Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 28 JULY 1885

LEGISLATIVE ASSEMBLY.

Tuesday, 28 *July*, 1885.

Questions.—Message from the Governor.—Formal Motions.—Motion for Adjournment.—Supply.—Ways and Means.—Appropriation Bill No. 1,—Charitable Institutions Management Bill—second reading.—Crown Lands Bill—committee.—Adjournment.

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

QUESTIONS.

Mr. FOOTE asked the Minister for Works—

1. If a tender for duplicating the bridges on the Southern and Western Railway between Brisbane and Ipswich has been accepted?—if so, when will the work be commenced?

2. What date is named in the contract for the completion of the same?

3. When will the Government be in a position to call for tenders for the earthworks of the same line?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

1. A tender has been accepted for duplicating the bridges between Brisbane and Ipswich, and the work has been commenced.

2. Time of completion, 1st June, 1886.

3. Tenders will probably be invited for the earthworks in September.

Mr. BLACK asked the Colonial Treasurer—

1. What scheme have the Government adopted for the improvement of the Pioneer River?

2. When do they propose commencing such scheme?

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

1. The Engineer of Harbours and Rivers has promised to submit plans for the improvement of the Pioneer River within two weeks from date.

2. As soon as the plans have received the approval of the Government.

Mr. DONALDSON asked the Colonial Secretary—

When will the construction of the telegraph line from Charleville to Adavale be commenced?

The COLONIAL SECRETARY (Hon. S. W. Griffith) replied—

The construction of the line is delayed until the route for the extension of the Southern and Western Railway from Charleville is fixed, as it is intended that the telegraph line to Adavale shall branch off from the line along the railway.

MESSAGE FROM THE GOVERNOR.

The SPEAKER announced the receipt of a message from His Excellency the Governor, recommending that provision be made out of the Consolidated Revenue Fund for the sum of £250,000 towards defraying the expenses of the various departments for the year 1885-6.

On the motion of the COLONIAL TREASURER, the message was referred to the Committee of Supply.

FORMAL MOTIONS.

The following motions were agreed to :—

By the COLONIAL TREASURER—

That so much of the Standing Orders be suspended as will admit of the immediate constitution of the Committee of Ways and Means, and of reporting resolutions of the Committees of Supply and of Ways and Means on the same day in which they shall have passed in such Committees; also of the passing of a Bill through all its stages in one day.

By Mr. NORTON—

That there be laid on the table of the House—

1. Copies of Evidence in case, Redmond *v.* Cockburn, which lately came before the bench at Gladstone, and which was referred to the Attorney-General for his decision.

2. Also, all Letters and other communications to the Government complaining that any officer in the Government Service at Gladstone was supplying medicine to the public, and replies thereto.

MOTION FOR ADJOURNMENT.

Mr. STEVENSON said: Mr. Speaker,—I am going to move the adjournment of the House for the purpose of affording the Premier an opportunity of giving us some information, if he has any, with regard to the islanders returned by the "Victoria." In a publication called *Figaro*, dated 18th July, there is an article, dated Saturday, 20th June, 1885, to this effect :—

"A MESSAGE OF BLOOD.

"A document has been sent to me in this wise. The steamer 'Victoria' was off Normanby Island on Saturday, June 20th, 1885. The s.s. 'Samoa' was there, too. A sailor on board the 'Victoria' handed a man, on board the 'Samoa' a paper. It was a pencil scrawl, hurriedly written by a responsible person on board the 'Victoria.' It is now before me. It reads as follows:—

'Saturday, 20th June, 1885.

'Delivered your letter at Teste. All at loggerheads. Boys landed in batches on islands to distribute *themselves* to various villages. 'Tween decks and niggers never been washed since sailing. Cabin stores running short. The lower deck is a perfect little hell.

'Programme of landing:—Guard of honour; present arms; five boats; launch towing uniforms; salutes; flunkeyism; coal dust and dirt; whiskys and sodas; always before landing.

'Per s. 'Samoa' off Normanby Island.'

"The above is a true transcript of the document. The punctuation is, of course, mine. On the document itself there is little or none."

I took very little notice of that, sir, but some time afterwards several telegrams appeared in the *Courier* which, though not going quite so far as that, showed that things were badly managed on board, that the boys had been huddled together in a most extraordinary manner, that no care seemed to have been taken of them while on board, and that they ran short of provisions. Last night appeared an article in the *Observer* following up the same matter, and it is to this effect :—

"It is an absolute fact, which can be proved on inquiry, that the 'Victoria' was overcrowded with islanders; that she carried more than her measurement warranted; that they came on board wet, and had no means of drying themselves; that during the whole trip neither the islanders nor their quarters were washed or cleaned: that the lower deck was a mass of filth, resembling the 'tween decks of a slaver more than those of a labour vessel sailing under the Queensland Government regulations; that, as the sailors expressed it, the 'tween deck was 'a little hell.'"

Now, sir, I have made some inquiries in order to see whether there was any truth in the statements, and I believe there is some truth in them; and I think that the Premier, seeing these articles, ought to have given us some information before this. If it is a fact that the islanders were landed in batches of twenty or thirty at certain places, to find their own way to the

villages from which they were taken, the Premier himself, having an intimate knowledge of the island trade by this time, must know that it simply means that those islanders would very likely be murdered while finding their way to the villages. I think when the Premier sees paragraphs like those I have read in the public prints he ought to give some information, because it is a very serious matter for the Government to have delivered islanders n this way—if it is a fact that they have been sent back in this way—and to have left them to find their own way to the villages they were taken from in the first instance; and I simply move the adjournment of the House to give the Premier an opportunity of giving some explanation of the matter.

The PREMIER said: Mr. Speaker,—I have not seen either of the articles to which the hon. member refers; but I may say at once, from the information in possession of the Government, that I believe there is not the slightest foundation for the statements in either of them. The arrangements made by the Government in regard to supervision were these: Mr. Chester, lately police magistrate at Thursday Island, was appointed to be in charge as representative of the Government. As the men were to be landed in territory under the jurisdiction of Sir Peter Scratchley, he appointed his deputy commissioner, Mr. Romilly, to accompany the ship, and the Government were very glad to have his assistance. Copies of the instructions given will be laid on the table and are now being printed. Mr. Chester was instructed to obey any directions Mr. Romilly might give him.

The HON. SIR T. McILWRAITH: To obey his instructions?

The PREMIER: With respect to the landing of the islanders.

Mr. MOREHEAD: Is Queensland a dependency of New Guinea?

The PREMIER: He was instructed to obey Mr. Romilly's instructions with respect to landing the islanders, and no difficulty arose between them. I have read the report of Mr. Chester, which is now being printed, and from that it appears that the landing was conducted satisfactorily in every respect, and that there is not the slightest doubt that every islander went to his own village. Mr. Romilly has assured me to the same effect. With respect to the accommodation on board the "Victoria," the statements made are, I believe, entirely without foundation. The accommodation on the "Victoria" was ample. There might not have been the exact number of cubic feet insisted on in a labour schooner, but anyone acquainted with that vessel knows that her ventilation is exceptionally good.

Mr. MOREHEAD: Exceptionally bad.

The PREMIER: Exceptionally good. I have received a private letter from Mr. Lawes—I am sorry I have not got it with me—in which he assured me, having seen to the "Victoria," that all the arrangements were perfectly satisfactory, that the men were as well off as they possibly could be at sea, and very much more comfortable than they ever dreamed of being in their own homes. As to there being something wrong in the supply of food, I believe there was some slight deficiency, but of that I have not yet received any satisfactory information.

The HON. SIR T. McILWRAITH: There was scarcity on board?

The PREMIER: Towards the end of the voyage; but the islanders did not suffer. That is a matter on which I have received no explanation from the A.S.N. Company, and for which I do not feel myself responsible individually. I had expected from the first that some statements of this kind would be made, because, unfortunately, there was present on board the ship one of the men most implicated in the kidnapping of these boys, and it was with great reluctance that I allowed him to go. The A.S.N. Company assured me that they could get no other pilot, and, considering the risk of sending the men back without a pilot, I was prevailed upon, after a great deal of pressure and with very great reluctance, to allow him to go, on condition that he should not be allowed to have anything to do with the men or to go ashore. I believe that if he had gone ashore there would probably have been bloodshed. From that source, therefore, I expected from the first various complaints as to the manner in which things were conducted on board the "Victoria," and I have heard on good authority that serious complaints have come from that source. But all those complaints have been without foundation, except the one with regard to provisions running short towards the end of the voyage. As to the hold not being washed out, that, I believe, is true, the reason being this: that in the opinion of the Government medical officer, a most experienced gentleman, sent for the special purpose of seeing that the best arrangements possible should be made, it would have been dangerous to their health to wash the hold in consequence of the state of the weather. There was at that time, so Mr. Lawes informs me, influenza extending all along the coast of New Guinea, just as it was here, strangely enough. I believe that all along the coast people were suffering from it, and many of the islanders were, and if compelled to remain in a wet hold they would very likely have got pneumonia and died. Under the circumstances the medical officer, Dr. Smith, instead of having the hold washed out had it lime-washed, and that was regularly done. Having considered the accounts from all sources of information entitled to any credence whatever, I have come to the conclusion that all the arrangements were extremely satisfactory.

The HON. SIR T. McILWRAITH: What information are we to expect in regard to this matter?

The PREMIER: All the information the Government have.

The HON. SIR T. McILWRAITH: Yes; but I want to know what it is?

The PREMIER: What I propose to give the House as soon as possible is the instructions given, the arrangements made with the A.S.N. Company, the instructions to the different officers on board, and the reports of the officers who accompanied the men.

The HON. SIR T. McILWRAITH: What are the reports?

The PREMIER: The report of Mr. Chester.

The HON. SIR T. McILWRAITH: Have any of the others reported?

The PREMIER: I am not aware.

The HON. SIR T. McILWRAITH: Have you read any of the reports?

The PREMIER: I have not read any of the reports except Mr. Chester's, but I believe there are some I have not yet seen.

The HON. SIR T. McILWRAITH: Until the Government put the whole of the information they have on this subject at the disposal of the House I do not feel called upon to discuss the question at all—in fact, I am not in a position to do so.

Mr. MOREHEAD said: Mr. Speaker,—There are some questions at any rate which may be answered at the present time without any papers being put on the table of the House. I should like to know in connection with this expedition — according to the Premier, under the direction of Deputy Commissioner Romilly, acting under instructions from Sir Peter Scratchley—what part of the cost is to be borne by the Government of New Guinea for restoring to Sir Peter Scratchley some of his subjects. I assume that in an important matter like this some correspondence has taken place between the Premier of this colony and the Commissioner for New Guinea. Looking at it in the rough, from what the Premier has stated, it would appear as if Queensland had become a dependency of New Guinea instead of, what we at one time hoped, the reverse being the state of affairs. It must have been notorious to the Premier that there were quite a number of rumours in the air about the way in which this matter was being conducted, *ab initio*. I do not know whether Queensland is to be taxed for the gilded youths who were on board—two gentlemen of the name of Harris. I want to know whether the people of the colony are to be taxed for taking these people down to the islands? If so, for what purpose were they taken? I can quite understand, from my knowledge of some of the people who went on that expedition, that they ran short of food. There is not the least doubt of it; and not only the quantity of food, but probably the quality of the food supplied to some of these gilded youths was not suited to their fastidious palates. I want to know from the Premier what staff went down accredited to this colony, and what we have got to pay? These are matters there is no need to make any further inquiry into, and which the hon. gentleman can tell the House of now. I want to know another thing—what about this piano? Why was not the hon. member's colleague for North Brisbane, who is not at present in his place, sent down with his fiddle as a sort of Orpheus to the expedition? It would have given a perfectly romantic tinge to the affair. The hon. member might have played a tune on his fiddle from the bridge, and we can imagine the islanders dancing to it—dancing with the hope of freedom and release that was to be given them by Mr. Brookes and those who had gone with him. The hon. gentleman, in justifying, as he apparently does, the filth and dirt on this ship, says that after all, bad as this state of affairs was, it was better for the islanders than if they were on their own islands. If the Government believed that, why did they not keep them on board the "Victoria," instead of putting them in a worse place than they were already in, though that appears to have been a very bad one? To come to another matter, the Premier has taken this opportunity to make a very serious charge against the gentleman who went down as pilot for the expedition. I do not know anything about him. I have heard that his name is "Warn" or "Wawn," or some such name.

