Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 11 DECEMBER 1884

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LEGISLATIVE ASSEMBLY.

Thursday, 11 *December*, 1884.

Question.—Formal Motion.—Cooktown Railway Extension.—Eassifern Railway Extension.—Maryborough Wharf Branch Railway.—Supply—report of committtee.—Crown Lands Bill—consideration in Committee of the Legislative Council's amendments.—Adjournment.

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

QUESTION.

Mr. MELLOR asked the Colonial Secretary—

1. Is it the intention of the Government to make provision for a suitable number of clam side-lift dredges for the purpose of dredging the smaller rivers on the coast?

2. Where is the present clam dredge employed?

The COLONIAL TREASURER (Hon. J. R. Dickson) replied—

1. Provision is made for two clam-shell dredges in the Loan Estimates.

2. On the Coomera River.

FORMAL MOTION.

The following formal motion was agreed to:—By Mr. JORDAN—

That there be laid upon the table of the House copy of the correspondence, in the year 1883, between the Department of Public Lands and Mr. L. A. Bernays, relative to the management of the public gardens and reserves of the colony.

COOKTOWN RAILWAY EXTENSION.

The MINISTER FOR WORKS (Hon. W. Miles) in moving—

1. That the House approves of the plan, section, and book of reference of the proposed extension of the Cooktown Railway from 31½ miles to 50 miles, as laid upon the table of the House on Thursday, 4th December, 1884.

2. That the plan, section, and book of reference be forwarded to the Legislative Council, for their approval, by message in the usual form.

—said: The plan, section, and book of reference of the second section of the Cooktown Railway is for a length of 18½ miles, commencing at 31½ miles—the end of the section at present under construction — about 2 miles west of the Normanby River and terminating at 50 miles, within about 13 miles of the Laura River, the general direction being northward of west from Cooktown. From the point of commencement the proposed line runs westerly, crossing Granite Creek, about 32 miles, to the Granite Range at 33 miles. Here advantage is taken of a considerable depression in the range to obtain a favourable crossing; it is the highest point on the extension, and the section shows on each side of the range continuous grades of 1 in 44 for nearly a mile. From Granite Range the course tends northward to Baffle Camp Range, crossing Puckley Creek at 34 miles, where there is a grade for 45 chains of 1 in 44 on the eastern side, and on the western side a grade of 40 chains of 1 in 33; also Clayhole Creek at 34½ miles. The crossing of Baffle Camp Range at 37¾ miles is obtained by following up a creek similarly named which is crossed by the railway at 36¾ miles. In the ascent there is a gradient of 1 in 38 for half-a-mile. Thence the course is again westerly, and in the descent a continuous grade of 1 in 51 for nearly one mile occurs. The following creeks are crossed—namely: East branch of Welcome Creek, at 37½ miles; Turkey Creek, at 39½ miles; and the western branch of Welcome Creek, at 45 miles. At 47 miles the route at the end of the section is south-westerly. The watershed separating Welcome Creek from the Deighton Waters is crossed at 49¼ miles, approached on its eastern side by another long gradient of 1 in 51. The works will be easy. Some gradients will be rather severe—namely, 1 in 33—but the Chief Engineer advises that in laying out the permanent line the grades will be much improved; probably reduced to 1 in 50, except in a few places, where compensating grades are used. There will be no curves sharper than one of 7 chains radius. The cost of construction is not likely to exceed £3,000 per mile —£55,500 for bridging, and all works. Deviations necessary when the permanent survey is made may lengthen the line about a mile, but will not alter the general situation from end of the section. The line will be constructed wholly through Crown lands. I believe there is some land that will be suitable for settlement; but I cannot speak on the subject myself, for I have not been in the locality. I believe the object of the line is to connect the goldfields at Cooktown and Maytown with the coast, and until that is done I do not think that the goldfields are likely to result in very much benefit to the colony. I look forward to the time when this line is constructed, and when it will give an impetus to the mining industry which will considerably alter the present state of things for the better. It is generally conceded that the Maytown Gold Fields are very rich indeed, and the construction of this line will induce capitalists to go there and develop the mines.

The HON. SIR T. McILWRAITH said: Mr. Speaker,—It is rather difficult to understand the Minister for Works at any time, and it is not very interesting when he reads his speech, as he is not easily understood. I could not make out half what the hon. member read, but there is one satisfaction—that the reporters will have a chance of putting the speech in verbatim as it has been read, for neither they nor I could hear much of it. There is one matter I wish to draw attention to, and that is the form of the plans put before the House. The plan is understood to be a permanent one after the permanent survey has been made; but the plan before us is simply a tracing of the line, and the only object the Engineer seems to have wished to attain was to make the parcel as small as possible so as to post it as cheaply as possible. The plan is certainly not in the usual or sensible form. From the memorandum the hon. member read he speaks of the section as likely to be altered to a considerable extent by lengthening the line one mile. Well, is it not a farce to ask us to approve of plans and surveys when we do not know what the line is actually going to be? The plan simply shows a trial survey.

The MINISTER FOR WORKS: It is a parliamentary plan.

The HON. SIR T. MCILWRAITH: We do not want a temporary plan, but one that is permanent, because the very object of plans being submitted to Parliament is that we may express our approval of the position of the line in the country, the gradients, and, in fact, the whole work. We, as a rule, give our sanction to lines of railway as they will be, and not to lines as they might be; and as the plan stands, the whole thing is left entirely in the hands of the Ministry or Engineer. The attention of the House has been called to this before, and I know that Mr. Stanley always gets his plans prepared in a proper manner for the approval of the House. This is a violation of the practice, for which Mr. Ballard should be brought up. There is another point to which I wish to refer. The Minister for Works the other night, in referring to the Fassifern Railway, spoke strongly against the gradients that had been used. I think the steep gradients have been a mistake, and should be avoided, but they are not avoided in this line; and the Maytown line will probably become a very important one. We approved of gradients of 1 in 30, and now that we have had actual experience of them we ought to disapprove of them. I am astonished that the Minister for Works said not one word on the subject in support of gradients which he himself condemned. I think the approval of these plans should be subject entirely to the alteration I have indicated, and that the gradient of 1 in 50 should be fixed as the maximum. There ought to be some special reason given for employing a steeper gradient on any railway; but there is no reason at all given here. I think the Minister should give instructions to the Engineer-in-Chief not to do what is not permitted elsewhere. Judging from some provisions in the Loan Estimates, it appears to be the intention of Mr. Ballard to make higher bridges and less gradients in certain portions of the line. We ought, therefore, not to commit the mistake made on the Fassifern line, according to the speech of the Minister for Works.

Mr. T. CAMPBELL: I would like to ask the Minister for Works—I do not understand the matter fully myself—when he will be able to call for tenders for this work, and whether these plans and specifications are the working plans, or only the trial survey?

The HON. J. M. MACROSSAN: Trial survey.

Mr. T. CAMPBELL: Then I should like to ask the Minister for Works whether he can give us any approximate idea when tenders will be called, because I can assure the House that the line is urgently required, and I think the matter ought to be settled.

Mr. BEATTIE said: I think the Minister will find it impossible to give any such answer; and I hope he will not do so, if, according to Mr. Ballard, we are going to have these gradients of 1 in 33. We have universally condemned these compensating gradients on the Fassifern line, and yet we are going to have them introduced on the Cooktown line. It would be far better to go to a little more expense in the construction than to have such unsatisfactory gradients. Looking at these tracings, they do not appear to me to be anything like permanent plans, and the Minister himself said it was simply a trial survey. The Engineer's estimate is £3,000 per mile, but that is on a trial survey; and we shall perhaps hear that it will cost more when the permanent survey is made. I am quite satisfied that this House will not agree to gradients of 1 in 33; and I hope the Minister will see the desirability of insisting on a change from the Engineer-in-Chief. It seems to me that the Engineer, who lives a long way up north, treats the Minister and this House very cavalierly when he sends such plans. Instead of expediting the work, which, as the hon. member for Cook has said, is very necessary, he is certainly blocking it. He is not expediting it at all, but is preventing hon. members who are anxious to see the work carried out from agreeing to the proposal made by the Minister.

The HON. J. M. MACROSSAN said: According to the written speech of the Minister for Works on this second section of the Cooktown Railway, he is asking us to approve of a trial survey—a thing which has never been done in this House before. Of course, we know that on Crown lands the Engineer has a wider scope than on private property; but we do not give quite as much as is asked for in this plan. He says here that the gradients are to be 1 in 33, and perhaps they may be altered to 1 in 50. Considering that this is a main line, and is intended to be one, and that we have not got any gradients so steep on our main lines, except where there was an absolute necessity both for the saving of money and time, such as on the Townsville Range, I do not think we ought to have such gradients. I do not want to object to the motion, because if it is rejected it may be the means of preventing the construction of the line for some time; but I do not know why we should be asked to approve of such gradients. I know that in New South Wales they have gradients of 1 in 33; but, as was observed by myself and other hon. members the other evening, they have more powerful engines there, and the road is wider by 14½ inches. The engines there could do the work better on a gradient of 1 in 33 than ours could on gradients of 1 in 40 or 1 in 45. We should not be asked, therefore, to assent to 1 in 33. It is all very well to try cheap gradients on branch lines, where the line is steep, and no extra hauling power is required; but on the main lines it is very different. I think the Minister for Works has made a serious mistake in not bringing this matter before us for discussion earlier in the session, so that it might have been remitted back to the Engineer-in-Chief for his consideration. The hon. member for Cook has asked whether these are plans on which tenders can be called. Of course not; they are simply the plans of a trial survey, which any surveyor could run in a couple of weeks. Now, the Government have had twelve months from the time the first contract was let to get this survey made, and after all it is only a trial survey. The Engineer will not only have to make another survey reducing the gradients, but he will have to make a survey on which tenders can be called—that is, he will have to prepare what are called working plans. It will therefore be months—probably five or six months—before tenders can be called. But I object to the line because it is not carried further. It is only carried 50 miles from Cooktown. Why could not the Engineer have been instructed to survey a much longer distance than 18½ miles? If the Government were serious in their intention to carry on this line, they would have proposed at least 30 miles, probably 40 miles more, and have had such plans that the House could have approved of them. But here there are only 18½ miles, and of that we have only a trial survey. I think it proves a want of *bona fides* on the part of the Minister for Works in having the line pushed on. Then it is said that the cost of construction is not likely to exceed £3,000, but that is very vague. I hope it will not exceed that, because I believe the line can be made for that if Mr. Ballard chooses to do it. I should like the House to have some clearer information than that. I know that when I was in office Mr. Ballard always expressed a most decided opinion that he

could make a railway for £3,000 a mile. Not only was he willing to stake his professional reputation on that, but he was also willing to stake his existence; and he said that he would give up his position and make it himself for that. I think, therefore, this is very unsatisfactory indeed. It is not at all satisfactory to the people of the district that this House should be asked to approve of only 18½ miles of this second section. We are placed in a difficult position here. If we object to these plans we stop the construction of the line, as we cannot pass the plan after next week, and it will be impossible to have a new plan by that time. Therefore, we are compelled to approve of a thing which we really do not approve of, and which we should not approve of.

The PREMIER (Hon. S. W. Griffith) said: Mr. Speaker,—It is very amusing to hear the hon. member for Townsville talking like this——

The HON. J. M. MACROSSAN: Very.

The PREMIER: I sometimes wonder whether he is not amusing himself. I think what the hon. member for Mulgrave said is quite correct, that complaints have been made in this House of the meagreness of some of the plans submitted from the Engineer of the Northern Division of the colony——

The HON. J. M. MACROSSAN: By the hon. gentleman himself.

The PREMIER: I remember when those meagre plans were first submitted that I called attention to their meagreness, and it was the hon. member for Townsville who first set the example of allowing these very meagre plans to appear before the House.

The HON. J. M. MACROSSAN: No.

The PREMIER: The hon. gentleman said that they were quite good enough. That is so, and after the hon. gentleman has initiated the system, and carried it on——

The HON. J. M. MACROSSAN: That is not true. I did not initiate the system.

The PREMIER: It is true: I remember it very well. I have not the volume of *Hansard:* but the hon. gentleman laid upon the table plans exactly in this form. The Chief Engineer of the Northern Division was never told to do anything else, and it was accepted as the proper way to do it, although I think that they should be made out more fully; but after the hon. member has done certain things for several years, it seems funny to abuse my hon. colleague and this Government for not having made a change in the system already, and pointing to it as showing want of *bona fides*. The hon. gentleman says the survey ought to have gone further; but we know Mr. Ballard has not an unlimited staff. The Cooktown Railway is not the only one he has to deal with, Mr. Ballard was instructed to push on the surveys with all possible expedition, and send down plans for the approval of Parliament. He has done all that he can do with the staff at his command. He is a very energetic officer, and does all he can; but I am very sorry that there is not a longer distance surveyed, because I think that short lengths are a mistake in the construction of low-cost railways, or railways not exceeding in cost £3,000 per mile. The contract ought to be for a much longer section, to secure economy in working plant. Still we have to do the best we can under the circumstances, and this is all we have been able to get ready, and it is extremely undesirable that the work should be stopped. Therefore the best thing we could do was what we have done. No one regrets more than I do that, owing to the shortness of the staff at the command of the Engineer, we cannot ask the approval of the House to a greater length.

Mr. NORTON: I cannot remember what took place with regard to other surveys, but I understand that there was only one case in which a plan was put before the House in this form, and it was strongly objected to. I do not say that of my own knowledge, but it is what I have been told. The Premier referred to the small staff at Mr. Ballard's command, but I would point out to the hon. gentleman that a number of the lines in the northern and western country are over such level country that there are few engineering difficulties to overcome, and therefore the ordinary trial survey is for general purposes, all that is required. There is another matter, it must have taken some fifteen months to get this plan of 18½ miles worked out, and it is not put before the House as other railways are, but as a survey which may be slightly altered, or slightly improved; and we are told that the gradients of 1 in 33 may be altered to 1 in 50. That involves alterations which are not often made, and certainly none of the plans I have seen have shown the probability of such a change being made. It may be done in some cases, but the engineer, as a rule, in laying out lines, takes what he supposes to be the best route that can be obtained; and, although some changes may be made to improve it, I have never heard of any case yet where the Minister has been allowed to accept the alternative of a gradient of 1 in 33 being reduced to 1 in 50. Anyone who looks at these plans will doubt very much whether the line can be constructed for £3,000 per mile. I know, comparing it with other plans that have been laid upon the table, that it will cost more like £5,000. There is another matter I would like to ask the Minister for Works about in connection with this line. It begins at a point to the west of the Normanby River, and I wish to ask the Minister for Works whether the approval of the House has been given to the construction of the bridge over the Normanby River. The House originally approved of the plans of the railway to the bank of that river, and I pointed out to the hon. gentleman last January that when tenders were called for the construction of that railway the bridge was included, although it was not included in the place which received the sanction of the House. I daresay the hon. gentleman will remember that, and the reason for doing it was that had the line terminated at the river bank it would have been utterly useless, because no freight could be obtained until it crossed the river. I think I am right in that, and I simply wish to call the attention of the Minister to it, because, if I am right, the sanction of the House will be required to the bridge. The hon. member for Fortitude Valley objected just now to the plans being laid before the House in this form, as, where the country is so rough, to carry out changes will involve a very great alteration. The hon. Minister may say "No"; but let him look at the plans and see the roughness of the country. Does he mean to say that the line can be altered so as to reduce the gradient from 1 in 33 to 1 in 50 without great difficulty? The whole of the line is over very rough country, and for my own part I think it would be a great mistake if any difficulty were placed in the way of the line being carried out as early as possible. Still, I think it might be possible to get other plans prepared which will enable the Minister to obtain the sanction of the House, and still call for tenders at once.

The MINISTER FOR WORKS said: With reference to the objection taken to the plans by the hon. member for Mulgrave, I was assured by the engineer that they were in exactly the same form as those which have always been submitted for the approval of Parliament, and

which are called parliamentary plans. I can quite understand that if the line went through private property there might be some difficulty, because by the Act you cannot deviate further than a certain extent from the plans as approved by Parliament; but this line goes solely through Crown land. With reference to the gradient, I confess I should like to see a line constructed on a more even gradient; but where the line is straight I do not think there is so much objection. I went over the Fassifern line some time ago for the purpose of ascertaining how those steep gradients worked, and I must confess my surprise at the hon. member for Townsville condemning them, when he was the Minister who introduced those steep gradients. It is in keeping with the hon. member's proceedings during the whole session. Last night he complained that the Estimates were not framed properly. After he had been in office five years he comes and condemns what he should have rectified himself. The hon. member comes here to see what he can find fault with. As to the objection of the hon. member for Port Curtis that Parliament had not approved of a certain bridge across a river—whose fault is that?

Mr. NORTON: Yours.

The MINISTER FOR WORKS: The hon. member laid the plans on the table himself, and this section now commences from the point where the first section terminates. If there is any fault the hon. member is responsible for it. The hon. member for Cook asked when tenders will be called. It is utterly impossible that they can be called before working plans are prepared; but, as soon as they are prepared, tenders will be called. I am not in a position to say when that will be.

Mr. T. CAMPBELL: I asked for an approximate date only.

The MINISTER FOR WORKS: We are very anxious indeed that this section should be gone on with as soon as the first section is completed.

