Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 16 DECEMBER 1884

LEGISLATIVE COUNCIL.

Tuesday, 16 *December*, 1884.

Assent to Bills.—Maryborough and Urangan Railway.—Officials in Parliament Bill.—Bundaberg Gas and Coke Company (Limited) Bill.—Defence Bill.—Suspension of Standing Order 111.—Maryborough Wharf Branch Railway Extension.—Cooktown Railway Extension.—Fassifern Branch Railway Extension.—Crown Lands Bill—consideration in committee of Legislative Assembly's message of date 11th December.

The PRESIDENT took the chair at 4 o'clock.

ASSENT TO BILLS.

The PRESIDENT announced that he had received messages from the Governor, intimating that His Excellency had been pleased to assent, in the name of Her Majesty, to the following Bills:—Pharmacy Bill, Divisional Boards Agricultural Drainage Bill, and Jurors Bill.

MARYBOROUGH AND URANGAN RAILWAY.

The PRESIDENT announced that he had received a message from the Legislative Assembly, intimating the agreement of that House with the amendments of the Legislative Council in this Bill.

OFFICIALS IN PARLIAMENT BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly transmitting the Bill to the Legislative Council for their concurrence.

On the motion of the POSTMASTER-GENERAL (Hon. C. S. Mein), the Bill was read a first time and ordered to be printed.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I move that the second reading of the Bill stand an Order of the Day for to-morrow. In asking the House to assent to the second reading being made an Order of the Day for such an early date, I wish to intimate that if there is any decided feeling on the part of hon. gentlemen that an adjournment of the discussion should take place, of course I shall offer no objection. But we are getting very near the close of the session, and it is desirable, especially as it is a matter that does not affect this House very materially, that we should get on with the discussion of the Bill as speedily as possible.

Question put and passed.

BUNDABERG GAS AND COKE COMPANY (LIMITED) BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly, transmitting this Bill for the concurrence of the Legislative Council.

On motion of the HON. P. MACPHERSON, the Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

DEFENCE BILL.

The PRESIDENT: I have also received the following message——

[The President here resumed his seat, the Hon. W. H. Walsh being engaged in conversation with the Clerk of the House.]

The POSTMASTER-GENERAL: Order!

The PRESIDENT: I am getting accustomed to these interruptions.

"MR. PRESIDENT,

"The Legislative Assembly having had under consideration the Legislative Council's amendments in the Defence Bill, beg to intimate that they—

"Agree to the Legislative Council's amendment in clause 52, with the following amendment, viz.:—After the word 'shall' in the 10th line of page 11, insert while actually serving therein';

"In which amendment the Legislative Assembly invite the concurrence of the Legislative Council

"And agree to the other amendments in the Bill.

"The Legislative Assembly do not insist on their privileges in respect to certain amendments in the Legislative Council with regard to the office of senior naval officer, such amendments being in furtherance of the intentions of the Legislative Assembly.

"WILLIAM H. GROOM,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 15th December, 1884."

On the motion of the POSTMASTER-GENERAL, the consideration of the Legislative Assembly's message was made an Order of the Day for to-morrow.

The PRESIDENT: Mr. Radford,—If you join in conversation when I am reading a message again, I shall have to take some action with regard to you. You must attend to the President and to the business of the House. I insist upon it.

The HON. W. H. WALSH: I cannot help thinking that the conduct of the President is very dogmatic, if not offensive. I have always understood that the President was to occupy that chair with the special object of keeping order, not to object to the clerks—the unfortunate clerks who cannot defend themselves—in the way we have just listened to. The dignity of the House requires, at any rate, that we should expect from the President, no less than from the clerks of this Chamber, that they should do their duty in dignified and proper form. I object to Mr. Radford, the Clerk of the Council, being lectured because I, apparently, have committed some offence. Mr. Radford is not at all to blame. It is not a courageous act at all to attack him in this way. I am the object of the disorder if there was one; and I certainly think I know what is my position in this Chamber. I have had as much experience as anybody here. I know what is due to this Chamber, and I know what is due to the dignity—if the President himself does not know it—of the Chair. I do object to even the most menial officer of this House being attacked in that way. Certainly, the Clerk was no more to blame than that chair in front of me was. Really we have to look outside this Chamber as well as in it to see that a reign of terror has arrived. I protest against this Chamber being interrupted in its business by such acts of exacerbation—an unnecessary one—on the part of any officer of this House, including the President.

The PRESIDENT: What is the question?

The HON. W. H. WALSH: I beg to give notice that to-morrow I will ask the Postmaster-General—

Are the Government aware that the Governments of New South Wales and Victoria have agreed to lower the rate of telegraph charges between their two colonies by 50 per cent. from the 1st January next? Do the Government propose to make similar arrangements between this colony and those southern ones? If so, to what extent have negotiations between the respective colonies been carried on?

The PRESIDENT: With respect to the remarks of the Hon. Mr. Walsh, he was exceedingly out of order. There was no question before the House whatever, and no question being moved. I say it is utterly useless me calling the hon. member to order. He systematically interrupts me. I had to request his silence the other evening when I was reading a long message from the Lower House. I cannot keep him in order, but I shall take very good care that the officers of this House are kept in order and behave themselves. They shall not enter into conversation while I am reading messages from the other House.

The HON. W. H. WALSH: Hear, hear!

SUSPENSION OF STANDING ORDER 111.

The POSTMASTER-GENERAL said: I beg to move—

That so much of the 111th Standing Order as provides that "resolutions calling for the sanction of Parliament to the construction of railways and approval of plans, sections, and books of reference shall lie on the table for a period of one week" before being referred to a select committee, be suspended during the remainder of the session.

A similar motion has been previously made at the end of a session, and I find it necessary to table this, because two or three, if not more, proposals for the construction of railways have been sent up from the Legislative Assembly, and as the session is very near its close, practically we would not be able to deal with them in pursuance of the strict terms of the Standing Order, which requires that the plans and specifications shall lie upon the table for a week before being referred to a select committee. As a rule, there is very little room for examination until the matters are referred to a select committee, and as long as we inquire into them before a committee, I think we may be satisfied that, practically, the requirements of the Standing Order have been carried out.

The HON. W. D. BOX: Hon. gentlemen,—It will be in the recollection of hon. members that this House, after a very strong effort, established this Standing Order, which is well known to the hon. the Postmaster-General and the Parliament of Queensland; and it seems to me that session after session the value of that Standing Order is reduced. This has been a long session; the probabilities are that Parliament will be called together soon again, and I think the House is unwise in diminishing the time within which these motions for the construction of railways should be before it and before the country. I think it is a most valuable Standing Order—one that gives the House and the country an opportunity of considering the resolutions of the Legislative Assembly with regard to railway construction. Session after session the power of this Standing Order has been taken away from the House and the country by similar motions to the one now moved by the hon. the Postmaster-General. I have always objected to it, and I object to this motion, which will have the effect of hurrying these resolutions through the House somewhat sooner than they would in the ordinary course of business. The House has been in session a long long time, and if these railways had come on in the natural course they would not have been sufficiently forward to have been submitted to Parliament at all. I do not see that the country will suffer very much if they were passed over until another session, and we could then follow out the provisions of the 111th Standing Order. I do not know whether I shall be supported, but we had a great deal of trouble to get this Standing Order passed. I am sorry to see, session after session, the power taken away from it by motions of this kind.

The HON. T. L. MURRAY-PRIOR: Hon. gentlemen,—There is no doubt that what the Hon. Mr. Box says is correct, and the Government should bring matters of this kind on earlier in the session. At the same time there is one railway I can answer for as being a necessary line. Whether the others are the same I do not know, but I trust the hon. the Postmaster-General does not intend to bring forward any other railways of which we do not know, because if the Standing Order in question is suspended during the session we may have any number of railways brought before us. We can now see what is before us and what we are doing; and I think we ought to have a pledge from the hon. the

Postmaster-General that he will not bring forward any other railways this session. It is, of course, near the end of the session, when it is sometimes necessary to do what we do not quite like to do in order to facilitate business. I therefore ask the Postmaster-General if he will——

The POSTMASTER-GENERAL: I will speak in reply. As a matter of fact the railways that will be brought before the House are railways in respect of which this House has practically expressed its approval already. The plans of every one of those railways have practically been confirmed by this House some sessions ago, and it is only extensions of the lines already in existence that the House is asked to approve of. When this Standing Order was introduced it was really for the purpose of investigating new railways—not for extensions of existing lines. Here have the plans been on the table since Friday last, and no hon. member has had the curiosity to open them. I do not know that the Hon. Mr. Box has on any occasion, except possibly in regard to the Crow's Nest Railway, made any inquiries whatever; and the whole of these railways have yet to go before select committees, who will report upon them in terms of the Standing Order. All I am asking the House to do is to postpone so much of the Standing Orders as requires that these plans shall be idle, uninquired into, unopened for one week. I do not think there is anything unreasonable in that proposition. In reply to the Hon. Mr. Murray-Prior, I may say that I shall ask the House to allow me to bring forward and deal with in the same way another railway which I believe will be sent from the Legislative Assembly to-day. If the Select Committee are of opinion that there is not sufficient information upon which to recommend the construction of the line, it can stand over till next session; but if it is desirable in the interests of the public that the line should be made, there should be no unnecessary delay.

The HON. W. H. WALSH: Hon. gentlemen,—I hardly think the Postmaster-General was correct in saying that when we voted previous railways in previous sessions we committed ourselves to these railways. If so, what necessity is there for being called upon now to sanction them and allow them to be put before select committees in a most hurried manner? I protest against the idea that because I unwittingly or ignorantly sanctioned the construction of fifteen or twenty miles at a given cost, I am therefore committed to carrying on that railway *ad infinitum* according to the wishes of the Government. We know very well that the most disastrous railway, as far as cost and revenue are concerned, was initiated by the late Government—the line from Highfields—and some of us warned the Government of the day that it would end in disaster to the Government.

The POSTMASTER-GENERAL: Not a soul spoke against it.

The HON. W. H. WALSH: If there was not a soul spoke against it, there was one soul that thought against it and against the iniquity and bribery involved in such a railway; and I strongly suspect that if I were in my place I spoke strongly against the line, for I seldom hide my feelings when I see outrages of that sort being perpetrated. I am not surprised to see the Hon. Mr. Taylor absent himself at this particular moment.

The HON. J. TAYLOR: I am here.

The HON. W. H. WALSH: I am glad the hon. gentleman is here, and I trust that I have awakened some little conscience in him. We are now told, after seeing the disastrous result of the construction of that line, that it is necessary to extend it to make it pay. It is to go to Crow's Nest now. I protest against the doctrine that, because we have begun a railway and constructed a few miles, we are therefore committed to an extension. I see nothing at all to prevent the Government of the day bringing forward their railway policy at the beginning instead of at the end of the session; but the policy of every Government seems to be to hide it as long as they possibly can from the people, and then hurry it through Parliament at the fag-end of the session. Each railway is a bid for the votes of members in the other Chamber, and that is the reason for the course generally adopted. Now we are asked to suspend our Standing Order, which means to suspend our judgment and our investigations so that the Government may bring the session to a close. I object, as I said before, to the doctrine laid down by the Postmaster-General. It is not new; hence, I suppose, we shall have to agree to it this session; but if we carried out the Standing Order in its integrity, no Government would dare to introduce at the fag-end of the session these important railway schemes, involving the expenditure of probably a million of money—involving an enormous expenditure, because though the first expenses may be under a quarter of a million, we shall be told next session, or the session after next, that we must carry these railways on because we committed ourselves to them in the year 1884. The Postmaster-General will carry his resolution, and we are in such an unfortunate position that the best thing we can do is to avail ourselves of the small opportunity we have and try to prevent too much wrong being done. I shall not oppose the motion, but I strongly oppose the principle.

The HON. F. H. HART: Hon. gentlemen,—I recollect when the 111th Standing Order was passed, that it was introduced because the Council was indignant at the way in which measures were forced through at the end of the session, and if we suspend them without better reasons than those given by the Postmaster-General we shall be stultifying ourselves. I know very little about the railways on the paper, but the Postmaster-General was wrong in twitting the Hon. Mr. Box for not having taken the trouble to examine the plans and sections which have been lying on the table since Friday. I have not examined them either, and I have no hesitation in saying why I have not done so. Simply because I knew that they had to go before a select committee, and I wished to get the report of the committee, who, I think, are better judges than myself whether it is desirable or not to construct the railways. But I do not see why these matters should not be brought forward earlier in the session. I have no wish to hamper the Postmaster-General, but I would suggest that he might enumerate the measures he thinks he is likely to bring forward as absolutely necessary to be passed. I am very much opposed to interfering with the Standing Orders unless it is absolutely necessary.

The HON. A. J. THYNNE: Hon. gentlemen,—It has occurred to me that the duties and responsibilities of select committees have not hitherto been sufficiently appreciated. I have seen committees examine the Commissioner for Railways, who has never been on the ground, and then some officer who has perhaps ridden over the country once; and on the evidence of those two gentlemen send in a report in favour of the line. We have heard a great deal lately about defective plans, and lines constructed on bad principles; but I think that, whatever responsibility may fall on other people for those

defects, this House shares that responsibility. It is our duty to refer these lines to a select committee to examine—a machinery not provided in another place—and if we neglect to do so in as complete and careful a manner as lies in our power we are responsible for any loss the country sustains through our neglect.

The HON. A. C. GREGORY: Hon. gentlemen,—I think the difficulty would be overcome if the Postmaster-General were to amend his motion by stating the specific railways he wishes to bring forward, because then there would be no doubt as to the matters for which the Order was to be suspended. At the same time I think the Government ought to have their measures with regard to such important matters as railways laid on the table at a much earlier period of the session.

The POSTMASTER-GENERAL: I can only speak with the permission of the House, and if hon. members will allow me I will do so.

HONOURABLE MEMBERS: Hear, hear!

The POSTMASTER-GENERAL: I concur in the remark made by the President recently, that it would be much more convenient if hon. members in charge of motions were informed of hon. members who desired to speak. The mover of a motion is supposed to have the right of reply; but four hon. gentlemen have spoken since I replied to the Hon. Mr. Murray-Prior. There are three motions with regard to railways on the paper, and those I wish to be dealt with under the resolution; there is also another railway before the Legislative Assembly which deals with a matter that has practically received the assent of Parliament already—the extension of the Sandgate line on the way to Gympie as far as Caboolture. I may remind the Hon. Mr. Hart that my resolution does not do away with the necessity of referring the lines to a select committee; it only suspends that part of the Standing Order which requires plans to lie on the table seven days.

Question put and passed.

MARYBOROUGH WHARF BRANCH RAILWAY EXTENSION.

The POSTMASTER-GENERAL moved—

1. That 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 received by message from the Legislative Assembly on the 11th instant, be referred to a Select Committee, in pursuance of the 111th Standing Order.

2. That such Committee consist of the following members, namely:—Mr. A. C. Gregory, Mr. Wilson, Mr. Raff, Mr. Walsh, and the Mover.

Question put and passed.

COOKTOWN RAILWAY EXTENSION.

The POSTMASTER-GENERAL moved—

1. That the plan, section, and book of reference of the proposed extension of the Cooktown Railway from 31¼ miles to 50 miles, as received by message from the Legislative Assembly on the 11th instant, be referred to a Select Committee, in pursuance of the 111th Standing Order.

2. That such Committee consist of the following members, namely:—Mr. A. C. Gregory, Mr. Macpherson, Mr. Raff, Mr. Walsh, and the Mover.

Question put and passed.

FASSIFERN BRANCH RAILWAY EXTENSION.

The POSTMASTER-GENERAL moved—

1. That the plan, section, and book of reference of the proposed extension of the Fass fern 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 received by message from the Legislative Assembly on the 11th instant, be referred to a Select Committee, in pursuance of the 111th Standing Order.

2. That such Committee consist of the following members, namely:—Mr. A. C. Gregory, Mr. Macpherson, Mr. Raff, Mr. Foote, and the Mover.

The HON. W. D. BOX said: Hon. gentlemen,—I cannot help congratulating the Government on the proposed extension of the Fassifern Railway to Teviot, for I have had an opportunity of witnessing the prosperous appearance of the country. Oftentimes I have had to vote for or against proposed railways or extensions without having had an opportunity of seeing the country; but this country I have seen, and a more gratifying sight than the settlers along there I have never seen in Queensland. The extension will tend to develop a valuable portion of the colony, and I am sure the Select Committee will bring up a favourable report. I had to vote on the Crow's Nest Railway some time ago, but unfortunately I did not see the country there till afterwards. I told the House, however, what I thought of the extension. I shall be called upon to vote on the Cooktown Railway; but I do not know anything about the country through which the line will pass. I was willing to give up my time; but the present Government will not do for members of this House what they will do for members of the Assembly—enable them to travel along the coast at the expense of the country. The expense by steamer was refused to me. I was willing to give up my time; and I thought it was not an unreasonable thing to ask the Government to give me a return ticket by steamer—because I am a poor man and it is of consequence to me—but I was refused. So that of the Cooktown Railway I can only speak from report; but I can say with regard to the Fassifern extension that a more valuable piece of country I never passed through.

