally would do—to his brother. As he read the clause that brother could not hold the extra land bequeathed to him in that way. He said it was a monstrous thing that they should attempt to legislate in such a direction as that.

The POSTMASTER-GENERAL: The proper thing to do, if you object to that, is to amend clause 59.

The HON. W. D. BOX said he thought that he knew what was the proper thing to do. The clause said that no person should hold land in that way, and it said it distinctly, and he said it was against all British law, and he would vote against the clause.

The HON. A. J. THYNNE said that the Government were making what they called a *bonâ fide* attempt to stop what they called the aggregation of large estates. By that clause they took away one of the greatest inducements which a selector had to take up land, by depriving him of the power to bequeath or dispose of that land to his relatives or friends, unless they were people who had not already provided for themselves. One of the greatest inducements which a man had to take up land, and slave for it, and work for it, and spend his time and money upon it, and hold it for years, against all drawbacks and conditions, was the hope and belief that he might be able to leave it to his relatives after his death; and that inducement was taken away by the clause under discussion. It was indeed a very serious question; and although he thought it would not perhaps be well to go with the Hon. Mr. Box in striking the clause out altogether, it was certainly one that was entirely contrary to all their opinions of British dealing with the property they had worked for and acquired. If a man had a son, or daughter, or sister, or brother who had sufficient independence of spirit of their own to have taken up land for themselves, that clause would virtually punish them for their industry, by debarring them from holding the property bequeathed to them.

The POSTMASTER-GENERAL said the proper clause in which to meet the Hon. Mr Box's objection was clause 59, and it would be met by simply inserting the word "legatee" before the words "executor or administrator of a deceased lessee." The only bar to alienation by bequest applied to cases where these were specific bequests to individuals who already held the prescribed maximum areas. The restriction did not apply to a lessee who bequeathed his property to an executor to hold for his family. The only case it would affect would be that of an individual who had already himself obtained the maximum area of land to be acquired under the Bill. He did not himself anticipate that many difficulties would arise under that clause, and he pointed out that the proper clause in which to make the amendment was clause 59.

The HON. A. C. GREGORY said, in order to make that clause agree with clause 43 he would move that the words "nine hundred and sixty" be omitted, with the view of inserting the words "one thousand two hundred and eighty."

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

On clause 52, as follows:—

"When the applicant has paid the value of the improvements (if any), and the application has been confirmed by the board, he shall be entitled to receive from the commissioner a license to occupy the land.

"Such license shall not be transferable."

The HON. W. H. WALSH said he would ask the Postmaster-General whether the last portion of the clause, providing that licenses should not be transferable, would not press very heavily on persons who through sickness, or sudden vicissitude in fortune, or some sudden trouble, found themselves in difficulties? It appeared to him that it was a very harsh provision, and he trusted the hon. gentleman would consent to its being expunged.

The HON. W. D. BOX said he did not understand why that provision had been inserted in the Bill. Hon. members would recollect that land-orders, when they were transferable, were valuable documents, but when they were made non-transferable their value was greatly decreased, and the consequence was that those who bought land-orders often purchased a £14 order for £7. He did not see why the Committee should depreciate the value of a license by making it non-transferable.

The HON. A. J. THYNNE said he thought there was a good deal in the contention of the Hon. Mr. Box in reference to the proposed restriction in connection with licenses for agricultural or grazing farms. Pastoral licenses had been transferable, and why should not the same principle apply to selectors' licenses? If the argument of the Government that the rent to be charged was sufficient to secure the country being put to its best use was correct, what more did they want? He would call attention to a serious difficulty that might occur under that clause. A man who held his land under a license before the lease was issued would not come under the provisions of the Fencing Act of 1861. It was stated in that statute that its provisions applied to "all lands included in a lease made under this Act." So that if during the first three years a man occupied his selection his neighbours on both sides of him fenced in their holdings, they could not compel him to pay his share of either dividing fence. He pointed that out to show what little attention was paid to the details of the farming and grazing clauses of the Bill. He did not see why a selector should be restricted to occupation by license during the first three years. Why should he not get his lease the moment he took up his land? Why should he be placed in a position in which he was neither fish, flesh, nor fowl, so to speak, during the first three years when he was making his improvements? He did not see why they should deprive a man of the opportunity of giving security and getting credit. Unless a man had money already saved he would not be able to take up land and make the necessary improvements, because under that clause he would have nothing tangible to offer to the people who were backing him, and nothing to sell to get him out of his difficulties. Supposing a licensee died, there was no provision that he (Hon. Mr. Thynne) could see in the Bill, though it was possible there might be such a provision, by virtue of which the executors of the licensee would be able to transfer or sell the license. In fact, grazing and agricultural farmers were dealt with in a manner that put every possible difficulty and discouragement in

the way of their carrying out their improvements. The Bill contained the most rigorous requirements respecting improvements, and did not provide any means for recouping a man the money spent by him in the event of his being prevented by any cause from completing the improvements; or by which he would be able to recover their value from any subsequent tenant. That was a matter which, he thought, required considerable attention.