Question put and passed.

FASSIFERN RAILWAY EXTENSION.

The MINISTER FOR WORKS, in moving—

1. That the House approves of the plan, section, and book of reference of the proposed extension of the Fassifern Branch of the Southern and Western Railway from Harrisville to the Teviot, 18 miles 1 chain 10 links to 34 miles 64 chains 60 links, as laid upon the table of the House on Thursday, the 4th December, 1884.

2. That the plan, section, and book of reference be forwarded to the Legislative Council, for their approval, by message in the usual form.

—said: Mr. Speaker,—I would point out to hon. members that this line from Harrisville to the Teviot will benefit the Fassifern, Teviotville, Dugandan, and Coochin districts, where there is a very considerable agricultural population. When the extension is completed it is expected that the receipts will be very much increased, as the present line does not go sufficiently far to make the traffic profitable. The engineering difficulties are not considerable, although the country in many places is broken, and the cost will be somewhat heavier than the Cooktown Railway. After passing some distance from Harrisville it enters broken country, more particularly in the neighbourhood of Dugandan. The cost will be something about £4,000 or £5,000 a mile. There will be five bridges on the line, of which one at 18 miles 60 chains will have a span of 680 feet, and one at 21 miles 30 chains a span of 460 feet. There will be seventy-three culverts and box drains at different parts of the line. I trust hon. members will see their way to adopt these plans, because the present line is so short that the traffic cannot be profitable. That is the rule with branch lines where the traffic chiefly consists of agricultural produce and timber. It is not profitable traffic, but the country derives the benefit from getting th farm produce to market. I may state that there will be no curves under 8 chains radius, and no gradient steeper than 1 in 50. The hon. member for Mulgrave referred to he gradients being altered on the range. But he cause of that is that the curves are very sharp; and where the curves are sharp the gradient of 1 in 23 is certainly not suitable. The gradients on this line are not steep. The steepest will be 1 in 50, and there will be no curves less than six chains radius.

The HON. J. M. MACROSSAN: What is the cost per mile?

The MINISTER FOR WORKS: The cost is put down here at about £4,200 per mile. I have already stated that the line goes through very broken, rugged country; that there are some heavy cuttings and a great many culverts; and where the work is so heavy you cannot expect to get it done as cheaply as over level country. I believe that it is a desirable work to carry out in order to make that which is already made more profitable.

The HON. J. M. MACROSSAN: Does the engineer state the total amount of earthworks on the line?

The MINISTER FOR WORKS: I have not any note of that.

The HON. J. M. MACROSSAN: Mr. Speaker,—I am very glad that the Government have made up their minds to extend this line from Fassifern to the agricultural country beyond Harrisville—to the Teviot—and I hope it will not be anything less profitable than the branch already opened to Harrisville. But I am certainly rather surprised at the estimate of the cost as stated by the Minister for Works—£4,200 per mile—which will probably, before the line is finished, mount up to at least £4,500. I have looked over the plans, and although there are a few broken parts here and there, I see nothing whatever in the plans to warrant the statement that it is a line that should be more costly than the Cooktown line; nothing whatever. I should have liked to have known the amount of earthworks on the line; and I think the Minister for Works should have compelled the Engineer to give him that important information. He is aware that he cannot give an estimate of cost unless he knows the amount of earthworks and bridging, and in fact all the works on the line; and he should supply the Minister for Works with these particulars. Former Ministers for Works were in the habit of receiving this information.

The MINISTER FOR WORKS: The working plans are not prepared; these are the parliamentary plans.

The HON. J. M. MACROSSAN: I am quite aware of that. But is it not evident that the Engineer knows the amount of earthwork before he can give an estimate of cost? The working plans are very different from the parliamentary plans; they are made for the purpose of calling for tenders. They are correct to a few cubic yards, more or less, and they are drawn out for the guidance of the contractors in tendering for the work. These are the parliamentary plans, not the working plans, and they are quite different from the plans which we have passed for the Cooktown line. I say that the Engineer could not have told the estimated cost of the line without knowing the amount of earthwork that is to be done. Of course we do not

expect him to be accurate to a lineal yard or two, but he should have informed the Minister for Works of that, as he informed his predecessors under similar circumstances; and probably he would have informed the present Minister for Works if he had been asked. I think £4,200 per mile for this line, though I approve of the line being made, is far too much. It certainly will put it beyond the possibility of the line paying for a good many years to come, because this is a line which will simply carry agricultural produce and timber; and, as the hon. the Minister for Works admitted, a line carrying agricultural produce and timber cannot be expected to pay much—in fact, nothing. The higher the cost of a line of this description the greater the loss to the country. It is not the same as if it were a main line, where we can expend £5,000 or £6,000 per mile or even more, knowing that we shall be recouped for that by increased paying traffic. But actually the more traffic we have of the description given by the Minister for Works the less profit there will be. I am sorry the Minister for Works has not got from the Engineer the amount of earthworks, because I am quite certain from my examination of these plans that he is not justified in giving as a reason, for the great cost of £4,200 per mile, the few broken ridges beyond Harrisville.

Question put and passed.

MARYBOROUGH WHARF BRANCH RAILWAY.

The MINISTER FOR WORKS moved—

1. That the House approves of the plan, section, and book of reference of the proposed extension of the Maryborough Wharf Branch along Kent street, and sidings to sawmills, Maryborough, as laid upon the table of the House on Thursday, the 4th December, 1884.

2. That the plan, section, and book of reference be forwarded to the Legislative Council, for their approval, by message in the usual form.

He said: In moving that the plans in reference to the extension of the Maryborough Wharf Branch be approved of, I may mention that when the line was constructed up to Messrs. Walker and Company's works it would have gone through their property. They have a shipbuilding yard there, through which the line would have gone. A great deal of objection to the railway being carried through their works was raised, and if it had been done the compensation to have been paid would have been very considerable. I propose to make a deviation from opposite the A.S.N. Company's wharf into Kent street, and from there to construct sidings into three sawmills—those of Mr. Hyne, Mr. Pettigrew, and, I think, Mr. Ramsay. If the line had been carried through Walker and Company's property it would have destroyed their works. The length of this proposed branch is only forty-seven chains, and it is very necessary that it should be completed, so that the sawmill proprietors may have sidings on their works. I beg to move the motion standing in my name.

The HON. SIR T. MCILWRAITH said: We have before approved of plans and sections and voted money for the construction of a line of railway along the wharf at Maryborough. That is a Government wharf, and the present proposal, as I understand it, is to extend the line from the Government wharf on to private property for the accommodation of the owners of that private property. I approve of the Government giving every facility to owners of sawmills and others engaged in similar industries; but they should all be dealt with alike. The Minister has not told us whether the usual principle has been carried out in this case, namely, that the men for whose benefit the line is to be constructed should contribute a certain amount towards the expense of carrying the line up to their private property. In this case a large expense will be incurred. I believe there is some correspondence in the office showing that some of those sawmill proprietors have agreed to be at the expense of acquiring the private property over which the line will pass. What I wish to know is, have those individuals contributed anything at all towards the cost of the work? The Minister for Works gave us no information on that point. Take, for instance, the branch line to Yengarie. The whole of the private property through which it went was paid for by the mill-owners who were to be benefited by it. The same principle was adopted in the branches which run to the coal-mines. I do not know of any case in which that principle has been departed from.

The MINISTER FOR WORKS: The hon. gentleman is entirely wrong about Yengarie.

The HON. SIR T. MCILWRAITH: I believe I am wrong about that line, which the Government did make through private property; but that was a Government line, and it is not used exclusively by the Yengarie works. This, however, does not seem, from the plans, to be a case of that kind. The branch is exclusively for the use of the sawmill proprietors.

The MINISTER FOR WORKS: If the sawmill proprietors want sidings into their works they will have to pay for them.

The HON. SIR T. MCILWRAITH: Am I to understand from the hon. gentleman that where the line goes through private property the individuals benefited by the line will pay for it? Is that so?

The MINISTER FOR WORKS: Yes.

Mr. NORTON: The whole of the land from the A.S.N. Company's wharf to Kent street is private property; who pays for it?

The PREMIER: It will have to be resumed.

Mr. NORTON: The hon. member told us that when the line passed through private property the individuals benefited by the line would pay for it. Here they do not. There is some correspondence in the office about the payment for the private land through which the railway would have to pass. The hon. gentleman has not told us anything about that. Proposals were made by Mr. Ramsay to the Government to carry out this line from the A.S.N. Company's wharf into Kent street, and up as far as his mill. If I am not mistaken, Mr. Ramsay then made an arrangement that he and other sawmill owners should pay the cost of all the private property through which the line would have to go. Does the Government propose to pay the cost of resuming that private land? It is a valuable piece of land, close to the wharf; and if the railway goes through it, its value for any other purpose will be destroyed. It is a pity the hon. gentleman did not produce the correspondence he has in the office in connection with this matter.

The HON. J. M. MACROSSAN said: I think it rather strange that some member of the Government has not got up and made a statement as to how the case stands at present between the Government and sawmill owners. This is a project which came under the notice of the late Government two years ago, and it was their intention then to carry the plan out exactly as it appears now, with the exception of running sidings into the sawmills. There was no intention of doing that, and the sawmill proprietors were to pay for the resumption of Mr. Robertson's land. Mr. Ramsay undertook positively that if the sawmill owners would not jointly

buy the land, he would do it himself. I think it is incumbent upon the Government to say that they will adhere to the usual rule, because, although Yengarie had a line run through the works, an arrangement was come to by which the Government were greatly benefited. The Yengarie people had a large flotilla of punts and steamers for carrying their sugar to Maryborough and bringing back coal, but an arrangement was come to by which they undertook to abolish their steamers and punts and use the railway. So that there was a *quid pro quo* in that case, and no fault could be found with that arrangement. The amount of carriage which the Government received by the arrangement amounted to several thousand tons per year, and the whole of the interest upon expenditure was saved. I do not think that that arrangement justifies the Government in breaking through the rule in all cases. We are making a railway to Crow's Nest, and there are several sawmill owners on the line; and I have heard it said that one of them states that if the Government do not make a branch into his mill he will not use the line. The Minister for Works must, therefore, take great care that he does not incur any expense in sidings to these sawmills which will embarrass him in the future. There is some correspondence in the Works Office on the subject, and we should have had it, so as to understand the question thoroughly. I would like to know from the Minister what the cost of this line is to be. It will cost a great deal, I have no doubt, if the Government have to pay for the resumption of Mr. Robertson's land, because the line cuts it diagonally and renders what remains almost useless. Will the Minister tell us what will be the expense of the resumption, and whether the sawmill owners themselves are to bear the cost of the resumption; and also whether each one is to bear the cost of the line being extended to his own mill?

The MINISTER FOR WORKS said: The surveys have been made to ascertain whether the branch lines to the sawmills will work in, but that does not bind the Government to make lines to the sawmills. At Maryborough, there are three or four mill proprietors who get their timber down in logs at considerable expense, and by extending the line they will be able to carry on operations with more ease. Of course there is a small portion of land to be resumed, for which the Government will have to pay.

The HON. J. M. MACROSSAN: That is what I have always stuck at.

The MINISTER FOR WORKS said: I might as well ask all the people using the railway to pay for the land required in its construction. The land resumed will have a water frontage, which will be very useful to the Harbours and Rivers Department, and I believe myself that the amount required will not be very great. I am not in a position to say what this half-mile of railway will cost, because I do not know the value of the land resumed. Seven chains will not cost a very large sum of money, although I am afraid it will cost more than the cost of the railway. The value of the land will be determined by arbitration in the usual way.

Mr. BEATTIE said: If the present case is going to form a precedent, I shall be an applicant for a similar extension to the one being made in Maryborough. That is simply for the benefit of sawmill owners, and the Government are going to buy three-quarters of a mile of land for the purpose of running the line through the sawmills.

The PREMIER: It is not five chains.

Mr. BEATTIE: At all events, those five chains are very valuable land. I am looking forward to the day when the Government will contruct the railway to Fortitude Valley to a point where there will not be a very long distance to reach the river. I understood the Minister for Works to say that this line would be a great advantage to the Harbours and Rivers Department in Maryborough, but an extension of the Valley line would be a great advantage to the mercantile community. I hope the Government will treat all alike, and although I know the Minister for Works objects to this proposal of mine, still we are going to have that line whether he objects or not. An application of a similar nature was made to the late Ministry, and I took some trouble in the matter, but the Government decided against making a siding to the blue-metal quarry at Bundanba. They, however, came to this conclusion: that they would supply old rails to the proprietors of the line, and also the points and facings—everything, in fact, except sleepers. The lessees of the land guaranteed to the Government that the rails would be returned to the Government at the expiration of their lease. That, I know, was one of the conditions of the lease. I know that, because it cost me a good deal of going backwards and forwards to the Minister. The work brought a large amount of traffic to the railway; and I think such works, no matter in what locality, increase the traffic on the railway, and by thus increasing the revenue they are advantageous to the country. I am opposed to the present system. I mention this because I wish to tell the Minister for Works that possibly I may shortly be an applicant for something similar myself, and I just wish to remind him that when that time arrives I shall bring this under his notice.

Question put and passed.

SUPPLY—REPORT OF COMMITTEE.

On this Order of the Day being read,

Mr. FRASER, as Chairman of Committees, brought up the various resolutions agreed to in Committee of Supply, and the same were read by the Clerk.

On the motion of the COLONIAL TREASURER, the report was adopted.

CROWN LANDS BILL — CONSIDERATION IN COMMITTEE OF THE LEGISLATIVE COUNCIL'S AMENDMENTS.

On this Order of the Day being read—

The SPEAKER said:

Before the House proceeds with this Order of the Day, I desire to call the attention of honourable members to certain amendments which have been made by the Legislative Council in this Bill. It is part of the Speaker's duty to be the guardian of the rights and privileges of the Legislative Assembly, and, in performance of that duty, I think it is incumbent upon me on the present occasion to call the attention of the House to certain amendments which have been made by the Legislative Council, and which, in my opinion, infringe the privileges of this Chamber. Although the title of the Bill is "A Bill to make better provision for the Occupation and Use of Crown Lands," and in that respect may be regarded as one of general public policy, it is, nevertheless, in its intentions and purposes a Revenue Bill. In England the Crown lands are vested in the commissioners for woods and forests, and the revenue derived from them is entirely at the disposal of the House of Commons. In this colony the waste lands of the Crown are placed under the jurisdiction of the Legislature, and the revenues derived from them form a very essential part of the general revenue of the colony. If the House concurs in

my opinion that the Bill in question is a Revenue Bill as well as "A Bill to make better provision for the Occupation and Use of Crown Lands," then the character of the amendments which have been made by the Legislative Council will, I think, be better understood. From the year 1664 up to the present time the House of Commons has been exceedingly jealous of any interference with Bills which are understood as money Bills, or Bills which have in any way affected the public revenue; and to that question I will refer more at large presently. The amendments as set forth in the schedule are very numerous, and those which bear more particularly upon the question of revenue are comprised in clause 6, clause 20, clause 27 and several subsections of that clause, in clause 43, clause 51, and in clause 56, in subsection (*e*) of that clause, and in others which bear more or less directly upon the same question. These amendments all more or less affect the revenue portions of the Bill. It is open to doubt whether the amendments made by the Legislative Council in the 6th clause can be fairly brought under this category. It is for the House itself to decide on that matter. It is simply my duty to point out the nature of the amendments, and then for the House itself to decide upon the course of action to be taken. The principle, or I may say one of the principles of the Bill, is to increase the revenue at present derived from the use and occupation of Crown lands; and in order to accomplish that object, it was stated by the Minister in charge of the Bill, that, to carry out the system of leasing, it was necessary that the principle of pre-emptive right should be abolished, and that it would be impossible for him to carry out the leasing principle in its integrity without the 54th section of the Pastoral Leases Act of 1869 being repealed. The Legislative Assembly had determined that there should be no further sales of country lands; that sales by auction should be confined only to town and suburban lands; and the minimum prices of these latter were fixed by the Bill. The amendment of the Legislative Council sets aside the intention of the representative branch of the Legislature in this respect. It is for the House to say whether this is an amendment of the nature I have indicated or otherwise. Of the other amendments, however, more particularly those in clause 27 and its various subsections, and the addition of subsection (*f*), and the words at the end of subsection (*e*) clause 56, as well as of some other amendments, there can be no such doubt. These are, in my opinion, a direct interference with the revenue portions of the Bill, and also directly interfere with the disposal of land for purposes of revenue, which, in my opinion, is exclusively the privilege of the Legislative Assembly. It may be necessary, to strengthen the opinion I have now given, to direct the attention of the House to certain precedents, both Imperial and Colonial, which have been established, and which will show to the House how very jealous the House of Commons and Legislative Assemblies have invariably been of any interference by the House of Lords or nominated Houses with Revenue Bills. Of course the House must understand that I am assuming that the Bill is in its very nature a Revenue Bill as well as "A Bill to make better provision for the Occupation and Use of Crown Lands." The House of Commons, from time immemorial, has laid it down as a constitutional maxim, that where the Bill, or the amendments made by the Lords, appear to be of a nature which, though not immediately, yet in their consequences will bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced.