An HONOURABLE MEMBER: "Wawn."

Mr. MOREHEAD: Something like that; I know nothing about it. However, if an inquiry is to be made, let us have a thorough inquiry. I am perfectly certain the Government are as anxious as this side of the House that a thorough inquiry should be made into all the circumstances connected with this expedition, which I consider was a miserable one from the beginning, and was badly conducted to the end. We should have some more evidence upon the matter in addition to the reports from the mouthpieces of the two States. The mouthpiece of Queensland, Mr. Chester, is not likely, in any report he makes, to condemn himself; nor is the mouthpiece of Sir Peter Scratchley and New Guinea, Mr. Romilly, at all likely to condemn himself. If an inquiry, then, is to be held at all in connection with this matter, evidence should be taken from all sides. The Government, I take it, in appointing Mr. Wawn as pilot, had thorough confidence in him, at all events, as a navigator, and his report, if he would give one, would be of value. I do not think that the House or the country will gain anything by reports upon this expedition by two distinctly interested persons, and we should have evidence from every person available whose evidence is worth having. It appears to me that the only papers we are to get, elucidating this matter, are to be the reports of persons whose reputations are at stake, and that information will be worthless; and I am perfectly certain, as evidence, it would not be accepted by the hon. Premier himself were he inquiring into any iniquities in the labour trade. Supposing an accusation was made against the Government agent and captain of a labour ship, I am sure the hon. gentleman would not simply take their evidence upon the case and that of nobody else. We were practically told by the Premier that all the evidence that will be forthcoming to this House consists of the reports of those personally interested in the matter and who are defending themselves against any charge that may have appeared in the Press. The hon. gentleman affected not to have read some of the papers; but he can hardly ignore the existence of the leading journal of the colony. I take it that the correspondence in the Brisbane *Courier* does not disclose a very happy state of affairs on that expedition. It is probable that there was some personal feeling on the part of the correspondent, and on reading it I must say that I consider the remarks tinged with that; but there is no doubt a great deal of substantial truth in what he states, otherwise I doubt if he would have stated it. He contends—and to my mind proves his contention—that there was a deliberate intention on the part of those who were the leaders of the expedition to prevent the Press from having a thorough insight into what was going on; but if representatives of the Press were allowed to go at all—and they were allowed to go—they should have been given every facility for recording everything that happened. So far as we can judge from the *Courier*, those facilities were not offered them. I trust the Premier will not attempt to shelter himself under the report of Mr. Romilly, who appears to be master of the situation, as the representative of New Guinea—that much more important dependency of the Crown than Queensland!—or under the report of Mr. Chester; but will take steps to find out if there is anything of truth in these rumours, which I consider are more damaging to the colony than anything said yet in connection with the labour trade.

Mr. STEVENSON said: Mr. Speaker,—I am pleased to know that the Premier's information is of so satisfactory a character, but I think it is rather a funny thing to say that the reports he gives credence to are satisfactory. The hon. gentleman may simply take the reports that suit himself, and say they are the only ones he will take any notice of. I think that after all the reports that have appeared in the public Press the Premier should make a very full inquiry. With the permission of the House I will withdraw the motion.

Motion, by consent, withdrawn.

SUPPLY

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into Committee of Supply.

The COLONIAL TREASURER moved—

That there be granted to Her Majesty, for the service of the year 1885-6, a sum not exceeding £250,000, towards defraying the expenses of the various departments of the service of the colony.

The HON. SIR T. MCILWRAITH said he remembered that when his party sat on the other side of the House the bringing forward of such a motion as the present was always the signal for the present Premier to inveigh against the Government for calling Parliament together so late. There was scarcely a single questionable precedent set by the late Government which the present Government had not wonderfully improved upon. In this second year of their existence they had called together Parliament later than it had ever met before. The Colonial Treasurer too, when he sat in opposition, used not only to condemn the Government for calling the House together so late, but there was another speech he used always to deliver. If the Government asked for £250,000 he always had strong reasons why they should only get £150,000; and if they asked for £200,000, then he could show that they should only get £100,000. He (Sir. T. McIlwraith) would not use any such paltry little weapons as that; he knew perfectly well that the Government wanted money, and that they would spend it whether they got it or not; so he would make a virtue of necessity, and let them have it cheerfully.

Mr. MOREHEAD said he did not wish to say anything hostile to the action taken by the Government during the recess, but he thought the Committee might be told now what amount had been spent up to the present time in connection with the defences of the colony. He gave the Government great credit generally for the steps they took in that matter, when there was a chance of the colonies being involved in war; but he thought the Committee might be told what was the cost of the preliminary butcher's ill.

The HON. SIR T. MCILWRAITH said he should like to ask another question along with that. When did the Colonial Treasurer intend to lay the Estimates before hon. members, and when would he make his Financial Statement?

The COLONIAL TREASURER said the Government hoped to lay the Estimates before the House next week, and seven days afterwards, he dared say, the Financial Statement would be made.

The PREMIER said that, with respect to the defence of the colony, the only information he could lay his hand on at present was that the expenditure under the heading "Volunteers," or more properly "Defence Force," for the whole financial year was £25,000, which was very little more than was appropriated. The expenditure on the defences of the colony was £8,400.

Mr. MOREHEAD: That does not include the purchase of vessels?

The PREMIER: No?

Question put and passed.

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair and reported the resolution to the House. The report was adopted, and the Committee obtained leave to sit again to-morrow.

WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into a Committee of Ways and Means.

The COLONIAL TREASURER moved—

That, towards making good the Supply granted to Her Majesty for the service of the year 1885-6, a sum not exceeding £250,000 be granted out of the Consolidated Revenue Fund of Queensland.

Question put and passed.

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair and reported the resolution to the House. The report was adopted, and the Committee obtained leave to sit again to-morrow.

APPROPRIATION BILL No. 1.

On the motion of the COLONIAL TREASURER, a Bill to give effect to the foregoing resolution was introduced, passed through all its stages, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

CHARITABLE INSTITUTIONS MANAGEMENT BILL—SECOND READING.

The PREMIER said: Mr. Speaker,—We have in this colony at the present time more than one public charitable institution, but the most important one is the Dunwich Asylum. This Bill is intended to deal principally with that institution, although there are one or two other smaller benevolent asylums elsewhere to which some of its provisions might very well be made applicable. The institution at Dunwich contains a very large number of persons considering the population of the colony, and the number of applications for admission to it is unfortunately increasing very fast. From many distant parts of the colony applications are continually coming in on behalf of persons who are unfit from age or infirmity, to look after themselves, and whom we cannot leave to the benevolence of charitably disposed persons. In cases of that kind it is necessary for the Government to take upon itself the responsibility of admitting them to the asylum. There is at present no law whatever regulating that asylum. The inmates are there, and they are fed by the Government, and there are officers appointed and paid by the Government, but there are absolutely no laws for regulating it. Attention was called last year, in another branch of the Legislature, to the condition of the asylum, and a select committee sat, which made some visits to the institution and took a good deal of evidence. I am not prepared to say, from reading that evidence, what exactly was the cause of the complaints that were made; but one thing was quite manifest—namely, that there ought to be some power to enforce real authority in a place like that. As I said, there is at present absolutely no real authority. If an inmate is discontented—and some people will be discontented however well they are treated—nothing can be done except to turn him out. There is no way of punishing such persons except by the superintendent or visiting surgeon depriving them of some luxury. But there is no authority, and the remedy of turning them out is a most unsatisfactory one. They only wander about the streets of Brisbane, unable or unwilling to earn a living, and must either be sent back again with a result entirely subversive of dicipline, or apprehended as vagrants under the Vagrancy Act. There can be no doubt that there ought to be some law to regulate such institutions. In 1861, when there was no benevolent asylum established in the colony, and the only institution analogous to it was a ward in the Brisbane Hospital, an Act was passed which most people are not aware of—I was not aware of it until lately—called the Benevolent Asylum Wards Act, which recited that the Brisbane Hospital was, amongst other purposes, established with

the object of relieving and supplying food and other necessaries to such poor persons as were unable through age, accident, infirmity, or otherwise to support themselves; and then provided that separate rooms should be set apart in the Brisbane Hospital for the reception and accommodation of such persons; and imposed penalties upon them for wilfully wasting any of the goods or materials committed to their care, or taking or carrying away, without the permission of the house surgeon, superintendent, or other person having charge of the wards, any goods or materials provided for the use of the hospital; or for being guilty of riotous conduct, insubordination, or disobedience to the lawful commands of the person in charge of the wards. Such cases might be heard by two justices. Then there is a singular provision that, in cases where the nearest gaol may be at a greater distance than twenty miles, the justices might order the offender to be confined in a room in the hospital. Of course, as the Act applies only to the Brisbane Hospital, the gaol was not likely to be more than twenty miles away. It was also provided that the Government might, by proclamation, extend the provisions of the Act to any hospital in which there were separate rooms set apart for the purposes of a benevolent asylum. Of course the circumstances of the colony are now such that such provisions are entirely a dead-letter; nor are they sufficient in themselves, even if they were applicable at the present time. Of late the Government have made some attempts to regulate the Dunwich Asylum, in a manner which, to some extent at all events, has proved effectual. They have made regulations, and insist upon the inmates signing an undertaking to be bound by them, and authorising the Government to turn them out if they do not do so. That is the only thing that can be done just now; and it has been the means, to a certain extent, of preserving order and maintaining discipline. I understand that since the regulations were made a very great change for the better has taken place in the discipline and subordination that prevail in that institution. But that is a very rough and ready way of enforcing order—turning the people out if they will not sign the undertaking to abide by the regulations. Some have refused, and if they continue to refuse I suppose they will be turned out, and what will happen then? They can only be treated as vagrants.

Mr. MOREHEAD: They might become members of Parliament.

The PREMIER: That would depend very much upon the constituency. This, of course, is merely a temporary expedient, and it is certainly desirable that there should be some means of governing such institutions properly. Another matter to which my attention has been forcibly drawn since I have been officially in charge of that institution, is that there are a great many people there who, although they are maintained entirely by the Government, are in the receipt of comparatively large sums of money. Some of them have a regular income, and it is certainly absurd that the Government should be put to the expense of keeping them when they are receiving money which they do not use. What they do with it I do not know, but there are a great many persons there who are in that position. Another matter which I consider a scandal is that there are many persons in that asylum who have comparatively wealthy relations closely connected with them—persons who could very well afford to keep them. I myself see no reason why a distinction should be drawn between persons whom the State is compelled to keep on account of bodily infirmity, and persons whom the State has to keep on account of mental infirmity. I think the same rule should apply to both, so far as this: that the obligation should fall upon the relations or friends of such persons to support them. I do not think the State should undertake a larger amount of liability in respect to persons disabled by bodily infirmity than to persons disabled by mental infirmity. In the case of mental infirmity, there are hospitals for the insane, and by the Act passed last year it is provided that the money or property of the inmates shall be cared for by an officer appointed for that purpose, the Curator in Insanity; or if they have relations who are able to maintain them, they are called upon to pay a reasonable sum. These are points that the Government have had in view in framing the Bill of which I am now moving the second reading. It provides that it shall apply to—

"Any public institution which is maintained wholly or in part at the public expense for the reception, maintenance, and care of indigent persons, or other persons requiring medical aid or comfort, not being a hospital for the insane or a hospital established under the statutes relating to hospitals."