Question put and passed.

CROWN LANDS BILL — CONSIDERATION IN COMMITTEE OF LEGISLATIVE ASSEMBLY'S MESSAGE OF DATE 11TH DECEMBER.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider the above message.

The POSTMASTER-GENERAL said the message from the Legislative Assembly involved a variety of subjects, and he should be very glad to discuss either the whole matter at once arising out of the various subjects, or to deal with each matter seriatim. He had carefully read through the amendments, apart from two or three proposals to amend their amendments simply in verbal points, and he found there were really fourteen matters in issue between the Legislative Assembly and that Chamber, commencing with the 1st clause and going right through to the end of the Bill. He did not know what the opinion of the Committee was as to the way in which they should deal with the amendments, but he was prepared to discuss the matter either way. A large number of the Assembly's objections were raised upon one ground and that really was one of privilege. The Legislative Assembly contended that, with regard to a very considerable quantity of the important amendments made by that Chamber, they had the right exclusively to deal with those matters—that they were matters affecting the revenue of the colony, and over which that Chamber had no amending power whatever. They could either reject the Bill *in toto* or accept it *in toto*, and they had no power to deal with the matter by way of amendment. That was a very important question, and he was prepared to deal with it at once, or he was prepared to deal with it when the first amendment upon which the question was raised cropped up. The first objection of the Legislative Assembly related to their striking out Part V., which provided for the leasing of scrub lands. There was no objection taken to that on the ground of

privilege, but he was prepared to deal with the question of privilege at once, or to deal with the amendments seriatim. He took it that it was the desire of the Chamber to deal with the amendments seriatim. The first disagreement of the Legislative Assembly was to an amendment in clause 1, and there were consequential amendments upon that in clauses 75 to 79, both inclusive, and in clauses 121 and 139, and in clause 4, lines 14 and 39. He proposed, therefore, to bring the matter to an issue at once, that that Chamber do not insist upon their amendments in those clauses. The Legislative Assembly's objection to their excising the provisions with regard to leasing scrub lands was contained on page 135 of their journal, and was to the effect that—

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

He did not intend to discuss the matter at any considerable length, as he had admitted when the subject was before them in committee on the Bill he could not speak upon it from any practical experience whatever. A large number of pastoralists, however, and many other persons in the colony, were of opinion that a vast proportion of the scrub lands of the colony, absolutely unused at the present time, could be made use of under provisions of the character indicated in Part V. of the Bill, and could be made reproductive to individuals and through them to the State. He had been favoured with a printed document intimating the views of a section of the Committee in regard to the Legislative Assembly's message, and he observed that it was proposed by those gentlemen to insist upon the amendments in the clause to which he had referred on the ground that—

"It is doubtful whether an extensive destruction of the acacia forests may not decrease the already deficient rainfall in the interior, while it will certainly decrease the grazing capabilities of the country in seasons of drought.

"Because more effectual provision for the experimental clearing of scrub is made by leases of grazing farms under conditions less likely to lead to evasions of the law."

With regard to the first objection, that could be met at once by the Committee saying that the provisions should not extend to acacia scrubs. That was not a matter of principle at all, but a matter of detail, and if the Committee were of opinion that it was desirable not to include acacia scrubs they could amend Part V. so as to prevent its including those scrubs. He had asked hon. gentlemen how they wished to take the amendments, and he understood that the desire was to take them seriatim. That was what he was doing now, and he was taking the first objection of the Legislative Assembly, and embracing in it all the subsequent parts of the Bill to which it applied. It was much more convenient to discuss it in that way, and if they insisted upon the amendments made in respect to the provisions for scrub lands it would be embodied in one objection. He did not actually know whether brigalow was an acacia, or whether gidya, mallee, sandalwood, bendee, or oak were acacias.

An HONOURABLE MEMBER: Yes, they are.

The POSTMASTER-GENERAL said it was the first time he ever heard that oak was an acacia. He believed that wattle was an acacia, but it was also the first time he had heard that cattle were fond of wattle. The second reason those gentlemen proposed for insisting upon the amendments was that "because more effectual provision for the experimental clearing of scrub is made by leases or grazing farms, under conditions less likely to lead to evasions of the law." Well, they proposed, according to the clause relating to scrub land, to give leases for nothing during a period of five, ten, or fifteen years, according to the density of the scrub, subject only to the condition that during the earlier periods of the lease the land should be fenced in, while under the provisions with regard to grazing farms they insisted that the minimum rent payable for grazing farms should be ¾d. per acre. Who was going to pay ¾d. per acre for land overgrown with scrub? He thought the objector or objectors, whoever they were—and he did not know them at present, though he had a good idea who they were—had better not have given that reason for objecting, because it was not tenable. No person who had the slightest particle of common sense would take up scrub and pay ¾d. per acre for thirty years for it. The Bill assumed that it would be impossible during the earlier period of the lease, ranging from five to fifteen years according to the density of the scrub, to make the undertaking a fairly profitable one; and if there was any force in the first objection, the second one, he submitted, could have no application whatever. As he had said before, he was not competent to speak from experience about the matter, but he deferred to the opinion of the representatives of the people, who had a very decided opinion indeed upon the subject, and to the opinion of pastoralists who had expressed themselves as favourable to this clause. Their opinion was in favour of the experiment being made, and he said it should be allowed; and if it worked badly, then the Legislature could step in and put an end to it.

The HON. A. C. GREGORY said it would have been more convenient if, instead of taking the consequential clauses in the way they were taking them, they had taken the important amendments in their sequence, and then the contingent amendments—such as were found in clause 1, for instance—would be dealt with as a matter of course, according to the decision arrived at with respect to the important and primary amendments themselves. It had been argued by the Postmaster-General that no one would take up land with as much as one-third scrub on it, and pay ¾d. per acre for it; but there was very little in the colony which was proposed to be brought under the operation of that Bill, especially with respect to the portions that would be resumed from pastoral leases, upon which there would not be at least one-third scrub; and in taking up an area of 20,000 acres a man could very well afford to take up the scrub land with it. The Postmaster-General's objection no doubt arose from what he had admitted himself—his want of practical knowledge of those scrub lands. Why should they allow a person to take up a large block of land, which would be considered as first-class country in an ordinary pastoral lease, for several years for nothing? There was another very serious objection, that if a man took up that country without paying anything for it he could hold it at least for twelve months, and as much longer as he could avoid being inspected by the Crown lands ranger; so that in most cases it was perfectly clear that, without paying anything, they would be enabled to occupy country which, to a great extent, would be quite as good as was found on first-class runs. They knew that, when they allowed people to tender for country without paying anything, tenders came in by hundreds. He knew of six hundred tenders that came in for runs in one month, but as soon as tenderers were informed that they would be required to make a deposit in proof of their *bona fides* the number dwindled down to less than 10 per cent. of the original number of tenders. One reason why such land

could not be brought under the operation of the special clause proposed in the Bill was that under the other parts of the Bill, and especially under the clause relating to grazing farms, people could get the same country and the same area, and could be allowed the conditions of clearing under a better supervision, because they would have to ringbark and clear the scrub as decided by the commissioner; and that they had to pay a certain small amount of rent which would stand as a sort of guarantee that it was a *bonâ fide* application for the country. The amount of it would probably be just enough to prevent a man who was worth nothing and had a very indifferent reputation from taking up a piece of country, feeding over it, perhaps taking in the cattle of pastoral lessees near him, because he would be risking nothing; he could do that certainly for one year, possibly for longer—at any rate until he was found out—and then, when it was found out that it was in contravention of the law, he would vanish. He would be a man of no means, and it would not matter to him what became of the selection. In other cases the payment of rent, although only ¾d. per acre, would be some guarantee of *bona fides;* so that he did not see any necessity for the provision by which they could get the country upon easier terms than under grazing lease. Grazing leases would certainly afford a better guarantee to the Government and the public that there would be no improper practices carried on by the lessee. Under those conditions, he would move that the Council insist on their amendment in clause 1.

The POSTMASTER-GENERAL said the usual and proper course to adopt when the Committee proposed to insist upon their amendment was to pass a resolution affirming that; then that resolution was reported to the House, and an address was drawn up in conformity with the resolution giving reasons for the insistence. He had moved that the Committee "do not insist on their amendment in clause 1," and the more convenient course would be for the hon. gentleman to move that the word "not" be omitted from the motion.

The HON. W. H. WALSH said he would counsel hon. gentlemen opposite to give no reasons whatever. They were not bound to give any reasons at all. The Postmaster-General made a proposition, and if hon. members opposite differed from him all they had to do was to refuse to accede to it. That did not entail upon them the necessity or the duty of giving their reasons. Nothing could be more unwise. Their reasons were sure to be wrong, and probably their resolution would be right. He thought the hon. the Postmaster-General was laying a trap for that innocent leader of the Opposition, Mr. Gregory.

The HON. A. C. GREGORY said, in order to properly conform to the rules of the House, he moved that the word "not" be omitted from the motion; and although it might not be necessary that he should give the reasons for insisting upon the amendment at that moment, he would do so, in order that the position he took up would be better understood. It was really very doubtful whether the extensive destruction of those scrubs, which were composed chiefly of various kinds of acacia, would conduce to the benefit of the colony. He believed that if they were to cut down those scrubs extensively it would certainly reduce the grazing capabilities of the country. Again, it had often been found convenient for those holding even freehold land not to clear off the scrub. He could refer hon. gentlemen to several places notably, where, if the scrub had been cleared off, the whole stock there this year would have been utterly annihilated; but the owners had allowed the scrub to grow up on part of their freehold land, and the result had been that their stock did not perish. No doubt in places where they had enormous quantities of scrub, such as they had in the interior, it might be cleared off to some extent and do very little harm, if very little good. But the real difficulty he saw in regard to the matter was that those scrub leases would be used for improper purposes and would not be taken up by *bonâ fide* selectors.

The HON. SIR A. H. PALMER said he would point out to hon. gentlemen that under the 148th Standing Order—No. 7 of the Joint Standing Orders of both Houses—they must give reasons—written reasons—for not accepting the amendments of the other Chamber.

The HON. W. H. WALSH said the hon. the President was quite right; but those were not amendments of the other Chamber, but amendments of that House which the Assembly refused to accept. They had therefore simply to insist upon their amendments and give no reasons whatever. The very fact of digressing from the subject in the extraordinary way in which the Hon. Mr. Gregory had done, in expatiating upon the various kinds of acacia, showed the absurdity of their going *ad infinitum* into offering reasons every time they differed in their action from the other Chamber.

The POSTMASTER-GENERAL said the hon. gentleman was quite wrong in his contention. The Standing Order provided—

> "When either House of the Legislature shall not agree to an amendment made by the other House in any Bill, vote, or other resolution, with which its concurrence shall have been desired, or when either House shall insist upon any amendment previously proposed by such House, and any communication shall be desired, then the communication shall be by message, and the House transmitting such message shall at the same time transmit written reasons for not agreeing to the amendment proposed by the other House, or for insisting upon any amendment previously proposed by the House sending such message."

That was as clear as A B C.

The HON. W. H. WALSH: It is not as clear as A B C.

The HON. A. C. GREGORY said he was quite prepared to conform to the rules of the House in such matters, and would give his reasons thereon at a subsequent period, whichever was correct.

The HON. W. H. WALSH said the Hon. Mr. Gregory totally misunderstood the reading of the Standing Order. They were not his reasons that they were going to send back to the Legislative Assembly. The hon. gentleman said he would send his reasons for refusing to agree to the proposition of the Legislative Assembly, but he could do nothing of the kind. It was not for the hon. gentleman in each case to bring forward his reasons and state them as his; it was wholly irregular. What ridicule they would cast upon themselves if they sent back to the other Chamber a message with a reason stating that it was the reason of the Hon. Mr. Gregory, or any other member—himself especially. The thing was totally absurd. What they had to do was, to say whether they assented to or dissented from the clause or other matter introduced by the Postmaster-General; and then at the end of their proceedings the hon. gentleman in charge of the Bill might give his reasons or not, as he thought fit. The fewer reasons they gave the wiser they would be.

The HON. J. C. HEUSSLER said there was not the slightest doubt that they were required to give reasons; but the Hon. Mr. Walsh was quite correct in stating that the reasons were not to be the reasons of any particular hon. member, but of the whole House. That had been the

course always followed hitherto, and on several occasions he had so ruled from the Chairman's chair.

The HON. SIR A. H. PALMER said the preferable mode of conducting the business was for the Committee to go through the amendments first. Those they insisted upon they would have to give reasons for to the other Chamber when they sent up the message; but those reasons should be introduced afterwards, and then the question put to the House, "that the following message be now sent to the Legislative Assembly." They then became the reasons of the House. It was only splitting hairs to argue that the reasons were those of any particular hon. member, because he supposed that the leader of the Opposition would draw up the reasons. They must be adopted by the House before they could be of any avail.

The HON. T. L. MURRAY-PRIOR said there was no doubt that what the hon. the President had stated was the case, and he took it that the Hon. Mr. Gregory would follow the course pointed out, which was the usual custom of the House. The hon. the Postmaster-General had very properly allowed that he knew nothing about the scrubs of the colony, personally; but, after allowing that, he went on to say that no person with the slightest particle of common sense would take up a grazing area at ¾d. per acre, when he could take up scrub land for nothing. He took that to be the meaning of the hon. gentleman; at all events those were his expressions.

The POSTMASTER-GENERAL: I said no man of common sense would take up scrub lands and pay ¾d. per acre for them.

The HON. T. L. MURRAY-PRIOR said that was what he had stated; but they knew that the hon. gentleman meant the opposite. It was his usual way of trying to get out of such difficulties. He thought it would be a very serious objection, indeed, to allow any person to take up scrub lands, and have the use of them for nothing, to commit, perhaps, all manner of depredations—in fact, to rear up another sort of Kelly gang. There was no necessity to go at length into that reason, because it was gone into fully on the second reading of the Bill, and he should not say much more on that point. The Hon. Mr. Gregory, who had had more experience, at all events, than the Postmaster-General, in the utilisation of land, had very sensibly urged that any person who really wished to make use of the land could pay ¾d. per acre for 20,000 acres, having in that area a very large portion of first-class land, which would be free from scrub. He would, in fact, get for almost nothing a very nice little station. Perhaps the hon. the Postmaster-General was not practically aware that if they attempted to utilise acacia scrub, ringbarking would not be sufficient, because any person who knew the character of those scrubs would be aware that when they cut the acacia down it threw out its roots to a very large extent, and in a short time the scrub would be far worse than it was before; in fact, so thick that a person could hardly cut his way out at all. He should vote for insisting upon the amendment, because he thought that a great deal of harm would accrue to the country if they did not do so; and he also thought that the framers of that portion of the Bill had no notion, no practical experience, as to what the results were likely to be. The Postmaster-General allowed that the Bill was only an experiment.

The POSTMASTER-GENERAL: I did not say that. I said that this part of the Bill was an experiment.

The HON. T. L. MURRAY-PRIOR said he thought the greater portion of the Bill was an experiment; and, if so, he did not see why it should not be deferred a little while.

The POSTMASTER-GENERAL said he would ask hon. gentlemen opposite one question. Were they in the habit of treating the scrubs on their runs as available or unavailable country?

HONOURABLE MEMBERS: Available.

The POSTMASTER-GENERAL said his experience with regard to the matter was not by any means limited, but it was the first time he ever heard of scrubs on runs being classified as available land. He was confident that they were always classed as unavailable, and it was for that reason that they were treated in the Bill as unutilisable, and that it was proposed to utilise them. The Government would take every precaution against scrubs being proclaimed open to selection in districts where fraud was likely to be perpetrated.

The HON. J. C. HEUSSLER said he had some doubts as to the wisdom of clearing away scrubs, because wherever the destruction of forests had taken place great calamities had followed. With regard to the scrub clauses he had made inquiries of a good many squatters on the Darling Downs, and they told him it would be a great boon if the clauses were left in the Bill. He had also spoken to the Postmaster-General on the subject, and that gentleman informed him that only certain areas of the densest scrub lands were destined to be leased under the Bill; and that being the case he saw no objection to retaining the clauses. He could not speak from his own personal knowledge of the subject, but he had got the best information he was able to procure from practical men.