On the 8th March, 1792, the Lords made an amendment to a Bill for enabling the Government to grant leases of the Duchy of Cornwall, which amendment increased the fees payable on the renewal of the leases. To this the Commons disagreed, and the Lords acquiesced in the disagreement. The Commons on that occasion assigned as one of their reasons:—"Because the enlarging the fees, as by the amendment, is the laying a charge upon the subject which is so inherent and fundamental a right of the Commons as they can by no means depart from."

On the 8th April, 1700, the Lords amended a Bill for granting aid by sale of forfeited estates in Ireland. To these amendments the Commons disagreed.

In 1857 the House of Lords made certain amendments in the Valuation of Lands (Scotland) Bill—a Bill which provided for the valuation and assessment of land by Her Majesty's Inland Commissioners of Revenue. The House of Commons proceeded to take into consideration the amendments, and the journals of that House record that "it appearing that the amendments related to the evidence admissible in certain cases, and did not alter or otherwise affect any valuation or assessment, were agreed to"—a clear indication that, had the Lords altered the valuation or assessment, the House of Commons, in accordance with the well-known axiom above quoted, would not have agreed to them.

Sir Erskine May has pointed out that in Bills confined to matters of aid or taxation, but in which pecuniary burdens are imposed upon the people, the Lords may make any amendments, provided they do not alter the intention of the Commons with regard to the amount of rate or charge, whether by increase or reduction, its duration, its mode of assessment, levy, collection, appropriation, or management, or the persons who shall pay, receive, manage or control it, or the limits within which it is proposed to be levied. As illustrative of the strictness of this exclusion, it may be mentioned that the Lords have not been permitted to make provision for the payment of salaries, or compensation to officers of the Court of Chancery out of the Suitors' Fund, nor to amend a clause prescribing the order in which charges on the revenue of a colony should be paid; but all Bills of this class must originate in the Commons, as that House will not agree to any provisions which impose a charge of any description upon the people if sent down from the Lords, but will order the Bills containing them to be laid aside.

In the Dominion of Canada the same jealous regard as to rights in connection with Revenue Bills has been observed by the Dominion House of Commons. The Senate of Canada is composed of seventy-eight members, nominated by the Crown; each member is to have a property qualification—value, 4,000 dollars; and at the opening of every Parliament he has to sign a solemn declaration that he is still possessed of that property qualification. It will be observed, therefore, that the Senate of the Dominion of Canada is in constitution analogous to the Legislative Council of Queensland, except as to the property qualification. On the 23rd May, 1874, a Bill was returned from the Senate with an amendment providing for an increase in the quantity of land granted to certain settlers in the north-west. The Premier and other members doubted the right of the Senate to increase the grant of land, the public lands being, in the opinion of the House, in the same position as the public revenues. The amendment was only adopted with an entry in the journals that the Commons did not think it

"necessary at that late period of the session to insist on its privileges in respect thereto, but that the waiver of said privileges was not to be drawn into a precedent." Many other entries are to be found in the journals of the Dominion House of Commons, accepting Senate amendments on the conditions above stated, rather than delay the passage of a Bill at an advanced period of the session. I would also draw the attention of the House to a very important opinion which was given by the Crown Law Officers in England in 1872. In that year a difference arose between the two Houses of the New Zealand Legislature as to the statutory right of the Legislative Council to amend Bills of Supply. The Council contended that the New Zealand Parliamentary Privileges Act of 1865 had placed both Houses upon an equal footing in respect to Money Bills, and empowered them to amend such Bills as freely as other measures. The House of Representatives resented this pretension as being an unconstitutional encroachment upon their peculiar privileges. After conferences had been held between the two Houses, and being unable to agree, by mutual consent a case was proposed for the law officers of the Crown in England, which was forwarded to Her Majesty's Secretary of State for the Colonies by His Excellency the Governor. In due course a reply was received from these eminent functionaries, which was transmitted to the Governor for the information of the Colonial Legislature, and is as follows:—

"*The Law Officers of the Crown to the Earl of Kimberley.*

"Temple, 18 June, 1872.

"MY LORD,

"We are honoured with Your Lordship's commands, signified in Mr. Holland's letter of the 12th instant, stating that he was directed by your Lordship to acquaint us that, a difference having arisen between the Legislative Council and the House of Assembly of New Zealand concerning certain points of law and privilege, it was agreed that the questions in dispute should be referred for the opinion of the law officers of the Crown in England.

"That he (Mr. Holland) was accordingly to request us to favour your Lordship with our opinion upon the accompanying case, which had been prepared by the managers of both Houses.

"In obedience to Your Lordship's commands, we have the honour to report:—

"1. We are of opinion that, independently of the Parliamentary Privileges Act, 1865, the Legislative Council was not constitutionally justified in amending the Payments to Provinces Bill, 1871, by striking out the disputed clause 28. We think the Bill was a money Bill, and such a Bill as the House of Commons in this country would not have allowed to be amended by the House of Lords; and that the limitation proposed to be placed by the Legislative Council on Bills of Aid or Supply is too narrow, and would not be recognised by the House of Commons in England.

"2. We are of opinion that the Parliamentary Privileges Act, 1865, does not confer upon the Legislative Council any larger powers in this respect than it would otherwise have possessed. We think that this Act was not intended to affect, and did not affect, the Legislative powers of either House of the Legislature in New Zealand.

"3. We think that the claims of the House of Representatives, contained in their message to the Legislative Council, are well founded; subject, of course, to the limitation that the Legislative Council have a perfect right to reject any Bill passed by the House of Representatives having for its object to vary the management or appropriation of money prescribed by an Act of the previous session.

"We have, etc.,

"J. D. COLERIDGE.

"G. JESSEL.

"The Right Hon. the Earl of Kimberley."

The cases above quoted will, I think, assist the House in arriving at the conclusion that some of the amendments made by the Legislative Council in this Bill are infringements upon the rights and privileges of the Assembly. As to the course to be taken by the House in regard to a Bill of this kind containing such amendments as I have indicated—that is entirely for the House itself to decide. I shall have discharged my duty as the guardian of the privileges of this House by simply pointing out where, in my opinion, those privileges have been infringed upon. Hatsell, in vol. 3, page 153, gives very valuable suggestions with regard to questions of this kind, and I think that I shall not be trespassing upon the time of the House if I read a few of the conclusions to which that distinguished constitutional writer arrives in relation to Bills which in their character may be designated Revenue Bills. After referring to some 100 precedents in which the House of Commons has jealously maintained its rights and privileges as guardians of the public revenue, Hatsell proceeds:—

"It may perhaps be difficult to express, with precision and correctness, the doctrine that is to be collected out of these precedents; but as far as my observation has gone, I think the following propositions contain very nearly everything which has at any time been claimed by the Commons upon this subject:—

"First, that in Bills of Aid and Supply, as the Lords cannot begin them, so they cannot make any alterations either as to the quantum of the rate or the disposition of it; or indeed any amendment whatsoever, except in correcting verbal or literal mistakes—and even these the House of Commons direct to be entered specially in their journals, that the nature of the amendments may appear, and that no argument prejudicial to their privileges may be hereafter drawn from their having agreed to such amendments.

"Secondly, that in Bills which are not for the special grant of Supply, but which, however, impose pecuniary burdens upon the people, such as Bills for turnpike roads, for navigations, for paving, for managing the poor, or for rebuilding churches, &c., for which purposes tolls and rates must be collected—in these, though the Lords may make amendments, these amendments must not make any alteration in the quantum of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors appointed to manage it. In all the other parts and clauses of these Bills, not relative to any of these matters, the Commons have not objected to the Lords making alterations or amendments.

"Thirdly, where the Bill or the amendments made by the Lords appear to be of a nature which, though not immediately, yet in their consequences, will bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced.

"And lastly, the Commons assert that the Lords have no right to insert in a Bill pecuniary penalties or forfeitures, or to alter the application or distribution of the pecuniary penalties or forfeitures which have been inserted by the Commons. These Rules with respect to the passing or amending of Bills are clear, distinct, and easy to be understood, and applied in all the cases which may occur. It has been sometimes

attempted to extend this claim, on the part of the Commons, still further; or rather so to construe the claim as to tend very much to embarrass the proceedings of the House of Lords upon Bills sent from the Commons. This has never appeared to me a prudent measure. I think the House of Commons may rest satisfied with the observance of these Rules, which they can maintain upon the ground of ancient practice, and admitted precedents. Their sole and exclusive right of beginning all aids and charges upon the people, and not suffering any alterations to be made by the Lords, is sufficiently guarded by the claims as here expressed; and it does not seem to be either for their honour or advantage to push this matter further; and, by asserting privileges which may be subjects of doubt and discussion, thereby to weaken their claim to those clear and indubitable rights, which are vested in them by the Constitution, and have been confirmed to them by the constant and uniform practice of Parliament."

I have now discharged my duty in calling the attention of the House to this matter. The course of action which I have taken is one which has been adopted by some of the most eminent Speakers of the House of Commons. When Bills have been brought down from the Lords containing amendments which have more or less infringed the rights and privileges of the House of Commons, the eminent men who have presided over the deliberations of that august assembly have never been slow to draw the attention of the House to the nature and character of those amendments; and they have done so as the authorised guardians of the privileges of the House. Acting upon precedents so eminent and valuable, I have followed their course of action, and now leave the matter entirely in the hands of hon. members.

The PREMIER said: Mr. Speaker, — The attention of the Government was, of course, drawn, during the passage of this Bill through the Legislative Council, to the nature of the amendments that were made in it; and they had to take into consideration which of two courses they should propose to adopt on its being returned here—whether they should move that the Bill be laid aside because some of the amendments made were an infringement upon the privileges of this House; or whether they should adopt a course which is now, I think, quite as common as the other—that is, to proceed to consider the amendments in detail, declining to agree to those which are an infringement of the privileges of this House. There are one or two amendments which might, but for that reason, perhaps, be open to serious discussion. The course the Government propose to adopt is to proceed with the Bill. I need scarcely give any reason for that; the great importance of the measure, and the great amount of time and attention bestowed upon it by Parliament, would certainly render it inexpedient to lay it aside if it could be avoided. With the view of facilitating the consideration of the measure by hon. members in committee, I have had printed a draft of the message we desire to send to the Legislative Council, indicating what amendments we propose to agree to, what amendments we propose to disagree to, and the reasons for disagreement in the latter cases. In cases where the privileges of this House have been infringed in matters of revenue, it is proposed to follow the practice of the House of Commons in similar cases, which I will quote from "May's Parliamentary Practice":—

"When it is determined to disagree to amendments made by the other House,—(1) The Bill may be laid aside; (2) the consideration of the amendments may be put off for three or six months, or to any time beyond the probable duration of the session; (3) a message may be sent to communicate reasons for disagreeing to the amendments; or (4) a conference may be desired with the other House. The two first modes of proceeding are only resorted to when the privileges of the House are infringed by the Bill, or when the ultimate agreement of the two Houses is hopeless; the latter are prepared whenever there is a reasonable prospect of mutual agreement and compromise. Sometimes, when an amendment affects the privileges of the House, it is disagreed to, the only reason offered to the Lords being that it would interfere with the public revenue, or effect the levy and application of rates, or alter the area of taxation, or otherwise infringe the privileges of the House; and it is added that the Commons do not deem it necessary to offer any further reason, hoping the above reason may be sufficient. This hint of privilege is generally accepted by the Lords, and the amendment is not insisted upon."

We propose, in respect to the revenue amendments, to follow that practice, except in one or two instances. I think it is convenient that I should take this opportunity of saying, before going further, that it has occasionally been the practice to circulate the proposed message to members; it has been done on two or three occasions that I can remember, in cases of important Bills. The formula as I have read it from May's "Practice" states the reasons, and adds, "That this House does not desire to offer any further reason, hoping the above reason may be sufficient." In two instances it is proposed to depart from that simple statement, with reference to the 20th clause, the amendment on which provides for an appeal from the land board to arbitrators; and the 28th clause, proposing to extend the terms of the pastoral leases. I will read now what we propose to do in respect of the 20th clause of the Bill. The amendments propose that there should be an appeal from the land board to arbitrators in all cases. It is proposed to disagree to that, because we consider that one of the most important functions of the land board or commission is to assess rents; and a proposal that there should be an appeal from the decision of the tribunal appointed to fix the amount to be paid to the revenue is clearly an infringement of the privileges of this House. It is, however, a matter of so much importance in connection with the working of the Bill, that we have thought it not undesirable in this case to give additional reasons besides that one. And that is proposed to be done in this way by stating that we—

Disagree to the amendments in clause 20—

Because the land board as constituted by the Bill is an independent judicial court of appeal appointed to do justice between the Crown and the subject, and the allowance of an appeal from such a court to arbitrators would destroy the authority and usefulness of the court, and introduce utter confusion into the administration of the law;

Because many of the functions of the board are such as could not be satisfactorily performed by arbitrators;

Because it is highly desirable that the rents for Crown lands should be assessed on a definite and consistent basis, which would be impossible if the rents for each holding were to be assessed by a different tribunal;

Because the administration of the law on the basis of the proposed amendment would become impossible.

And we propose to add to that—

The Legislative Assembly have offered these reasons for disagreeing to the proposed amendments on account of the great importance of the subject, and of their desire to point out to the Legislative Council the inexpediency of the proposed amendments, but they do not waive their right to insist upon the further reason—

That the proposed amendments would interfere with the public revenue;

Which reason they hope will be sufficient.

A somewhat similar course is proposed to be adopted in reference to the amendments on clause 28. We propose to—

Disagree to the amendments substituting "fifteen" for "ten" and "twenty" for "fifteen" in the 3rd paragraph of that clause—

Because, the tenure conferred by the Bill being a fixed and absolute lease, it is not desirable that the land should be withheld from the possibility of being otherwise dealt with for so long a period as that proposed;

And to add that—

The Legislative Assembly offer this reason without waiving their right to insist on the further reason—

That it would interfere with the public revenue;

Which reason they hope will be sufficient.

In the other cases of revenue being interfered with we propose to follow the formula I have referred to before. I need not refer to all the amendments now. They will be referred to in committee. Hon. members will see that it is not proposed to blindly refuse every amendment that has been made by the Council, but to accept those which will not interfere with the object of the Bill. I now move that the House go into Committee of the Whole to consider the Legislative Council's amendments to the Crown Lands Bill.

The HON. SIR T. McILWRAITH: Mr. Speaker,—I have no doubt it was your duty, which you seem to have discharged well, to put before the House the principles on which we differ from the other Chamber. It is a matter which has at previous times been before this Assembly. I know it is a matter of very great importance, but I do not suppose that there has been any time in the history of the colony when so much importance has been given to it as by the long memorandum just read. If any action is to be taken on that memorandum, I think the proper course—considering the fact that the course of action consequent on that memorandum has no doubt been under the consideration of the Government for some time—is that we should postpone the consideration of the Land Bill until we have had time to digest that learned document.

HONOURABLE MEMBERS on the Government Benches: No, no!

The HON. Sir T. McILWRAITH: I suppose hon. members opposite have all read it and studied it, and know everything about it.

The PREMIER and HONOURABLE MEMBERS: No, no!

The HON. SIR T. McILWRAITH: Here is a document—I give great credit to Mr. Speaker for having prepared it—which I say no layman, or any lawyer even, could reply to on the spur of the moment, and from simple recollection of points of constitutional law. I disagree with a great part of it. I consider it a very learned document which might have been delivered by the Speaker of the House of Commons in reference to the privileges of that House. Our position, however, is, though analogous, not the same. We have a constitution of our own, and we are bound to go by that constitution as long as we can. When we cannot, we may take precedents from the House of Commons and House of Lords, but not otherwise. As to the course proposed to be taken by the Premier—who seems to have taken up the position of the Minister for Lands—I have no objection at all to go on with the consideration of the Bill, but I think the proper course would have been to have deferred the consideration of the Bill until we had had time not only to study that document, but also the document put into our hands by the Premier. I think that that would have possibly tended to the chance of the Land Bill passing; but it strikes me very forcibly, from the style in which this fight between the Assembly and the Upper House has been got up, that the Land Bill will not pass. I think there are a good many reasons for believing that the Government do not desire to see it passed; and every unnecessary obstruction that is put in the way of its passing the Upper House must tell against the Ministry, and prove my assertion that they do not wish it to pass. Let us discuss, by all means, on their merits, the amendments that have been made, and if we disagree with them let us state our reasons for doing so; but if we simply state, as a reason, that the Council have no right to interfere, we are putting an unnecessary impediment to the passage of the Bill. In addition to the general reason that they have no right, as an Upper Chamber, to meddle with those matters, we ought to give a special reason. If we give no other reason, we leave it open to the other House to put aside the Bill. If that is intended the Government could not have adopted a better course than the one they now suggest. The Government seem to reject the idea that we should have time to consider this matter. I leave it entirely with them. We are prepared, as we always have been, to go on with the Government business; but I submit that the House is placed at a disadvantage in not having time given to it to consider the elaborate document which you, sir, have put before us; and which, it seems, is accepted by the Premier. I understood the Premier to follow the ruling you have given in asserting the privileges of the House. He has embodied your ideas in that——

The PREMIER: My conclusions have been arrived at quite independently of the Speaker.