My attention has been called to the fact that orphanages might be included in that, but of course it is not intended to apply to them, and it may be as well to include in the exception orphanages under the Act of 1879 also. Then it is provided that the Government may make regulations for any of the following purposes:—

"1. The conditions of admission of persons into any institution, or the discharge of inmates therefrom;

"2. Maintaining the discipline and good order of any institution;

"3. Requiring inmates of an institution to do such manual or other work as they are capable of doing;

"4. Providing for the removal of inmates from one institution to another;

"5. Imposing punishments by way of fine, solitary confinement, hard labour, or deprivation of food or comforts, upon inmates guilty of disobedience to the regulations;

"6. Any other matters that may be necessary to be prescribed for the purpose of carrying this Act into execution."

I should have said just now that there are a good many inmates in these institutions who are quite able to do some work if they like. Some cannot do any work, and, of course, for those there is much greater sympathy than for those who can. I do not believe in malingerers who are not willing to work. I have no sympathy for sturdy rogues and beggars, as they used to be called in times gone by, and who used to be treated in a very summary manner. If a man can work and will not, I would not say that he should not be allowed to eat, but he should only have sufficient to keep life in him. Then, in order to carry out discipline, it is provided that visiting justices may be appointed as inspectors and that there shall be a medical practitioner to visit the institution. With respect to the institution at Dunwich, I may say at once that I think, considering the large number of persons there—400 or 500—many of whom are old and infirm, and sickly—and the distance it is from town, it is almost inconsistent with the character of our humanity that they should be left there without a medical officer. Then it is proposed that, in case of institutions of this kind, the Curator in Insanity shall take care of the property of the inmates, and that, if able, they shall be liable to contribute towards their support. Some people at present at Dunwich have valuable properties which they do nothing with. They live at the expense of the Government; whether they derive any income from their properties I do not know. There are inmates in that position, I know. Then it is proposed to provide that the relatives of inmates, if they have sufficient means, shall be liable to pay the cost of such inmates' maintenance in the institution;

and if they refuse, the amount may be recovered in a summary way before justices. With regard to the definition of relatives, the 11th clause provides :—

"In making every such order the relatives of an inmate shall be held liable for his maintenance in the order and according to the priority hereinafter enumerated—

1. Husband or wife ;
2. Father or mother;
3. Children of the age of twenty-one years ;
4. Brothers or sisters."

I think that is very much the same as the provision in the Tasmanian Act.

The HON. SIR T. MCILWRAITH : Are those the only relations recognised ?

The PREMIER : Those are the only relations who may be compulsorily made to pay. For my own part, I think the list should be extended. The relatives are liable in that order—"husband or wife," "father or mother," "children of the age of twenty-one years."

Mr. MOREHEAD : Is a person who has reached the age of twenty-one years a child ?

The PREMIER : I suppose he is none the less the child of his parents.

Mr. MOREHEAD : From a legal point of view ?

The PREMIER : "Infant" is the technical term the hon. member is thinking of. Then there are provisions for the inspection and protection of inmates, contained in the 15th and 16th sections, which are exactly analogous to those contained in the Insanity Act ; and the provisions in the 18th section are intended to provide for complaints which are made against the authorities, and which are to be promptly forwarded to their destination. With respect to dealing with offences against the regulations by inmates, it is provided that they shall be dealt with in a summary way by the inspector, or visiting justice, or a police magistrate. Instead of bringing them up to a court of petty sessions, they will be dealt with in a summary way there. In fact it is legalising the same sort of procedure that takes place in gaols where prisoners are brought up for the infraction of gaol regulations. They are brought before the visiting justice on the charges preferred against them, and punishment is inflicted. It is provided that—

"No punishment other than fine or discharge from the institution shall be imposed without the approval of the visiting medical officer, or of the superintendent, if he is a legally qualified medical practitioner."

So that penalties such as deprivation of luxuries, or solitary confinement, shall not be imposed unless the medical officer certifies that it will not be to the detriment of the inmates' health. Those are, in short, the provisions of the Bill, and I believe that if it be passed and properly administered it will remove evils that are at present found to exist and which cannot otherwise be removed. The arrangements that were made when the Legislature first dealt with the matter, about twenty-four years ago, are hardly applicable now. There were very few inmates then, while now we have to deal with the management of between 400 and 500 people. Under the circumstances it is necessary that there should be some legal authority to deal with them. I beg to move that the Bill be read a second time.

The HON. SIR T. MCILWRAITH said : Mr. Speaker,—This Bill evidently is framed under the impression that it will apply mostly, at all events, to Dunwich. I believe it will apply peculiarly to that and to no other institution in the colony, and, on that account, I think it is a pity that it was not made simply a Bill to regulate Dunwich, because, keeping in my mind that one objection, we shall be saved from making general rules which, when other institutions are established in the colony, we shall be forced to apply to them instead of making others applicable to those new institutions. A Bill of this kind, of which I thoroughly approve, was, no doubt, forced upon the Government by the action of a committee of the other branch of the Legislature which sat lately, and I believe the result of the action of that committee was purely mischievous. I believe it caused an amount of insubordination at Dunwich that made it almost unworkable, and I am very glad that the Premier has taken the bull by the horns and put into an Act of Parliament the regulations which were working so smoothly before that committee sat at all. I do not think the Premier is entitled to take credit for the regulations that his Government have promulgated, he having had the results of better management at Dunwich to guide him. Judging from letters which I have received from Dunwich, and other signs of the times, I do not think that that institution is better managed than it was in the old times. I believe that the credit of the good management of the place is due to my old friend, Sir Arthur Palmer. He attended to it personally, and, although he did very many illegal things—things which were not justified by law—still they were right, and he carried on that institution in a way which was a credit to the colony. I do not think it will be better managed even under this Bill : but that the Bill is needed I am perfectly satisfied. I make these remarks to remind the Premier that due credit ought to be given to Sir Arthur Palmer for the fine state of management to which he brought that institution whilst he was Colonial Secretary. I read these regulations when they were laid upon the table of the House last year, and having heard the remarks of the Premier I think the Bill is thoroughly good. I believe in my own mind in the principles of it. The only point in my criticism with regard to the Bill is that I regard it as a Bill to deal with Dunwich alone. Clause 2 provides—

"The Governor may, by Order in Council, declare any public institution which is maintained wholly or in part at the public expense for the reception, maintenance, and care of indigent persons, or other persons requiring medical aid or comfort, not being a hospital for the insane or a hospital established under the statutes relating to hospitals, to be a public charitable institution for the purposes of this Act, and may, by the like Order in Council, declare that all or any of the provisions of this Act shall be applicable to such institution. And the provisions of this Act so declared to be applicable shall thereupon apply to such institution accordingly."

That definition, I have no doubt, will force to come under this Act institutions to which its provisions are in no way applicable, and I think, therefore, that it is simply a Bill dealing with Dunwich and that we ought to confine ourselves to Dunwich. I do not understand the application of clauses 8 and 11—whether the compulsory responsibility as to relatives is to be confined to the father, mother, and children—because I think it ought to extend a great deal further. I think that the responsibility of relatives ought to go to a much greater extent than appears here. I do not look at it as limiting the responsibility to those particular relatives so far as I have read the Bill. Any relation who is in a position to pay, even to the thirty-second cousin, ought to be responsible.

Mr. MOREHEAD : That only applies to the Scotch.

The HON. SIR T. MCILWRAITH : The Scotch do not require to be brought under the operation of a Bill of this sort. They take care that their relations do not become indigent. The Bill will do a great deal of good, and will be some sort of security that the management of Dunwich is upon a

sounder basis that we have been led to suppose. I have referred to the fact that I have received a number of letters from Dunwich, but I have never paid much attention to them; however, it is the duty of the Government to inquire into any complaints that may be made. Whatever was in those letters I have taken care to put in the hands of the Government, although I do not believe one-tenth part of what was written. I approve of this measure and will support it in committee.

Mr. MOREHEAD said: I do not altogether agree with this Bill as it stands, and the reason is that the Bill in its title and the provisions contained in it do not state the truth. The intention now is to convert Dunwich Asylum into a workhouse. That is practically and positively what the Bill aims at, and why not state the truth in so many words? I quite admit that this Dunwich Asylum has been used in many cases as a sanitarium for inebriates who, when they become fairly sober, are again turned loose on the streets of Brisbane or elsewhere. We have all seen that occur. A man gets an order for Dunwich, having been suffering from *delirium tremens*, and wanting a trip to the seaside; and when he gets better he is turned out. I think we should have had some more information from the Premier as to the sweeping nature of the Bill, although I agree with a great deal that is contained in it. I agree with the hon. gentleman that the question is a difficult one to deal with, and that the way in which Dunwich Asylum has been administered in the past has been a disgrace to the colony; but I think we are now going in for a too radical change. If we are to have the workhouse system in Queensland, let us have it throughout the whole colony, and do not let us centre it at Dunwich. Let a workhouse rate be struck by the divisional boards or other local authority. Why should Dunwich be the only workhouse in the colony? I do think it a step in a backward direction when we introduce such a system as this into the colony, because it is a fact that we are now destroying what was at one time a benevolent asylum, and converting it by one stroke into a workhouse. That the uses of the asylum have been abused, I admit, but surely there may be some middle course devised —some filtering process by which indigent persons can be provided with a home without imposing upon them the same restrictions as are contained in gaol regulations? Cannot the Premier draw a line between the gaol and the benevolent asylum? Such a scheme might very easily be worked out. I am prepared to acknowledge that there are many cases which are worthy of the absolute charity of the State, but I think that charity might be dispensed without imposing such severe restrictions. I further object to some portions of the Bill, where it is provided that relatives shall be compelled to support the inmates. There are very many cases in which that provision would work harshly. Take the case of a drunken husband, for instance, who ought more properly to be in gaol, but who may be sent to the workhouse. It is quite possible under this Bill that the decision of the justices might make that man's hard-working wife support him. That is a difficulty that might arise and is not provided against. I would further point out that there are large numbers of people who go to Dunwich —I know several instances myself—who have relatives in the other colonies, and I think there should be some reciprocity in this matter between the colonies. I know of a case which was brought under my notice quite recently, in which a man who had wealthy relatives was on the point of being buried as a pauper. As a matter of fact he was not, but he had to thank his friends for that. I do not think that this clause 8 and the following ones to 14 will act fairly at all. The State, in my opinion, is to a certain extent as much to blame for the condition of things as the relatives of the inmates are. But because a man happens to have a reckless blackguard of a relative I do not think he should in any way be called upon to defray the cost of that relative's maintenance at Dunwich. I do not see it at all. As a matter of fact, every one of us would do as much as we could to help our relatives for our own self-respect and because we have no desire that our names should be brought before the public as having neglected to help one who has fallen, but I do not think the State has any right to compel me or anyone else—to take me by the throat and to say, "You shall support this man." Yet that is what the Bill provides for. There is no question of "Will you?" It is "You shall," and that appears to me to be an anomaly and a great wrong. There is no connection or tie so far as the supporting of relatives is concerned, and I fail to see why any man, on the score of relationship, should be compelled to pay for the sin of another, he having been no party to the sin. I do oppose and shall strongly oppose the clauses I have referred to; because, as I have already said, while we are one and all of us ready to extend a helping hand to an erring brother, I do object to the State throttling a man and saying, "You shall pay the piper." That is not what is going to happen, as far as I know, when we are to be judged in the next world. We shall have to play a lone hand there; and I am not sure that it is not a wise thing that every man should play a lone hand here also. I do deprecate this workhouse Bill being introduced although, at the same time, I am fully alive to the gross way in which the Benevolent Asylum at Dunwich has been abused. I further admit that this is a most difficult question for any Parliament or any Government to deal with; and I think some middle course might be found —some course between laxity and harshness. I give all due credit to the Premier for introducing this Bill, and I shall vote for the second reading of it, although I hope to see it considerably modified when it gets into committee.