The HON. W. D. BOX said he did not want to take up the time of the Committee on that question, but he would just state a case, by way of illustration, of the effect of clause 52. Supposing a man spent a considerable sum of money on improvements, and then found that on account of his wife's health he had to leave the colony, or a sum of money was left him, he would possibly have to forfeit all his outlay of money and labour, because that clause provided that "such license shall not be transferable." No matter what might be the reason that took him away he could not transfer his lease, and the consequence would be that all his outlay would be so much money wasted.

The HON. W. H. WALSH moved that the words "such license shall not be transferable" be omitted.

The POSTMASTER-GENERAL said the Hon. Mr. Box seemed to think that those licenses were something like land orders. Really, if that was his opinion the hon. gentleman could not have studied the Bill. The licenses to occupy agricultural and grazing farms bore no resemblance whatever to land-orders. The reason for having the licenses non-transferable was that the person to whom a license was issued had to prove his *bona fides* by erecting on his land the improvements defined in the 55th section of the Bill before he received a lease of the land. If they made the licenses transferable, then one of the main objects of the Bill would be defeated. All leases and occupation licenses, except those preliminary licenses, were allowed to be transferred under clause 115.

The HON. W. H. WALSH said his amendment would result in the very thing the Postmaster-General wished to see carried out, and that was that the necessary improvements to be made in three years by the licensee should be done. If a man was unable through sickness or any other unfortunate cause to finish his improvements he could transfer his lease to another person who would be liable to the Government for their completion. But if the clause were passed in its present shape, a man might find a licensee willing to take his property and give him compensation for what he had already done, but who would be prevented from doing so if the provisions of the Bill were carried out. As far as he could see, the amendment would not frustrate the object of the Bill. The land must be held for three years, and surely it was doubly ensuring the effect of the clause if they made provision for two or even more persons carrying out what was intended. It was a dog-in-the-manger idea to say that, because one man could not comply with the conditions, therefore, no one else should do so, but that the land should either relapse into a state of neglect, or go back into the hands of the Government.

The HON. A. C. GREGORY said that however much he might think it desirable that licenses should be transferable, they had gone so far now with the Bill that it would be inconsistent to omit the words. He distinctly disagreed with the leading principles of the Bill—not allowing people to hold more than a certain quantity of land, and preventing them as far as possible from acquiring freeholds—still, as they had allowed other parts of the Bill to pass, they ought to allow that clause to pass also, in order to be consistent.

The HON. W. H. WALSH said he noticed that every amendment proposed by any other member was considered by the Hon. Mr. Gregory inconsistent with the provisions of the Bill. But it was notorious outside as well as inside that the amendments proposed by that hon. gentleman himself were so violently inconsistent with the principles of the measure that the Government could not accept them. It was characteristic of the hon. gentleman.

The HON. SIR A. H. PALMER said that if hon. members would turn to clause 115 they would find that the inconsistencies consisted in not adopting the amendment. Clause 52 said that "Such license shall not be transferable": but clause 115 said that "subject to the provisions of this Act leases and licenses may be transferred on application to the Minister, and upon payment of a transfer fee of 10s. for every holding or license."

The HON. A. J. THYNNE said the Postmaster-General had informed the Committee that the adoption of the amendment would necessitate the introduction of a number of clauses to assimilate the provisions relating to licenses to those relating to holdings; but he (Hon. Mr. Thynne) would suggest that the difficulty might be met by the insertion of a few words in the interpretation clause, making "holdings" extend to "licenses" under Part IV.

The POSTMASTER-GENERAL said that if the majority of the Committee thought it desirable that licenses should be transferable, the objections to the adoption of the provision might be overcome by the addition of a few words to the clause. There was some force in the remarks of the Hon. Mr. Walsh, which were to the effect that if a person became poor he would not be able to get the benefit of the improvements he had erected *bonâ fide*, unless he were at liberty to assign his license. But if they allowed him to assign, it should not be to any person not competent to become a licensee. He proposed to amend the clause so as to read:—"Such license shall not be transferable except to a person who would himself be competent to become a lessee under this part of this Act."

The HON. W. H. WALSH said he would withdraw his amendment in favour of that proposed by the Postmaster-General.

Amendment, by leave, withdrawn.

On the motion of the POSTMASTER-GENERAL, the words "except to a person who would himself be competent to become a lessee under this part of this Act" were added to the clause.

Clause, as amended, put and passed.

Clause 53—"Rights conferred by license"—passed as printed.

Clause 54—"Rent to be paid during license"—passed as printed.

The HON. A. C. GREGORY said he was afraid hon. members were inclined to go into a long debate on the next clause; and though he was anxious to get through as much of the Bill as possible, he thought that further discussion that night would not advance the business of the Committee.

The POSTMASTER-GENERAL moved that the Chairman leave the chair, report progress, and ask leave to sit again. He took the opportunity of repeating his desire that hon. gentlemen who contemplated moving important amendments in the Bill should send them to the Government Printer, and have them put in type,

so that other hon. members might have an opportunity of considering and digesting them before they were actually proposed. That would be very convenient to him, and probably to other hon. members also.

Question put and passed.

The House resumed, and the Committee obtained leave to sit again to-morrow.

BURRUM RAILWAY EXTENSION.

The PRESIDENT read a message from the Legislative Assembly, forwarding, for the approval of the Council, the plan, section, and book of reference of the proposed extension of the Burrum Railway from Howard to Bundaberg.

The House adjourned at one minute to 10 o'clock.