The HON. SIR T. McILWRAITH: If so, it is one of those peculiar coincidences which one cannot help remarking. The Speaker read a long printed document to us, and the Premier read from another long printed document which agrees entirely with that of the Speaker. I do not blame the Premier and the Speaker with having concocted this peculiar system of getting through the business of the House, but it seems an extraordinary coincidence that they should both be agreed. It looks as if one party had written both documents. I do not know whether it is you, sir, or the Premier, but I take the Premier's interjection as a disclaimer with regard to the one you read. If the Premier insists on going into Committee, I am quite prepared to do so, and to discuss the merits of each amendment as it comes before us.

Mr. BROOKES said: I should like to say a word on the subject before the House by way of expressing such ideas as come at once to my mind; and I think that in what I say I shall faithfully represent the opinions of the outside public of this colony. I am particularly glad, Mr. Speaker, to have heard the long statement which you have just read. I do not wish to pay you a compliment to your very face, but I say that it is indicative of the care you take of the matters entrusted to you that you should have been at the pains to have prepared such a statement. With reference to what has fallen from the leader of the Opposition, it is just exactly such a speech as we might have expected from him. One of the functions of an Opposition is to carefully criticise every action of the party in power; and it may well be, and often is, that when the Government fall into mistakes, it is the duty of the Opposition to pull them up. But in this matter of the Land Bill the motive of the Opposition is so plain that it cannot be concealed. They say they want more time, first, to consider what you, sir, have said; and then to consider these propositions of the Premier. That is an old and worn-out artifice of the Opposition. They want no time at all. The issue is simple. I will tell you, Mr. Speaker, what the Opposition is wishful for. During the short period that I have had the honour of a seat in this House—and twenty years ago, when I held a similar position—we have always been hammering at this one issue—whether the tenants of the Crown shall have the fixing of their rents. The people outside will judge of that issue. Does the leader of the

Opposition suppose that the general public of this colony are going to allow a few gentlemen in another place—a mere handful of people—to determine a great question such as the rent of the land, or the use to which the land shall be put? If he does, he never made a greater mistake in his life. It may as well be brought to this simple issue at once without any forms and diplomatic phrases; and I can assure him that, as far as I am concerned, I do not intend to allow the gentlemen in another place to have very much to do with this matter. They are outside the question; they are too intimately concerned; it is too much a breeches-pocket question with them; and their opinion will not weigh with me very much, and I am quite certain it will not weigh very much with the colony. But there is another question which may arise—I hope it will not, but if it does I and many others will be prepared to face it—and that is, the constitution of the Upper House. It is perfectly preposterous that we should have gentlemen sitting in that "other place"—I think that is the phrase, Mr. Speaker, and I hope you will call me to order if I am discourteous to them, which I do not intend to be—it is perfectly preposterous that a lot of squatters in another place should decide what their rents shall be. I do not intend to say very much just now on this subject, but I do say that every syllable that has fallen from the leader of the Opposition is exactly such as might have been expected from a person who is playing the game—or, perhaps, I had better say, acting as the special pleader—of that party in the colony. It is "the squatters *versus* the people;" you cannot get over that; and whether the squatters are to be the judges of their own cause or not it will be for the common sense of this House to decide.

Question put.

Mr. NORTON said: I consider, Mr. Speaker, you are putting the question in somewhat of a hurry, if you will excuse my saying so. It is quite possible that some other hon. members may wish to express an opinion on the subject. The leader of the Opposition has asked that after the long statement you read to the House—a statement so important that you did not commit it to memory, but had it printed to make sure of its accuracy—time might be given to hon. members to consider the full meaning of it. I do not believe that any hon. member on the other side who has not seen that document before could stand up now and tell us what it contains.

Mr. MACDONALD-PATERSON: I am sure I could not.

Mr. NORTON: The hon. member for Moreton is a sensible man and a lawyer, and yet even he could not follow it so closely as to tell us all that it contains. We on this side are not such dense fools as to profess to do so. If it had been an ordinary subject you would not have taken the trouble of putting it into print in order that there might be no mistake on the part of hon. members as to what your views are upon it. I ask, under the circumstances, is it much to ask that sufficient time should be given to hon. members of this House to read that statement and ascertain fully what it means? I do not think that is an unreasonable request. Now, Mr. Speaker, I do not pretend to say I understand all that you have said, and I do not think for a moment that other hon. members will presume, if they have not heard or seen the statement before, to say that they understand its full meaning. And there is not only your statement to consider, but that of the Premier, which alone would take an hour to understand. Every one of those reasons for disagreeing or agreeing to the amendments in the Bill would take a very long time for consideration, and surely it is not too much to ask, under the circumstances, that other business should be gone on with this evening. I am sure I do not wish to delay the consideration of this matter at all. I am not going to say anything about the functions of the Upper House, but I disagree with some of the amendments they have made. That, however, is not a matter for discussion until we come to the particular clauses. I do think that, under the circumstances, the position being an entirely new one, the House is entitled to some sort of consideration, so that they may be enabled to make themselves more familiar with the two documents we have had laid before us.

Question put and passed.

The MINISTER FOR LANDS moved that the Council's amendments in clause 1 be disagreed to. The amendments were consequential upon those in clauses 75 to 79 of the Bill.

The HON. SIR T. MCILWRAITH said it was becoming usual for Ministers to read their speeches. They had had a speech from the Minister for Works which was written out, and now the Minister for Lands followed the same course. Surely some reason should be given for the disagreement! They knew the amendments were consequential, but they should first discuss the clause which made those amendments consequential.

The PREMIER said he thought it would be convenient to postpone the amendments in clause 1. They were purely verbal amendments, consequent upon amendments in clauses 75 to 79.

The MINISTER FOR LANDS said he would withdraw his motion with the permission of the Committee.

Motion withdrawn.

On the motion of the MINISTER FOR LANDS, the consideration of the amendments in clause 4, lines 14 and 39, were also postponed.

On the motion of the MINISTER FOR LANDS, the other amendments in clause 6—inserting the word "cultivation" and omitting "other" in line 7, page 3—were agreed to.

The HON. SIR T. MCILWRAITH asked the Chairman whether he had for distribution any copies of the document read by the Speaker?

The CHAIRMAN: I have not.

The HON. SIR T. MCILWRAITH said he thought they ought to be obtained at the earliest possible moment — at any rate, before the resumption of business after dinner. If the document was in print it ought to be distributed, because it affected the Bill so much.

The PREMIER said he did not know whether the document was in print or not—he did not notice whether the Speaker read from a printed copy; but if it was in print, there could be no objection to its distribution. He knew nothing about the document.

The HON. J. M. MACROSSAN: Never saw it, I suppose?

The PREMIER: He had never seen it. He understood that the Speaker was going to follow the example of Mr. Barton, the Speaker in New South Wales, and express his opinion; but he was not aware what he was going to say.

Mr. NORTON: I hope he will not always follow the example of that Speaker.

The PREMIER said he had expressed no opinion to the Speaker as to the propriety of doing so or not. It was not the function of

that Committee to express the reasons why amendments were agreed to. It was for the Committee simply to arrive at a conclusion whether it did or did not agree to them; and when the House resumed, the reasons for disagreement, if any, were given. That had been the usual course. He could call to mind one memorable occasion with which he had just refreshed his memory, when the hon. gentleman who was now the leader of the Opposition insisted strongly that that House should not allow the Upper House to interfere in matters of revenue.

The HON. SIR T. McILWRAITH said that was just the position he took up again, and he had not said one word to show that he was going to take up the cudgels on behalf of the Legislative Council. All he wanted just now was to see the document that the Speaker had read.

The PREMIER said he understood that the document was in print, and copies would be struck off at once, and be ready at any rate before half-past 6.

The HON. SIR T. McILWRAITH said the hon. gentleman seemed to know the document much better than he did. Perhaps he could say whether it contained any quotations from his (Sir T. McIlwraith's) speech—as one of the eminent authorities alluded to—from his celebrated speech which he was said to have delivered against the Legislative Council.

The PREMIER said he did not know any more about it than the hon. gentleman himself, and therefore he was not aware whether the hon. gentleman was included among the eminent authorities. It was not usual to quote living authorities——

The HON. J. M. MACROSSAN: Oh, yes!

The PREMIER: Living authorities present in the House.

The MINISTER FOR LANDS moved that the amendments in clause 6—omitting all the words after "the Pastoral Leases Act of 1869,' in line 31 to the end of the clause, and inserting the words "where the lease has been acquired after the passing of this Act"—be disagreed to. That involved a principle which was fully discussed in that House. He did not think anybody who listened to the discussions could have any doubt whatever that the effect of the pre-emptive right had been injurious throughout the length and breadth of the colony. At all events, the Government and every member on their side of the House, and even some on the other side, were perfectly satisfied that if pre-emption was allowed to the fullest extent it would absolutely nullify the whole object of the Bill. That was the opinion of all hon. members except those who were determined that it was a good thing to retain the system. As the question had been fully discussed, he did not think he need say more about it.

The HON. SIR T. McILWRAITH said that the Minister for Lands, in moving that the amendment to the clause be disagreed to, gave as his reason that it would nullify the whole object of the Bill. He thought the hon. gentleman must have a very poor opinion, himself, of the character of the Bill, if he thought that an amendment of the other House could possibly have that effect. That was proved by the fact of the clause having been in operation so long, and so very little harm having been done to the colony, and so little land having been taken up under its provisions; not only that, but the pre-emptives were not of much value, and that fact would be more effectual in limiting pre-emption, than legislation. While the Bill was passing through the House, it was admitted that very little pre-emption would take place in the future; and the principal reason urged on his side against the clauses was that it was simply repudiation of a national bargain. The fact that very few would be in a position to take pre-emptives, from their proved want of value, should have been a reason urging the Government to guard against anything that had the shape of repudiation at all. The reason given in the draft message to the other Chamber—which, he thought, ought to have been discussed by the Minister for Lands—did not seem to him sufficient for disagreeing from the amendments. If the object of the Government was to pass the Bill, reasons should be given, and inducements offered to the other Chamber to agree with the Assembly. The first reason given was—

"Because the power conferred upon the Governor in Council by the 54th section of the Pastoral Leases Act of 1869 to sell land to lessees to secure permanent improvements has been frequently used for other purposes than the securing of improvements, to the great loss of the colony and hindrance of settlement upon the public lands; and it is consequently highly expedient that the conditions under which this power may be exercised should be defined."

There were two answers to that. In the first place it had not been proved that the lands had been selected except to secure permanent improvements; and in the next place, as the bargain had been made by the State, whether good or bad, it ought to be kept. Whatever arrangement was made with the pastoral tenant, it should not bear the stigma of repudiation in any shape or form; and the reason given simply amounted to the argument that the State had made a bad bargain, and therefore clause 54 ought to be repealed. He did not think himself that it was a bad bargain, but even if it were the colony should stand by it. The next reason was—

"Because the Bill entitles every lessee under the Pastoral Leases Act of 1869 to claim full compensation for improvements made by him on his run upon his being deprived of the use of such improvements, and it is unjust that he should in addition be permitted to acquire large quantities of land without competition."

That was no reason at all; because the pastoral lessee had not asked for the substitution to be made. They were perfectly willing that the 54th clause should stand as it was. Where there were two parties to a bargain, it was not competent for one to say, "I have made a bad bargain, and instead of fulfilling it I will substitute another." The other party had a perfect right to refuse to accept the substitution if they chose.

"Because the clause, as framed, confers on present lessees a legal right to purchase the land in every case in which they could fairly prefer a claim to be permitted to do so."

That had been fully discussed when the Bill was before the House; in fact, every phase of the matter had been fully discussed. That simply affirmed what the other House affirmed not to be the fact—that the clause conferred a full right on lessees when they could fairly claim it. He did not think it did so; it left out the great bulk of pastoral tenants and their rights which had accrued during their tenure under the Act of 1869. The fourth reason was—

"Because the tenure under the Act of 1869 is such that the power of the Governor in Council to sell under the provisions of the 54th section can be taken away at any time."

That was to say, the right to take away the runs was contained in the Act of 1869. But, if the Government took away the leases simply to deprive the lessees of the rights they had acquired, it was national repudiation all the same. It was impossible to conceive of a Government doing that. No doubt the lessees held their lands under what was virtually a six months' tenure, but they

would never have taken them up and improved them but for their faith that the nation would secure to them their leases till the lands were wanted for some other and better purpose. If the Government should at any time exercise their power of resuming the leases for the purpose of depriving the lessees of any inconvenient right under the Act of 1869, it would be an act of repudiation worse than the repeal of the 54th clause. The next reason was—

"Because for these reasons, and in order to more effectually promote the settlement of the colony, and prevent large areas of land from being practically monopolised by the acquisition of specially valuable blocks, the possession whereof would render the adjoining land unavailable for settlement, it is desirable that the claims of existing lessees should be equitably dealt with, and that the power of sale should in future cease to exist."

He contended that the claims of existing lessees had not been equitably dealt with, and that was what was asserted by the other Chamber in making the amendment. He knew perfectly well that it was useless to have a protracted discussion on that amendment. The Government and their supporters had evidently made up their minds to pass the clause as originally agreed to; but he thought it his duty to point out to the Committee that they were simply raising objections to the passing of the Act, which otherwise would not be pressed. He believed that the retention of the 54th clause would do the nation no harm. He did not believe it would lead to the acquisition of large estates so much feared by the hon. Minister for Lands. At all events, leaving the clause as it stood would save the pastoral lessees from the appearance of having misrepresented their actual position to those parties from whom they had borrowed money. In his opinion the right of the pastoral lessee to the pre-emptive was not of very much money value. It had been of very great value in the eyes of people at home who lent money on station property out here, and it would do an immense amount of harm if what they considered a sound security was taken away from them by legislation. That would do a great deal more harm to the colony than depriving lessees of the right of pre-empting land at a price below its real value. As he had said before, in ordinary seasons the right of pre-emption would be very little exercised; but from the long run they had had of bad seasons he thought it would be exercised less than ever. It certainly would never be exercised so as to have the effect of preventing settlement.

The MINISTER FOR LANDS said the hon. gentleman had asssumed in his speech throughout that the pastoral lessees would not exercise their pre-emptive right to a great extent, and consequently that no great harm would be done by accepting the amendment as made by the Council. But what had been the effect hitherto? They found that wherever the pastoral lessees held runs on which grazing settlement had taken place, they at once, to the utmost extent possible, exercised their pre-emptive right. And as soon as they commenced settlement under that Bill so certainly would they exercise it to the fullest extent as settlement approached them. It had been proved here and in every other colony that the pastoral lessees did not care to put money into the purchase of land until settlement was about to begin in their neighbourhood, and that then they attempted by pre-emption to secure the land against settlement. Another point made by the hon. gentleman was, that the money-lenders who had lent money to lease-holders on the faith of their right of pre-emption would be deprived of their security by the clause in the Bill. But he (the Minister for Lands) contended that the money-lenders had only looked to pre-emption as a means of securing the whole of the rights of the leasehold, and that was why they valued it, and not as being of any intrinsic value in itself as a right of freehold. But the Bill proposed to give them a reasonable and fair equivalent for that by giving leases for a stated and certain number of years. That was a real security to money-lenders. As far as he knew, and he had had a good deal to do with them, what they objected to was the uncertainty of tenure; and the only means of counteracting that uncertainty was by exercising the pre-emptive right and picking out the choice bits of their runs. The hon. gentleman said that the pre-emptive right had only been exercised for the security of improvements. He (the Minister for Lands) knew the contrary was the case, and that in the large majority of cases it had not been done to secure improvements, but to secure an unfair advantage which enabled them to command a large proportion of their runs. That was what every man directed his attention to when he wished to retain a continuous holding, and he did that by picking out the best parts of his run. Wherever the pre-emptive right had been exercised to any great extent in Queensland, or Victoria, or New South Wales, it was whenever settlement had approached, and then the lessees knocked about their runs, and picked out the water and the choicest pieces of land so that grazing settlement could not be carried out; if that were permitted, the Government could not carry out any scheme of settlement by grazing areas as proposed under the Bill. They would have to purchase out the pre-emptors; and that had been pointed out clearly and distinctly by those who understood the matter. In the New South Wales Bill the first provision to deal with those men was to make a bargain with them by which the State got possession of the portions of the land resumed, because it was well known that the object of the New South Wales Legislature would be frustrated by those men going over the land and picking out the very best bits. It was proposed here, by the amendment of the Council, to create a difficulty that could not be overcome in any way whatever. What the Bill proposed was to give full compensation for the value of the improvements on the determination of the squatters' leases. What more could they want than that? It was asked again and again that they should have the opportunity of securing their improvements, and that they should not be dispossessed of them on the determination of their leases, or when their land was resumed. The Bill enabled the leaseholder to get the full value of his unexhausted improvements at the end of his lease, or when his land was resumed, and that was a fair equivalent for all the risk he had run in putting on those improvements. The real object of those who contended for the privilege of pre-emption was, that they might select large tracts of land in freehold, and make the rest of the land absolutely valueless for small grazing areas. And to permit that to be done would be to destroy whole districts of the colony for grazing settlement. It would not have that effect in agricultural districts, but it would nullify the Bill entirely in grazing districts, and prevent settlement. As to the statement that the leaseholders were not likely to exercise the pre-emptive right, he held that experience proved that they would. He himself had never exercised the pre-emptive right, but if he had found settlement approaching he confessed that he would have secured his pre-emptive rights on the best parts of his run, and have thereby secured his run against settlement. That would, he was sure, be done in every case, and there was not a man who could work a run who did not know that

by that means he could render it valueless for grazing settlement. For those reasons, he hoped the Committee would give a distinct and decided opinion on the question.