Mr. BEATTIE said: Mr. Speaker,—I believe with the leader of the Opposition, it was necessary that some action should be taken by the Government with respect to the management of Dunwich, mainly in consequence of some action taken last session by the other House. I believe that action caused a great deal of disorganisation and demoralisation in that institution. As the Premier stated, the Bill provides that a medical officer shall be placed in charge of the institution, and I should have liked to have heard some expression of opinion on that subject, because I had great faith, and still have faith, in the present management of the institution. When Sir Arthur Palmer was Colonial Secretary he took a great deal of interest in it; and on two or three occasions I visited Dunwich, and from personal observation and inquiry into the management I found that the superintendent gave general satisfaction. I am sorry the Premier did not mention that officer, who has had the whole responsibility of the management of the institution for so many years. No doubt there have been, as there are bound to be, in such an institution, a great many growlers at Dunwich, and many of the inmates have visited me to make complaints, which simply went in at one ear and out at the other, because I could see at once they had no just cause of complaint from the statements they made. There is a large proportion, however, of decent people brought to a state of indigence, who from old age are not able to earn anything for their own support,

and who are obliged to take advantage of the benefit of the asylum provided by the Government; and there is some cause of complaint from what I may term the respectable portion of the inmates of Dunwich. Since the present Government came into power there have been new regulations issued. I am not going to make any charge against the officers connected with the department, but these regulations, coming from the Colonial Secretary's Office to Dunwich, and being strictly enforced by the superintendent, at first would appear rather too hard. I may inform the House that three or four of the inmates called on me a few days ago in connection with these regulations, and I have no hesitation in saying that they were respectable people, intelligent, and thankful to the country for its kindness in giving them such a beautiful place in which to end their days. At the same time they felt the regulations too strict when applied to themselves. The only cause of complaint they had was this: one of them is in the habit of getting a few shillings from a mate of his in the North; the money comes in a letter, and the moment the letter arrives the money is taken out and he never gets the money. That is very hard. We, as old colonists, know that a great many are smokers and that a little tobacco is allowed, but some of them use a great deal more than others. One, in particular, says he felt it very hard indeed. He would, if he had the money, rather contribute to his support than live on the charity of the country. It was not often friends sent him a few shillings; but he felt it hard that it should be taken out of the letter and applied to his support, for it would not make a great deal of difference in reducing the amount of expenditure on his account per year—two or three shillings every two or three months. These are the hard and strict rules which, I am satisfied, would not appear hard and strict if judiciously administered and explained to those poor individuals. One of them complained about opening the letters, and I said, "You know very well that in all public institutions it is necessary that there should be some power over communication." He said—and he put it very fairly—"Suppose there was a complaint against the officer in charge?" I said, "Address a letter to the Colonial Secretary, and it would be more than he dared do to prevent the letter reaching its destination." He went away, as far as possible, satisfied that the superior officer in charge of the department would hear any case of complaint. I said, "How are you treated there? Are you comfortable and happy?" There were four of them; and if hon. members had heard the expressions of gratitude they would have been satisfied that we are doing what is simply the duty of the country in looking after the respectable poor who are unable to work. It is with much pleasure that I support the second reading of the Bill; at the same time I am in hopes that the Government will not be led away by the action of the other branch of the Legislature last session, which I believe did a great deal of injury to the officers who have had the control and management of the institution for so many years. I hope the Government will not place them in a worse position than they now hold, but will give them credit for the manner in which they have performed their duties for so many years.

Mr. MIDGLEY said: Mr. Speaker,—In my absence I was waited on at my office by the same deputation—I suppose it was—that waited on the hon. member for Fortitude Valley. I do not know why they should have waited on me in this matter, except, perhaps, for some remarks I made about Dunwich last session. If they inferred that I was disposed to do anything in my power to make their position comfortable, and to tone down any needless severity towards them, their inference was perfectly correct. I have yet to learn that it is a crime for a man to be poor; and if we err at all—as has already been stated by the hon. member for Balonne—in dealing with these people we should err on the side of kindness and considerateness towards them. The deputation that waited upon the hon. member for Fortitude Valley appear to have made the admission that they thought they had a beautiful and charming place and were perfectly satisfied about the opening of their letters. Well, I say that if that is the case they are satisfied with very small mercies indeed—satisfied with a great deal less than I should be satisfied with if I were an inmate of Dunwich. If I were never charged with or convicted of any crime I should look upon it as a very great severity to be dealt with as some parts of this Bill propose to deal with persons. I may say I believe the Bill is opportune, and, in fact, the reports upon the management of the institution at Dunwich provide an argument for its introduction; but I believe that some of the propositions in the Bill are open, at any rate, to criticism, and I will endeavour to point them out. The remarks of the hon. member for Balonne, I think, tended to this conclusion: that there ought to be in a colony like this two institutions, and not only one institution, to which people, apart from being criminals, should be sent. If there are so many of the needy in the colony it is desirable that there should be an asylum especially for their accommodation. It must be a sort of indignity—and poor people, I assume, are capable of feeling indignities—to people who have gone down there simply because of their poverty, and who are worn-out and old, that they should be made to associate with habitual inebriates and be subjected to severities and regulations which they would probably not be subjected to at all but because of those with whom they are compelled to associate. I cannot help thinking that some parts of this Bill go a little too far. I waited to see, before the Premier sat down, if he would give some explanation of the 17th clause of the Bill. I think it a very highly objectionable feature of the Bill. It appears to be the same with regard to the receipt of letters. That a man who writes a letter to a person outside of the institution should be subjected to the same supervision, the same inquisition with regard to his correspondence, that prevails in the gaols of the colony is, I think, carrying the thing too far. I would let an inmate of this institution, if he thought fit, pen deliberate untruths—let him pen whatever he likes about the institution and its management, and if his complaint is not true it will fall to the ground. However, a poor broken-down inmate of a benevolent institution is to be subjected to the indignity of the supervision of his correspondence, letters, and complaints, on the part of the superintendent. I think the clause ought to be eliminated from the Bill entirely. Another matter I would like to touch upon is this: I think the Bill in some parts makes provision for what ought not to come within the range of this institution at all. It appears to go upon the supposition that a man is able to pay for his maintenance in such an institution. If so, he ought never to be in it. If it can be ascertained before he goes into the institution that he is able to pay he ought not to be allowed in; and if it is found out after he is in that he can pay, he ought to be expelled from the institution as soon as possible. I would like in speaking upon this Bill to mention further—to give what little emphasis I can to what has been

said by the hon. member for Balonne in regard to the paying for relatives. There are cases where this would be perfectly right, and in which persons would be willing and glad to pay something for the support of relatives in such an institution. It might, however, press very hardly and unjustly in some cases, and it might be the means of promoting a very different result from that which we desire to promote. There can be no objection if we can make a man contribute to the support at an institution of this kind of a relative who has had to go through poverty or sickness or is worn-out and old, but we should not make a man contribute to the support of persons who have had to go there because of their drunken habits. If a man is brought there through being drunk, let the State, which through its Customs has derived whatever benefit is to be derived from him—from his drunken habits—pay for his support at the institution. I made some remarks last session about the desirableness of removing the institution from Dunwich altogether. If it should ever be my misfortune to have to go to Dunwich the State will not have to keep me there very long. A man is banished to the Pacific Ocean—away from all pleasure and intercourse with society—and for what? Because he is old, and poor, and broken-down. I consider that is wrong, and if this institution is to be brought under closer control and closer oversight there can be no reason why it should not be brought nearer the town of Brisbane. There is another reason for the removal of the institution from Dunwich. I knew an inmate of the institution who was consumptive — I believe people are ordered away from Sandgate even because of the air being too strong for them — the poor lad I refer to went down there, but he only remained at Dunwich a very little while when he died. Men who are weak-chested, at any rate, have no chance of living at a place like Dunwich, and I say, in the interest of humanity, the institution ought to be removed from where it is now.

Question put and passed, and on the motion of the PREMIER the committal of the Bill was made an Order of the Day for to-morrow.

CROWN LANDS ACT OF 1884 AMENDMENT BILL—COMMITTEE

On the motion of the MINISTER FOR LANDS, the Speaker left the chair and the House resolved itself into a Committee of the Whole to consider this Bill.

The MINISTER FOR LANDS moved that clause 1 as read stand part of the Bill.

The HON. SIR T. MCILWRAITH asked why the preamble was passed over. It was only a meagre preamble certainly, but there was one.

The PREMIER said that was the part of the Bill supposed to be put in by the motion "That this Bill do now pass"—the enacting part.

The HON. SIR T. MCILWRAITH: It has always been treated as the preamble.

The PREMIER: Not in this Parliament.

The HON. SIR T. MCILWRAITH said he asked the ruling of the Chairman as to why it was not necessary to put the preamble. He would like to know when that part of the Bill was passed?

Mr. SCOTT said he supposed that part of the Bill which preceded clause 1 was intended to become part of the Bill; but nothing could become part of the Bill till it was passed in committee. If, as the hon. the Premier said, it was supposed to be passed by the motion that the Bill do now pass, how was the Chairman to certify that it had been passed by the Committee? If it were never passed in committee it could never become part of the Bill.

The PREMIER said that, if hon. members felt any curiosity on the point, there could be no doubt as to what was the practice in other Parliaments or in the present Parliament—the Parliament elected at the last general election. It used to be the custom in one Parliament to print the word "preamble" against the enacting part, which must have been a subject of ridicule to anyone acquainted with the subject. It looked as if the person responsible for the Bill did not know the meaning of the word. He had in his hand Cushing's work on Parliamentary Practice, which pointed out nicely the distinction between the preamble and the enacting part. It was to this effect:—

"The preamble of an Act is the recital, by way of introduction or inducement to the enacting part, of the reasons on which the enactment is founded. The preamble of a public statute recites the inconveniences which it proposes to remedy—as, that doubts exist as to what the law is, or that some form of offence has been of frequent occurrence which it is necessary to punish with additional severity; or the advantages which it proposes to effect — as that it is expedient to revise, consolidate, and bring into one all the statutes relating to a given subject. * * * The preamble of a private Act sets forth the facts upon which it is founded; and as these are the whole inducement for the enactment, it is necessary that they should be fully and truly stated, and, as will be seen hereafter, substantially proved or admitted."

That was in section II. of the chapter on Bills. Then in section III.—

"The statement of the enacting authority, or, as it is called in the constitutions of the several States, the enacting style, follows immediately after the preamble, and is followed directly by the body of the Act. In ancient times this was expressed in the form of a petition to the king, which is still occasionally retained"—

As in the case of the Appropriation Bill which had been passed that afternoon—

"but with the addition of a declaration of the advice and consent of the two Houses. The modern style is as follows:—'May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent or the Lords spiritual and temporal and Commons, in this present parliament assembled, and by the authority of the same.' This form is used only at the beginning of an Act; each succeeding clause, where the Act consists of more than one, commencing with the words: 'And be it enacted.' or, 'And be it further enacted,' only."

The enactments of the Bill were contained in the several clauses. Each of those enactments was put seriatim to the Committee, and when they had been agreed to the Bill was reported to the House either with or without amendment, and in this manner was passed by both Houses. That was, he believed, a correct statement of the practice.

The HON. SIR T. MCILWRAITH said he thought the Premier might have got a better authority to quote from than Cushing. He (Sir T. McIlwraith) was not going back to Cushing, but he was going to apply common sense to the consideration of the matter. They had got four lines in the Bill which, it now appeared, would actually not get into the Bill by any process that had hitherto been adopted in dealing with the measures brought before the Committee. The hon. gentleman called those four lines the enactment style; but call them the preamble or the style of enactment or whatever they would, the question was how would they get them into the Bill? The Premier said the preamble ought not to commence with the words "Be it enacted," which were the words beginning the paragraph under discussion; so that according to the argument of the hon. gentleman there was no authority for getting those four

lines into the Bill. It was the first time that he (Sir T. McIlwraith) had noticed this departure from what had previously been the practice in that Committee, and he knew that, without exception, in all Parliaments preceding the present, they had always passed that paragraph specially. But let it be called a preamble or enactment—he did not care what name was given to it—he contended that those four lines ought to be passed by the Committee.