The HON. T. L. MURRAY-PRIOR said the Hon. Mr. Heussler could not find more practical men than he saw around him with regard to scrub lands and bush craft generally. The Postmaster-General said that scrub was classified as unavailable. Of course, no person looking for a run would go into the totally scrubby places, because his cattle would get into the scrub and become wild. No doubt the existence of scrubs contributed to the rainfall, and during seasons like those which the colony had recently passed through they had been the means of keeping alive sheep and cattle that would otherwise have died.

The HON. A. C. GREGORY said the Postmaster-General would probably be surprised when he told him that several of the best runs near Roma contained more than one-third scrub, and that was freehold land. Under the conditions laid down in the Bill, a person would take up a 20,000-acre scrub farm, for which he would pay nothing, and even if he did not comply with the conditions it was not likely that he would be turned out at the end of the first year, and he might occupy the land another year. Then at the end of two years, number two would come in and occupy the land on the same conditions. In fact, the clauses showed such a complete ignorance of the actual condition of things that he could not understand how the Minister for Lands, who had lived where scrubs existed—he could not understand how that gentleman could bring in such a Bill.

The HON. A. RAFF said that, as the lessee of a run on the Darling Downs containing a large area of scrub, he might venture an opinion on the subject. He believed there were many parts of those scrubs that could be dealt with under the clauses both for the benefit of the country and of the lessee. He did not know any area of 20,000 acres, 13,000 acres, or even 10,000 acres in the scrubs on the Downs; but there were areas of 2,000 acres more or less cut up by belts of brigalow scrub that might be leased as proposed. They would be cleared; and they were

of no value whatever if not fenced, because in the scrubs the wallabies increased to such an enormous extent. It would pay a lessee to put up a wire fence round a cleared area of scrub land. He did not think, however, that any man would go to the expense of clearing large areas of brigalow scrubs so as to affect the rainfall, because it would cost £2 or £3 an acre. And as to the scrubs being harbours for cattle-stealers, that was not the case now; and no man would take up scrub country now with the prospect of doing any good with scrub cattle. He knew what they were. He had seen them thirty-eight years ago between Western Port and Gippsland. Their owners attempted to get them in; they got "coachers" and paid wages to men specially adapted for the work, but they did not get as many cattle as paid for the rations of the men, and when they were got they were not worth the grass they ate. Men afterwards volunteered to go out merely for the sport, to bring them in at so much a head, if the owners provided the coachers. They were not new chums, but men who would gallop after a beast, catch it by the tail, and put a strap round its head and stick to it. But those were cattle that had got away from the herds on the runs; whereas the wild cattle now had been wild for two or three generations, and were not worth more than the hide even if a man got them.

The HON. T. L. MURRAY-PRIOR asked whether a lessee could take up a scrub area?

The POSTMASTER-GENERAL said there was no bar against the lessee taking up such an area. It was admitted now that the scrub lands were very useful; yet the pastoralists desired to pay nothing for them. Now they had an opportunity of taking them up on the condition that they destroyed the scrub by ringbarking or any other process. They did not desire to take up scrub lands themselves; and they did not desire to see any other person get hold of them and utilise them.

The HON. T. L. MURRAY-PRIOR said that if the Bill would allow a lessee to take up scrub it might also allow him to take up something besides, and pay for it.

The POSTMASTER-GENERAL said the fact could not be disguised that the scrub lands were regarded as unproductive and useless at present; and the Government wished them to be utilised during the occupation of the lessee, and available for settlement after the scrub had been destroyed.

The HON. T. L. MURRAY-PRIOR said the Postmaster-General wished to make out that hon. gentlemen on his side were only acting for themselves; but the fact was that they were acting more for the good of the country at large than was the hon. gentleman. The Postmaster-General ought to state the system on which the scrub lands would be proclaimed open to selection.

The HON. J. TAYLOR said he had heard the Postmaster-General say that the scrub lands were at present useless, and that the Government wished to make them useful. Only two or three hours ago he heard a past Premier, Postmaster-General, and Minister for Lands and Works, state that his stock had been saved entirely by the presence of scrubs. He found that his land would carry more sheep when it included some scrub.

The POSTMASTER-GENERAL said he was tired of talking about it, and not all the talking in the world would convince hon. gentlemen; but he saw that they wanted a little enlightenment still. They did not propose to interfere with the scrub on any run whatever. They simply proposed that where there was vacant country infested with scrub of that description and lying idle, the Governor in Council, on the recommendation of the board, might proclaim those scrub lands open to lease, under the provisions of the Bill. That was all; and scrub lands on runs could not be interfered with in any way at all by that part of the Bill.

The HON. W. FORREST said, in reply to the last remark of the Postmaster-General, he would read the first of the clauses relating to scrub lands. It said:—

"The Governor in Council, on the recommendation of the board, may by proclamation declare any country lands which are entirely or extensively overgrown by scrub of the kinds known as brigalow, gidya mallee, sandalwood, beudee, oak, and wattle, or any of them, to be scrub lands for the purposes of this Act, and thereupon the same may be dealt with in the manner prescribed in this part of the Act."

Would those scrub lands refer to any run?

The POSTMASTER-GENERAL: Certainly not.

The HON. W. FORREST said of course they would. Most of the discussion had gone away from the main issue altogether. The question to his mind was whether if they re-inserted those clauses they would do any good to the country or not? That question presented itself to him from several points of view, and the answer to his mind was that they would do no good, but a great deal of evil. In the first place the scrubs were necessary in regard to the rainfall, because if they destroyed those scrubs they would reduce the rainfall; and in the second place it was the duty of the Legislature to direct the labour of the country into the best channel. They had more than 500,000,000 acres—just think of that!—some of which was unoccupied, and most of that occupied was occupied for grazing purposes. Yet it was proposed that they should try to direct the labour of the country, and it was actually hungering for labour, to taking up land which, it was admitted, was not worth ¾d. an acre. He looked upon that as a gross political blunder. Their duty was to place the people of the colony upon those lands of the colony from which they could get the best return, and thus put labour where it could be of most use to the country. They could not hope to have those scrub lands taken up now, though in 1984 there would, perhaps, be a good chance of it. The Postmaster-General had said that he did not think any man of common sense would give ¾d. an acre for those lands. He would go further than the hon. gentleman and say that no honest man, whether he had any sense or not, would attempt to go into the scrub lands under the conditions laid down in the Bill. No honest man could live upon those lands if he did. Under the grazing farm clauses a man could lease 20,000 acres at 3s. 4d. per acre per annum or £26 10s., and it was a political blunder to ask men to take up land which admittedly was not worth ¾d. an acre. On those grounds he distinctly objected to the clauses being retained.

The HON. J. C. HEUSSLER said that the hon. gentleman had really used very feeble arguments. Scrub lands of late years had acquired a very much better reputation than they used to have. Many men made very fine farms out of scrub lands; and he had no doubt that the areas that would be set apart under the provisions of the Bill relating to scrub lands would be in the neighbourhood of populous towns; and he was sure men would be able to make really good farms out of them, and use some part of the land for grazing purposes as well. That was his humble opinion of the use that might be made of scrub lands.

The HON. W. FORREST said the feebleness of his argument, as it struck the hon. gentleman who had last spoken, arose entirely from his own ignorance. The scrubs already taken up along the coast, known as vine scrubs, where men had settled upon the land, tilled it and

prospered, had no more parallel with the scrubs which were clearly defined in the Bill—and therefore gave no excuse for the ignorance of the hon. gentleman—there was no more parallel between those scrubs and the ones to which the hon. gentleman referred than there was between the top of a stony mountain and a rich black-soil plain. A man had no more chance of earning a living under the conditions contained in the Bill upon the scrub lands mentioned in the Bill than he had of flying—that was to say to earn an honest living—and the provisions opened the gate very wide to dishonest men. He knew a great deal more about those scrubs than the Hon. Mr. Heussler did, and he knew many brigalow scrubs in which there were large waterholes, and a cattle-stealer could not find a better nest to settle down upon than near one of those waterholes—he would take care to get a living somehow. A man who intended to live honestly would not go there; but dishonest men would go there, and would have a legal position, because those scrub clauses would give him a title to the land, and it would be very hard indeed to get him out of it. It was very hard to get at the cattle-stealer now when he had no legal position, and it would be harder still to reach one under the Bill. There was no doubt that in good seasons, when there was plenty of water and grass, scrubs were practically useless, for the simple reason that it was almost impossible to watch stock in them; and it was equally true that in bad seasons, when it was a question of keeping stock alive to the last shilling a man possessed, the scrubs became of great use, and saved the lives of many sheep and cattle. He knew of a great many people who had saved numbers of stock by being in a position to allow them to feed upon the scrubs.

The HON. J. C. HEUSSLER said he did not wish to measure his knowledge with other people, and he did not care for the arguments: "I know this much better than you do," and "I know that much better than you do," and "You know nothing about the matter." They were very baby-like arguments, and there was no argument really in them. So far as ignorance went, nobody need be ashamed of ignorance if he acknowledged that he was ignorant on a subject. There were a great many people, however, who were quite as ignorant as others, and were as blind as bats, though all the time they thought themselves as wise as owls. He had travelled a good deal about the Darling Downs, and he did not speak only of scrub farms near the coast, but he spoke of such as might be met with on the Darling Downs, and those especially about Goondiwindi and in that direction, and he could assure hon. gentlemen that what he said on that subject was unvarnished truth. He said there was a factious opposition by hon. gentlemen on the other side of the question that day. His hon. friend Mr. Murray-Prior had said that there was a good deal of experience on that side. He (Hon. Mr. Heussler) never doubted it, but he only repeated what he said before, that he received such information from squatters on the Darling Downs during the last eight days as induced him to put very little value upon the arguments used by the other side. The Hon. Mr. Raff had used strong and sound arguments on the subject, and he valued what that hon. gentleman said more than the whole lot on the other side.

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

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Question resolved in the negative.

Question, as amended, put and passed.

The POSTMASTER-GENERAL said the next question was that involved in the consideration of what was called the pre-emptive right clause of the Act of 1869. That matter had been fully discussed in that Chamber over and over again, and he should not go through all the arguments that had been used by himself and others with regard to the position taken by the Government upon that point; but it was desirable that he should refer briefly to the reasons which the Legislative Assembly had given for their further insistence upon the retention of the clause. In dealing with those reasons he should briefly refer to the counterblast which had been issued by some person or persons, and which he imagined, from the tenor of it, was intended to be an answer to the several reasons the Legislative Assembly had offered. The first reason given by the Legislative Assembly was—

"Because the power conferred upon the Governor in Council by the 54th section of the Pastoral Leases 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."

Upon his word, after reading that through, he thought it was hardly necessary to say another word. It was an undoubted fact, which had been freely admitted in that House, that in a very large number of instances pre-emptions had been allowed to be secured upon which no improvements whatever—let alone permanent improvements—had been erected. Indeed, so strong had been the opinion expressed on that point, that several hon. gentlemen had got up and deliberately stated that the securing of improvements was no part of the engagement entered into under the Act of 1869 between the pastoral tenant and the Crown.

The HON. J. TAYLOR: Hear, hear!

The POSTMASTER-GENERAL said even the hon. gentleman who introduced the Bill into the Legislative Assembly in which those words occurred had stated that he did not know how they got into the Act. Notwithstanding the deliberate utterances of the gentleman in the other Chamber who endeavoured to have the clause amended in 1869, that the sole object of the clause was to enable the pastoral lessees to secure permanent improvements, the gentleman who introduced the Bill into that Chamber had deliberately stated that the question of improvements was not considered by the Legislature at all. He could not understand such a statement, which was irreconcilable with the plain verbiage of the clause of the Act, and inconsistent altogether with the plan adopted in the earlier years of the colony in dealing with those lands after that clause came into operation.

The HON. J. TAYLOR: No.

The POSTMASTER-GENERAL: The hon. gentleman said "No"; but he repeated distinctly that it was so, and there were members in the House who could confirm his statement—that in the vast majority, if not the whole of the cases where applications were made for pre-emptions after the Act of 1869 came into operation, a distinct demand was made upon the applicant as to the character of his improve-

ments, and their value; and it was only within very recent years that such inquiries had not invariably been made. They had occasionally been made when the Minister was dealing with a tenant to whom he was not particularly friendly. In cases of that kind he had called upon the pastoral tenant to show the value of his improvements, and what was their character; but it could not be denied—in fact, it had been admitted all round—that of late years the land had been granted without those inquiries having been made, contrary, as he submitted, and as any reasonable man must admit, to the clear intention of the Legislature. Under those circumstances, the Legislative Assembly pointed out that, as the country had suffered a loss by such a course of procedure, it was desirable that the conditions under which that power might be exercised should be defined; and they had done so by framing the clause in its present shape. They provided that in all cases where improvements had been erected to the value of 10s. an acre on the land proposed to be pre-empted, the Governor in Council could, if application was made within six months from the passing of the Act, sell to the pastoral tenant, without competition, at the rate mentioned in clause 54 of the Act of 1869, 1,280 acres. The objection urged to that was—

"That if there has been any improper administration of the law, it is a matter for executive reform, and not legislation."

When they found, forsooth, Ministers of the Crown year after year deliberately evading or setting aside the provisions of the statute, the Legislature was not to step in and remedy the evil! They knew that for years past those who had the administration of the law had not carried it out—for motives that it was unnecessary to scrutinise; and as such things had taken place in the past they would probably take place in the future. Under these circumstances, seeing that the country had suffered by that course of action, he thought the Legislative Assembly had done wisely by submitting that as the reason why the power conferred upon the Governor in Council in that respect should be withdrawn. The second reason of the Legislative Assembly 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."

As he had said before, the intention of the Legislature in the Act of 1869 was, that the pastoral tenant should have an opportunity of securing improvements by buying land in cases where the Governor in Council thought the country could not possibly be injured thereby. But that privilege had been abused — the Government had not acted as honest trustees for the people, and it was therefore now proposed, without in the slightest degree injuring the pastoral tenant, that the people of the country should be protected. It was provided that where a pastoral tenant who had erected improvements was deprived of them he should be paid for them. In the objection that had been set forth against that contention of the Legislative Assembly it was stated—

"That the Bill as amended does not entitle lessees under the Pastoral Leases Act of 1869 to claim any compensation for improvements on runs on being deprived of the use thereof, as the operation of the Bill only extends to leases issued under its provisions after the leases under the Pastoral Leases Act of 1869 have been surrendered and ceased to have effect."

That was true. If the pastoral tenant did not bring himself under the provisions of the Bill he would not get compensation under the Bill; but if his run was resumed under the Act of 1869, the 55th and 56th sections of that Act enabled him to get compensation. He would not be deprived of his improvements by resumption without being paid for them, whether under the Act of 1869, if he continued under it, or under the Bill if it became law, and he brought himself under its provisions. What possible injustice was done in that case? Whatever loss the pastoral lessee sustained by the action of the Government would be paid to him by the Government as long as the lease existed. He would pass by the third objection to the reason of the Legislative Assembly—

"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 he had already referred to it in dealing with the first objection. The answer to that in the counterblast was to the effect that it did not confer any right to purchase land. Surely the hon. gentleman who composed that, or the combination of gentlemen who framed it, could not have read the clause carefully; because it said that in all cases where the pastoral tenant could show that he had really erected improvements within the spirit of the 54th section he should be at liberty to purchase the land if he applied for it within six months after the Bill came into effect. Under the 55th section of the Act of 1869, the Governor in Council could resume 2,560 acres on his own motion at once, or, if he required a larger area, or the whole of the run, he could give six months' notice to the pastoral tenant after the expiration of that period, laying a schedule of the whole or any portion of the run intended to be resumed on the table of both Houses of Parliament, and if both Houses of Parliament did not choose to dissent from the proposition, the resumption would take effect; in other words, the lease that the lessee held would terminate, subject to the power conferred by the 55th section, of having the grazing right over the resumed portion until it was actually alienated. So that in fact all the Governor in Council had to do to deprive a lessee of that privilege—or right, as some hon. gentlemen were pleased to term it—was to give notice under the 55th section; and if both Houses did not dissent, that right, or privilege, or whatever it was, would cease to exist after the expiration of eight months. The answer to that in the counterblast was simply a negative; that the power to terminate a current lease by notice did not confer any power to abrogate any of the other conditions during its currency. But the statute distinctly said that the resumption was to take effect on the expiration of sixty days, and the whole right and title of the lessee to the land thereupon ceased to exist. In fact, the person who had held it was no longer a lessee, but simply a man in permitted occupation of the land for grazing purposes until the Governor in Council required the land for the purposes of alienation. Then the next and last objection of the Legislative Assembly 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."