Mr. STEVENSON said he did not intend to go over the long arguments in favour of pre-emptive right and against the repudiation policy of the Government. But he wished to refer to one or two things that had fallen from the hon. gentleman who had just sat down. The hon. gentleman told them when moving the clause in the first instance that it was the general opinion of the House that the 54th clause of the Act of 1869 should be done away with. He (Mr. Stevenson) doubted it, and he regretted that a division was not taken upon it at the time. If that had been done he fancied the hon. gentleman would not have found the general opinion of the House as much in his favour as he imagined. Everything that had since transpired was in favour of the retention of that 54th clause. After the experience of the last few months he did not think that many squatters out west, at any rate—and that was about the only place where the thing was likely—would care to exercise their pre-emptive right to a very great extent at all, except for the purpose of securing improvements, or giving something tangible in the shape of security. The hon. gentleman admitted that he had never exercised his pre-emptive right. He (Mr. Stevenson) had been connected with squatting in the colony for over twenty years, and he had never exercised his pre-emptive right to one single acre; and that showed the value he placed upon it. At the same time there was a certain value to be placed upon it, if only to save the colony from the stigma of repudiation. As something tangible in the shape of security, it was now of even more value than before. People who had lent money to the squatters of the colony had found out to their cost that there was very little security as far as stock was concerned; indeed, that security, especially in the western districts, was almost entirely gone; and it seemed like adding insult to injury to wipe out the little security that remained to men who had invested their capital in the colony. It had been said that squatters out west were making a great deal too much money, and accumulating large estates, and so forth. After the experience of the last few months, none of them would have any great desire to spend 10s. an acre in accumulating large estates. For the information of hon. members, he would give a few instances of the devastation that had taken place on the Barcoo, Thompson, Diamantina, and other rivers out west; and they were facts which he knew to be true: On one station where there were 200,000 sheep, 28,000 only had been shorn, and there were very few of those left now. On another station with 200,000 sheep there was not one left, and only a very few travelling for food. On a station with 20,000 head of cattle, there was not one single beast left. On another, with 60,000 head of cattle, it was not expected that 10,000 were left alive. On another station, which was stocked to the extent of 70,000 sheep and 3,000 head of cattle, there was not a single hoof left on it. He could mention many other instances, and it was a well-known fact that if the drought continued—he was glad to hear to-day, from reports and private telegrams, that a little rain had fallen—another couple of months, not a single hoof would be left in the whole of that vast territory. A well-known gentleman, and one who was not likely to exaggerate matters—Mr. Edkins, the manager of Mount Cornish Station—wrote to him that the people there were getting quite nervous about themselves through fear of famine. The stock was almost in an uneatable condition. There were hardly any supplies left in the district, and no hope of getting any more, and if the worst came to the worst there would be nothing for the people to eat; and they had no means of getting away, because there was not a horse in the entire district fit to carry a man out of it. Those were the districts which the Minister for Lands specially had his eye upon when he wished to take away the pre-emptive right, which was the only little security they had left. The action of the hon. gentleman had certainly not tended towards any flow of capital into the colony; indeed, the desire of men who had invested capital in the colony was to take it out as soon as ever they could. While on a visit to the southern colonies lately he had talked to a good many of those men, and they, one and all, said to him that although the drought was bad enough, and they had lost money through it, yet they felt far more the wrong done by the Government in taking away what little security they had left. He was certain that the land policy of the Government had tended to keep a great deal of capital out of the colony which would otherwise have flown into it. No real harm would be done to the colony if the pre-emptive right was allowed to be retained. The hon. gentleman said that wherever settlement had taken place to a certain extent the pre-emptive right had been exercised to its fullest extent. He should greatly like to know where those places were. He did not know of a single district where the pastoral tenant had exercised his right to the fullest extent. Wherever the pre-emptive right had been attempted to be exercised to a pretty full extent, was where there was no settlement taking place, but where security was required, and where the country was supposed to be good. That country was very valuable so long as good seasons prevailed; but it had since been shown that it was not good enough to pre-empt as far as its money value was concerned. Men would not graze cattle or sheep on purchased land at 10s. an acre if they could graze them on leasehold at £1 or £2 a square mile. Perhaps the hon. gentleman was referring to the inside or coast districts. He had known those districts a good many years, and he knew of none where the pre-emptive right had been exercised to any large extent. The hon. gentleman admitted himself that he never exercised his pre-emptive right to the extent of an acre. He did not, but he tried to once. He applied for a pre-emptive on Bauhinia Downs, but he would not go to the extent of 2,560 acres, and he wanted the Government to give him 640 acres. The hon. gentleman wanted to secure a bit of land round his head-station, but he thought so little of the right that he would not go to the extent allowed by the Act. He did not think the hon. gentleman could point to many instances in that district—and it was supposed to be a pretty valuable one about Rockhampton—where the pre-emptive right had been exercised to any extent. The hon. gentleman had told them that the squatters were troubled with the uncertainty of tenure but he (Mr. Stevenson) had never heard that expressed. There had never been any complaint of the tenure, and the squatter had always been ready and willing to give up his land when it was required for settlement. He did not know of one man who had grumbled on that score, and there was no general complaint of uncertainty of tenure. The action of the hon. gentleman, and those associated with him, showed that he could, with a stroke of his pen as it were, take away freehold security; and the squatter would feel in a very insecure position now that his pre-emptive was abolished. There was no doubt it was a part of the lease, and had been

considered so under the Act of 1869. The hon. gentleman said the right of pre-emption was exercised to secure natural advantages, but the only natural advantages must have been permanent waterholes, and the only place where the right had been exercised had been in the country he had spoken of. He would like to ask how many permanent waterholes there were on the Barcoo and Thompson rivers. Why, they could be counted on one's fingers. He could not for the life of him make out how the hon. gentleman imagined that with a block of 2,560 acres being taken up at 10s. an acre the country was commanded all round. He did not understand how it could be done, because the squatter before taking up his pre-emptive had to put a permanent waterhole on the land, and therefore another man could just as well come in and take up any part of the run and put permanent water upon it. He thought the hon. gentleman must himself admit that there was a feeling in the colony, and a very strong feeling outside, that the pre-emptive right should not have been interfered with. He knew very well that no harm could arise from retaining it; and he (Mr. Stevenson) thought that the Government, in getting 10s. an acre for the land, got a very good interest for their money. It was about as good a way as they could have of raising money. He was sure the experience of the hon. member would show that there was even a greater reason now than there ever was before for keeping faith with capitalists, and they ought not, in the face of things as they found them, do anything to tend to keep capital out of the colony by breaking faith with those who had invested their money in the country.

Mr. PALMER said he thought any hon. gentleman, looking at the clause with an unprejudiced mind, and free from party feeling, would see that it was considerably improved. Let them see the simple manner in which the clause read now :—

"It shall not be lawful for the Governor in Council to sell any portion of a run to a pastoral tenant under the provisions of the fifty-fourth section of the Pastoral Leases Act of 1869 where the lease has been acquired after the passing of this Act."

That was where the simplicity of it came in, and he could not see why they should force retrospective legislation on the country. He saw hon. members smiling. Perhaps the very simplicity of the clause was amusing. He had not the least doubt that the clause was an improvement, and did not interfere with the working of the rest of the Bill. It did not give any right that was not in existence at the present time, and it did not take away any right. He must take exception to something the Minister for Lands said when he told the Committee that the squatters would get paid for the improvements at the end of their leases. There was nothing in the Act of 1869 to provide for that. In the case of those leases which were expiring in a few years no payments would be made for improvements unless the lessees came under the new Act. The conditions of the leases when they expired under the Act of 1869 were that the lessees were entitled to another fourteen years' occupation; but the hon. gentleman could not prove that any compensation would be granted unless the lessees came under the new Act. The hon. member also said that there was an inclination on the part of the pastoral tenants to secure all the land they could as settlement progressed, and to make use of their pre-emptive rights for that purpose. He (Mr. Palmer) knew many stations where settlement had come so close that townships had sprung up alongside, and almost surrounded, the head-station; and yet no attempt was made to use the pre-emptive right to the detriment of those townships. If the hon. member had stated one case in support of his argument it might have carried some weight; but he did not think the hon. gentleman could give a case; at all events, he (Mr. Palmer) knew of none. He supposed the motion would go by force as usual. When he saw the junior member for North Brisbane in his place, he knew there was something in the wind; he knew that the fiery cross had gone out, that the forces were mustered in battle array, and that things would be carried *vi et armis*. He supposed that no arguments that could be brought forward would alter the position of things. Nothing had been shown in favour of the view that the pre-emptive right had been detrimental to the settlement of the country in any way. There was one thing he was quite certain of, and that was that it would not be proved that the working of that system had been so detrimental as the fifty years' leases would be; they would hinder settlement far more than the pre-emptive right. He believed that the amendments were a great improvement on the clause, because they had made it workable.

Question—That the amendments in clause 6 be disagreed to—put, and the Committee divided :—

AYES, 23.

Messrs. Miles, Griffith, Dutton, Dickson, Sheridan, T. Campbell, Foote, Rutledge, Isambert, Jordan, Kellett, White, J. Campbell, Buckland, Foxton, Annear, Kates, Grimes, Beattie, Horwitz, Macfarlane, Brookes, and Mellor.

NOES, 12.

The Hon. Sir T. McIlwraith, Messrs. Archer, Black, Macrossan, Stevenson, Chubb, Norton, Donaldson, Lissner, Midgley, Palmer, and Stevens.

Question resolved in the affirmative.

On the motion of the MINISTER FOR LANDS the amendments in clause 7, consequential upon those in clause 6, were disagreed to.

On the motion of the MINISTER FOR LANDS, verbal amendments in clauses 12 and 14 were agreed to.

The MINISTER FOR LANDS moved that the following amendments in clause 17 be agreed to :—

After the word "them," in line 13, to insert the words "including allowances to witnesses atttending for the purposes of giving evidence at the hearing of any such inquiry, appeal, or dispute"; and at the end of the clause to add new paragraph—"Every witness summoned on any such inquiry or appeal shall be entitled to a tender of his reasonable expenses by the party requiring his attendance."

Question put and passed.

The MINISTER FOR LANDS said that the amendment in clause 20 would really alter the constitution and powers of the land board, and was of a very important character. Its practical effect would be to reduce the land board to the position of a commission, and nothing more, or even worse than that. It would utterly destroy all that was intended to be done in the administration of the Bill by an independent body of men. In the practical working of the measure—as in a case of compensation for improvements—first, the commissioner would send in his report, and then the land board would have to deal with it. Then it would be referred to the Minister; and from there, on the appeal of the claimant, the case could be sent on to arbitration. After being dealt with by arbitrators, who probably would not agree, it would be given to an umpire, and the practical effect would be that any person having a case would seek to put it through all those different phases before it was decided. There was scarcely any man in the colony who had not had some

practical experience of the effects of arbitration. There were two advocates, one standing up in the interests of one side, and one in those of the other; and the result was that perhaps the man who had most strength of character would manage to make his influence felt and make it prevail. If it was not decided in that way the case was to be sent to an umpire, but how was the umpire to be selected? The arbitrators must be selected inevitably from among the very men who were interested in the matter to be dealt with. The case of one man would be dealt with by his neighbour; that was what it amounted to, while the object of the Bill was to have two men, with a thorough knowledge of their business and no interest in the cases that they would have to deal with. Yet it was proposed that their judgment was to be set aside, and the case referred to two arbitrators, got from who knew where, perhaps interested more or less in the matter—not directly, but still interested; consequently he considered that the method of settling cases by arbitration was the very worst one they could adopt, and anyone who had had any experience of it would agree with him. He would far rather trust a case of his to a single man with no personal leanings than to any arbitrators. Besides, cases would be interminable; there would be no end to them. Every one would drag its weary length along in many instances, probably taking nine or twelve months to settle. So that the effect of any such amendment in the administration of the Bill would be to utterly destroy the principle it was thought desirable to maintain. He did not think there could be any two opinions as to the efficacy of the board, and hon. gentlemen must be quite convinced that any amendment of the kind proposed if introduced into it would absolutely destroy its efficiency. He therefore moved that the following amendment of the Legislative Council be disagreed to :—

"To omit all the words after the word 'board,' in line 42, to end of clause; insert the words 'the Minister shall remit the matter to arbitration in the manner prescribed by the Public Works Lands Resumption Act of 1878, and the award of the arbitrators or their umpire shall be final.'"

The HON. Sir T. McILWRAITH said the Minister for Lands had been drawing upon his imagination for the argument he had used against the amendments of the Upper House. He said that it would be practically impossible to get arbitrators having sufficient knowledge of a case who would not be interested men. That was the strongest possible condemnation of the land board itself. A stronger condemnation could not have been given than in the few words the hon gentleman used—that it was impossible to get arbitrators having the requisite knowledge and ability who would not be interested. Still the hon. gentleman professed to be able to point out two men in the colony who were quite capable of doing it as a board. It was for the purpose of having men who would give a final decision in cases which would so much affect the interests of the people of the colony, that the scheme was devised by the Council; and he believed it was a very wise one. He did not believe that any board should have such immense authority as the Bill proposed to give that one. When the clause was under discussion before, he wanted to make it a local board, but hon. gentlemen on the other side would not entertain his amendment. He believed that the whole Bill would work badly, as he did not believe that two men could be found in the colony who would give satisfaction. He thought it was a very wise amendment of the Council, and he also thought that the Minister for Lands would show his discretion in adopting it. The hon. gentleman would have been wiser if he had read as his speech, the following reasons for objecting :—

"Because the land board, as constituted by the Bill, is an independent judicial court of appeal appointed to do justice between the Crown and the subject, and the allowance of an appeal from such a court to arbitrators would destroy the authority and usefulness of the court and introduce utter confusion into the administration of the law;

"Because many of the functions of the board are such as could not be satisfactorily performed by arbitrators;

"Because it is highly desirable that the rents for Crown lands should be assessed on a definite and consistent basis, which would be impossible if the rents for each holding were to be assessed by a different tribunal;

"Because the administration of the law on the basis of the proposed amendment would become impossible."

He did not think it would introduce confusion into the administration of the law. He did not believe, as the hon. member had assumed, that all who had cases would drag them through every stage, and appeal from the board to arbitrators. It was not his experience that when a man had a bad case he would risk the expense of arbitration; if the loser had to pay the costs, a man must have a pretty good opinion that his case would win before taking it before that tribunal. The assertion that the board was an independent judicial court of appeal was simply an assumption. The members of the board were made judges, and what was objected to was that there should not be any appeal from them as from any other authority. It was pretty well acknowledged by the Committee when the Bill went through before, that there should be some kind of appeal, and the Government met that objection to a certain extent; but the appeal was simply from themselves to themselves. He admitted that that was going a certain length in the right direction; it ensured a rehearing of the case, but it was not sufficient. They should, of course, take every possible precaution to prevent bad cases going to the arbitrators; but the decision of the board should not be final. The other Chamber had provided a very fair safeguard against injustice being done to any of the tenants of the Crown. He was arguing not merely on behalf of the present tenants of the Crown; because the Bill provided for quite a different class of pastoral tenants over about half the country; and those people ought not to be at the mercy of any two men—he supposed they would be only men—appointed by the Government. They were parliamentary officers in theory; but in practice they were Government officers to start with, because up to the present time the Government declined to say whom they meant to appoint as the first arbitrators. As they were Parliamentary officers he thought the Government should have taken Parliament into their confidence. The difficulty of making up their minds ought to have been got over by now. He would like to ask the Premier if the Government would be in a position to state before the Bill passed who the two members of the board were to be. The next reason was—

"Because many of the functions of the board are such as could not be satisfactorily performed by arbitrators."

The Minister for Lands had not told them what those functions were. They wanted the arbitrators to be simply arbitrators, to decide cases where an appeal was made from the board to them.

"Because it is highly desirable that the rents for Crown lands should be assessed on a definite and consistent basis, which would be impossible if the rents for each holding were to be assessed by a different tribunal."

Well, there was a reason in that, but it was a fearfully bad one. What it would amount to was this: Get a bad board and they would have the whole of the decisions wrong; but get an appeal from that board to arbitrators sitting in

public, and they would get justice at last. Suppose the board started in a wrong course ; a case of that sort supplied the best reason why they should not be allowed to give a final decision—

"Because the administration of the law on the basis of the proposed amendment would become impossible.

That was an assumption of the Minister for Lands. He (Sir T. McIlwraith) believed the effect of having arbitrators would be twofold. It would make the board more cautious in their decisions, and in the next place it would give all classes of Crown tenants a sense of security ; they would at all events have an appeal from the decision of an arbitrary board.

"The Legislative Assembly have offered these reasons for disagreeing to the proposed amendments on account of the great importance of the subject, and of their desire to point out to the Legislative Council the inexpediency of the proposed amendments ; but they do not waive their right to insist upon the further reason—

"That the proposed amendments would interfere with the public revenue :

"Which reason they hope will be sufficient."