The PREMIER said that during the last three or four years the practice of not putting in a preamble had increased. In England they hardly ever put one in now. The part of the Bill to which the leader of the Opposition referred was not a preamble, and had never been postponed in that or any other Parliament.

Mr. BAILEY said the preamble was a most important feature of the Bill. Often when a Bill was going through committee, the discussion on its different provisions was of such a nature that the preamble was thrown out and the Bill destroyed. If the preamble was to be done away with they would have one check the less on hasty legislation. The preamble though apparently a formal matter, he considered of grave importance, because by rejecting it a Bill could be thrown out, should anything arise in the course of the discussion to cause hon. members to adopt that course. He did think that the plan now proposed was a new procedure as far as that Parliament was concerned. He did not remember any Bill having been introduced in that way previously, and he certainly preferred the old-fashioned way of having a preamble, and having it proved satisfactorily before the Bill was passed by the Committee.

The HON. SIR T. McILWRAITH said he took it for granted that the House would assume that every word in that Bill was passed by the Committee. But there they had four lines, not the least important lines in the whole Bill, which it appeared were not to be submitted to the Committee; but after that Assembly had agreed to the Bill and it had also been passed by the other Chamber, the Clerk of the Parliaments or some other officer appointed to deal with these matters would insert the words simply on the authority of the motion—"That this Bill do now pass." It was not a matter as to whether those lines were called a preamble or any other name, but whether everything that was contained in the Bill should not be considered and passed by the Committee.

The PREMIER said the hon. member for Wide Bay did not appear to distinguish between public and private Bills. In the case of a private Bill a preamble was necessary. The Bill was first referred to a select committee, but they did not postpone the preamble until the other part of the Bill had been dealt with. They dealt first with the preamble, which recited the circumstances under which the Bill was introduced, and unless those facts were satisfactorily proved they did not pass the preamble, and there was an end of the Bill; they did not proceed with it any further. In the case of a public Bill the preamble was always postponed until the end—that was, when there was a preamble; but yet, as he said before, it had never been the practice in that Parliament, or any other Parliament, to pass those four lines which were called the enacting style.

The HON. SIR T. McILWRAITH: This or any other Parliament?

The PREMIER said it had not been the practice of that Parliament, or any other Parliament, to make any resolution in reference to those four lines unless by mistake. If it had ever been done it had been by an error or a blunder. Putting the word "preamble" in the margin and calling it a preamble, and then moving that it be postponed, would not make those four lines a preamble. He was quite sure that anybody acquainted with parliamentary practice outside would laugh at the idea of that being called a preamble.

The HON. SIR T. McILWRAITH said the hon. member had said that never, except by a blunder, had those lines been passed before as the preamble of a Bill. He (Hon. Sir T. McIlwraith) contended that neither in that nor any other Parliament had they adopted any other course than that of treating those lines as the preamble, and postponing them until after the consideration of the provisions of a Bill. It was all very well for the hon. member, who had been reading up some new-fangled notions, to come now and try to force this new method on the Committee. He (Hon. Sir T. McIlwraith) thought they should stand by their own rules—by common-sense rules—until they found some reason for departing from them; and he did not think any sufficient reason had yet been given. He contended that the Committee was responsible for every word in that Bill, and the four lines which they were now discussing would, if the course proposed by the Premier were adopted, be put in the Bill without ever having received the sanction or consideration of the Committee. Let them just fancy the Chairman taking it into his head to put other words into the enacting clause, instead of the formula "Be it enacted by the Queen's Most Excellent Majesty," etc. He might have some high-flown style of his own, and he would have just as much right to put any other words as those contained in the four lines in the Bill, which had not been adopted by the Committee.

Mr. ARCHER said the wording of the paragraph under consideration was, "Be it enacted by the Queen's Most Excellent Majesty," etc., showing clearly that the enacting clause was connected with the idea of a preamble; it preceded the provisions of the Bill.

The PREMIER said the hon. gentleman might as well say that when there was a horse in a cart the horse was part of the cart.

Mr. SCOTT said that what the Premier had stated with reference to leaving out preambles which they had been in the habit of inserting in the Bill might be true, but he (Mr. Scott) maintained that no clause in a Bill had ever previously been passed by the House which had not been certified to by the Chairman of Committees as part of the Bill. He was not prepared to say, either, that the word "preamble" was always printed alongside the enacting part. But he was prepared to say that, until the present Parliament, every part of a Bill coming before the first clause was passed by the Committee, and he could not understand how the Chairman could certify to a Bill having been passed by the Committee when there was a clause in it that had not been passed by the Committee. It could not be the same Bill when additional words were inserted in it.

The COLONIAL TREASURER said it had always been the custom of the Committee, when the first part of a Bill consisted of a preamble and an enacting part, for the Chairman to read the preamble as far as the enacting part and no farther. It had never been the custom to read the enacting part.

Mr. MOREHEAD: Always.

The COLONIAL TREASURER said it had always been considered that when the enacting part alone appeared it was not a preamble, and

he had never heard the Chairman read the four lines attached to a preamble which constituted the enacting part.

The HON. SIR T. McILWRAITH said the Premier seemed to think that great blunders had been committed by previous Parliaments, and that he was putting the matter right. But it was the present Government that had blundered in introducing a Bill in that shape. He could well understand that an enacting part was not a preamble, nor did he wish to treat it as a preamble. What he wanted was to prevent four lines getting into the Bill for which no authority had been given by the Committee.

The PREMIER said the custom had been, if there was a preamble to a Bill, to postpone it, then to pass the several clauses, and then to return and deal with the preamble. If there was no preamble it could not be postponed. The preamble of a private Bill contained a recital of the provisions of the Bill, and it had to be proved before a select committee. If it was not proved there was an end to the Bill; but the committee never interfered with the enacting part. Until lately no Bill had been brought in without a preamble, but last year the majority of the Bills brought in contained no preamble, and no motion was made to postpone it, because there was nothing to postpone. A Bill consisted of a number of clauses, each of which had to be agreed to separately and then reported to the House. Then, when the other House had agreed to the same separate provisions, the next thing was for the Crown to agree. When the three bodies had agreed that a certain series of propositions should form part of the law, the fact of their agreement must be recorded in some way. In New Zealand it was said, "Be it enacted by the General Assembly of New Zealand." They said nothing about the Crown or the Houses of Parliament. In other colonies, as in Queensland, it was said, "Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly." That Committee had nothing to do with the Queen's Most Excellent Majesty or with the Legislative Council. What they had to do was to consider the provisions contained in the several clauses of the Bill. All they could say with regard to the enacting part was, "Be it enacted by the Legislative Assembly of Queensland," which of course was absurd, as they had no power to enact. When both Houses had agreed, then it was recorded as "enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland."

The HON. SIR T. McILWRAITH said the hon. gentleman argued as if they wished to treat the enacting part as a preamble and to have it postponed accordingly. He did not ask anything of the kind. All he asked was that it might be treated, if not separately, as part of clause 1, so that it might get properly into the Bill. There was no form by which the Chairman or any other officer of Parliament could put that enacting part into the Bill. It must get there somehow—but how? Was it to be smuggled in by the Chairman or one of the clerks, without the Committee having said a word about it? As the Premier had pointed out, the formula was different in New Zealand. What, then, was to prevent the Chairman from striking out the words as they appeared in the Bill and substituting other words altogether? He did not arrogate to that Assembly any right to pass an enactment, because a Bill could only become law after it had been passed by both Houses, and the fact that both Houses were mentioned in the enactment did not assist the hon. gentleman's argument. He would ask the Chairman how those words would be introduced into the Bill if they simply passed the clauses as they stood?

The PREMIER said he might just add that the same American writer said, with respect to the form of the words:—

"The enacting style made use of at the present time in Congress is not prescribed by any constitutional provision, or by any statute, or by any rule of proceeding, but rests entirely upon usage."

It was the same in England. The particular form was not prescribed by any rule, provision, or statute. It rested entirely upon usage, and that had always been the course followed here.

The HON. SIR T. McILWRAITH said: If the hon. member had found out that it was the same in the House of Commons he would have quoted the practice of that House.

The PREMIER: I have not got it before me.

The HON. SIR T. McILWRAITH said he would like to know, from the Chairman, by what authority the enactment would get into the Act if they passed the clauses as they stood?

The CHAIRMAN: The only authority I can give is the fact of the lines being left in the Bill if the Committee do not object. I may say that last session several Bills were passed in the same way.

The HON. SIR T. McILWRAITH said he was sorry they were allowed to be passed without directing the attention of the Committee to the fact. However, the Chairman had actually told them that the authority for the insertion of the lines was if the Committee allowed the clause to pass without objection. He had always understood that, when they wished to put their ideas into an enactment, that they proposed those ideas in words and carried them by a majority of votes; but it seemed now that there was another way by which the clause could be got into the Bill after it passed. He was sure the Chairman saw the absurdity of the thing—that any person should have authority to add four lines to an Act of Parliament. They had no cognisance of those lines, which could not be inserted in the Bill unless they were put and passed by the Committee; but, according to the theory of the Premier, there was some extraordinary way by which they could be put in by an officer of the House.

Mr. MOREHEAD said he could hardly conceive the interpretation put by the hon. the leader of the Opposition upon the words of the Premier to be correct. Surely nobody could ever mean to say that the Clerk of the House had the right—or, at any rate, the opportunity, which became a right because there was no means of checking him—of prefacing or altering a Bill that had passed that House. If it were so he hoped after that debate it would never be allowed again. That appeared to be the only interpretation the Premier's words would bear, and he (Mr. Morehead) hoped that the Chairman would assert the rights of the Committee and prevent such a state of things from occurring. Surely they could not jump over—as he knew had been done by the Premier in past sessions—they could not jump over the first clause of the Bill and leave the Government to fill in something that the Committee had no control over! The thing was too absurd. According to the words of the Premier, as interpreted by the leader of the Opposition, certain words could be filled in in some way, but there was no official record of the words and no means whatever of checking them. Surely the Chairman would see his way to prevent such an infringement

of the rights of members of that Committee being perpetrated by the Premier. He was sure that he (the Chairman), with his long parliamentary experience, would see that such a state of affairs was not allowed to exist. Even if one case, or half-a-dozen cases, had occurred last session, that was no reason why the evil should be perpetuated.

The PREMIER said: Of course, the Chairman would understand that what was now proposed was that a motion should be put to the Committee which had not been put to it before—that the Committee should deal with and sanction the particular form of the enacting clause. Such a motion had never been put before in the colony since it had been in existence, nor, he believed, in any other colony.

Mr. MOREHEAD said the hon. member seemed to forget that heretofore the rights of the Committee had been guarded by what was known as the "preamble," which was a fixed quantity and was apparently the subject of discussion. In fact he had known a case, as he had mentioned before, where a Bill had been introduced by the Premier and they cut away both the exterior and interior, and then threw the preamble into the fire, and, in fact, made it a new Bill altogether. The preamble was, at any rate, a portion of a measure that had to be considered, and they had none now before them. The question was this—Were they to deal with other matters before they saw what the Bill was, through the preamble? The preamble might be anything, but at any rate it was a matter that had to be subjected to the judgment of the Committee, but now they were being deprived of that They were simply asked to pass certain clauses, and the words at the back of them were to be supplied by the Government, or by the Clerk; but so long as he had a voice in the matter neither the Government nor the Clerk should put anything into a Bill that had not been consented to by the Committee. Those were the lines, he took it, upon which the leader of the Opposition was fighting: that he was dissenting altogether from anything being put into a Bill—which might or might not become an Act of Parliament, and which, in all probability, would become an Act of Parliament—of which that Committee had no cognisance, and which they had not been called upon to discuss.