That was simply stating to a great extent what had been already stated in that Chamber. One hon. gentleman had candidly admitted that the object of the pastoral tenants desiring to retain what they were pleased to term their pre-emptive rights was, not to secure improvements, permanent or otherwise, but to keep out other people by selecting and getting the fee-simple of land, the

acquisition of which would render occupation by other persons impossible. The intention of the Legislature which passed the Act of 1869 was to enable the pastoral tenant, where it suited the Crown as representing the people, to sell a piece of land, to secure improvements—not to keep other settlers off. The proposed answer to this contention of the Assembly was—

"Because the Executive Government have full power to refuse to sell any land, the sale of which might in any way prejudice the public interests, and it is desirable that the claims of existing lessees should be equitably dealt with."

This answer in the counterblast was refreshing. It was an admission exceedingly gratifying to him. During the discussion of the Bill in committee they heard over and over again that the 54th clause conferred an absolute right to buy any 2,560 acres the tenant thought proper, whether improved or not, and whether the Government liked it or not. It was admitted now that the Executive Council had full power to refuse any land the sale of which might be prejudicial to the public interests. The position taken up by the Government was that, if a lessee had erected improvements, his outlay should be taken into consideration, and he should be recouped any loss when the land on which those improvements were erected was taken away. Hon gentlemen opposite further stated that the amendment only "protected existing contracts," but he should like to know what those existing contracts were. The statement was quite inconsistent with the previous statement. All that the pastoral tenant had under the 54th section of the Act of 1869, was the power, privilege, or right, whatever it might be, to ask the Government to allow him to buy without competition; and the Government was at liberty to sell or not, as the Governor in Council thought fit, provided there were permanent improvements of substantial value on the land. The Bill proposed to deal equitably and justly with the pastoral tenant and not to deprive him of anything without paying its full value. No right was conferred by the 54th section; therefore nothing could be taken away by the repeal of the section. The Government simply proposed to pay for improvements in another way than by allowing the lessee to monopolise land to the detriment of the country. He therefore moved that the Council do not insist on their amendments in clause 6.

The HON. T. L. MURRAY-PRIOR said the Postmaster-General had told the Committee that ample justice was to be done to anyone who lost his homestead by any action of the Government; but he would reply by saying that a contract had been entered into between the Government and the lessee, and that the lessee had a pre-emptive right by the 54th clause of the Act of 1869. Whatever might have been the intention of the Legislature that passed that clause, subsequent action had shown that it was the intention of succeeding Governments to grant pre-emptives wherever they were asked for, simply because they wanted to replenish the Treasury. The Postmaster-General also said that the land was too cheap at 10s. an acre; but he was of opinion that the lessees paid very highly for the land they bought. The sum of 10s. at 10 per cent., which was a low rate when most of the lands were purchased, would double itself at the end of seven years; and at the end of fourteen years it would amount to £2; so that actually the lessee had paid what was now equal to £2 an acre for the land without improvements, and the Government had reaped the benefit of the money. Not long ago a highly improved property below the Range was sold under 30s. an acre; and if that was the value now, surely no one could say that the persons who pre-empted land years ago did not pay full value for the land. His great reason for insisting on the amendments was that not only had the purchasers paid full value for the land, but that it would be direct repudiation to do away with the pre-emptive clause. He did not believe that one in twenty or thirty would exercise the right. It was merely a bugbear brought forward by the adverse party when they stated that an enormous number of applications would be made for pre-emptions. Then the Postmaster-General spoke of a counterblast. If there was a counterblast there must also have been a blast, so that the hon. gentleman might have left that term alone. To cast a slur on a deliberative assembly was bad in itself, and the hon. gentleman would have done much better if he had not brought a grave charge against preceding Governments. However, he would leave it to others to continue the discussion. They were not likely to alter one another's opinions, and under the circumstances he would move that the word "not" be omitted.

The HON. A. C. GREGORY said his contention was that the 54th clause of the Pastoral Leases Act of 1869 gave the Governor in Council power to sell land which might contain some improvement.

The POSTMASTER-GENERAL: Permanent improvement.

The HON. A. C. GREGORY: No doubt it was intended that it should contain some permanent improvement; and there was no doubt that in earlier times the Government enforced that condition. They gradually became somewhat lax; but the purchases were so small that it did not become a question of policy whether the right should be exercised or not. Then what was called a Liberal Government passed an Act called the Railway Reserves Act, which turned the permissive power held by the pastoral lessee into an absolute right. The words used in that Act would certainly be read by any layman, whatever view might be taken by a legal eye, as an absolute right to purchase, and that almost irrespective of whether there were permanent improvements or not. The purchases were stimulated by the fact that the Government wanted money, and they took every means in their power to compel the lessees to purchase. The 54th clause gave the Government the power to sell at a certain price or not to sell at all, the only definite part of the contract being the price, which was fixed at 10s. an acre. Suppose they concurred in the view taken by the Government and repealed the clause—he admitted that then the pastoral lessee would not be able to purchase land from the present Government at 10s. an acre; still it was quite possible that another Government might say, "We want money and we are prepared to sell you land." Whereupon they would go to the Attorney-General for an opinion as to whether the repeal of that clause affected the contracts with the lessees who held their leases before the repeal of the clause. The reply would most certainly be that if the 54th clause of the Pastoral Leases Act was in existence at the time the lease was acquired by the lessee, it therefore became, as all the rest of the Act, a part of the existing contract with the lessee; and no simple repeal of that clause would abrogate that contract as far as concerned the lease existing prior to its repeal. There was an ambiguous expression used in the Acts Shortening Act which no doubt the present Government were anxious to take advantage of, though he doubted whether their view would be upheld if the matter was properly discussed and adjudicated upon. He did not believe

it would be possible for the Legislature to pass an Act abrogating a contract. They might pass an Act saying that after this year a certain thing should be done, but still parties would be entitled to compensation under ordinary law for the breach of contract. What was the effect of the amendment they had made in clause 6? It would be first that in any leases whatever which might be issued under the Pastoral Leases Act after that Bill became law there would not be the shadow of a claim to any pre-emptive purchase whatsoever, or to plead that there was a price fixed in the event of the Government agreeing to sell land to the holders of those leases. Land would have to be acquired under totally new conditions. As regarded existing contracts, they simply said the law should stand as it was, and they would not give the parties to the contract anything more or take anything away from them than they had. It had been stated by the Postmaster-General, on behalf of the Government, that if they left that they would give the lessees a very great power to take a large quantity of land that was required for other purposes. He said it was in the hands of the Government, and if they were true to their position and executed their functions properly, there would be not the slightest risk from an excessive amount of land being alienated from the State that might have been used for purposes of more benefit to the country. In fact, had it not been for the forced action on the part of the Government, he did not believe they would have had more than perhaps a dozen pre-emptive purchases since the Act had passed. There was no use in his going on to argue the matter of a moral right and a legal right, as that part of the question had been pretty well worn threadbare. It was undoubtedly the object of the Postmaster-General to evade the true question, and go abroad to deal with the question of a moral right which had been raised as a collateral discussion in that Committee. The hon. gentleman carefully avoided going into the real question at issue—namely, what was it their amendment really proposed to do. As the matter stood he thought they had far better not waste too many words upon the subject, but carry out their amendment.

The HON. W. FORREST said that all hon. members were agreed that they had better get the matter over as quickly as possible. He would not have spoken on the subject at all were it not that he wished to correct some statements that had fallen from the hon. Postmaster-General. Astute lawyer as that gentleman was, he knew the value of the legal maxim—"When you have got a bad case abuse the other side."

The POSTMASTER-GENERAL: That is not a legal maxim.

The HON. W. FORREST said the greatest portion of the hon. gentleman's speech in this case was devoted to showing that the pre-emptive right was abused. He would test that statement by the hard logic of facts. He had been calculating it while the hon. gentleman was speaking, and he found that if the whole of the pre-emptives in the unsettled districts that might have been taken up had been taken up, there would have been about 12,000,000 acres taken up. What were the facts? It was about fourteen years since the Act was passed, and only about 700,000 acres had been taken up, or about 50,000 acres a year, and the greatest portion of the land taken up in that way, certainly more than half, had been granted by the Ministry or by the party of which the hon. gentleman was a member; but of course that party could not permit any Act to be abused. So much for that. There was another matter upon which he would like to correct the hon. gentleman. The hon. gentleman had repeated a statement he had made before, and he had corrected him then. He said that when the pre-emptive right first came into operation a schedule of improvements and their values were insisted on. The hon. gentleman was right to a certain extent in saying that when the pre-emptive right was first exercised the Government then in power asked for a schedule of improvements; but he was utterly wrong when he said that they asked for a valuation. He had taken up many of them himself, and the Government never asked for any valuation. They simply asked for a schedule of improvements. It was necessary to show that there were some improvements, but he said again that no valuation was ever asked for. He took the trouble to get a complete list of the pre-emptives applied for that came under his notice, and only in one case was a valuation asked for, and this was how that arose: On a certain station there were very valuable improvements at the head-station on one block of country, while the woolshed was built on another block about a mile away. The owners did not want to take more than 2,560 acres, but they tried all they possibly could to be allowed to take up their pre-emptive in such a manner as to include the whole of the improvements. The Government—and he did not know whether the Hon. Mr. Mein was a member of it or not, but it was a Government of the party with whom the hon. gentleman was now associated—refused to allow the pre-emptive to be taken up in that way. Those who knew anything about pre-emptives knew that they must be taken up on one block. In the case he referred to it was pointed out that the lessees wished to secure the whole of their valuable improvements by taking a pre-emption partly on one and partly on another run. The Government, however, refused to grant the concessions asked for, and the parties were compelled to take up two pre-emptives, thereby proving what the Hon. Mr. Gregory had pointed out—that the Government actually compelled people to exercise those pre-emptives. For his own part, he did not look upon it as a very great privilege, and he thought it was one that very few would exercise. In his opposition to the repeal of the 54th section of the Pastoral Leases Act, he was animated entirely by a desire to save the country from the scandal and disgrace of repudiation.

The HON. G. KING said he had on former occasions given his opinion as to the construction he had placed upon the 54th clause of the Act of 1869. He had seen no reason to change the opinion he had previously expressed with regard to that clause. He would have been better pleased if, in paragraph (*d*) of clause 6 of the Bill, instead of providing that application to purchase should be made within six months, two or three years had been allowed to the pastoral tenants in which to apply to purchase the land and secure their improvements, so that they might have more time to complete any arrangements they would like to make to secure them. He was sorry that extension of time did not exist in the clause, but as it was, holding the opinion he did of the construction of the 54th clause of the Act of 1869, he would vote for the retention of the clause as it stood.

The HON. A. RAFF said he had always been opposed to the repeal of the 54th clause of the Pastoral Leases Act of 1869, because he believed it conferred a right; but as it was admitted now by hon. gentlemen on the other side, and it had been made plain to himself, that the Executive Government had

full power to refuse to sell land—when that was admitted, he did not see that there was a right, and that he would be justified in voting against the motion of the Postmaster-General. It was the strongest argument ever brought forward against the 54th section conferring a right, to say that the Executive Government had full power to refuse to sell any land the sale of which might in any way prejudice the public interests. Another reason given for insisting upon the amendment was that it only protected existing contracts. He did not know what further length they wished to go than to protect existing contracts. And when it was admitted that the clause did that, they need not go any further. He did not see who was to be benefited by the omission of it. He did not think they would be justified in rejecting the clause.

The HON. A. J. THYNNE said he did not think it would be necessary for him to have had anything to say on the subject. The Hon. Mr. Raff had put the effect of the Postmaster-General's argument so plainly that he thought he was called upon to make some reply. The Postmaster-General had chosen to put a construction upon the reasons offered by the Hon. Mr. Gregory for insisting upon the amendment—the construction that it was an admission that the Governor in Council had the right to refuse at any time to sell land. Anyone who had read the reasons put forward by the Hon. Mr. Gregory would see that it was only by very great twisting and straining of the sense of the paragraph to which the Postmaster-General had alluded that that sense could be taken from it. The paragraph said :—

"Because the Executive Government have full power to refuse to sell any land the sale of which might in any way prejudice the public interests; and it is desirable that the claims of existing lessees should be equitably dealt with."

The plain intention of the clause was that when a lessee wished to take up a particular piece of land which the Governor in Council thought would be more suitable for a township or for some other public purpose, the Governor in Council could refuse to allow the lessee to take up that piece of land; but he would be at liberty to take up the same area of land in some other place. It would not assist the arguments of the Postmaster-General for him to put a strained construction upon any words which another hon. member used in conveying his ideas to the Committee. Having said so much upon that, he would like to allude to another part of the question. The main reason offered by the Assembly, in support of their disagreement to the Council's amendment, 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."

For a long time conditional purchases had been made, schedules of improvements had been sent in, and on those schedules of improvements the pre-emptive purchase had been allowed. The Government were giving those people who had already exercised their pre-emptive right the value for the amount of the schedule of improvements, and they were now giving them a further claim for compensation for those improvements under the Bill.

The POSTMASTER-GENERAL: They do nothing of the sort.

The HON. A. J. THYNNE said the hon. gentleman said the Government did nothing of the sort, but he repeated that they did. Perhaps the hon. gentleman did not quite understand what he had said. It had been admitted that schedules of improvements were sent in, and that those improvements had not always been upon the land purchased under the pre-emptive claim.

The POSTMASTER-GENERAL: I never admitted that.

The HON. A. J. THYNNE said that, even if the hon. gentleman had not admitted it, it had been frequently stated in that House, and it could be admitted as a fact that such was the case. Those men had taken up pre-emptive selections by virtue of improvements which spread over a large block of country, and were not included upon the pre-emptive taken up. But, in the present Bill, the Government were now proposing to give those men who had taken advantage of the pre-emptive clause, and obtained value for their improvements, the right to compensation for those improvements again, and were depriving the men who had for the time being withheld the exercise of their rights of pre-emption of any right to the second compensation. That was not justice, and was not dealing equitably with all lessees. For that reason he did not approve of the clause, and he would support the amendment of the Hon. Mr. Gregory.

The POSTMASTER-GENERAL said it was hardly worth while answering the hon. gentleman, but he would say one or two words. The hon. gentleman had put words into his mouth which he never used. Some hon. gentleman might have made the remark the hon. member referred to during the course of the discussion, but it certainly had not attracted his notice that persons were allowed to pre-empt because of improvements on other portions of land than the portions they applied to pre-empt. What did the very words of the clause say? "For the purpose of securing improvements it shall be lawful for the Governor in Council to sell 2,560 acres." If the improvements were not upon the piece of land sold, how could they be secured?

The HON. A. J. THYNNE: That is not the question. I alluded to the practice.

The POSTMASTER-GENERAL: They wanted to abolish that nefarious practice. The provision was distinctly made for the securing of improvements; and how any person could get up and coolly say that, under that section, the Government ought to authorise a lessee to select any piece of land, because his improvements were somewhere else, he could not understand. The Act of 1869 itself enabled a man to be compensated for any improvements he had on any resumed land; but if he had converted any portion of his run into a fee, there was no provision under the Bill for compensating him for improvements on the land that he had made freehold. It only dealt with land in the occupation of the lessee; if the land was resumed from him at all under that Bill, or under the statute of 1869, when the resumption was followed by actual deprivation of occupation, he was entitled to compensation for the improvements on the land which had been so taken from him.

The HON. A. J. THYNNE said the hon. the Postmaster-General had chosen to twist somewhat the meaning of what he (Hon. Mr. Thynne) had stated. He did not say—nor was there any ground for the assumption the hon. gentleman had made—that a person would be entitled to claim for improvements upon freehold land. What he had said was, that it had been acknowledged in that Chamber—whether by the Postmaster-General or other hon. members he did not know, and it did not much matter—that pre-emptives had been granted for improvements spread over the general body of a run; those improvements were not upon the freehold land—one portion might

have been upon the freehold and the other portion upon leasehold land—and in cases of that kind under the Bill, lessees would be able to come in and make a second claim with respect to those improvements, because they were given the right to claim compensation whenever the land was taken from them.

The HON. J. C. HEUSSLER said the effect of the argument was that people who were dishonest would endeavour to make money improperly, and really the Government must say "Amen."