Well, he did not think it was likely to be sufficient. The long speech which had been made by the Speaker opened up the whole question ; but hon. members had not had time to consider it so as to be able to discuss it. The Premier had referred to a speech he (Sir T. McIlwraith) had made on a similar question when the Divisional Boards Act was going through. That, he thought, decided the Legislative Council against the Assembly. The hon. the Premier at that time took the opposite side very strongly——

The PREMIER : I did not.

The HON. SIR T. McILWRAITH : And the gentleman who was now representing the Government in the Upper House did so most decidedly. He was sure the Hon. Mr. Mein, the Postmaster-General, would repudiate that as a reason why the amendment should be negatived. Mr. Mein was then the strongest upholder of the rights of the Council, and he (Sir T. McIlwraith) was the strongest upholder of the rights of the Assembly, barring one, who was the present Premier.

The PREMIER said he did not quite follow the hon. gentleman. The hon. gentleman claimed to have been the strongest upholder of the rights of the Assembly except him (the Premier) ; that was true. But the hon. member also said a few minutes before that he (the Premier) took the opposite view. He did not understand how he could take a stronger view of the rights of the Assembly than the hon. member, and at the same time oppose them. The facts were that he complained that the hon. member did not insist more strongly upon the rights of the Assembly ; he thought the language the hon. member proposed to use on that occasion did not sufficiently clearly express the position they should take up. In the present case, there was no doubt that the Council's amendment would render the amount of public revenue conjectural, depending upon scratch tribunals—twenty or thirty thousand perhaps in the course of the year. He thought they were justified in advancing those reasons separately to the Legislative Council, because it was only right to deal with them on the assumption that they were equally anxious with themselves to pass a good law, and quite as willing to give way to sound argument. He did not think anything new could be said on that subject. There was no doubt that the constitution of the board was, as stated in the reasons they proposed to give, a court of appeal. The members of the board were not necessarily to be lawyers—he did not think lawyers would probably make good members of the board—they were to be judges of fact, and judges who had to dispose of most important matters. They were to be judges determining the right of parties on a definite basis ; and to allow an appeal from such a court to scratch arbitrators would of course be utterly absurd. However, he did not think such a suggestion had ever been made in that House, so that no more need be said about it. The hon. member had said that the board would only be men. Of course they would be men, and would be liable to error ; but the arguments the hon. member used against them would apply just as strongly against the members of the Supreme Court or of the Privy Council.

The HON. J. M. MACROSSAN : There is an appeal from them.

The PREMIER : It would apply to jurymen. There is no appeal against four jurymen on questions of fact—four men picked at random.

The HON. J. M. MACROSSAN : You can get another jury and another trial.

The PREMIER said that was just what they could not do on questions of fact. What they proposed to do was to get two thoroughly competent men, holding secure positions, and as likely as anyone to do justice. The hon. member had asked if the Government were prepared to name the members of the board. He was not prepared to name both members, but he was prepared to say that in all probability the senior member of the board would be Mr. Deshon, Under Secretary for Public Lands.

HONOURABLE MEMBERS : Hear, hear!

The PREMIER : He said in all probability—if the Bill passed. The Government were extremely anxious that the Bill should pass. The Government were not in a position to say who would be the other member of the board, but he hoped to be able to do so in the course of a few days. Several names were under consideration, and next week the Government hoped to be prepared to submit the name of the other gentleman. The Govment were as anxious as anybody else that the members of the board should be men who would command generally the respect and confidence of the whole community, because if they did not the Act would break down in its operation. The Government recognised the necessity of getting good members for the board, and in selecting the members they would endeavour to choose men who would command the confidence of the whole community, and not that of only one party.

The HON. SIR T. McILWRAITH said that in stating that the hon. gentleman had been a greater champion of the rights of the Assembly than he (Sir T. McIlwraith) was, he ought to have said that he (Sir T. McIlwraith) was the champion of the rights of the Assembly, and that the hon. gentleman was the champion of the rights of the Council, and went further than he did.

The PREMIER said he did the very opposite, as the hon. gentleman would see if he read the debate.

The HON. SIR T. McILWRAITH said he would read the debate as soon as he had digested the long speech of the Speaker. He was not going to enter into the point, seeing that the reason given—namely, that it interfered with the public revenue—would not have very much effect with the members of the Upper House. He did not think the Upper House would accept that reasoning, for they had just as much right to deal with that clause as the Assembly had. He was glad to hear what the hon. Premier had stated as to the land board. The hon. gentleman would see that he had gone a step in the right direction

when he admitted that the names of parliamentary officers should be disclosed to the Committee. He was glad to hear of the nomination of Mr. Deshon, and from the satisfaction which the announcement had given to the Committee, as he was sure it would to the whole country, the hon. gentleman would see that he was travelling in the right direction. He was, however, afraid that there was some shady, dark horseman in the background for the second place. If so, the hon. gentleman would go as far in the wrong direction as he had gone in the right in appointing Mr. Deshon. At all events, if the hon. gentleman wanted to give satisfaction to the country he would disclose at once the other member. He was gratified to acknowledge that the Government had been so thoroughly straightforward as to appoint a man of character and a man who had been years in the Public Service.

Mr. STEVENSON said he was very glad to hear that Mr. Deshon was to be one of the members of the board. But he could not understand how Mr. Deshon was to be the senior member of the board. The Minister for Lands had said, in objecting to the Legislative Council's amendments, that if two arbitrators were appointed the one with the strongest mind would be likely to carry his way. He supposed that, as senior member of the board, Mr. Deshon would have the stronger mind and would carry all his own way. He would like to have some explanation as to the senior member of the board. He supposed the other would have equal power with him.

The HON. SIR T. MCILWRAITH said he should like to know what was a senior member? There was nothing about "senior member" in the Bill.

The PREMIER said he really could not give any further explanation. The board would consist of two persons of equal authority.

Mr. PALMER said that, having some experience in dealing with the Under Secretary for Public Lands, he must state that he did not know in the whole colony a gentleman better qualified for the position of a member of the land board than Mr. Deshon. He was quite certain that in him they would have a gentleman of long experience and one honourable to deal with. He was surprised that the Government should withhold the advantages which were generally acknowledged to have flowed from the clause of the Public Works Lands Resumption Act of 1878, under which all difficulties and disputes were settled. He could not understand why the Government should have set their faces against a principle which was acknowledged to have worked so well. He believed the day would come when the Government would see the mistake they were making in not bringing local knowledge and information to bear on the settlement of the Land question. The clause in the New South Wales Bill was wiser than that laid down in the present Land Bill.

Mr. DONALDSON said that when the Bill was going through committee he had proposed the amendment on the point under discussion, though it had been rejected. After giving that clause due consideration, since that time he still remained of the same opinion—namely, that they were putting those two men in a position in which they need not be at all careful as to what decisions they gave, for they knew that there would be no appeal against them. He was quite prepared to add his meed of praise to the appointment of Mr. Deshon, and from the little knowledge he had of that gentlemen he believed he would deal out even-handed justice. He would, however, like to know who Mr. Deshon's colleague would be. He might add that he believed the Government had every desire to appoint a gentleman equally as honest as Mr. Deshon. He had never attacked the honesty of the board, but he had said that in all probability they would err, and for that reason he would like to see a court of appeal. Because their decisions could not be reviewed, he was afraid they might grow careless and give arbitrary decisions. The hon. Premier had mentioned that there was no appeal from a jury of four. But he asked the hon. gentleman if, during his professional career, he had not frequently found verdicts given by juries of four which were incorrect. He was positive, if the hon. gentleman was candid enough to admit it, that he knew of such cases. He went further and said that judges in the higher courts had been known to give decisions which were honest, but unfair as between parties. How frequently, too, did they find that when cases were sent to the higher courts, the decisions in the courts below were reversed! He believed if they had some court of appeal such as was provided for by the amendment it would be a great safeguard. He regretted that the Government did not see their way to adopt that, or something like it. The success of the measure depended entirely upon administration, and for that reason he should like to see it surrounded by every possible safeguard. He felt sure hon. members would believe him when he said that, although he moved a number of amendments in committee, not one of them was intended to block settlement; his sole object was to make the Bill more perfect, according to his idea, than it was when it came before the House. He should like to see the clause carried with the amendment made in another place. There was nothing inconsistent in the amendment, because by clauses 105 and 107, which related to matters of value, the lessee had the right of appeal. By the clause, as amended, not only the lessee, but the Minister for Lands, would have the right to appeal, thus protecting the lessee on one side and the public on the other. By "lessee" he did not refer to pastoral tenants only, but to agricultural and grazing farmers as well. He did not stand there as an advocate for the squatters only, but for the interests of all. The right of appeal should be confined to matters of rental; all questions as to division of runs, and such like, should be left entirely to the board. With many of the amendments inserted in another place he could not agree, but if some of them were met in a better spirit there would be a greater possibility of the Bill getting through. He was really anxious to see the Bill become law, and he trusted that wiser counsels would prevail so that the safety of the measure might not be endangered.

Mr. BLACK said he considered the amendment a decided improvement to the constitution of the board. When the Bill was going through committee he expressed his dissatisfaction with the proposal, which seemed to him to be relieving the Minister for Lands of a responsibility which every Minister ought to have, and delegating it to an irresponsible board. The clause, as it originally stood, stated that on the application of any person aggrieved by the decision of the board, the Governor in Council might remit the matter to the board for reconsideration. How could they expect a board, having had the evidence before them and having arrived at a decision, to come to any different result on reconsideration? He could not imagine a board, having once considered a thing, admitting that they were wrong. The board would naturally sit in Brisbane. Queensland was a large colony, and questions affecting land legislation would arise in the far

North, when both principals and witnesses would have to come down to the capital. The board would have similar powers to the judges of the Supreme Court, and it would necessitate a vast legal paraphernalia. It would be almost impossible for anyone to appear before the board unless represented by counsel; and the expense, annoyance, and delay which would be caused to people dissatisfied with its decisions would be enormous. There was a great deal in the amendment moved by the leader of the Opposition seeking to institute local boards, who would decide on most of the questions affecting rents and subdivisions of runs, and whose decisions would be confirmed by the Minister. As long as they had responsible government, the Minister should be the responsible party, and should not be able to shelter himself behind the decisions of the board. If they were to have a land board at all, its decisions should not be final; if suitors felt aggrieved at its decisions there should undoubtedly be a right of appeal to arbitration, as a matter of fair play between both parties. As to the Bill itself, he looked upon it as a bad one from beginning to end; the principles of it were so opposed to public feeling that it was impossible to make a good Bill out of it; but, such as it was, that right of appeal to arbitration would effect a slight improvement in it.

Question put.

The Committee divided:—

AYES, 25.

Messrs. Griffith, Rutledge, Dutton, Dickson, Miles, Sheridan, T. Campbell, Foote, Beattie, Macfarlane, Midgley, Grimes, Higson, Horwitz, Kates, Foxton, Buckland, Kellett, White, Jordan, Isambert, Annear, Macdonald-Paterson, Brookes, and Aland.

NOES, 9.

Sir T. McIlwraith, Archer, Norton, Chubb, Macrossan, Black, Stevenson, Palmer, and Stevens.

Question resolved in the affirmative.

The MINISTER FOR LANDS moved that the Legislative Council's amendments in clause 21, as being consequential upon those in clause 20, be disagreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the proposed new clause—

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

inserted by the Legislative Council to follow clause 21, be agreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's amendments in clause 26, substituting the word "nine" for "six," be disagreed to. The clause referred to the time given to the pastoral lessee to determine whether he would come under the Bill or not. The extension of the time from six months to nine months would very seriously retard the operation of the Bill after it became law. Six months was ample time to give a man to determine whether he would come under the Bill or not, and if he could not determine that in six months, he would not be able to determine it any more definitely or distinctly in nine months.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's amendment in the same clause, omitting all the words after the word "Act," in line 4, on page 8, to the end of line 10, be agreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's amendment, substituting the word "nine" for the word "six" in the same clause, line 15, on page 8, be disagreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's amendment in subsection 6, clause 27, inserting after the word "block" the following words—"and, where practicable, shall be separated from the remainder of the run by one straight line, and at least one-fourth of the external boundaries shall be coincident with the original boundaries of the run"—be agreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's amendments in subsection 8 of the same clause be disagreed to, as being consequential upon the amendments previously disagreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's amendment in clause 28, omitting the 2nd paragraph of the clause, be agreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the Council's amendment, substituting "fifteen" for "ten" in line 50, clause 28, be disagreed to.

Mr. STEVENSON said surely the hon. gentleman was going to give them some reason for his proposal to disagree to that amendment. When addressing his constituents the hon. gentleman had advocated that pastoral leases should be for a term of as long as fifty years, and now he was objecting to a lease for fifteen years. They had heard a great deal about security of tenure under those leaseholds; but he (Mr. Stevenson) did not believe that the clause would give squatters security of tenure, for in his opinion the land would be taken from them when it was wanted. At any rate, he thought the Minister for Lands should give the Committee some reason for disagreeing to the amendment made in that clause by the Legislative Council.

The MINISTER FOR LANDS said when the terms originally proposed in the Bill were submitted to the House, it was not done without very serious consideration. The conclusion arrived at by the Government was that leases of ten and fifteen years in the settled and unsettled districts respectively was a fair thing to offer, and they certainly saw no reason why they should accept the amendments which had been made increasing the term by five years in each case. If it had been thought desirable to make the length of the leases fifteen and twenty years, it would have been done in the first instance.

Question put and passed.

The MINISTER FOR LANDS moved that the amendment substituting "twenty" for "fifteen," in the 51st line of the same clause, be disagreed to.

Mr. DONALDSON said when that clause was before the Committee on a previous occasion the Government stated that they had very little objection to the substitution of the word "twenty" for "fifteen." There was certainly no division taken on the question, although he proposed that the tenure should be twenty years. He had been absent from town for some time, but he had been informed that the representative of the Government in another place said he had no objection to the term being extended to twenty years.

The PREMIER: He had no objection to an amendment in another part of the clause.

Mr. DONALDSON said he might be wrong, but he was informed that the Postmaster-General said he had no objection to the amendment, and he would like to know whether that was the opinion of the Government or whether the hon. gentleman was acting on his own

responsibility. He (Mr. Donaldson) wished to impress upon hon. members that practically one-half of the runs would be resumed, and therefore twenty years was not too long a tenure. Considering the hard times the squatting industry was now going through, and considering the large amount of land the lessees would have to give up, and the increased rental they would have to pay, he did not think it was asking too much to extend the term from fifteen to twenty years.

The PREMIER said the hon. member forgot that the proposition then made to the Committee to increase the tenure was accompanied by a proposal that one-fourth of the run should be given up by the lessee at once, and another fourth at the end of five years. That was a very different proposition altogether to the one contained in the amendment, which would give the lessee in many cases an absolute tenure for three-fourths of his run for twenty years. Such a tenure had never before been given anywhere in Australia. It was quite clear that the amendment was an extraordinary interference with the revenue of the colony.

Mr. DONALDSON: I do not think so.

The PREMIER said it was quite clear that it was an interference with the revenue. That ground would be sufficient for disagreeing to the amendment, but they proposed to offer other reasons. The proposition to give an absolute tenure for twenty years had never been seriously made to that Committee, except, as he had already stated, accompanied by the proposal that the lessee should give up one-fourth of his run at once, and another fourth at the end of five years.

Mr. DONALDSON said he pointed out just now that practically one-half of the runs would be resumed. The Premier said the tenant would have a lease for three-fourths of his run, but he (Mr. Donaldson) would point out that there was hardly a run in the colony for three-fourths of which the tenant would receive a lease under that Bill.

The PREMIER: A lessee in the unsettled districts can come in and get a lease for three-fourths straight away.

Mr. DONALDSON said he ventured to state that there were very few lessees who would be in that position. By the time the division of the runs was made, which would probably be two or three years hence, all the good land would be taken up, for only the good land would be selected for settlement; and that was the reason he said that practically one-half of the runs would be resumed. He contended that, considering the hard times of which they had not yet seen the end, and the other circumstances he had mentioned, they ought to extend the tenure as proposed by the Council. He mentioned that now, because he had been informed that the Postmaster-General was in favour of the extension, and he hoped it would also meet with the approval of the Government.

Mr. STEVENSON said there was one thing he wished to point out, and that was that shortening the period of the lease would have the effect of preventing people putting up the same improvements that they would under a twenty years' tenure. People did not care about putting up improvements the benefit of which they would not be able to enjoy, and the rejection of the amendment would prevent a great deal of money from being spent on improvements, while its adoption could do no harm to anyone.

Question put and passed.

On the motion of the MINISTER FOR LANDS, the amendment of the Legislative Council in subsection 1 of clause 28 was disagreed to.

The MINISTER FOR LANDS moved that the amendment of the Legislative Council in subsection 3 of clause 28 be disagreed to.

Mr. BLACK said the hon. member should give some reason for the motion. When the Bill was originally introduced the minimum rent was 20s., and it was reduced to 10s. by the Assembly, but the Council had increased it to 15s. The hon. gentleman could not say that the revenue would suffer from that amendment.

The MINISTER FOR LANDS said the minimum rent was fixed at 10s. by the Assembly after a considerable amount of discussion, and he was prepared to admit that the reduced amount was preferable to 20s. for the reasons given. A great deal of country now occupied would be thrown out of use if the minimum were fixed at 20s., and he believed that 10s. was the correct amount to fix as the minimum. The increase of 5s. by the Council defeated the object for which the change was made in the Assembly, and he denied the right of the Council to interfere in the matter.