The PREMIER said he found some further information upon the point in the volume from which he had already quoted—"Cushing"—but it only bore out what he had stated before. It appeared that this subject had attracted the attention of other Legislatures before ours, and in some of the States of the Union this was the rule relating to it:—

"The Constitutions of all the States in the Union, except those of Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Louisiana, Kentucky, and Arkansas, contain a statement, under the name of the enacting style, of the words with which every act of legislation in those States, respectively, must be introduced, sometimes with and sometimes without the use of negative words, or other equivalent language. The Constitutions of the States above named, and of the United States, contain no enactment of an enacting clause. Under those Constitutions, therefore, an enacting clause, though equally requisite to the validity of a law, must depend mainly on custom. The foregoing considerations seem to call for three remarks: 1. Where enacting words are prescribed, nothing can be a law which is not introduced by those very words, even though others which are equivalent are at the same time used. 2. Where the enacting words are not prescribed by a constitutional provision, the enacting authority must, notwithstanding, be stated; and any words which do this to a common understanding are doubtless sufficient; or the words may be prescribed by rule. In this respect much must depend on usage. 3. Whether, where enacting words are prescribed in a resolve or joint resolution, can such resolution have the force of law without the use of those very words, is a question which depends upon each individual Constitution, and which we are not called upon at present to settle. The enacting style made use of at the present time in Congress is not prescribed by any constitutional provision, or by any statute, or by any rule of proceeding, but rests entirely upon usage."

Those words were exactly applicable to the enacting style made use of in Queensland and in every other Australian colony.

Mr. BAILEY said he attached considerable importance to the point which had been raised; in fact, the preamble was of so much importance that he looked upon its reading as tantamount to a second reading. When a Bill was read a second time the House affirmed the principle of it, but did not affirm the details of the measure. When it went into committee with the preamble attached, setting forth the meaning of the Bill and what the objects of it were, the clauses whilst going through committee might be so much modified and so altered, that the Bill really did not remain as it was originally intended to be. In that case they had the option of throwing out the preamble, having considered the Bill under a different light. They should lose one of their rights by abolishing preambles from the measures brought before them; but if it were right that the preamble should not be attached to a Bill, they were quite right in going on with clause 1. What he wanted hon. members to understand, however, was this: that the preamble was of far more importance than they were accustomed to consider it. It was passed as a formal clause usually, because they had agreed to the principles of the Bill and the details, but, as he had already said, there were Bills that were so much altered in committee that their object was destroyed, and in that case they had their remedy. He did not like the new form of introducing Bills without a preamble, and he hoped they should see the old system reverted to, because in that they had one of the greatest safeguards against hasty legislation.

The HON. SIR T. MCILWRAITH said, when he asked the ruling of the Chairman as to the words "Be it enacted" and the three following lines, he understood him to say that if the words were not objected to they would go in the Bill as a matter of course. What he wanted to know now was, would the objection have to take the form of a division of the Committee, or would an individual objection preclude the words? He objected that a Bill should pass through containing four lines that had not had the approval of the Committee.

The CHAIRMAN: The objection I consider should be a distinct objection on the part of the Committee, and not an individual objection.

The HON. SIR T. MCILWRAITH said that then the majority of the Committee must formally object, but if no objection had been taken to the words then they would be considered as having passed the Committee.

The CHAIRMAN: Where there is a preamble it is read, but it is only read down to the words "Be it enacted." Whether the enacting clause is preceded by a preamble or not, it remains in the Bill.

The HON. SIR T. MCILWRAITH said the Chairman seemed to forget the fact that the enacting clause had always formed part of the preamble. It was printed as part of the preamble in every Bill, and was passed on the motion "That the preamble do now pass"; so that the enacting clause had always passed and obtained the formal sanction of the committee. The Chairman said that the practice had been, while

he was in the chair, to omit the enacting clause in reading the preamble, but to always put the preamble. Now, the practice before the present Chairman was in the chair and while Mr. Scott occupied it was very different; that gentleman said he always read the preamble right through, including the enacting clause.

Mr. MOREHEAD said the point raised was a most important matter, and it would be very much better to refer it to the Speaker. He found on reading a somewhat similar case—a Bill passed in 1882—that the preamble printed with the Bill was read and passed. He took it that the circumstances were similar now. The present Bill was one to amend an Act passed last session; and the Premier did not deny—in fact, he knew very well that he made no objection to the preamble accompanying the Bill to amend the Act of 1876. If he took exception to it then—the hon. gentleman who was so very particular as to the way in which these matters should be brought before Parliament—why did he raise a difficulty now? He (Mr. Morehead) did not see why the hon. gentleman should object to withdraw the enacting clause and put in a preamble to this effect, "Whereas it is expedient to amend the Crown Lands Act of 1884," etc. However, the main point was that raised by the hon. the leader of the Opposition, and it was one of so much importance that they ought to have it settled by the Speaker. He therefore moved that the Chairman's decision—if he had arrived at any decision—be referred to Mr. Speaker.

The PREMIER said the motion before the Committee, was that clause 1 stand part of the Bill. Objection could not be taken now to the ruling of the Chairman.

Mr. MOREHEAD said that exception must be taken now, because the ordinary course of procedure was that the preamble be postponed, and the custom up till last session had been to treat the three and a-half lines preceding the actual clauses of a Bill as a preamble. The only time they could refer the question to the Speaker was now, and they ought to decide whether in future those words should be treated as a preamble or not.

The HON. SIR T. MCILWRAITH said it would be better to have the question settled now. The point of order he should like to have decided was—The Committee and the House having agreed upon the several clauses of the Bill without the enacting clause, is it competent for any of the officers of the House to add the enacting clause afterwards, without the authority of the Committee or the House?

The PREMIER said he apprehended that the real question was whether, in the case of a Bill without a preamble or any Bill, what was called the enacting authority or enacting style should be the subject of a separate motion. If so, the motion ought to follow all the clauses of the Bill. He had not the slightest doubt that any authority of parliamentary experience outside the colony would laugh at the notion of such a proposition. Of course he did not know what the opinion of the majority of hon. members or of the Speaker might be, but in the majority of Acts passed in England during late years there was no preamble.

Mr. ARCHER: Why is it that there are preambles in some Bills and none in others?

The PREMIER said there used to be no Bill without a preamble, but it was not considered worth while now to have a preamble in every case. If it would give the hon. gentleman any satisfaction, he might tell him that there was originally a preamble to this Bill an inch and a-half long; but it was struck out, being considered unnecessary. The question whether the enacting clause should be put to the Committee was another point altogether. He presumed that parliamentary proceedings always had a motive, and the only motive for putting a clause was that it might be adopted, negatived, or amended. It might be convenient to adopt the form "Be it enacted by the Parliament of Queensland." But hon. gentlemen opposite were starting a new kind of hare which had never been seen before.

The HON. SIR T. MCILWRAITH said the Premier was wrong in saying the question was whether the enacting clause should be made a separate motion; it was whether the enacting clause should be passed by the Committee at all. It was essential to the Bill passing in a complete form that the enacting clause should be passed by the Committee; and all the quotations read by the Premier from "Cushing" did not touch the point. "Cushing" laid it down that the enacting clause should precede all the others. It might be considered as part of the 1st clause and part of the 2nd, and so on all the way through the Bill. The difficulty would be got rid of at once by commencing the 1st clause with the words, "Be it enacted," etc., which would be understood to precede every other clause; but what the Government wished to do was to pass the body of the Bill, and allow the officers of the House to put in the enacting clause at some other stage. That was simply absurd.

The CHAIRMAN: I will read the point raised:—"The Committee and the House having agreed to the several clauses of the Bill——

HONOURABLE MEMBERS: No, they have not.

The CHAIRMAN: That is the form in which the hon. member put the question. "The Committee and the House having agreed to the several clauses of a Bill without an enacting clause, is it competent for the Chairman or the officers of the House to add an enacting clause without authority?"

Mr. MOREHEAD: That is a suppositious case you are putting?

The CHAIRMAN: Yes.

HONOURABLE MEMBERS of the Opposition: That is right enough.

The PREMIER: This is not a debating class, surely.

Mr. MOREHEAD: Let us ask the Speaker a conundrum.

The PREMIER: That is all it is—simply a conundrum.

The CHAIRMAN: The question is—That the question put by Sir Thomas McIlwraith be referred to the Speaker.

Question put and passed, and the House resumed.

The CHAIRMAN said: Mr. Speaker,—On getting into Committee on a Bill to amend the Crown Lands Act of 1884 we have observed that there is no preamble to the Bill. The 1st clause was moved, and an objection was raised as to whether the enactment clause should not be postponed; and it thus became a question, when a Bill was passed in committee without an enacting clause, how the enacting clause could get into the Bill. My opinion was asked in the matter, and I put it in this way: that it got into the Bill from the very fact of the Committee not objecting to it; and I pointed out that, where there is a preamble, the preamble is only read so far as the enacting clause, and the enacting clause remains in precisely the same position as in this case, where there is no preamble at all, so that it got into the Bill in the same way. Objection was taken to this, and the question was proposed for your determination.

The question is as follows—a suppositious case of course: The Committee and the House having agreed to the several clauses of a Bill without an enacting clause, is it competent for the Chairman or any officer of the House to add an enacting clause without authority? Your ruling, sir, is asked for on that question.

The PREMIER: Before you give your ruling, Mr. Speaker, I may be able to give you some assistance in the decision of the question. The question that arose in Committee was this: In this Bill there is no preamble, and consequently the postponement of the preamble has not been moved. The 1st clause was proposed by an hon. member, and the question was put by the Chairman, when it was suggested that something must be done with the words "Be it enacted," etc. The contention was that, being a part of the preamble, it should be postponed like a preamble. It was afterwards pointed out that there was no preamble, and that according to modern practice in this House and in other Parliaments, and in the Imperial Parliament, it is common to omit a preamble. It was pointed out by me that in the statutes passed in 1883 almost every other one has no preamble, but begins simply "Be it enacted." The enacting clause is not described in the margin as a preamble: it is not one. Reference was also made by me to Mr. Cushing's book on Legislative Assemblies, the chapter on Bills, 2nd section, page 818. It describes first a preamble:—

"The preamble of an Act is the recital, by way of introduction or inducement to the enacting part, of the reasons on which the enactment is founded. The preamble of a public statute recites the inconveniences which it proposes to remedy."

He then proceeds to give instances of it. The next section is section 3, on the "Enacting style or authority," and he says:—

"The statement of the enacting authority, or as it is called in the Constitutions of several states, the 'enacting style,' follows immediately after the preamble, and is followed directly by the body of the Act. In ancient times this was expressed in the form of a petition to the king, which is still occasionally retained, but with the condition of a declaration of the advice and consent of the two Houses"

He then mentions the circumstance that the Constitutions of most of the States in the United States—

"Contain a statement under the name of 'the enacting style,' of the words with which every act of legislation in those States, respectively, must be introduced, sometimes with, and sometimes without, the use of negative words or other equivalent language."

And he says further that the Constitutions of certain States he mentions, and of the United States, "contain no statement of an enacting clause"; and he says:—

"Under those Constitutions, therefore, an enacting clause, though equally requisite to the validity of a law, must depend mainly upon custom. The foregoing considerations seem to call for three remarks:—1. Where enacting words are prescribed nothing can be a law which is not introduced by those very words, even though others which are equivalent are at the same time used. 2. Where the enacting words are not prescribed by a constitutional provision, the enacting authority must notwithstanding be stated; and any words which do this to a common understanding are doubtless sufficient; or the words may be prescribed by rule. In this respect much must depend upon usage. 3. Whether, where enacting words are prescribed in a resolve or joint resolution, can such resolution have the force of law without the use of those very words, is a question which depends upon each individual Constitution, and which we are not called upon at present to settle. The enacting style made use of at the present time in Congress is not prescribed by any constitutional provision, or by any statute, or by any rule of proceeding, but rests entirely upon usage."