The HON. J. TAYLOR said there was no doubt the Postmaster-General looked upon it as his duty to his colleagues, and to the public, to speak as long and as strongly as he could against the amendments of the Legislative Council. There was no question that he felt himself compelled to do so; but as he (Hon. Mr. Taylor) had said before, he was convinced that the hon. gentleman did not care two straws about the amendment personally. He would now call attention to what he had been looking for for a long time. He found that the Pastoral Leases Act of 1869 was brought in by himself on the 29th of May of that year, and on looking over the various parts of it he found that there were two pre-emptions allowed in that Bill—one for improvements, and one in regard to every 16,000 acres, independent of the improvements altogether. He knew that he was right all along. In the first place, it provided that "for the purposes of securing permanent improvements, it shall be lawful for the Governor in Council to sell to the lessee of a run without competition, at the price of ten shillings per acre, any portion in such run in one block, not being more than 2,560 acres." That was for securing the improvements; but going a little further he found that Mr. Archer said:—

"Yes, there was the pre-emptive right, but what was it? Certainly if a person had a fine station, he might take up a block of good ground, if he could find it, in a portion of his run.

The SECRETARY FOR PUBLIC LANDS: He would have a right to buy 2,560 acres for every 15,000 acres upon every run."

He was certain all along that that was the case, and it was only that night that he had found it in *Hansard*. The pre-emptive right was an absolute right given under that Act. At that time the colony was in a very bad state. They had scarcely a £5-note in the Treasury; the Ministry were compelled to find funds, and that was the way they proposed to raise money. He hoped the hon. the Postmaster-General would not press his objection to the amendment, although he knew that he was pretty well bound to do so.

The HON. W. H. WALSH said he thought it a pity that the debate should have wandered away from the real position that it should occupy, and he charged the hon. the Postmaster-General with having led to it. The question was the consideration of the differences between the Legislative Assembly and that Chamber, and they should strictly apply themselves to that question, whereas the hon. the Postmaster-General seemed to be imbued with a morbid kind of hostility to any person who wished to become possessed of Crown lands. The hon. gentleman had for the last quarter of an hour indulged in accusations against individuals who had acquired properties, and against supposititious individuals who might desire to do so. In fact, he (Hon. Mr. Walsh) did not know whether going in charge of a labour vessel for a certain voyage or trying to purchase a piece of land was the greater offence. The hon. the Postmaster-General had made use of a term most obnoxious to him, when he spoke of men who wished to acquire land in fee-simple as being engaged in a "nefarious practice." A man openly went into the land office, made a regular bargain with the State, carried out the conditions, paid the money demanded of him by the seller, and then years afterwards he was told by the leader of the Government in that Chamber that he had been guilty of "nefarious practice."

The POSTMASTER-GENERAL: I did not say he was guilty of nefarious practice.

The HON. W. H. WALSH: It appeared that they were all to come under the contumely of those very innocent gentlemen who followed the legal profession. There seemed to be two great classes in the colony—one, those who had been endeavouring to the best of their ability to advance the interests of the colony and pursue the avocations that destiny had led them to—namely, the pastoral interest; and the legal profession who appeared to be the bred and born, constant, and flourishing persecutors of that branch.

The HON. P. MACPHERSON: No, no!

The HON. W. H. WALSH: The hon. gentleman said "No, no" emphatically, and no doubt he was sincere, but he was yet comparatively young in political science and circles, and he was not at all sure that he (Hon. Mr. Macpherson) would not fall into the meshes of the holy band of prosecuting brethren. He protested against the owners of land in the colony being constantly referred to by the Postmaster-General or anybody else as great criminals. The hon. gentleman was very unwise in raking up old unfounded charges against a valuable portion of the community, and by doing so could effect no good. He might pose for the moment before certain people in a certain way, but he could do no good to that Chamber or to the cause they had then in hand.

Question—That the word "not" proposed to be omitted stand part part of the question—put, and the Committee divided:—

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Question resolved in the negative.

Question—That the Committee do insist upon their amendments—put and passed.

The POSTMASTER-GENERAL said they now came to the decision of the most important matter that the Committee had to deliberate upon, and that was with regard to the position and functions of the land board as constituted by the Bill. There could be no doubt that, if the principle enunciated in the Bill with regard to the character, constitution, and functions of the land board did not stand, the whole Bill might as well be swept away. The Legislative Assembly had taken up a very strong position upon that point. They had gone out of their way, as he would be able to show, to give reasons for the advisability of retaining the clauses as they were sent up to that Chamber. In addition to that they stood upon what they called, and what he contended was, their undoubted privilege. The constitution of the land board affected all the provisions of the Bill by which revenue would be derived, and if they interfered with the constitution of the board they interfered with the machinery by which a revenue would be secured to the State. For the last 300 years the House of Commons had rigidly insisted on its absolute right to deal with such matters, stating that all the House of Lords

could do was to refuse or accept them in their entirety. In matters either directly or indirectly affecting the revenue the House of Lords had no right to interfere by way of amendment; and that doctrine was laid down distinctly by all the text-writers. He was prepared to admit that the Bill was not a money Bill pure and simple; but it would not be seriously disputed that it was one by which pecuniary obligations were laid upon the people. "May," at page 595 of the edition of 1879, said:—

"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."

He went on at greater length, but that was the pith of the statement. Another writer on parliamentary government and constitutional law—perhaps the most distinguished writer of the present age on the subject, the late Mr. Todd—discussed the matter very fully, particularly with regard to colonial legislatures. At page 475 he said:—

"Whether constituted by nomination or election, the Upper House in every British colony is established for the sole pupose of fulfilling therein 'the legislative functions of the House of Lords,' whilst the Lower House exercises within the same sphere, 'the rights and powers of the House of Commons."

On page 477 he said:—

"The Victoria Constitution Act, 1855, sec. 56, and the British North America Act, 1867, sec. 53, severally declare that Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the (Assembly or) House of Commons."

And that was exactly the position with regard to the Houses of Parliament in Queensland. Section 2 of the Queensland Constitution Act contained the following words:—

"Within the said colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Council and Assembly, to make laws for the peace, welfare, and good government of the colony in all cases whatsoever, provided that all Bills for appropriating any part of the public revenue for imposing any new rate, tax, or impost, subject always to the limitations hereinafter provided, shall originate in the Legislative Assembly of the said colony."

The words used in the Victorian Act and in the North American Act were:—

"Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the (Assembly or) House of Commons."

Hon. gentlemen had contended, and he himself had also contended in that Chamber some years ago, that, as they owed their existence to a written law embodied in the Constitution Act, unless their powers were taken away in like manner, they could do anything which they were not debarred from doing by that Act. The last occasion on which he maintained that position was in 1879 in connection with an amendment made in the Divisional Boards Bill, when that Chamber conceded the position taken up by the Legislative Assembly. He then plainly intimated that he would never again stand forward and contend for such privileges. At that time, however, he had never seen the authorities from which he was now going to quote. If he had been aware of the matters specifically referred to by the two highest legal and constitutional authorities in Great Britain, he should not have taken up the position for which he then contended. However, the Chamber admitted the position taken up by the Legislative Assembly, and he warned hon. members that it would be futile on any future occasion to attempt a resuscitation of their old claim. Mr. Todd said:—

"No further definition of the relative powers of the two Houses is ordinarily made by any statute. But constitutional practice goes much further than this. It justifies the claim of the Imperial House of Commons (and by parity of reasoning of all representative chambers framed after the model of that House) to a general control over public revenue and expenditure, a control which has been authoritatively defined in the following words: 'All aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons, and it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords."

"This parliamentary principle, moreover, has been generally if not universally admitted in all self-governing British colonies by the adoption in both legislative chambers of Standing Orders which refer to the rules, forms, usages, and practices of the Imperial Parliament as the guide to each House in cases unprovided for by local regulations."

It was surprising how accurate Mr. Todd was with regard to all those matters—it showed how complete his research must have been. Their own Standing Orders were almost verbatim in those words. The 21st Standing Order was to the following effect:—

"In all cases not herein provided for, having reference to the joint action of both Houses of Parliament, resort shall be had to the rules, forms, and practice of the Imperial Parliament."

Then Mr. Todd went on to point out that in the year 1872 a dispute took place between the two Chambers in the colony of New Zealand. An Act had been passed called the Parliamentary Privileges Act of 1865; and that conferred a strong power on the Upper House. There was no analogous provision with regard to the Upper House in Queensland. The 4th section of the Act provided:—

"The Legislative Council or House of Representatives of New Zealand respectively, and the committee and members thereof respectively, shall hold, enjoy, and exercise such and the like privileges, immunities, and powers as on the 1st day of January, 1865, were held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland, and by the committees and members thereof, so far as the same are not inconsistent with or repugnant to such and so many of the sections and provisions of the said Constitution Act as at the time of the coming into operation of this Act are unrepealed."

By virtue of that provision the Legislative Council of New Zealand contended that, except as to the restriction in their Constitution Act which was similar to ours with regard to the initiation of money Bills in the Assembly, they had the same power to deal with Bills as the House of Commons. A Bill was sent up to the Council in 1872, in which it was proposed amongst other things to apportion certain moneys amongst certain districts. The 28th section provided:—

"Notwithstanding anything herein contained, it shall be lawful for the Minister for Public Works, if he thinks fit, on the application of the superintendent of any province, to expend any sum not exceeding one-half the money to be allotted to such province for the year ending the 30th of June, 1872, under section 11 of this Act, in payment of or repayment to such province of the cost of permanent works in such province: Provided, however, that, except in the county of Westland, such works shall have been authorised by any Act of the Superintendent and Provincial Council of the province now in force."

The Legislative Council amended that clause, and a collision between the two Houses took place; the Assembly resented the interference of the Legislative Council, and the Council retorted that they had as much power under the Act of 1865 as the House of Commons. A conference took place, and it was agreed that the matter should be referred to the law officers of the Crown in Great Britain, who at that time happened to be two of the most distinguished legal authorities and jurists of Great Britain, the late Master of the Rolls, and the present Lord Chief Justice Coleridge. He would not

weary the Committee by reading their opinion, but would quote the last paragraphs, which would be found in "Todd," page 479:—

"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."

"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."

Commenting on that, "Todd" went on to state:—

"The relative rights of both Houses in matters of aid and supply must be determined in every British colony by the ascertained rules of British constitutional practice. The local Acts upon the subject must be construed in conformity with that practice whenever the Imperial policy is the accepted guide. A claim on the part of a Colonial Upper Chamber to the possession of equal rights with the Assembly to amend a money Bill would be inconsistent with the ancient and undeniable control which is exercised by the Imperial House of Commons over all financial measures. It is, therefore, impossible to concede to an Upper Chamber the right of amending a money Bill upon the mere authority of a local statute when such Act admits of being construed in accordance with the well-understood laws and usages of the Imperial Parliament."

There was one more authority which he would bring before the notice of the Committee. It was contained in the journals of the House of Commons, and was to be found in "Hatsell's Proceedings." In 1700 a Bill was introduced into the House of Commons providing for the sale of forfeited estates in Ireland, and the House of Lords made several amendments, amongst which was the following proviso:—

"Nothing in this Act shall be construed to vest in the said trustees any other powers, interests, or estates, as to estates in tail, of any of the forfeitures in Ireland by this Act vested in them, than the King has, or may have, at any time during the last day of Trinity term, 1700."

They also went on to say:—

"No grant of any manors, lands or tenements, sum or sums of money, to any person or persons in this Act before mentioned, shall take any effect, or vest any estate or interest in any of the said persons, until the King's Most Excellent Majesty shall by his letters patent, under the great seal of Ireland, grant such manors, lands, or tenements, sum or sums of money, to such person or persons, and for such estate and interest, as are hereinbefore particularly named or mentioned."

The House of Commons unanimously protested against those amendments, and the matter was brought up in a conference before the House of Lords, when the House of Lords surrendered their position, admitting that it was an interference with the privileges of the House of Commons, though it only said that there should be no grant of lands or moneys except in a certain way. In the present case the Legislative Assembly said that by interfering with the rules laid down with regard to the land board they were interfering with revenue matters—interfering with the rules laid down for the collection of moneys out of the public estate; or, in the language of "May," varying the mode of assessment and collection and management of charges to be raised out of the public estate. Under the circumstances he contended that the authorities were decidedly in favour of the Legislative Assembly's contentions, and that all the Council had a right to do was to reject the clause in its entirety. So much for the matter of principle; now for the question of expediency. The Legislative Assembly said, as their first reason for insisting upon the land board being interfered with as constituted in the Bill—

"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."

The HON. J. TAYLOR: Now for the "counterblast."

The POSTMASTER GENERAL: As the hon. gentleman had said, in the "counterblast" they had this statement—

"Because it is expedient that there should be an appeal from the decisions of the board, who were to originate proceedings"—

That was not the case. The board did not originate proceedings except in very rare instances. There was a *suppressio veri* there; it was not the whole truth. There was nothing to be gained by not stating the whole truth. That was not a correct statement of facts. Any person reading that statement outside would come to the conclusion that the board were the originators of all matters coming under their jurisdiction. That was not the case. For instance, in regard to the division of runs, which was one of the most important matters upon which they would have to decide so far as the pastoral tenants of the Crown were concerned, they were not the originators. The Governor in Council first of all appointed a commissioner or some other proper person to investigate the matter, and the commissioner or other person was to be guided by certain fixed rules, and made a recommendation. That recommendation went before the board, and the board's decision upon the commissioner's report was final, unless in the case where a person was aggrieved, and then on appeal the Governor in Council might refer the matter back to the board for reconsideration. That was one of the most important things that could come under the consideration of the board, and it did not originate with them. The proceedings originated with the Governor in Council, were taken up by the commissioner or some other person appointed, and came from that person by way of appeal to the board. The clause in the manifesto went on—"adjudicate thereon, and finally decide on the validity of their own verdicts"— He said that was not true so far as the particular portion to which he had referred was concerned, and there were other instances—for instance, those dealing with applications for leases upon which the commissioner had to report before the board adjudicated; so that what he had read was really an incorrect mode of stating it under any circumstances. The clause went on—"and it is subversive of constitutional government that any such board, while entrusted with unlimited power to increase or decrease rents"— What did the hon. gentleman mean? Did it mean that they were going to surrender the amendments which they had pretended to force upon the Legislative Council? That was inconsistent with the Bill in its present state, and it was inconsistent with the manifesto itself. The clause went on—and it was really good and entertaining—"should not be responsible to either the Legislature, Executive Government, Supreme Court, or arbitration." An outsider would think, after reading that, that there had been a deliberate proposal either to have an appeal to the Legislature, to the Executive, or to the Supreme Court. There had been no proposal of the sort made when that matter had been before the Committee previously. He had then said that he could understand a contention that there should be an appeal f

the board to the highest tribunal in the land —the Supreme Court of Queensland—and he felt that, when making that statement, he had the sympathies of a large number of the hon. gentlemen who now sat opposite to him. He pointed out the inconsistency of the Hon. Mr. Gregory's proposition with the subsequent provisions in regard to compensation. He pointed out that under the compensation clauses an appeal was allowed within a limited period from the board to arbitration within the provisions of the Act of 1878, and he further pointed out under that Act, where the matter in dispute was over £300, there could be an appeal to a judge and jury, and he pointed out that the proposal to extend a provision of that description, so far as the rents were concerned, so far as the division of the lease was concerned, and so far as forfeiture was concerned, would be to take the decision of those things out of the hands of an impartial tribunal, and give it to two persons, one of whom was nominated by the party interested. As to there being any appeal to the Legislature, he pointed out this: that there was practically an appeal to the Legislature, because the Legislature could show its strongest opinion of misconduct on the part of the board by dismissing them from office. With regard to the appeal to the Executive—that there was no appeal provided to the Executive—in any case where a man was aggrieved by a decision of the board, there was an appeal to the Executive, and the Executive Council could refer the matter back to the board for recommendation.

The HON. J. TAYLOR: Very pretty!

The POSTMASTER-GENERAL said that was exactly what was contained in the Act of 1869, which had such fascinating attractions to the hon. gentleman. Under the Act of 1869 the Governor in Council, after having received the decision of arbitrators, might send the matter back to the arbitrators for reconsideration from time to time. That was just what the Governor in Council could do under the Bill. He could send a matter back to the board for recommendation, and if he did so, it was a plain intimation on the part of the persons responsible to Parliament that there had been a miscarriage of justice. He said the manifesto presented was calculated to mislead. There was no proposal made for an appeal of any of the descriptions referred to in it. He had anticipated the second objection in the manifesto. The second objection to the amendment raised by the Legislative Assembly was that many of the functions of the board were such as could not be satisfactorily performed by arbitrators. Let them consider for a moment whether arbitrators would be the proper persons to determine the division of runs.