Question put and passed.

On the motion of the MINISTER FOR LANDS, the Committee disagreed to the amendments in subsection 4 of clause 28; agreed to the amendments in clause (*d*) of subsection 5 of the same clause; disagreed to the amendment in clause (*e*) of the same subsection; disagreed to the proposed clause (*f*) of the same subsection; and agreed to the amendment in subsection 7 of the same clause.

On the motion of the MINISTER FOR LANDS, the Committee agreed to the amendments of the Legislative Council in clause 34.

On the motion of the MINISTER FOR LANDS, the Committee agreed to the amendments of the Legislative Council in clause 37.

The MINISTER FOR LANDS moved that the Legislative Council's amendment in clause 43 be disagreed to. There had been a very considerable discussion on that clause when it was going through, and it was ultimately decided that the maximum area of an agricultural farm should be 960 acres. It was not necessary to recapitulate all the arguments previously used in favour of that; but he must repeat what was over and over again asserted by members of the Government, that 960 acres was quite large enough an area for agricultural purposes. The proposal to allow larger areas would simply lock up suitable agricultural land from its proper use for an indefinite time. They knew that those who took up 640-acre areas could not utilise all their land for a number of years, and it was thought that 960 acres was a sufficient area for anyone who intended to use the land for *bonâ fide* agricultural purposes. He saw no reason why there should be any change.

The HON. SIR T. MCILWRAITH said the matter had been sufficiently discussed; but he would make the remark that although the Opposition were allowing the amendments to go, it was not because they agreed with the action of the Government, but because it was quite hopeless to endeavour to assert contrary opinions. He agreed with the amendment that had been made, and if he saw the slightest chance of support from the other side he would divide Committee upon the question.

Question put and passed.

On the motion of the MINISTER LANDS, the amendment in the 1st ar in clause 51 was agreed to.

On the motion of the MINISTER LANDS, the amendment in the 2nd graph in the same clause was disagreed to.

The MINISTER FOR LANDS, in moving that the Legislative Council's amendment in clause 52 be disagreed to, said there was very considerable discussion on the clause when it was before the House, and a very determined expression of opinion as to the inadvisableness of allowing licenses to be transferable. He thought there could be no question whatever that it was so. There was the very greatest possible objection to making the licenses transferable, especially in the cases of drawing lots, or in fact in the event of the auction system being adopted. Men would have too great an opportunity of blackmailing, for those who desired to get possession of a particular lot could get a hundred applications in against one of other people. It would give the man who was able to pay for dummies an immense advantage over those who were not in that position. In fact there would be a general scramble to obtain land, and nobody would be secure. Besides that, the proposed amendment would facilitate fraud.

Question put and passed.

On the motion of the MINISTER FOR LANDS, the amendments in clause (*d*) of subsection 4 of clause 56 were agreed to.

On the motion of the MINISTER FOR LANDS, the amendments in clause (*f*) of the same subsection were disagreed to.

The MINISTER FOR LANDS moved that the Legislative Council's amendment in clause 57 be amended, by omitting "whose total holding in the colony exceeds" and inserting "of a holding exceeding."

The HON. SIR T. MCILWRAITH asked what was the reason for the amendment?

The PREMIER said that the provisions of the Bill were that a pastoral lessee would not be allowed to take up an area——

The HON. SIR T. MCILWRAITH: It was simply a verbal amendment.

The PREMIER: No; it was not. A pastoral lessee was not to be allowed to take up a grazing farm in the same district. According to the amendment as it stood, no pastoral lessee whose total holding in the colony exceeded 10,000 acres could become the lessee of a grazing farm in the district in which his holding was situated. He confessed he did not understand what that meant. He believed it was intended to apply to cases of small squatters whose holdings did not exceed 10,000 acres; and why such a squatter should not take up a grazing farm of 10,000 acres he did not know. That seemed to be the intention, but it was not exactly carried out. If a man had a large station at the Gulf of Carpentaria, there was no reason why he should not take up a grazing farm in Moreton.

Question put and passed; and the Legislative Council's amendment, as amended, agreed to.

On the motion of the MINISTER FOR LANDS, the amendments of the Legislative Council in clause 58 were agreed to with some verbal amendments, and the amendments in clauses 59 and 62 were agreed to.

On the motion of the MINISTER FOR LANDS, the amendments in clauses 67 and 70 were disagreed to.

On the MINISTER FOR LANDS moving that the amendment in clause 71, substituting the word "five" for "ten," be disagreed to—

Mr. PALMER said he thought the Committee ought to take that amendment into consideration. The amendment would make the acquisition of freehold much easier, and he was certain that the selectors would prefer having the freehold in five years to having to wait for ten. A great many more people would take up land with a possibility of making it freehold in five years than would be the case if the time were ten years. He had understood that the list of printed amendments—the "bill of the play"—was to be carried out fully, and that was an amendment which he thought, in the interests of those who were going to take up land, and who would have to find the money for it out of the land, might very well be accepted.

Mr. BLACK said he did not suppose that it was very much use offering any opposition to the Government, who seemed to have made up their minds that they would wipe out all the amendments of the Council which in any way affected the principles of the Bill. He looked upon the amendment in question as a very important one, and one that the public, if they were to be considered at all, would be interested in more than any other. It specially interested selectors. He entirely endorsed the amendment of the Council, and thought they should have reasons why the Minister for Lands objected to it. He would point out several anomalies in the Bill in connection with freehold tenure. First, they had the residents of towns and suburbs who were allowed to acquire any amount of freehold they chose to pay for without any restrictions. Then they had the homestead selector, who was allowed to acquire a freehold of 160 acres on payment of 2s. 6d. per acre for five years. And then again they had the conditional selector, who would be the agricultural selector under the Bill, whose minimum purchasing price was £1 per acre, and whose annual payment did not go towards the payment of the purchase money as in the case of the homestead selector. The conditional selector was compelled to reside personally, not by agent or bailiff, for at least ten years, upon the land after getting his lease—not his license, for it was a lease. There were three classes: the people in the towns, who acquired freehold immediately; then there were the homestead selectors, who acquired it in five years; and then the conditional selectors—who were certainly as valuable a class to the community as any who went into the agricultural districts of the colony and started a new industry, and settled down upon the country—who were put to the great disadvantage of not being able to acquire freehold for ten years. He wished to have some explanation that could go forth to the colony from the Minister for Lands of that extraordinary anomaly in the Bill in connection with freehold.

The MINISTER FOR LANDS said he was certain that *bonâ fide* occupants of land would not esteem it an advantage at all to be able to secure their freehold in five years instead of in ten. It was intended to prevent those whose only object was to get their deeds as quickly as possible, and then convert the land into money by handing it over to somebody else, that the term was fixed at ten years. If a man were a *bonâ fide* occupier of land he would be content to pay his rent from year to year, knowing that he could purchase it at the end of ten years. If the man intended to be a *bonâ fide* holder of land there would be no objection to let him buy the freehold in a year, but they could not distinguish between men who wanted to make use of the land and the men who wanted to trade with it. The best proof of *bona fides* was to keep a man for ten years before he got his freehold, so that if he did wish to trade with the land he would have to keep it for ten years. That was the only object, and the conditions would not press on any man who wanted to make use of the land.

Mr. BLACK said he would ask the Minister for Lands why the residents of towns were not

put under the same conditions? Why were they not bound down, and why should they get the freehold by paying at once, or why should the homestead selector be able to get the freehold in five years? The Minister for Lands had not answered his question. The hon. gentleman might fancy he could slur over the thing in that Committee, but the country would take a very broad view of it, and the Government would find that the freehold clauses would be those which would give the greatest dissatisfaction in the Bill. All the members of the Government were simply afraid of the town constituencies; they dared not put their principles in practice where there was any large population. It was only in the outside districts, where the population was scattered, that they thought they could make that unjust and unfair experiment.

Mr. ARCHER said that under the clause there were very few people who would acquire a freehold in ten years. It said "the lessee" should reside. A man did not become a lessee till he had a lease, and he did not get his lease till he had effected his improvements. He was allowed five years to make his improvements; suppose he took those five years, and then got his lease, he would still have to live on the land ten years before getting his freehold.

The MINISTER FOR LANDS: No; five more.

Mr. ARCHER said, as he understood the clause, a man was not a lessee till he got his lease, and he could not get his lease until he had lived long enough on the land to effect his improvements. Did the hon. member mean to say a man would be a lessee from the time he took up the land? The clause did not say so.

The PREMIER said the effect of the Council's amendment would be that a man could get a freehold by taking up land, squatting on it for five years in a bark humpy or a tent, and fencing it. He would then have been a lessee for five years; he would have resided on the land five years, and he would have fenced in the land

Mr. BLACK asked if anyone who understood the agricultural settlement of the colony supposed that men could be found to go and squat in a bark humpy for five years for the sake of acquiring the freehold?

The PREMIER: Yes; plenty of them. Do not you know the way dummying is done?

Mr. BLACK said he knew the way dummying was done. He could see that there would be more dummying under that Bill than under any previous one; but he did not consider that legislation should be merely to look after dishonest men. He thought honest men should be protected.

The PREMIER: Keep an eye on both of them.

Mr. BLACK said he considered the Council's amendment was a decided improvement, bad as the whole of the freehold clause was. Men did not go and squat five years in a bark humpy merely for the sake of acquiring freehold.

The PREMIER said that what dummying had been done under the existing homestead clauses had been on that principle, and the condition proposed to be inserted by the Legislative Council would make the homestead clauses in the Bill liable to the same abuse.

The HON. SIR T. MCILWRAITH said that when the Bill was passing through that House the Government were challenged often enough to show where dummying had taken place under the homestead clauses, and they consistently failed to do so. If dummying did take place under those clauses, why did the Government reinstate them at all? The reason was pretty plain; they were frightened of their position. It was a mistake to insist upon ten years' residence before a man could acquire a freehold. Three years was perhaps too little, but it was a long jump from three to ten, and the other restrictions were so severe that they would hinder *bonâ fide* men from settling on the land at all.

The HON. J. M. MACROSSAN said it was a most unjust thing for the Premier to state that a large amount of dummying had been done under the homestead clauses. The Government had been challenged to prove it; and the only proof they attempted was a report by Mr. Hume, who had had charge of the Darling Downs as land commissioner, which report, when it came to be read, was shown to have been misrepresented by the Minister for Lands. The hon. gentleman said a great deal of dummying had been done, and therefore they must surround honest men with restrictions to prevent dishonest men from taking the land. Did he not know he was placing himself and his Government in the same position as that occupied by the most despotic governments in Europe, and using the same arguments for effacing the rights of the people? Those Governments said, "There are a number of revolutionists in the community, and we must surround the non-revolutionists and honest men with such restrictions that they can scarcely live, for the purpose of keeping down revolution." The same arguments were used by the Czar of Russia and the most despotic governments for their system of government. The hon. gentleman effaced the liberty of going on the land, so that he might protect the land from a few dummies– only a few dummies—because at the utmost dummying lately had been very small indeed. There was a time when dummying was carried on, principally on the Darling Downs, but people had now found out better the value of land and the dummying days were passed. Yet, because dummying had been carried on in the early days on the Darling Downs, the colony had suffered ever since in its land legislation.

The PREMIER said that of course the hon. gentleman was acute enough to see that his argument applied to all restrictive legislation. If people were all good, there would be no necessity for restrictive laws at all. Why should they have any laws regulating the sale of liquor?——

The HON. J. M. MACROSSAN: For revenue.

The PREMIER: Or for the regulation of Polynesian labour? Simply because if such restrictions did not exist some people might abuse their liberty. If all men were good, they could entrust to them the sale of liquor in any quantity without doing any harm, and allow the use of any kind of labour all day and all night. Honest men would not abuse those powers; but there were men in the community who would abuse liberty, and so law was necessary. The hon. member's argument struck at all law, but where the line was to be drawn was in each case a question of expediency.

The HON. SIR T. MCILWRAITH said that if the hon. member would address himself to the clause, instead of those subtle legal quibbles, he would help them to get through the Bill. Under the clause a man might be a lessee and live on his holding for thirty years, and still not be entitled to get the freehold.

The PREMIER: How is that?

The HON. SIR T. MCILWRAITH: How was that? Under the clause as it stood, for ten years preceding his application he must have had a

personal residence. He might be there for eight years, and then some business might compel him to employ a bailiff during the rest of the time, and he would have to commence a whole ten years' term again after that. The ten years must be actual *bonâ fide* residence, and if he broke it by six months or twelve months, under that clause it was perfectly impossible that he could get a freehold at all.

Mr. PALMER was understood to say that the more he saw of it the more he was convinced that the Premier was the father of the Bill. He was quite surprised that the representatives of the selectors did not stand up for their rights, for he was quite certain that the selectors of the country would not approve of it when they came to find out that they were hampered so by the clause.

The HON. J. M. MACROSSAN said he recollected, in 1874, when a Bill was introduced into that House by Mr. T. B. Stephens, the hon. Premier—who then sat on the same side of the House with the Government—did his best to destroy the Government, because he did not believe in the clause which compelled personal residence. And the hon. gentleman went across to that (the Opposition) side of the House, and enlisted the sympathies of hon. members to get the clause defeated.

The PREMIER: I never did.

The HON. J. M. MACROSSAN said he did, because when the hon. gentleman had carried his point the Government had to propose an adjournment of the House to consider their position. Now the hon. gentleman had gone round quite in the other direction. He remembered the eloquent appeals which the hon. gentleman used to make on the front Opposition bench to the members there, and to the Liberal members on the other side of the House, to alter the clause in the direction he wanted. And he did get it altered.

The PREMIER said that the hon. gentleman's recollection was so inaccurate that he must correct him. It sounded very well, but he recollected the circumstance distinctly. When he supported the Liberal Government he never swerved from his own side of the House, and it was from there that he spoke. He never spoke except across the floor, and the hon. gentleman sat at that time behind him. Now, the proposition then was, that a man must live on his selection the whole ten years or forfeit it; which was a very different proposition from that in the present Bill, under which a man might go away and sell it, or do exactly what he liked with it.

The HON. J. M. MACROSSAN said it never became his own.

The PREMIER said it became his own when he lived on it ten years. He admitted that on the former occasion he had carried his amendment, though it did not in the slightest degree endanger the Government. He had always been loyal to his party. The hon. gentleman said that when his amendment had been carried the Government had taken time to consider their position. But the amendment had been carried at half-past 10 o'clock, and the question arose whether they should adjourn. Mr. Macalister was chaffed across the floor of the House and told he had better resign. The Government had been in no danger; it was only a little chaff.

The HON. J. M. MACROSSAN said he must correct the hon. gentleman when he said his memory was inaccurate, if the hon. gentleman denied that he had come across to that side of the House and spoke from it.

The PREMIER said he never did such a thing in his life.

The HON. J. M. MACROSSAN said the hon. gentleman did. He came to that side of the House when he thought he had not influence enough to speak on his own.

The PREMIER: Imagination!

The HON. J. M. MACROSSAN said his memory was quite as accurate as that of the hon. gentleman's, and he maintained that the hon. gentleman had carried his amendment with the help of the gentlemen on that side of the House—the squatters—and six or seven pseudo-Liberals.

The PREMIER: On which side did you vote?

The HON. J. M. MACROSSAN said he went with his party. The hon. gentleman said that he was loyal to his party; but he was so loyal that he always turned them out. He (Hon. J. M. Macrossan) had got the original Bill in his box, which showed exactly what had been proposed. The hon. gentleman said it was residence for ten years or forfeiture. What was the chief argument? He said, why should the townsman, the citizen, the successful merchant, the lawyer, the tradesman, be deprived from acquiring land simply for the purpose of preventing dummying.

The PREMIER said he never did.

The HON. J. M. MACROSSAN said the hon. gentleman should read *Hansard*. The very same argument applied now.

Question put; and the Committee divided:—

AYES, 26.

Messrs. Griffith, Miles, Dutton, Dickson, Sheridan, Rutledge, T. Campbell, Foote, Salkeld, Foxton, Annear Grimes, Kates, Buckland, White, Mellor, Jordan, Smyth, Isambert, J. Campbell, Brookes, Macfarlane, Aland, Midgley, Higson, and Horwitz.

NOES, 8.

The Hon. Sir T. McIlwraith, Messrs. Archer, Norton, Macrossan, Chubb, Palmer, Black, and Stevenson.

Question resolved in the affirmative.

The MINISTER FOR LANDS moved that the Legislative Council's second amendment in clause 71—to insert the words "in open court" after the word "commissioner"—be agreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's third amendment in clause 71—to omit the word "ten" and insert the word "five"—be disagreed to.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's amendments in clause 72—substituting "is" for "has been," and inserting the word "sublet" after "has been"—be agreed to.

Question put and passed.