That is sufficient to show that the preamble which under our Standing Orders is dealt with first is a very different thing from the enacting style. The two things then being entirely distinct, the question arises—and it is the only question that can arise—whether it is necessary for the Committee or this House to make a substantive resolution with respect to the enacting style or clause. Upon that it was pointed out in committee that it has not been the practice in this House, nor, so far as can be ascertained, the practice of other Houses of Parliament, to make a substantive resolution that these words be adopted. They are, in fact, involved in the passage of the Bill through this House. It was pointed out that the passage of an Act of Parliament involves the assent of the two Houses of the Legislature and of the Crown. The formula under which that assent is given may, as pointed out by Cushing, be a matter of the Constitution of the country, or it may be a matter of Standing Order, or it may be a matter of custom. In this country it has been a matter of practice; the same formula has always been used, and the manner in which the joint assent of the three estates of the realm is recorded is by what is called the "enacting style" or "enacting clause." This is the true view of the matter, and it is clear that it is not the province of this House to pass a substantive resolution in each case with respect to the adoption of the enacting clause. What this House does in committee is to take the several enactments, the several clauses; these being agreed to, the other House is asked to agree to them; if it does, then the third estate of the realm is consulted; the third estate agrees, and the three having agreed, the joint agreement is by usage in this country recorded in the words "Be it enacted," etc. This is the custom with us, though it might be convenient to pass a Standing Order to say what style shall be adopted. As I have pointed out, in New Zealand it is put, "Be it enacted by the General Assembly of New Zealand," without any reference to the other House or to the Queen—unless my memory deceives me. It is not the province of the committee to determine in each Bill what particular form shall be adopted. The words "Be it enacted," etc., express the thing that will happen if the clauses are affirmed, but they have no effect until the three estates of the realm have agreed to the Bill.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—We will put aside altogether what the hon. member said about this being considered a preamble, because we have admitted it is not a preamble. We have been treating it entirely as an enacting clause. Now, hitherto all the Bills that have passed this House have had this enacting clause as a part of the preamble, and as such it has received the distinct sanction of the Committee and of the House. But a new practice is sought to be introduced here, by which we leave out the enacting clause altogether and commence at clause 1. What we say is this: We pass the body of the Bill, and it leaves us in that state, but nevertheless the officers of the House take it upon themselves to put in an enacting clause. It goes in that form to another place, and comes back from another place with this enacting clause, with which this House has had nothing whatever to do. The difficulty would entirely have been got over if, when the Government made up their minds to pass the Bill without a preamble, they had made these four lines the commencement of clause 1. Then we could assume that it was intended that they should be in front of every other clause; but, if we leave it out altogether, it puts us in the predicament of leaving it to the officers of the House to fill up the enacting clause. Now, the hon. member made large quotations from

"Cushing," but if you examine the whole of those quotations you will find there is not one single word to show that the Bills, when they were passed by the several States of America, had not an enacting clause in them. In fact, he implies that every one of those Acts had before it an enacting clause. Then he takes as a precedent the House of Commons. He says that the Bills there are passed without an enacting clause—but why? The Bills are simply put on the table as they pass, without a preamble. The hon. member has stated that that is the custom of other legislatures, but he has not shown it. So far as he has quoted precedents they distinctly show that all those legislatures pass the enacting clause as preceding every other clause in a Bill, except in cases where it is assumed to precede each clause, having been attached to the first. That is what we want here. I say that in doing this we would be making a departure from our usual custom, which could only be justified by some very great reason, and we certainly should not put ourselves in the ridiculous position of passing the body of a Bill and leaving it to the officers of the House to fill in the enacting clause. The Chairman says he assumes the enacting clause ought to be put in unless it is objected to by the Committee. I object to it. Is there anything at all in our Parliamentary history to justify the Chairman in saying, "If you object to this clause you must negative it"? The custom is that everything that passes this House must have the distinct sanction of the House. We want the distinct sanction of the House to this enacting clause. When it is passed, then it becomes the law of the land. Without that no officer of the House has a right to put it in, nor has the House at any time delegated to any body outside itself, or to any individual, the power of adding anything to an Act of Parliament. We are particular even about the punctuation of our clauses; and yet it is proposed to leave it to the officers of the House to put in a clause which has never passed the House at all.

The SPEAKER: The question is undoubtedly a new one, as far as the practice of this House is concerned, and I have never heard it raised before. In looking for authorities in relation to the matter, I find that May is entirely silent on the subject. He gives no indication at all as to the enacting clause. With regard to the preamble he says:—

"The preamble is next postponed, which in the Commons is the first proceeding. This course is adopted because the House has already adopted the principle of the Bill on the second reading, and it is therefore the province of the Committee to settle the clauses first and then to consider the preamble in reference to the clauses only. By this rule the preamble is made subordinate to the clauses, instead of governing them."

Upon referring to "Dwarris on Statutes," also a standard authority with regard to parliamentary practice, I find there is nothing in relation to the enacting clause. He says, on page 271—

"On public Bills the preamble is discussed last, while in private Bills the preamble is to be considered before any other part of the Bill. * * * * * * Every kind of amendment is admissible, provided only that it be within the title of the Bill. And the instructions given to committees, it has been seen, often enable them to receive clauses and to make provisions in Bills, which they could not otherwise have entertained. The preamble, which had been postponed, is considered at the end, and, if necessary, is amended to make it conform to amendments made in the Bill."

Now, those are the only authorities dealing with the practice of the House of Commons in which there is any information with regard to the preamble of a Bill. The other authorities are those quoted by the hon. the Premier and alluded to by the hon. leader of the Opposition, with regard to the statement of the enacting authority in some of the States of America; and I gather from the hon. the Premier that the practice there has been agreed to by a common proceeding on the part of the Assemblies themselves, and so it has become a rule. The only rule in our own Standing Orders is Rule 228—

"The Chairman shall put a question—'That the preamble be postponed,' which being agreed to, every clause is considered by the Committee seriatim."

I consider, then, that we must fall back on what has been the invariable practice of the House. I will take two Bills, passed last session, as typical of the course pursued by the House. The Insanity Bill contained an enacting clause similar to the one in this Bill, and I find the following report in *Hansard*, vol. 43, page 167:—

"On the motion of the Premier, the House resolved itself into a Committee of the Whole to consider this Bill.

"Preamble postponed."

The PREMIER: That is a mistake.

The SPEAKER: The United Municipalities Act Amendment Bill had an enacting clause identical with the one now before the House, but there is nothing in the report to show what action was taken. The Chairman simply put clause 1. Whatever, then, may have been the action with regard to the first Bill, in the case of the last-mentioned one no notice whatever was taken of the course which I presume the Chairman adopted—of saying nothing about the enacting clause. On the question itself, I cannot but think that it would be extremely dangerous on the part of the House to allow anything to pass which had not been assented to by the House. The House will remember that last session a clerical error, so to speak, crept into a Bill brought in by the hon. member for Blackall, Mr. Archer—the Native Birds Protection Bill—and after the Bill had been sent to His Excellency it had to be recalled and repassed by both Houses to get that error rectified. I take it that if that is essential in the case of a clerical error, much more is it necessary to pause before seeking to allow the enacting clause to be inserted by the officers of the House. There is nothing in our Standing Orders in relation to it, and there is nothing in the practice of the House of Commons to guide us as to what course we ought to take, but I think that before such an innovation is agreed to the House itself should give its assent to it. This is the opinion I have arrived at; and I have not arrived at it hastily, but have given the matter very careful consideration during the last two hours. It does appear on the face of it, according to the authorities quoted by the Premier, that the style of the enacting clause has been the result of a common assent on the part of the Legislative Assemblies adopting it, and I think it would be wise on the part of the House to come to some understanding on the matter, and not to leave it to the officers of the House to insert this clause.

The PREMIER said: Mr. Speaker,—Before you leave the chair I should like to ask you what, in your opinion, is the proper time to deal with this matter—whether at the commencement of the proceedings in committee or at their close, or subsequently in the House?

The HON. SIR T. MCILWRAITH said: I would ask you, Mr. Speaker, to remember that according to a late custom of this House this Bill commences with the words "Be it enacted," etc. If we do not decide to put in the enacting clause before the Bill leaves this House we will actually go into the danger that you anticipate—a clause will be put into the Bill that has not been passed by the Committee. According to the authority of "Cushing," the enacting clause is supposed to precede every clause, but by custom, and by usage in all legal documents, it

may be left out if it precedes the first. The proposal I made to the Premier was, that the 1st clause should commence with the words "Be it enacted," and then it may be presumed to be a part of every succeeding clause. That is following exactly the course laid down in "Cushing."

Mr. CHUBB said: I would like to point out that in one of our statutes, the Acts Shortening Act, it is provided that where an Act consists of more than one clause it shall be divided into sections, which are to be read with the introductory words. The provision I refer to is the 4th section, which says—

"Such Acts shall be divided into sections, if there be more enactments than one, which sections shall be deemed to be substantive enactments, without any introductory words."

It appears that provision is made there for the omission of the words, "Be it enacted," as is done in America after the 1st clause; but no provision is made for dealing with the enacting clause itself in the way referred to by the Premier.

The PREMIER said: In asking the question, Mr. Speaker, as to whether, in your opinion, these words should be dealt with at the commencement of the work of the Committee, I would also ask whether they are to be treated as part of the 1st clause?

The SPEAKER: It will be a matter of practice entirely for the House to determine, but as there is no debateable matter in the enacting clause, I think it would be better if it were passed in the first place, or, adopting the suggestion of the leader of the Opposition, it might be allowed to form part of the 1st clause.

The Speaker left the chair and the Committee resumed.

The PREMIER said that, as it was the opinion something ought to be done with the words in committee, he was disposed to think that it would be most convenient to ascertain what was the practice in this respect of other Legislative Assemblies. In the meantime, he thought that probably the most convenient way of dealing with the enacting clause would be to treat it as part of the 1st clause, and consider that the motion, as made by the hon. the Minister for Lands, that clause 1 stand part of the Bill, included it. Of course it would make no difference in the printing of the Bill.

Mr. MOREHEAD said he was glad to find that the hon. the Premier had at last come to such a state of mind as to consult somebody as to whether he was right or wrong. The hon. gentleman now proposed to consult other legislatures. He (Mr. Morehead) would like to know what mode he would adopt—whether he was disposed to write them a private letter. Evidently the hon. gentleman was very much annoyed because he had been beaten by sound common sense.

Question—That clause 1, including the enacting clause, stand part of the Bill—put and passed.

On clause 2, as follows:—

"The Governor in Council, on the recommendation of the Land Board, may suspend the operation of the 43rd section of the principal Act with respect to any land situated in any of the districts specified in the schedule hereto or any other district which may be recommended by the board to be added to the list of districts therein specified. And thereupon the following provisions shall have effect:—

1. Any application to select any of such land must give a clear description of the locality and boundaries of the land applied for, and must state whether it is already surveyed or is unsurveyed.
2. Every selection applied for must, before the application is lodged, be marked at the starting point of the description by a marked tree or post at least three feet out of the ground and six inches in diameter, and such tree or post must be maintained until the boundaries of the land have been surveyed.

   A statement that the marking has been duly effected must accompany the application.
3. In agricultural areas, the boundaries not having frontage to roads or natural features must be rectangular and be directed to the cardinal points, unless any other general bearings are adopted for that portion of country.
4. If any selection of unsurveyed lands is not surveyed by the Minister within three months from the date of the approval of the application by the commissioner, the selector may apply to the Minister for a refundment of the survey fee, and, if the survey is not made within two months from the date of such application, may employ a licensed surveyor to effect the survey at the cost of such selector, and on such survey being made and approved by the board the survey fee shall be refunded to the selector.
5. If upon the survey it appears that, by reason of a prior application or any other reason, the applicant cannot obtain the whole of the land applied for, he may abandon the application and demand back the deposit of the first year's rent and the survey fee.
6. If for any other reason the applicant wishes not to proceed with the application, he may demand and receive back the deposit of the first year's rent less twenty per centum thereof, but shall not receive back the survey fee.
7. The approval of the application by the Commissioner shall not be confirmed by the board until the land has been surveyed.
8. When a selection has been surveyed and the board has confirmed the approval of the commissioner, notice of such confirmation shall be given to the selector, as provided by the 51st section of the principal Act.
9. When the application has been confirmed by the board, and the applicant has paid the value of the improvements on the land (if any), he shall be entitled to receive from the commissioner a license to occupy the land comprised in the application according to the boundaries as defined by the survey.
10. In other respects the provisions of the principal Act shall be applicable."