The HON. J. TAYLOR: Yes, they would.

The POSTMASTER-GENERAL said he had no doubt the hon. gentleman would like to have the nomination of a friend of his who would be of material use in the manner in which his run was to be divided. It would no doubt be very much more satisfactory to him, and he must say that he could not see anything particularly objectionable so far as the individual was concerned in his endeavouring to get the best bargain the law would allow him to make. A man naturally looked after himself first; but they had to adjudicate not for individuals, but for the country, and they had to get the best terms they could as between the subject and the Crown; do injustice to none, and to get what was fair to both. That was why they proposed to appoint an unprejudiced and independent tribunal to decide those cases. The second objection in the manifesto said:—

"Because the functions of the board, which are to be subject to appeal to arbitration, are the same as those which have been subject to appeal to arbitration under the Pastoral Leases Act of 1869, which mode of appeal has worked satisfactorily for fifteen years, and, therefore, cannot be deemed to be impracticable."

He said that was not an accurate statement of facts; there was a *suppressio veri* there also. It did not tell the whole truth—he did not say it was a deliberate perversion of the truth—nothing of the sort—but that it did not state the case accurately. Under the Act of 1869 there were two matters practically appealed about. Those were the rents of runs and the boundaries of runs. They were the only two matters submitted to appeal by arbitration, and, as he had pointed out already, arbitration even in those instances was not necessarily final, because it rested with the Governor in Council to decide whether the decision of the arbitrators should be final or not. The questions of rents and the boundaries of runs were almost similar under the present Bill to the provisions under the Act of 1869. The "quality and capabilities of the country" were perhaps included in the question of rents, but there was nothing analogous in the Act of 1869 to the question of overstocking. Under the Bill the pastoral tenant got a grazing right over the resumed portion of his run, and if the board were of opinion that it was improperly stocked they could call upon him to reduce the number of stock upon it, and if he did not do it within six months his grazing right might be cancelled. Under the amendment upon which hon. gentlemen proposed to insist, the pastoral tenant would be enabled to indefinitely postpone the matter; and he said it was not a question which a friend of the party interested should determine at all. It was a question of fact which should be decided by an impartial tribunal. There was also the question of forfeiture arising under the Bill. No person could have his property forfeited either for fraud or anything else, except non-payment of rent, without having the matter thoroughly investigated before the board in open court; and under the amendment upon which some hon. gentlemen proposed to insist, in the event of the board deciding against a man, and stating that his selection should be forfeited either for fraud or any evasion of the statute, the lessee could step in and say, "I am not satisfied with this at all; this decision does not suit me, and I intend to have the matter decided by a friend of mine, and a nominee of the Government." And the nominee of the Government was not to be a man in the employ of the Government—under the Act of 1878, the Government were expressly debarred from appointing any man in the Public Service as an arbitrator. It differed in that respect from the Act of 1869, which provided that the Commissioner of Crown Lands might be an arbitrator. He said it was a monstrous proposition to deliberately propose — as hon. gentlemen had done, and carried it — that there should be an appeal with regard to questions of forfeiture, fraud, or evasion of the statute from a board of that kind to parties interested. It was like giving a man power to select from the community the judge who was to try him for an offence. With regard to its being subversive of constitutional practice, the proposition had only to be stated to be regarded by right-thinking men as ridiculous and absurd. There was an appeal provided in the Bill in cases of compensation to arbitrators appointed under the Act of 1878, and when the amount in dispute was more than £300 any person dissatisfied with the decision of the arbitrators could bring the matter before

a jury. Let them understand what the effect would be if the amendment were insisted upon. In the earlier part of the Bill it was provided that in the case of a decision by the board in which any person felt aggrieved he could appeal to arbitration, and the arbitrators' decision should be final. Yet in another part of the Bill that Chamber had agreed to a provision for an appeal to arbitration under circumstances which provided a further appeal to a judge and jury. As the amendment in the earlier clause was very emphatic, it would probably govern the later one, and there could be no appeal, even upon the question of the value of a holding or improvements upon it, to judge and jury. He did not know that he should discuss the matter at any greater length, as he had gone over all the points referred to. There was, however, another incorrect statement of facts in the manifesto to which he would have to refer; and he might say that he did not think the usual discrimination had been shown by the hon. gentleman who had prepared those reasons — "Because if the determination of rents has to be fixed under the control of an irresponsible board" —that was a mere assertion, and he said it was far more responsible than arbitrators appointed by the persons interested — "without any definite instructions the amounts would not be assessed on any definite consistent basis beyond the opinion of the board." What did that mean? There were most definite instructions given to the board prescribing lines they were to follow in arriving at the valuation of improvements. He had, in fact, heard hon. gentlemen complaining of the elaborate character of the clauses defining the limits for the guidance of the board with regard to their assessments on runs. There were five rules laid down for the guidance of the board in determining the rents of runs, and five rules also laid down for their guidance in regard to grazing and agricultural farms; and how could any hon. gentleman get up and truthfully say it was an irresponsible board determining rents without any definite instructions, when the Bill was as explicit and complete as it was possible to make it in that respect? Hon. gentlemen had been invited to make it as complete as possible, and to suggest any rule to add to those in the Bill to render the instructions given to the board on the mode of assessment as complete and as free from ambiguity as possible. The manifesto said that the amounts would not be assessed on any defined consistent basis. That was inconsistent with the previous statement. The reason of the Legislative Assembly was one of the most convincing arguments— that there should be only one rule laid down all over the country for the assessment of rents. If they had one board assessing rents over the whole colony they would have the same principle adopted throughout; the same class of justice would be done to everybody; whereas if every man had the opportunity of appointing one of his own judges with regard to the matter, it would depend upon the ability of the man to secure an efficient co-operator. There would be constant confusion in all cases where there could be power to appeal to arbitration. The manifesto went on to say:—

"The administration of the Crown lands on the basis of the amendment has been found practical and convenient during the past fifteen years under the Pastoral Leases Act of 1869."

That was "letting the cat out of the bag." Hon. gentlemen opposite had been setting themselves up as the champions of the unfortunate selector and of the poor man, but he was absolutely ignored in that reason. One would think that the board had nothing whatever to do with the assessment of rents, or anything else with respect to agricultural or grazing farms.

The HON. W. FORREST: It does not convey that.

The POSTMASTER-GENERAL: It distinctly conveyed that. What had the Pastoral Leases Act to do with agriculture or grazing farms? Nothing whatever. The hon. gentlemen could not get out of it that they had incautiously omitted any reference to the unfortunate selector. And then, finally—the reason was one that thoroughly abolished the argument of the Legislative Assembly with regard to revenue:—

"It would not interfere with the public revenue, as the appeal to arbitration would only be for the correction of errors of judgment on the part of the board, and any amount assessed by the board in error would not properly be revenue."

It was the most absurd reason he had ever read. The mere reading of it was sufficient to show that the hon. gentlemen who had framed it were utterly insincere, and that they were convinced in their own minds that the contention of the Legislative Assembly with regard to its being an interference with the undoubted rights and privileges of that Chamber was absolutely unassailable.

The HON. A. C. GREGORY said he rose, of course, for the purpose of moving that the Committee should omit the word "not" from the motion; but before proceeding to that he should endeavour — although he knew it must be in a very ineffective way — to reply to some of the arguments brought forward by the Postmaster-General. To hope, in any way, to equal that hon. member in the eloquent way he had dealt with the question would be hoping against hope, and he would therefore simply deal with it from his own idea of the subject. It had been argued that any interference with the land board would in effect be to interfere with revenue; but the land board would not be collectors of public revenue; they would be simply the managers of the Crown lands of the colony. It was not as though they collected or assessed any taxes; they would simply determine the conditions upon which the property of the Crown should be handed over, either temporarily or permanently to other parties. Therefore their functions were not those which were directed towards the raising of revenue. It had been argued by the Postmaster-General that it was a matter affecting the revenue; but upon such matters they were guided by the Constitution Act. It was all very well to say that they were limited to something else; but every hon. gentleman knew that the statute must always be taken as the primary ground upon which everything was to be based. If the law distinctly stated that a certain thing should or should not be done, that must take precedence of any inference as to what might or might not be done. Turning over the Constitution Act quoted by the Postmaster-General, they found that the only limitation of the Council with regard to Bills was this:—

"Provided that all Bills for appropriating any part of the public revenue, or imposing any new rate, tax, or impost, subject always to the limitation hereinafter provided, shall originate in the Legislative Assembly of the said colony."

It was perfectly clear that no money Bill could originate in the Legislative Council. He thought all members in that Chamber would at once concede that as perfectly clear and definite. If the Act had intended to say anything more, or to put any limit to the power of the Council to discuss any question which might arise out of Bills which were not purely and strictly money Bills, it would have recited what those restric-

tions were. Consequently, in theory the powers of that Chamber extended to dealing with any question that came before them, even on the theoretical basis that it was a money Bill. He thought it would be inexpedient to go so nearly to the utmost stretch of their powers as practically to assert such a proposition as actually dealing with money Bills in that way; but he held that they were not absolutely limited in that respect, and as they were not approaching in any way the limits fixed by the law he certainly thought they were not trespassing upon the rights of the other House. It was very well to plead that something had happened in New Zealand, where there was a totally different Act, but the matters dealt with by the Parliamentary Privileges Act there were totally distinct from those now raised by the hon. the Postmaster-General. Although the hon. gentleman gave reasons why they should take his view of the subject, when he was overruled in a matter of debate in the Council he seemed suddenly to have become annoyed, and said he should always in future take the opposite view of the matter.

The POSTMASTER-GENERAL: I was not overruled.

The HON. A. C. GREGORY: The hon. gentleman distinctly informed the House that as his opinion had not been taken he should always take the contrary view thereafter. That was very logical. They had next to deal with the practical value of the board, and see what might be the result of the operations of an irresponsible board. It would be conceded that under the Pastoral Leases Act the Minister for Lands occupied very much the same position as would be occupied by the board under the Bill, and that the functions were somewhat similar. He had to collect his information from his commissioners, to hear the various sides of a case, and finally to give his decision, which, in the case of the board, would be subject to revision by the arbitrators. Fortunately it was so, because he would just recite an instance that had recently occurred. In 1859 a certain lessee held a run on a creek, the run being bounded by the watershed of that creek. He did not hold anything beyond it. Behind him, upon another creek, was another lessee holding two runs, which he had held before 1859. In 1867 the boundaries of the front block were determined by survey, and fixed at the watershed of the creek upon which the block was situated; but in 1883 the owner of the block went to the Minister and gave him to understand that he would like to have a little more country. He said that he had only thirty square miles, and that he would like to have not only the country at the back of the watershed, but that right across to the next creek, taking in another fifty square miles, including his neighbour's two blocks. The Minister forthwith issued a notice in the *Government Gazette* saying that the boundaries of the first block were extended completely across the other two blocks held by the neighbour of the man holding the front block, so that it increased his run from thirty to eighty square miles. If there had been no appeal from that decision the result would simply have been that one individual would have had three runs given to him, and the other man would have had two runs taken from him without any possibility of redress. Fortunately, under the Pastoral Leases Act there was an appeal; an appeal was accordingly made, and he trusted that in justice to the parties the proceeding might be put a stop to. If cases of that kind could possibly arise with the Minister for Lands—who, all hon. members had been conceding, was a gentleman very anxious to do justice, and who was considered to be the originator of the Bill—what could they expect from an irresponsibl board to be appointed by an individual who had shown so little tact as to do what he had recited? If the decisions of the board were framed upon the same basis as the decision of the Minister which he had recited, he thought they had better be without any board at all. Although the board would be composed of two men, it might commit errors of judgment, and what he had pointed out showed the necessity of having some means by which their actions could be corrected. A good deal had been said by the Postmaster-General with reference to the different modes of appeal, and he took exception to appeal being made to arbitration. In framing the amendment which had been passed by the Council in clause 21, the basis taken was that arbitration had already been adopted in a certain form in two of the later clauses of the Bill, and it was thought better to adopt that form of assessment in the earlier part of it. Although he thought that a better system might have been adopted had they been framing a new Bill, under the peculiar conditions of the case they were content with simply amending the Bill in the way they had done. There was a great difference between drafting a new Bill and amending one that was before the Committee, where they had to go backwards and forwards clause by clause, and move only step by step. For that reason they had simply modified the mode of appeal so as to make it consistent with the latter part of the Bill. The hon. the Postmaster-General had contended that appeal to arbitration was impracticable—that it would tend to utter confusion and so forth; but the questions proposed to be referred to arbitration in the amended Bill were precisely those that were submitted to arbitration in the Pastoral Leases Act They were also subject to arbitration under the Pastoral Leases Act of 1863; therefore they had been in force fully twenty years. Yet he had never heard of a case in which serious difficulty had arisen in connection with arbitration. The mere fact of the existence of an appeal would, in most instances, enable parties interested to arrive at a satisfactory conclusion. He moved that the word "not" be omitted.

The HON. W. FORREST said that if the Postmaster-General had opened the Constitution Act, and had tried to guide the Committee as to their duty with regard to their privileges, he would have acted more in accordance with his duty as a member of that Chamber. The 40th clause of that Act said:—

"The entire management and control of the waste lands belonging to the Crown in the said colony of Queensland, and also the appropriation of the gross proceeds of the sales of such lands and of all other proceeds and revenues of the same from whatever source arising within the said colony, including all royalties, mines, and minerals, shall be vested in the Legislature of the said colony."

In New South Wales recently an exactly analogous question had arisen. The Upper House there made a great many amendments in the Land Bill, and the matter was ably debated for two nights, and the Assembly carried, by 56 votes to 17, a resolution affirming that the Council were entirely within their privileges. He would read the opinion of Mr. Wentworth, who framed the Constitution Act of New South Wales, as quoted by Mr. Stephens. When Mr. Wentworth was President of the Council in that colony he stated that—

"When first he took the chair of the House his attention was drawn principally to the question as to whether the Land Bills then before the Council were money Bills. He did not at that time, nor did he now, entertain any doubts that they were money Bills. If, therefore, as he then thought, the wording of the first Standing Order made the practice of this House on such Bills analagous to that of the House of Lords, the

Council would have no authority to deal with them, except in the way of concurrence or rejection. On referring, however, to the 35th section of the Constitution Act, he found that the wording of the said Standing Order, giving it the construction he did, was *ultra vires*, and that consequently it did not, and could not, limit the powers of the House with regard to money Bills; those powers under the Constitution Act being, except as to the mere right of origination, co-ordinate with the powers of the Assembly."

That opinion was very much better than the opinion given by Sir George Jessel, or any other man who knew nothing about the Constitution on which he was deciding. He would now read Sir James Martin's opinion of Mr. Wentworth. It was as follows :—

"Mr. Wentworth thoroughly understood constitutional principles, and when he was called to frame an Act of Parliament, knew how to carry those principles into effect. No man could have used words more clearly to carry out his object than Mr. Wentworth. If it had been his design in framing this Constitution Act to have made it clear that the Council should exercise no power beyond that which the House of Lords exercised in reference to money Bills, he would have made that clear beyond all question. That being so, he asked hon. members to look at the clause in the Constitution Act which related to the powers of the two Houses to see in what way Mr. Wentworth (who was independent of the Legislature in this matter) dealt with the subject. These were the words of the 1st clause of the Constitution Act :—

"'There shall be in place of the Legislative Council now subsisting one Legislative Council and one Legislative Assembly to be severally constituted and composed in the manner hereinafter prescribed and within the said colony of New South Wales. Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make laws for the peace, welfare, and good government of the said colony in all cases whatsoever.'"

He was now quoting from the speech made by Mr. Stuart, who went on to say that Sir James Martin held that—

"Their powers are the same in all respects, save that any Bill for imposing any new rate, tax, or impost must originate in the Legislative Assembly. But when a Bill of that kind has been originated in the Legislative Assembly, the power of the Council was just as great in regard to it as the power of the Legislative Assembly."

Then he came to another eminent authority, the Hon. Charles Stuart Mein, who in 1879 said :—

"He was sorry to differ from the hon. gentleman who last addressed the House. The assertion of a right was nothing if the House could not maintain it. The Council had the possible chance now of maintaining their rights—for the reason put by the President, that the Bill was one which both branches of the Legislature were anxious should become law. If they asserted their rights simply, they gained nothing. Was it likely that the Assembly would forego the Bill because the responsibility of throwing it out rested with them? Was it likely that, for a mere matter of sentiment, they would throw out the Bill which they considered so necessary for the country; and when they could not deny that the Council possessed the right under the Constitution to make the amendments in it which had been made? It was a perfect farce to talk about the Council asserting their rights by merely putting it on record on a piece of paper that they did so. To act in that manner would be simply to make themselves the laughing-stock of the country; and all their discussions during two evenings would be simply so much empty breath. Let the Council maintain their rights as well. If they did not maintain their rights, not alone assert them, he would never stand forward again to support the rights of the Council. If they abandoned their undoubted constitutional rights they would be guilty of moral cowardice and guilty of treachery to themselves."