The MINISTER FOR LANDS, in moving that the Legislative Council's amendment omitting clauses 75 to 79 be disagreed to, said those were known as the "scrub clauses" of the Bill. Some people seemed to think that those clauses would lead to an increase of cattle-stealing by establishing men in the scrubs in the back country. He could quite understand that if scrub lands far away from settlement were thrown open for settlement it would probably here and there induce a man to take up waterholes and carry on a system of cattle-stealing. But no man in his senses would think of dealing with scrub lands in that way. Scrub lands would be thrown open for occupation only in certain places—near a settlement or not far from a railway line—where no possible mischief of the kind could arise. The evil spoken of in connection with those clauses could only occur if scrub lands were thrown open in large quantities back from settlement, and back from the railway line; but

as that was not likely to be done the danger would not be sufficient to warrant them in locking up those lands and retaining them in their present condition. Those lands could only be utilised by the destruction of the scrub upon them, and it would be unwise to prohibit people from doing that because here and there a man might be induced to settle in a scrub and commence "duffing" calves. It seemed a most absurd plea to raise against the operation of those clauses. There were lots of scrubs full of wattle, oak, and other trees which were now valueless, and were year by year getting worse; whereas, if they were at once dealt with, settlers would, at a very small cost, be able to convert them into grazing lands. If the Act was administered in that way none of the evils that had been referred to were likely to arise. He could not suppose that those lands would be dealt with in any way other than he had indicated—certainly not by men who understood the method of dealing with them.

Mr. PALMER said he wanted to call attention to the fact that the Minister for Lands was not carrying out the programme properly. The "bill of the play" said "omit clause 75."

The PREMIER: You have got hold of the schedule of amendments by the Council. You have got the wrong programme.

Mr. PALMER: As the Minister for Lands was very anxious to put the scrub lands to some use, he had better try and find out some better means of doing so than on the leasing principle. If he made the people who cleared that land a present of it they would well deserve it. The idea that any man in the colony would undertake to clear scrub lands for what he could make out of them, even if he was given the freehold, was absurd, and yet, according to the Bill, he was to live on the land a number of years, fence and improve it, and then give it back to the Government. He knew that the Minister for Lands considered the matter serious, because he (Mr. Palmer) still saw the junior member for North Brisbane—the "stormy petrel" of the party, who was always there in case of danger—in his place. He was therefore satisfied that there was something dangerous about those scrub lands. He certainly had fancied that the common sense of the Minister for Lands would stand in his stead or come to his rescue in regard to that particular part of the Bill, and that he would have been only too glad to get rid of the responsibility of having those clauses in it. He really thought he would have been only too glad of the chance of accepting the Council's amendments; and, according to the "bill of the play," he understood that he was going to do so, but he now found that he was going to adhere to them. He could only say, as he had said before, that if those scrub lands were made a present to the people who took them up and turned them to use it would be a good thing for the country, instead of their being required to spend money upon them in improvements, and then to return them to the Government. It would take £5 and £10 an acre in some places to clear those lands. It would take more than that in some instances. Forest land would cost that; and yet after spending that on perhaps 100 or 1,000 acres, the holder was to hand the land over to the Government. He did not know where the Minister for Lands had got his inspiration from, but he was evidently running a wild-goose chase, if he expected settlement to take place on scrub lands.

Mr. BROOKES said the hon. member who had just sat down had made as squatting a speech as he had heard in the House that session. The hon. gentleman either knew a great deal about those scrubs or he knew nothing at all.

Mr. STEVENSON: He would like to have you there, I expect.

Mr. BROOKES: Everybody in the Committee knew—it was no use fighting with gloves on—everybody knew perfectly well that the manner the Government proposed dealing with those scrubs was precisely the manner in which they ought to be dealt with. The hon. member who had just sat down knew that as well as he did. He (Mr. Palmer) was only talking in the interest of his order; he (Mr. Brookes) was talking in the interests of his order, and the Committee could decide between them. It was a plain matter of fact. Could anybody who had ever been in a place like the Rosewood Scrub, and had seen what had been done there, doubt that that was the best way of dealing with scrub lands?

An HONOURABLE MEMBER: That is the greatest mistake you could have made.

Mr. STEVENSON said he thought the Minister for Lands would have been only too glad to get rid of that absurdity in the Bill. He must know that it was perfectly absurd. How could they expect any man to settle down in the scrubs of the colony for the purpose of clearing them within the next few years, or for the next twenty or thirty years? The only use people could make of those lands would be for the purpose of duffing cattle, and then the Bill would be a duffing Bill as well as a dummying Bill. He could hardly believe that a man like the Minister for Lands, who had some practical knowledge about such matters, would propose such clauses. They were really dangerous clauses. Even if the lands were given away for nothing they would not be made any use of except for the purpose of cattle-duffing. He therefore hoped the clauses would be left out.

The PREMIER said he never could see of what use it would be for a cattle-duffer to take up a piece of scrub land on the condition that he had to cut down a tenth or a fifteenth part of the scrub upon it every year. It would be no inducement whatever to a cattle-duffer, but it would be an inducement to an industrious man. They knew that there were lots of scrub land between Brisbane and Roma, to go no further, that used to be valuable pastoral land, and which were now eaten up by the scrub; and if they were to give it away for nothing on the condition that the scrub would be cut down it would be a good bargain for the State. Between Dalby and Roma large fortunes had been made upon country that was now utterly useless, being almost entirely eaten up with scrub, and there was no law at present n force in the colony by which they could reclaim that land. But they believed, and people competent to judge believed, that the scheme proposed by the Bill would be effectual in reclaiming it. That was the place to begin, where they had seen the evils—where they saw almost day by day, at any rate month by month, what was going on, and how the scrubs were eating up the land. It was one of the most distressing sights in the colony, and it was, at any rate, worth while to try the experiment for the purpose of reclaiming the land.

Mr. STEVENSON said whether it was a distressing sight or not it was absurd to expect that people would take up scrub land under those conditions, when they could get plenty of land to work without clearing it of scrub. The clauses would be perfectly inoperative for the purposes for which they were intended. They would be of no use whatever, except for cattle-duffing, and the Minister for Lands ought to know that.

Question put and passed.

The MINISTER FOR LANDS moved that the Legislative Council's amendment, adding

the words "and imposing penalties not to exceed, in any case, twenty pounds for any breach thereof," be amended by the substitution of the words "to impose" for the word "imposing"; by the substitution of the word "exceeding" for the words "to exceed"; by the substitution of the word "five" for the word "twenty"; and by the addition of the following paragraph to the clause :—

No such by-laws shall have effect until they have been approved by the Governor in Council and published in the *Gazette*. Upon such approval and publication they shall have the force of law.

Amendments agreed to.

On the motion of the MINISTER FOR LANDS, the Legislative Council's amendment as amended was agreed to.

On the motion of the MINISTER FOR LANDS, the Committee agreed to the Legislative Council's amendment in clause 113.

The MINISTER FOR LANDS moved that the Legislative Council's amendment in clause 120, substituting the words "license under Part IV. of this Act or any holding," for the words "lease under this Act," be amended by the substitution of the words "lease under this Act" for the word "holding."

Amendment agreed to.

On the motion of the MINISTER FOR LANDS, the amendment as amended was agreed to, and the other amendments made by the Legislative Council in the same clause were also agreed to; and the Council's amendments in clauses 121 and 139 were disagreed to.

On the motion of the MINISTER FOR LANDS, the Legislative Council's amendments in clauses 1 and 4 were disagreed to.

On the motion of the MINISTER FOR LANDS, the CHAIRMAN left the chair, and reported that the Committee had disagreed to some of the Legislative Council's amendments, and had agreed to others with amendments, and had agreed to other amendments made by the Legislative Council.

The MINISTER FOR LANDS moved that the report be adopted.

Question put and passed.

The PREMIER moved that the Bill be returned to the Legislative Council with a message intimating that the Legislative Assembly—

Disagree to the amendments in clause 1, as being consequential upon the amendments omitting clauses 75 to 79 of the Bill, to which the Legislative Assembly disagree.

Disagree to the amendments in clause 4, lines 14 and 39, for the same reason.

Agree to the other amendments in that clause.

Disagree to the amendments in clause 6—

Because the power conferred upon the Governor in Council by the 54th section of the Pastoral Leases Act of 1869, to sell land to lessees to secure permanent improvements, has been frequently used for other purposes than the securing of improvements, to the great loss of the colony and hindrance of settlement upon the public lands; and it is consequently highly expedient that the conditions under which this power may be exercised should be defined;

Because the Bill entitles every lessee under the Pastoral Leases Act of 1869, to claim full compensation for improvements made by him on his run upon his being deprived of the use of such improvements, and it is unjust that he should in addition be permitted to acquire large quantities of land without competition;

Because the clause, as framed, confers on present lessees a legal right to purchase the land in every case in which they could fairly prefer a claim to be permitted to do so;

Because the tenure under the Act of 1869 is such that the power of the Governor in Council to sell under the provisions of the 54th section can be taken away at any time;

Because for these reasons, and in order to more effectually promote the settlement of the colony, and prevent large areas of land from being practically monopolised by the acquisition of specially valuable blocks, the possession whereof would render the adjoining land unavailable for settlement, it is desirable that the claims of existing lessees should be equitably dealt with, and that the power of sale should in future cease to exist.

Disagree to the amendments in clause 7 as being consequential upon those in clause 6.

Agree to the amendment in clause 12.

Agree to the amendments in clause 14.

Agree to the amendments in clause 17.

Disagree to the amendments in clause 20—

Because the land board, as constituted by the Bill, is an independent judicial court of appeal appointed to do justice between the Crown and the subject, and the allowance of an appeal from such a court to arbitrators would destroy the authority and usefulness of the court and introduce utter confusion into the administration of the law;

Because many of the functions of the board are such as could not be satisfactorily performed by arbitrators;

Because it is highly desirable that the rents for Crown lands should be assessed on a definite and consistent basis, which would be impossible if the rents for each holding were to be assessed by a different tribunal;

Because the administration of the law on the basis of the proposed amendment would become impossible.

The Legislative Assembly have offered these reasons for disagreeing to the proposed amendments on account of the great importance of the subject, and of their desire to point out to the Legislative Council the expediency of the proposed amendments, but they do not waive their right to insist upon the further reason—

That the proposed amendments would interfere with the public revenue:

Which reason they hope will be sufficient.

Disagree to the amendments in clause 21, as being consequential upon those in clause 20.

Agree to the proposed new clause to follow clause 21.

Disagree to the amendments substituting the word "nine" for "six" in clause 26, line 48 and line 15, page 8—

Because they would interfere with the public revenue:

The Legislative Assembly do not deem it necessary to offer any further reasons, hoping that this reason will be sufficient.

Agree to the amendment in the same clause omitting the words in lines 4 to 10 of page 8.

Agree to the amendment in clause 27, subsection 6.

Disagree to the amendment in subsection 8 of that clause, as being consequential upon amendment previously disagreed to.

Agree to the amendment omitting the second paragraph of clause 28.

Disagree to the amendments substituting "fifteen" for "ten" and "twenty" for "fifteen" in the third paragraph of that clause—

Because, the tenure conferred by the Bill being a fixed and absolute lease, it is not desirable that the land should be withheld from the possibility of being otherwise dealt with for so long a period as that proposed.

The Legislative Assembly offer this reason without waiving their right to insist on the further reason—

That it would interfere with the public revenue:

Which reason they hope will be sufficient.

Disagree to the amendment in the first subsection of the same clause—

Because it would interfere with the collection of the revenue; and

Disagree to the amendment in the third subsection of the same clause—

Because it would interfere with the public revenue:

The Legislative Assembly do not deem it necessary to offer any further reasons, hoping that these reasons may be deemed sufficient.

Disagree to the amendments in subsection 4 of the same clause, being consequential upon an amendment already disagreed to.

Agree to the amendments in clause (*d*) of subsection 5 of the same clause.

Disagree to the amendment in clause (*e*) of the same subsection, being consequential upon an amendment already disagreed to.

Disagree to the proposed clause (*f*) of the same subsection—

Because it would interfere with the public revenue:

The Legislative Assembly do not deem it necessary to offer any further reasons, hoping that this reason may be deemed sufficient.

Agree to the amendment in subsection 7 of the same clause, because it is in furtherance of the intentions of the Legislative Assembly.

Agree to the amendments in clause 34.

Agree to the amendments in clause 37.

Disagree to the amendment in clause 43—

Because it is considered that 960 acres is a sufficiently large area of land for an agricultural farm.

Agree to the amendment in the first paragraph of clause 51.

Disagree to the amendment in the 2nd paragraph of that clause as being consequential upon the amendment disagreed to in clause 43.

Disagree to the amendment in clause 52—

Because the effect of making a license transferable would be to encourage persons who had no intention of occupying the land to lodge applications, with the object, in the event of their being successful in the drawing of lots, of selling the right to the selection at a premium;

Because the proposed change would enable any person desirous of obtaining a particular selection to lodge any number of applications in the names of other persons, and so secure several chances in the drawing of lots, with the intention that the successful applicant should transfer to him;

Because the proposed amendment would facilitate fraud.

Agree to the amendments in clause (*d*) of subsection 4 of clause 56.

Disagree to the amendment in clause (*f*) of the same subsection—

Because it would interfere with the public revenue:

The Legislative Assembly do not deem it necessary to offer any further reason, hoping that this reason will be deemed sufficient.

Agree to the amendments in clause 57, with the following amendment:—

Omit "whose total holding in the colony exceeds" and insert "of a holding exceeding":

In which they invite the concurrence of the Legislative Council.

Agree to the amendments in clause 58, with the following amendments:—

In the amendment in line 40, before "holding," insert "any";

In the amendment in line 43, before "holding," insert "of the":

In which they invite the concurrence of the Legislative Council.

Agree to the amendments in clause 59.

Agree to the amendments in clause 62.

Disagree to the amendments in clause 67—

Because the system of underleasing unless surrounded by special safeguards may be made the easy instrument of fraud; and it is therefore necessary to prohibit underleasing unless in exceptional cases, which should be approved by the board.

Disagree to the amendment in the first paragraph of clause 70, being consequential on an amendment already disagreed to.

Disagree to the remaining amendments in that clause—

Because they would interfere with the public revenue:

The Legislative Assembly do not deem it necessary to offer any further reason, hoping that this reason will be deemed sufficient.

Disagree to the amendments in clause 71, lines 26 and 28, substituting "five" for "ten"—

Because they would interfere with the public revenue:

The Legislative Assembly do not deem it necessary to offer any further reason, hoping that this reason will be deemed sufficient.

Agree to the other amendment in that clause.

Agree to the amendments in clause 72.

Disagree to the amendments omitting clauses 75 to 79—

Because it is very desirable that the vast tracts of land in the interior of the colony, covered with dense scrub, should be utilised, and the scheme proposed by the Bill is likely to be effectual for that purpose.

Agree to the amendment in clause 99, with the following amendments:—

Omit "imposing," and insert "to impose";

Omit "to exceed," and insert "exceeding";

Omit "twenty," and insert "five":

Add to clause the following paragraph—

No such by-laws shall have effect until they have been approved by the Governor in Council and published in the *Gazette*. Upon such approval and publication they shall have the force of law:

In which they invite the concurrence of the Legislative Council.

Agree to the amendment in clause 113, because it is in furtherance of the intentions of the Legislative Assembly.

Agree to the amendments in clause 120, with the following amendment in the first amendment—Omit "holding" and substitute "lease under this Act"—in which they invite the concurrence of the Legislative Council.

Disagree to the amendment in clause 121, being consequential upon amendments previously disagreed to.

Disagree to the amendment in clause 139, being consequential upon amendments previously disagreed to.

Question put and passed.

ADJOURNMENT.

The PREMIER, in moving that this House do now adjourn, said: The Government propose to proceed with the Loan Estimates on Monday. Of course private business will be taken to-morrow.

The HON. SIR T. McILWRAITH: In what form is it proposed to introduce the Loan Estimates? I suppose some Minister will make a financial statement, and that the Government will then adjourn the debate so as to allow the statement to be analysed. That is the usual course. Is it the course the Government intend to adopt, and who will make the statement?

The PREMIER: My hon. friend the Colonial Treasurer will make a short statement.

The HON. SIR T. McILWRAITH: A short statement?

The PREMIER: A short statement. The hon. gentleman says it is usual to make a statement. I do not know that it has been usual here or elsewhere to make a long statement under such circumstances, and I confess I cannot see where the necessity for an adjournment will be. I should have said that it is uncertain whether the Officials in Parliament Bill will stand first on the paper or not, but of that I shall inform the House to-morrow.

The HON. SIR T. McILWRAITH: I think the Premier is in error when he says that it is not usual to make a full statement in introducing the Loan Estimates. If the Treasurer makes a short statement it will be all the same to me; but if he makes a long one, time will have to be given for its consideration, especially if it bear the character of a financial statement—which I think it ought.

The HON. J. M. MACROSSAN: Suppose the Treasurer does make a kind of financial statement, and we go on with the Supplementary Estimates and the remaining Bills on the paper which the Government intend to pass—they will probably occupy the greater part of the evening, and we can then go on with the Loan Estimates if there is time, leaving an interval between the statement of the Treasurer and the debate on the Estimates; or we can take them on the following day, as there will be four Government days next week. That might very well be done, and I think the suggestion is worthy of consideration. I think the Treasurer ought to make a full statement of the condition of the finances of the colony, and of his expectations from the different railways.

The PREMIER: He has made two statements this year already.

The HON. J. M. MACROSSAN: They come very easy to him.

The PREMIER: The convenience of hon. members will be consulted as much as possible.

Question put and passed.

The House adjourned at twenty minutes to 11 o'clock.