Was it possible that a gentleman who made that speech in 1879 could address the Chamber as he had done to-night? He might have gone further into the matter, but he would now conclude what he had to say. He did not belong to the learned profession followed by the Postmaster-General; but he asserted that the Council had not only a right to amend the Bill, but even to introduce a Land Bill. In 1846 the House of Lords introduced a Bill to deal with the lands of Australia, the only colony then being New South Wales. They passed it and sent it to the House of Commons, which also passed it, and the Bill became law. The following year the Lords brought in another Bill to deal with the lands of Western Australia, and that was passed into law in like manner. The Council, he contended, had therefore the most absolute right to deal with such a Bill as the Land Bill. They found the best authorities, and those who stood up strongest for their rights in the House of Commons, had pointed out very clearly that there was a great difference between a money Bill directly introduced and questions of money incidentally raised in any Bill. He hoped hon. members would see the distinction; and the best authorities had held that the House of Lords had an absolute right to interfere with and amend a Bill under such conditions. With respect to the board, it struck him as a most singular anomaly that they, in a democratic country where they prided themselves upon their democracy, should try and establish a despotism as absolute as the Czar of Russia. What was more—the board might actually have control over the Legislature. As the Bill was framed there was practically no appeal from them whatever; and they, in insisting upon the right of appeal from the board, showed a far greater interest and a more tender regard for the welfare of the people of the colony than the members of another Chamber had shown. They knew that in popular assemblies the whole Government sometimes resolved itself into the hands of one powerful man, who was supported by a servile and silent majority. He did not say that that was the case here; but they knew that that kind of thing had occurred in other countries; and under those conditions what position would the country be in under such a board as that proposed by the Bill? That House would be forgetful of the rights of the people if they gave way on the point. He would like to draw the attention of hon. members to an article that appeared on October 24th in the *European Mail*, headed "Commercial Arbitration." He would read the first two or three sentences of that article :—

"When great lawyers come forward to declare that the time has arrived for a simplification of the ordinary course of legal procedure, there can be little doubt about the soundness of that opinion. The intricacies of the law are the fare upon which the lawyer thrives; and if one lawyer only raises his voice in favour of the abolition of those processes which are most profitable for him and his class, he must have more than usually good reasons to support him. At an influential meeting held in the City of London Chamber of Commerce, several eminent lawyers, including a learned and experienced judge, bore testimony to the necessity that exists for greater facilities being provided for the settlement of commercial disputes. A number of practical commercial men, like those forming the energetic body which has now brought this subject before the public, could hardly fail to support any movement for such a purpose; and when their views are endorsed by the legal gentlemen whose share in conducting commercial 'cases' through the law courts come in for a certain amount of consideration, the realisation of the object sought for should surely not be very remote. And a subject which receives such hearty recognition with the commercial centre of the world cannot fail to interest all those to whom English commercial relations extend—particularly in the colonies. Chambers of commerce exist in most, if not all, of our great colonial cities, and these bodies might do worse than carefully take up the important questson which the London Chamber has thus brought into prominence."

At a meeting of the Chamber of Commerce in London—a meeting attended by a great number of eminent lawyers and by an eminent judge—it was decided in the most enthusiastic manner that the time had arrived when that cumbrous process of law should be done away with. He would ask hon. gentlemen to read that article, and he might state that he had seen in the last copy of that paper received that the question was still further

discussed in London. With regard to the matter more directly before the Committee, he would support the Hon. Mr. Gregory's amendment.

The HON. W. H. WALSH said that the question adverted to by the hon. gentleman, and he thought somewhat ably, was of very great importance. It was a question upon which they should maintain and assert their rights. It had been decided in another place that that Chamber could not only not introduce a Land Bill, but they could not alter it in any way. It seemed to him monstrous that such a right should be denied them, and that for one moment an hon. member in that Committee could be found to consent to waive that right, or maintain that it did not exist. Provided that they did it in a proper way, he believed that that was the proper Chamber in which such a Bill should be initiated, and he trusted no hon. gentleman in that Committee would consent to abrogate one of their rights. He trusted that while that Chamber existed, and while they were members of it, they would not attempt to enforce rights or undertake duties which they did not rightfully possess. He hoped he had misunderstood the Postmaster-General, whom he understood to say that it was some years ago since he committed the great error of asserting that that Chamber had the right to alter a money Bill. He (Hon. Mr. Walsh) remembered that it was only the other day he took exception to their altering a money portion of the Bill increasing the burdens upon the people, and the hon. gentleman got up and told them that he believed the Council had the full right to make the amendment. The hon. gentleman had been guilty of forgetfulness on that point. He did not know what explanation the hon. gentleman gave now, but he on that occasion guided certain hon. gentlemen upon that very matter. It was a magnanimous proposition made by members on the other side to increase the rentals of the pastoral lessees. He had then raised a doubt as to whether they had the right to do that, and he thought he should have prevailed upon the Committee that they were going beyond their province had it not been for the Postmaster-General assuring the Committee that they were not doing anything of the sort.

The HON. G. KING said when clause 20 was before them on the second reading of the Bill he was particularly struck with the inexpediency of referring any grievance that had arisen out of a decision of the board to the same tribunal which had already adjudicated on the case, and he fell in rapidly with the suggestion made in the paper of amendments submitted that the Minister should remit the matter to arbitration in the manner described in the Public Works Lands Resumption Act of 1878, and the award of the arbitrators or their umpire should be final. He had considered that since, and he found there would be considerable difficulty in carrying it out. There would, perhaps, be a want of uniformity and of consistency in the decisions arrived at, because they would have different men taking different views upon the same subject, and they would have a variety of matters decided by arbitrators who might not be very competent to deal with them. He thought there should be an appeal to a court of appeal presided over by a judge of the Supreme Court, assisted by two assessors; the judicial mind would be able to grapple with the legal aspect of the question, while the practical knowledge of the assessors would assist the judge, who would thus be able to understand the question thoroughly. The amendment proposed would probably be carried, but he still had hopes that perhaps upon a conference with the other House a court of appeal would be substituted.

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

CONTENTS, 9.

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

NON-CONTENTS, 14.

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

Question resolved in the negative; and question, as amended, put and passed.

The POSTMASTER-GENERAL said the next amendment to which the Assembly took exception was the alteration in clause 26, extending the time from six to nine months within which the pastoral tenant could determine whether he would come under the Bill or not. During the discussion upon the matter, he was somewhat surprised to find that hon. members had not taken into account that some time would elapse after the passing of the Bill before the period during which the pastoral tenants had to determine would commence. Really more than two months would elapse before the Bill came into operation; so that in point of fact he had nine months from the passing of the Bill within which to make up his mind as to bringing his run under the operation of the statute. He therefore proposed that the Legislative Council do not insist upon their amendment.

The HON. T. L. MURRAY-PRIOR said he was not going to make a motion at present upon the clause, but he wished to say a few words. He had intended to have spoken on the matter of the interference of the Council with revenue under the last clause, but he was absent at the time it was under discussion. And he wished the few words he had to say to be clearly understood. If it could be shown at all that the Council was interfering with revenue by the alterations they had made in the Bill, then he said there was no Bill which could be brought before that Chamber which would not interfere more or less with revenue. If they were not to deal—or if they were to deal only in the way shadowed forth in that case—with Bills brought before them it was perfectly impossible for the members of the Council to do their duty to the country. When Bills were brought before them it was their duty to revise them, and, if necessary, to alter them and to put them into such a form as they thought would be for the good of the country. If it was only the appointment of a clerk, it might be made to interfere with the revenue of the country; and if they were not allowed to interfere in a matter of that kind they would be perfectly useless. The hon. the Postmaster-General had referred to their former agreement with a matter that had come from the other House, but he would point out that they had a perfect right to judge for themselves whether they should act in a certain way or not. It must also be remembered that at that time the hon. gentleman was not sitting on the Government benches and had not a Bill to support, but was then in opposition.

The POSTMASTER-GENERAL: The hon. gentleman knows perfectly well that I took up the same position with regard to the Navigation Act.

The HON. T. L. MURRAY-PRIOR said he would give the hon. gentleman credit for supporting the House on that occasion, and he was sorry to see that he had altered his ideas on the matter. He maintained that unless the Council had power to deal with the Bills that came before them they were perfectly useless; and he, for one, as well as many others

that he knew, thought their time would be only wasted in it. He would rather at once join issue, debate the question, and let them see why they were placed there at all, and what was their duty, than to go on shilly-shallying, taking up minor arguments, beating about the bush, and permitting themselves to be overridden. He felt warmly upon the matter, and he hoped hon. gentlemen would adhere to the resolutions they had made, whatever might happen. In regard to the land board, as his hon. friend Mr. Gregory had pointed out, framing a Bill was a very different thing to altering one. It was much more easy to make a Bill than to alter it, and they had adopted the arbitration clauses because they were already foreshadowed in the Bill. But what they really wanted was to have a court of appeal—a court to which all Englishmen had a right.

The HON. A. C. GREGORY said in that instance he thought the argument which had been adduced by the Postmaster-General in regard to the amount of time the lessees would have to apply for their new leases showed that it would be sufficiently covered by the six months. The hon. gentleman had pointed out that the Bill would not come into operation for two months after the 1st January, and that then the lessees would have six months to come under its operation; so that in point of fact they would have eight months within which to apply to come under it. Although he thought it would be desirable to give them more time, still they were anxious that the Bill should go through in some shape or other. They were not now arguing for the purpose of obstructing the Bill, but were simply anxious to make it as good as they possibly could. Under those conditions, it was not his intention to move what would be practically insisting upon the amendment now before them. He would, therefore, join in agreeing that the Committee do not insist upon their amendments in clause 26.

Question put and passed.

The POSTMASTER-GENERAL said the next matter was contained in clause 28. The Assembly objected to their alteration of the duration of leases from ten to fifteen years in the settled districts, and from fifteen to twenty years in the outside districts. The question had been very fully argued before, and it had been pointed out that the tenure, especially in the settled districts, was so much improved by the present Bill that it was quite reasonable not to expect a longer period than the lessees at present enjoyed. He moved that the Committee do not insist upon their amendment in clause 28, paragraph 3, subsections 3, 4, and 5, clause (*e*), and clause (*f*).

The HON. A. C. GREGORY said a question had arisen with regard to the extension of the leases from ten to fifteen, and from fifteen to twenty years, and the matter had been pretty well discussed, both during the time the amendments were being made and subsequently. He thought it would be the wish of the Council that so long as the Bill did not include anything which they considered directly opposed to the public interest it would be better to concede than simply to stand out, because they had arrived at a certain conclusion. Some very good arguments had been adduced why the number of years provided for in that clause of the Bill should remain as they were fixed originally, because those leases would cover a very large proportion of the country available for settlement as agricultural and grazing farms. If the extension from ten to fifteen years was not necessary upon that particular clause, then he thought that in order to equalise matters it would be better to omit twenty years and return to fifteen.

Question put and passed.

The POSTMASTER-GENERAL said the next question was the amendment in the first subsection of clause 28. He would not debate the question at any length because it had been sufficiently discussed on former occasions. The matter was one in dispute between the Hon. Mr. Forrest and himself. He (the Postmaster-General) contended that the provision simply applied to the period of the first year under the new lease which was to be issued to the pastoral tenant after he had surrendered a portion of his run. The Hon. Mr. Forrest argued that subsection 7 dealt with the whole case. It was certainly not intended by the framers of the Bill to deal with the first year of the new lease, but simply with those cases where there was to be a new assessment between one period of five years and another period of five years. It was really not a matter of importance at all, but the Hon. Mr. Forrest and some other hon. gentlemen who agreed with him were of the opinion, in making that amendment, that the Government might call upon the pastoral tenant to pay rent twice; once under the old system, and once under the new, for the part for which he received a lease. That, however, would not be the case. If the tenant had paid any rent for the period in respect of which the new lease was issued, the amount would be credited to him when paying the rent under the new arrangement, or it would be refunded on application, because the Government would have no right to be paid twice for the same thing. The matter was not worth discussing. He moved that the Committee do not insist upon their amendment.

The HON. W. FORREST said he would not discuss the question at any length either. As was stated by the Postmaster-General, it had been argued fully before. He (Hon. Mr. Forrest) still adhered to the opinion he had formerly expressed. Subsection 7 provided for everything that could possibly be thought of in regard to the payment of rent. By the subsection at the top of page 10 of the Bill it would be in the power of the Government to call upon a man to pay his rent twice. He would just point out to the Committee that if a man had paid his rent and was legally not entitled to pay any more, according to that Bill as it stood, if the Lands Department and the Treasury said he was indebted a certain amount of rent and it could be got into the Treasury books that he owed that sum, he could not transfer his lease until he had paid the amount demanded. He knew from experience what would take place. The lessee might not owe a single sixpence, but there was no other course open to him than to pay the money, otherwise he could not effect the transfer.

The POSTMASTER-GENERAL: The Treasury always acts on instructions from the land office.

The HON. W. FORREST said he knew what was done. He hoped hon. members would stick to the amendment, as a subsection further on provided all that was required.

The HON. A. C. GREGORY said the question involved in the amendment was practically much better dealt with in subsection 7. It was thought by the Postmaster-General at the time the clause was under discussion previously that the second part of subsection 1 referred to a different matter to that contained in subsection 7, and that the latter subsection did not apply to the rent under the first lease; but if they turned to subsection 7 they would find that it provided that—

"When the rent of a holding is to be determined by the board, the lessee shall, until it has been so determined,

continue to pay at the prescribed time and place the same amount of rent per square mile as heretofore, or the minimum rent hereby prescribed, whichever is the greater amount."

That clearly showed that it applied to the rent under the first lease. He did not think it necessary to detain the Committee further. He would formally move, as an amendment, the omission of the word "not" in the motion proposed by the Postmaster-General.

Question, as amended—That the Committee insist upon their amendment—put and passed.

The POSTMASTER-GENERAL said they now came to the amendment in clause 43, which raised the question whether the maximum area of an agricultural farm should be 960 acres or 1,280 acres. He did not propose to discuss that question, but would say that since the matter was debated by the Committee before he had consulted with representatives of farming districts, and he had been assured in each case, without a single exception, that the farming population considered 960 acres more than ample in an agricultural area. It would be a waste of time to discuss the matter, as he knew there would be a solid vote against him. He would, however, be bound to divide upon the point. He moved that the Committee do not insist upon their amendments in clause 43, the second paragraph in clause 51, and the first paragraph in clause 70.

The HON. P. MACPHERSON said that, as the proposer of that amendment in the first instance, he moved that the word "not" in the motion be omitted. The reason assigned by the Legislative Assembly for disagreeing was short, comprehensive, and luminous. It simply said—"Because it is considered that 960 acres is a sufficiently large area of land for an agricultural area." The best answer to that was furnished by a paragraph in what the Postmaster-General called the counterblast, namely:—"Because 960 acres would not be sufficient area in some districts, and the Bill gives power to reduce the maximum area in those districts where 1,280 acres might be deemed to be excessive." He had always understood that the area of 1,280 acres was an exceedingly popular one, instead of an unpopular one, as stated by the Postmaster-General. By clause 44 it was enacted that "the proclamation declaring the land open to selection shall appoint a day (not being less than four weeks after the date of the proclamation) on and after which the land will be open: And on and after the day so notified the land shall be open to selection accordingly. The proclamation shall also specify whether the land is in an agricultural area or not, and shall declare the maximum area of land which may be selected by any one person in the district. The proclamation shall also specify the numbers of the lots, and their area, and the annual rent per acre to be paid for each lot." So that the Government had the remedy in their own hands, and could fix the area according to the quality of the land in any particular district. It might be that 1,280 acres would be too much in one district and not enough in another. He certainly thought they ought to insist on their amendment.

The HON. W. GRAHAM said he was not going to delay the Committee more than a minute with what he was going to say. The Postmaster-General had stated that since the passing of that amendment by the Committee he had consulted a good many people, and had not been able to find a single individual in favour of increasing the maximum area in agricultural areas from 960 acres to 1,280 acres. All he (Hon. Mr. Graham) could say was that the hon. gentleman's experience was different from his. It was extremely possible that they had consulted different people. He (Hon. Mr. Graham) had consulted with, and been consulted by, people who took an interest in the Bill, and who would in all probability take advantage of that clause.

The POSTMASTER-GENERAL: Hear, hear!

The HON. W. GRAHAM said he could imagine that the Postmaster-General had got his view when he was walking down Queen street.

The POSTMASTER-GENERAL: No; I have consulted agriculturists.

The HON. W. GRAHAM said he was quite in accord with the reason given why they should insist on their amendment, and was perfectly certain that the amendment, so far from not being approved of, was thoroughly approved of.

Question—That the word "not" stand part of the question—put, and the Committee divided:—

CONTENTS, 7.

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

NON-CONTENTS, 11.

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

Question resolved in the affirmative.

Question—That the Council do insist on their amendments in clause 43—put and passed.

The POSTMASTER-GENERAL moved that the Council do not insist on the amendment in clause 52. There was only one other question in the manifesto likely to involve a difference of opinion; and the votes had been so consistent, solid, and overpowering, and accompanied by such luminosity and humour, that he should refrain from taxing the patience of hon. gentlemen by any further remarks.

The HON. A. J. THYNNE said he could not see why the intending selectors should be put into the position into which they were put by the clause, and he hoped the amendment would be insisted upon.

The POSTMASTER-GENERAL said that in no part of the world was a selector allowed to assign his lease until his improvements were completed. They did not want persons so impecunious or destitute of foresight that they could not see their way to fence in the land they wished to take up.

The HON. A. J. THYNNE said he did not think the Postmaster-General realised the full extent of the admission he had made when he said that the Government did not want impecunious people to take up land. Under the present law, if anything happened to a man who had not had time to fulfil the conditions, his interest was available for his widow or his creditors, as the case might be; but under the clause a selector was deprived of the means of getting credit to help him at a pinch.

The HON. W. FORREST said that by the clause a man was allowed five years to fence in his selection. Suppose he died at the end of four years—what was to be done? There was nothing to allow a relative to complete the conditions and get the benefit of what had been already done. The Government would get all the benefit that was to be derived from the improvements made during the four years.

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

CONTENTS, 10.

The Hons. C. S. Mein, J. Swan, W. Pettigrew, J. F. McDougall, A. C. Gregory, G. King, F. H. Hart, T. L. Murray-Prior, J. C. Foote, and J. C. Heussler.

NON-CONTENTS, 7.

The Hons. A. J. Thynne, W. H. Walsh, W. Graham, W. Forrest, J. C. Smyth, W. Aplin, and W. F. Lambert.

Question resolved in the affirmative.

Question—That the House do not insist on their amendment in clause 52—put and passed.

The POSTMASTER-GENERAL moved that the Council do not insist on their amendment in clause (*f*), subsection 4 of clause 56, and said the amendment provided that the rent of an agricultural farm should not be increased more than 25 per cent. on the immediate antecedent period of five years. The Legislative Assembly very properly objected to that amendment. The Council had fixed no limit in regard to the pastoral tenant, and there was no reason why a limit should not be fixed with respect to agricultural farmers.

The HON. A. C. GREGORY said that, in regard to that amendment, members of the Council could scarcely be accused of taking a personal interest in the matter. It was really a very important thing, when a farmer took up land with a view of being able to purchase it, that the price should not have to be fixed hereafter, and that he should not be liable to pay an enormous increase in the value of the land.

The POSTMASTER-GENERAL said the price was not fixed hereafter. It must be stated in the proclamation.

The HON. A. C. GREGORY said that for the first ten years he would have to pay the price which was fixed by the board, and which had to be stated in the proclamation; but after that period any additional amount might be put upon it, and they should do something to protect the *bonâ fide* farmer who was encouraged to take up those lands from being subjected to an excessive increase in the rent by which he might be crushed. It was true that an individual might take up a farm at 3d. per acre, and the rent might be raised to 3s. very suddenly, and as that was the case they ought to make a similar provision in the clause relating to the purchase of town allotments. A man might buy land which was worth £8, and its value might suddenly jump up to £800, and the same rule should apply in that case as in the case of a farmer. He begged to move as an amendment that the word "not" be omitted from the question.

The HON. W. FORREST said they were accustomed to deal with large areas of land and speak of the rental at so much per square mile; so that 3d. per acre did not strike them as being very much. He wished to point out that 3d. per acre was £8 per mile, and, as that might be increased to the extent of 25 per cent., a selector of 20,000 acres might have to pay at the rate of £10 per mile, which was an awful rent to expect from any man.

The HON. A. J. THYNNE said that as the clause relating to the rents of the pastoral tenant —inserted by that House—putting a maximum and a minimum rent upon the leases, had been abandoned, he thought there might be some similar protection given to the farmer. If the minimum increase of 10 per cent. were to remain in the Bill, and he did not see now how they could exclude it, it was only fair to give some protection to the farmer and fix the maximum increase. The Bill was framed insisting upon an increase every five years from the farmer, and no such minimum was fixed for the pastoral tenants. They should serve both classes alike; and if the minimum increase was allowed to remain they should also fix the maximum increase as well for the protection of the farmer.

The HON. W. H. WALSH said that the hon. gentleman could not make an amendment in the Bill now, and he thought he simply made a suggestion that the Government should have been more liberal to the farmers.

The HON. A. J. THYNNE said that, as the minimum must remain in the Bill, it was only fair to give some protection to the farmers, and put some limit upon the amount to which the rent might be increased.

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

The POSTMASTER-GENERAL said the next amendment was merely a verbal alteration, which certainly improved the phraseology of the clause, and to which he understood there would be no objection taken. He proposed, therefore, that the Committee agree to the amendments of the Legislative Assembly in the Legislative Council's amendments in clauses 57 and 58.

Question put and passed.

The POSTMASTER-GENERAL said the next amendment was that in clause 67, providing that the approval of the board might be obtained for under-leases. That amendment was only carried by a majority of one in that Chamber, and, as there appeared to be no intention at present to insist upon the amendment, he would move that the Committee do not insist upon the amendment in clause 67.

Question put and passed.

The POSTMASTER-GENERAL said they now proceeded to clause 70. Paragraph 3 of it referred to the annual rent which was to be paid during the first period of the new lease that was to be issued to a selector under the provisions of the Act, bringing his selection under the Bill. He proposed that the Committee do not insist upon the amendment in paragraphs 3 and 5 of section 70.

The HON. A. J. THYNNE said there seemed to be a disposition not to insist upon the amendments in that clause, and he thought that was a very great pity. The conditions which the Government were imposing upon selectors who wished to come under the Bill were almost prohibitory. He did not get the chance to come under the Bill on anything like favourable terms. Why they should object to allowing a man who had already taken up land to have a right to purchase it at the price fixed when they took it up, he could not see. As there was an evident disposition on the part of hon. members not to press the amendment, he knew it would be only a waste of time to call for a division; were it otherwise, he should certainly do so.

The HON. W. FORREST said that if the Hon. Mr. Thynne would press his amendment he would vote with him if no one else did. The clause without the amendment was not of the slightest value to the selector or conditional purchaser at the present time. Under the present Act the selector could make his land into a freehold in three years, and if he came under the Bill he would have to wait for ten years before he could make it a freehold, and then he would have to pay £1 an acre instead of 10s., and what he paid in rent would not go towards his purchase money. It was laughing at the selector instead of trying to assist him.

The HON. A. J. THYNNE said the effect of the amendment was this: A lessee surrendered his lease and came under the new Act, and was charged, say, 3d. an acre for the first ten years. The effect of the amendment in the first part of the clause would be that what he had paid in rent previous to his coming under the Bill

would stand to his credit at the rate of 3d. an acre for future rents. The second amendment merely left him the same right to purchase as he had at the present time, and at the same price. As he saw there were probably some hon. members who would support him, he would have an expression of opinion upon the amendment, and he would therefore move that the word "not" be omitted from the question before the Committee.

The POSTMASTER-GENERAL said they were not depriving the selector of any privilege whatever. If the present tenure was better than what they proposed to give him under the Bill, he could remain as he was, and if he considered the tenure under the Bill better than the one he at present held he could come under it. There was no compulsion in the matter. The Bill simply gave him an alternative. It did not interfere with him in any way; but if he found it suited his financial position and convenience to come under the Bill he could do so.

The HON. T. L. MURRAY-PRIOR said that he did not think any selector under the present Act would put himself under the Bill. He did not think, therefore, that the Hon. Mr. Thynne need press his amendment. In many cases it would be such a hardship to a man to come under the Bill, and pay £1 an acre for his land, that he would not be foolish enough to do it. An amending Act would have to be framed before long for such cases.

The HON. W. GRAHAM said he did not imagine that the Hon. Mr. Thynne intended to press his amendment, but his idea was to show what an utterly poor alternative was given under that extremely liberal Land Bill. No sane man looking at the alternative offered would, as the Hon. Mr. Murray-Prior had said, come under the Bill. The Hon. Mr. Thynne and the Hon. Mr. Forrest only wished to point out what a very poor alternative that was.

Amendment put and negatived; and original question put and passed.

The POSTMASTER-GENERAL said they now came to clause 71, and he saw there was no objection taken in that case in the manifesto. He assumed that the caucus had decided that they would allow the Legislative Assembly to deal with that matter which was purely within their power to deal with, and with which that Chamber had no right of interference, except to absolutely veto it. The amendment referred to the period during which there should be continuous occupation on the part of the selector before he should have the right to purchase. The Bill provided that the selector should be in occupation for ten years, and that Chamber in its excessive liberality proposed that the land should be given away after an occupation of five years. He said it was not within their functions to decide that, because it was a material interference with the revenue. They proposed to take away from the Crown for five years the revenue derivable from the occupation of land. That undoubtedly was an interference with the revenue, and was a matter entirely within the jurisdiction of the Legislative Assembly, so far as alteration was concerned. They, in that Chamber, might veto the clause if they liked, but they certainly had no power, under their Constitution, to amend it. He begged to move that the Council do not insist upon their amendments in clause 71.

The HON. A. C. GREGORY said he moved that the Committee insist upon their amendment on that clause. It had been urged that it was purely a revenue question—that if people paid up their money in five years there would be so much revenue lost. But that would not be the case, because they would have paid up a sum of money which capitalised all the rent they would be paying for the future five years. That was a practical question of revenue, and he was now come to the question of finance—as to whether the Government would benefit rather than lose. He maintained that it was a question which did not interfere with the public revenue. It might be said with equal force that they had no right to touch any part of the Bill, because no part of it could be touched, either to multiply the conditions of the lease or in any other way, without treading upon the thin ice that the hon. the Postmaster-General stated existed all round the question of public revenue. He therefore maintained that the objection would not hold good at all. They were now dealing with the management and control of the public lands of the colony, and not with the question of revenue. The revenue question would hardly be touched at all, even in an indirect manner, by the amendment. But looking upon the matter in another light, he might fairly argue that it was their duty to encourage *bonâ fide* settlement by giving the people opportunities of acquiring freehold property; because that had hitherto been one of the principal reasons of the rapid settlement of Queensland. There was no doubt that had it not been for offering freeholds to farmers and small settlers, and making them so easy of acquisition, they should not have had the large stream of immigration that they had had to the colony, and their population would not have amounted to half what it was now. It was not worth while to go into a long discussion upon the question, but he thought it should be borne in mind that if they did away with the possibility of acquiring freeholds within reasonable limits they would be putting a stop to immigration, which they all agreed was so important to the welfare of the colony; and the result would be to send people away to other colonies where they could acquire freehold property. He therefore moved that the word "not" be omitted from the motion.

The HON. T. L. MURRAY-PRIOR said the clause under discussion was quite different from the one above. He looked upon the amendment as one of the greatest boons they could possibly give to the selector. Ten years—which in fact would be twelve years—was far too long in country like that for persons to wait until they could obtain a freehold. The time was fixed by the amendment at five years, and it would probably be eight years before the selector could obtain his freehold. He was sure that the amendment was an improvement in the Bill which would be most acceptable to selectors, and he should therefore support it.

Question — That the word proposed to be omitted stand part of the question—put.

The POSTMASTER-GENERAL: Let the solid vote have it.

Question put and negatived.

Question—That the Committee do insist upon their amendment in clause 7—put and passed.

On the motion of the POSTMASTER-GENERAL, the Committee agreed to the amendments of the Legislative Assembly in clauses 99 and 120.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, and reported the resolutions to the House.

The POSTMASTER-GENERAL: As a matter of form, I move that the report be adopted.

Question put and passed.

The HON. T. L. MURRAY-PRIOR: I beg to move that the following message be transmitted to the Legislative Assembly:—

Legislative Council Chamber,
Brisbane, 16th December, 1884.

MR. SPEAKER,

The Legislative Council having had under consideration the Legislative Assembly's message, of date 11th December, relative to amendments made by the Legislative Council in the Crown Lands Bill, beg now to intimate that they insist on their amendments in clause 1; in clause 4, lines 14 and 39; on the omission of clauses 75 to 79, inclusive; and on their amendments in clauses 121 and 139:

Because it is doubtful whether an extensive destruction of the acacia forests may not decrease the already deficient rainfall in the interior, while it will certainly decrease the grazing capabilities of the country in seasons of drought;

Because more effectual provision for the experimental clearing of scrub is made by leases of grazing farms under conditions less likely so lead to evasions of the law.

Insist on their amendments in clauses 6 and 7:

Because if there has been any improper administration of the law it is a matter for executive reform and not legislation;

Because the Bill as amended does not entitle lessees under the Pastoral Leases Act of 1869 to claim any compensation for improvements on runs on being deprived of the use thereof, as the operation of the Bill only extends to leases issued under its provisions after the leases under the Pastoral Leases Act of 1869 have been surrendered and ceased to have effect;

Because it does not confer any right to purchase land;

Because the power to terminate a current lease by notice does not confer any power to abrogate any of the other conditions during its currency;

Because the Executive Government have full power to refuse to sell any land, the sale of which might in any way prejudice the public interests, and it is desirable that the claims of existing lessees should be equitably dealt with;

Because the amendment only protects existing contracts.

Insist on their amendments in clauses 20 and 21, and subsection 8 of clause 27:

Because it is expedient that there should be an appeal from the decisions of the board, who are to originate proceedings, adjudicate thereon, and finally decide on the validity of their own verdicts;

Because the functions of the board, which are to be subject to appeal to arbitration, are the same as those which have been subject to appeal to arbitration under the Pastoral Leases Act of 1869, which mode of appeal has worked satisfactorily for fifteen years, and therefore cannot be deemed to be impracticable;

Because if the determination of rents is to be placed under the control of an irresponsible board without any definite instruction, the amounts would not be assessed on any defined consistent basis beyond the opinion of the board;

Because the administration of the Crown lands on the basis of the amendment has been found practicable and convenient during the past fifteen years under The Pastoral Leases Act of 1869;

Because it would not interfere with the public revenue, as the appeal to arbitration would only be for the correction of errors of judgment on the part of the board, and any amount assessed by the board in error would not properly be revenue.

Insist on their amendments in subsection 1 of clause 28:

Because it is necessary to render that part of the clause consistent with subsection 7 which makes different provision for the same purpose.

Insist on their amendments in clause 43, in the second paragraph of clause 51 and the first paragraph of clause 70:

Because 960 acres would not be sufficient area in some districts, and the Bill gives power to reduce the maximum area in those districts where 1,280 acres might be deemed to be excessive.

Insist on the amendment of clause 56, subsection 4 clause *(f)*:

Because it does not interfere with public revenue, and only sets limits to contracts to lease Crown lands, in the management and control whereof the Legislative Council have co-ordinate rights with the Legislative Assembly under the Constitution Act.

Insist on the amendments in clauses 75 to 79.

Agree to the amendments made by the Legislative Assembly in the Council's amendments in clauses 57 and 58.

Insist on their amendments in clause 71, to which the Legislative Assembly have disagreed:

Because it was desirable to encourage *bona fide* settlement by offering reasonable facilities for the acquisition of freeholds, as this has hitherto been one of the principal causes of the rapid settlement of Queensland.

Agree to the amendments made by the Legislative Assemble in the Council's amendments in clauses 99 and 129.

And do not insist on the other amendments to which the Legislative Assembly have disagreed.

A. H. PALMER,
President.

The POSTMASTER-GENERAL: We will not inflict the reading of the message upon the hon. the President. We will take it as read.

The PRESIDENT: That motion can only be put with the consent of the House.

Question put and passed.

The House adjourned at twenty minutes to 12 o'clock.