The MINISTER FOR LANDS said that on the second reading of the Bill objection was taken to giving the Government power, on the recommendation of the Land Board, to extend the operation of that clause to other districts besides those named in the schedule of the Bill. That power might possibly be injudiciously used, not only with reference to the extension to the districts referred to, but also in dealing with those portions of land lying in the districts resumed. As he had pointed out in the second reading of that measure, there was a large portion of land which was patchy and could not be dealt with under the provision for survey before selection, which was the reason of the Government submitting the present Bill to the House, asking that power should be given them to deal with that land by selection before survey. The lands referred to probably never formed part of any leased runs, or if they were included in the boundaries of such runs they certainly were not country on which rent had been paid. As it was only intended to exercise the power given by the Bill in the way he had pointed out the other night, the Government were prepared to introduce an amendment limiting their power absolutely to the land which it was intended to bring under the Bill—an amendment which, he believed, would amply meet the objections which were raised, on the second reading, to the clause in its present form. He moved, as an amendment, to omit the words "or any other district which may be recommended by the board to be

added to the list of districts therein specified," with the view of inserting the words, "which did not at the commencement of the principal Act form part of a run, and which had, before the commencement of that Act, been open to selection under the Crown Lands Alienation Act of 1876."

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

Mr. ARCHER said it was pointed out, on the second reading of the Bill, that the schedule did not include any districts north of Bundaberg, and the hon. member for Mackay suggested that it might be as well to extend it further north. Was the Minister for Lands prepared to make any change in the schedule of the Bill?

The MINISTER FOR LANDS said it was not considered necessary to include any other districts in the schedule. In the North the land had not been so completely picked over as in the South, and there was much more land to deal with there on the principle of survey before selection.

Mr. BLACK said he could not agree with the Minister for Lands on that point, for there were districts in the North—his own district was one—which had been quite as much picked over as any in the South. No portion of the colony had been so much picked over in all directions as the district of Mackay, and there were many small pieces of land there which it would be advisable to bring under the operation of the measure and which would be taken up provided there could be selection before survey. Since the Act had been in force little or nothing had been done to make any new surveys—really, he believed, in consequence of the great expense it would be to the country to send surveyors to survey the land. He regretted very much that the Government had introduced that amendment. They might just as well put the Bill into the waste-paper basket for any use it would be. The Minister for Lands, in introducing the Bill, said it was to apply to certain districts in the southern portion of the colony—to land of a poor, sterile nature, to which it was not worth while sending a surveyor. In the northern portion of the colony—the portion excluded from the schedule—there had been a far greater amount of selection going on for the last eight years than in the South. Selection had practically ceased in the North, owing to the difficulty selectors experienced in getting land. They were not disinclined to select, but there were no surveyors to survey the land for them. Even if the Government did not intend to immediately include some of northern districts in the schedule, they should certainly reserve to themselves the right of extending the schedule at any time, as they might consider circumstances required. He wished it to be distinctly understood—as there seemed to have been some misunderstanding as to what he said on a former occasion—that while he entirely disapproved of selection before survey in grazing districts yet he thought that in the agricultural districts along the coast it was a far preferable system to that of survey before selection, and would certainly have the effect of adding considerably to the revenue. The same objection that the Minister for Lands had urged about the expense of survey before selection in the South applied with much greater force to the districts in the North, where selection had taken place much more rapidly than in the South. Certainly the Government had made a great mistake in not reserving to themselves the right to extend the schedule without coming to the House for that purpose. He did not know whether the Minister for Lands was likely to entertain the idea, but he would certainly suggest to him the advisability of reserving that power. It would do no harm. He assumed that before land was thrown open for selection before survey it would be stated by *Gazette* notice—although no provision for that was made in the Bill—what the rent was to be in certain districts, and what the capital value was to be; and having done that they might safely leave the selectors to continue as they had been hitherto doing, each selector selecting the land that he considered most suitable for his purpose, subject to the conditions of the Act as to area and the boundaries being in certain directions.

The MINISTER FOR LANDS said one great objection to what the hon. gentleman suggested was that they would not be able to classify and value the land—to allow selectors to take up, perhaps, the most valued lands at the minimum price the board could put upon them as agricultural lands. The hon. gentleman said that in Mackay there had been more selection than in the South. He (Mr. Dutton) doubted that very much. There was still a good deal of land up there, and very good land, too, but it was held at present under lease and it would be excluded from the operation of the Bill by the amendment he had moved. In other portions of the district where land was fairly good only a small portion had been taken up, and there was still a good deal of land in the North, the general character of which was well known and which it was quite possible to survey, and which was now being surveyed as rapidly as it was being required—fully keeping pace with the requirements of the North for agricultural land. The difficulty he saw was classifying the land and putting proper value upon it—which was one of the great objects of the Bill, whether it was agricultural or grazing land, and that would be simply defeated if a provision of that kind were inserted. And even in the South a good deal of mischief might be done if they allowed it to extend to land that could be easily classified and thrown open to selection by survey in the first instance. That would depend to a great extent upon the judiciousness with which the provision was worked, and he did not feel inclined to ask the Committee to extend the power beyond the districts named in the schedule.

Mr. MOREHEAD said he wished to ask the Minister for Lands how lessees who had already come under the Act of 1884 in the settled districts, who were embraced in the schedule of the Bill, would be affected by the amendment if it became law?

The MINISTER FOR LANDS said that the clause would have no operation at all upon any land held by lessees, or to be resumed under the Act of 1884.

The HON. SIR T. MCILWRAITH said the amendment proposed by the Minister for Lands made the clause very different from that proposed in the original Bill. The original Bill covered a large extent of territory over which free selection was to be allowed without survey. He would ask if the Minister for Lands had made any estimate of the amount of land that would come under the operation of clause 2 according to the schedule? How much land was there in the several districts named that would come under the operation of the clause as proposed to be amended?

The MINISTER FOR LANDS said he was not prepared to say the exact acreage or mileage that would be operated upon in those districts. It might be possible to get at the area in the different districts, but he had not done so. It was not of very great extent in any one of them.

The HON. SIR T. MCILWRAITH said that was information that hon. members might very fairly ask for. When he had the Bill placed

before him the first thing he did, in order to understand the scope of it, was to calculate how much land it would cover—how much clause 2 as it then stood would cover—and surely the hon. gentleman ought to be able to give some information on the subject in proposing a change of that kind. He did not ask for the exact amount in acres or square miles, but an approximate estimate of the area.

The MINISTER FOR LANDS said he had no doubt the hon. gentleman might be curious to get the information he asked for, but all he (Mr. Dutton) knew was that there were a great many pieces of land, however small or large they might be, scattered about the country which it was desirable to throw open to selection, and therefore the House had been asked to assent to a Bill of that kind. Whether the area was large or small did not at all affect the principle of the Bill. If it was a good principle for five square miles it might be equally good for fifty. He did not see how the question of area in any way affected the principle of the Bill.

The HON. SIR. T. MCILWRAITH said he was sure the members of the Committee would not consider that it was mere curiosity which had caused him to ask the question he had asked. He maintained that it was information that the Committee ought to possess, and which the hon. gentleman ought to have had at his fingers' ends before he attempted to make such a change in the clause as was now proposed. The hon. gentleman said that if the principle was good for small areas it was also good for larger areas. Did he not understand perfectly well that the principle he proposed to enforce in clause 2 was one that he did not believe in, but he said there must be an exception, and that exception was embodied in clause 2; and when he (Hon. Sir T. McIlwraith) asked him to explain to what extent the exception would go—to how many acres or square miles it would apply—the hon. gentleman said he did not know. He did not appear to have given that matter the slightest consideration. He had advocated survey before selection as the very best principle that could be adopted, and now he asked for an exception; and when hon. members asked naturally to how much land of the colony he would extend the exception, his answer was, "I don't know." He (Hon. Sir T. McIlwraith) could see that there was a wide difference on the face of the Bill itself as now proposed to be amended, and as introduced by the hon. gentleman. When he introduced the Bill he virtually asked the House to sanction the proposition that the Ministry of the day should have it in their power to proclaim selection before survey over the whole of the lands of the colony—over the limited area proposed in the schedule—but they reserved the power to extend the schedule all over the colony. That was the power that the House never would have granted, and now the Government had harked back to an extent that he could hardly estimate himself. They now said that all they wanted was power to have selection before survey over land which did not at the commencement of the principal Act form part of a run, and which had, before the commencement of that Act, been open to selection under the Act of 1866. If that had been all they wanted at first, what was the use of bringing down a Bill of that sort? Hon. members would easily understand why there was no preamble to the Bill. The preamble gave the reason for the introduction of a Bill, but in this case the Government could give no reason for it. They simply introduced a Bill giving wonderful power to themselves, and thought it would be passed by the House without their giving any information whatever upon the subject, and then they would laugh in their sleeves and say they had got the power they wanted, and the House had not noticed it. In fact, the Government had made the Bill scarcely worth the consideration of this House. It simply applied to selection in places about Beenleigh, Brisbane, Ipswich, Toowoomba, and so forth—to places which were described as being perfectly inaccessible to surveyors—where it required an expert bushman, who had been knocking about the country for years, to find out the particular places that were suitable for settlement. But those places could easily have been found out by a surveyor working for about six months, or by half-a-dozen surveyors in a few weeks, and the whole wants of those districts could have been satisfied, so far as they were asked for in clause 2. There was a great deal in the amendment. It amounted to a complete change of the Bill, which was not at all what the hon. member for Mackay wanted it to be—free selection before survey. Neither was it what the hon. the Minister for Lands intended it to be. It simply went back to what they actually affirmed should be the law last year—survey before selection—and gave very limited power indeed to the Government. He (Hon. Sir T. McIlwraith) made that calculation from his own knowledge of the country to which the Bill would apply, and it would appear that the hon. the Minister for Lands had not very much knowledge of the description of the land to be supplied, after all. Limited as the Bill was, he did not think there was very much in it, and they might as well leave out the schedule, and apply it to the whole of the colony.

The PREMIER said the returns of the Lands Department for the year 1883 gave the approximate area of the land open to selection in the districts referred to. The report for last year had not yet been printed, but he did not think any additional land had been thrown open in those districts—not much, at any rate. On 31st December, 1883, there was open in the Beenleigh district 115,280 acres; in the Brisbane district, to general selection, 400,000 acres. and to homestead selection, 65,581 acres. In the Ipswich district there were 554,000 and odd acres for general selection and 379,000 for homestead areas, very little of which was included in runs. In the Toowoomba district there were 85,250 acres for general selection and 41,000 for homestead areas, none of which was included in runs. In Warwick there were 85,000 acres for general selection and 62,000 for homestead areas. In the Gympie district there were 368,890 acres for general selection and 37,000 for homestead areas; the greater part of that was included in runs. In the Maryborough District there were 66,000 acres for general selection and 69,000 for homestead areas. In the Bundaberg district there were 1,018,000 acres for general selection and 73,000 acres for homestead areas, a great deal of which was included in runs. During last year some of that was selected, but not a great deal. He thought the hon. gentleman could get an approximate idea from that.

The HON. SIR T. MCILWRAITH said the Minister for Lands did not know anything about it, and the Premier took upon himself to enlighten them, and what opinion had he given? He gave exactly the opinion, and from the same page of statistics, as he (Sir T. McIlwraith)—only he gave them much more fully when he made his speech upon the second reading, and which the Premier, he believed, dissented from. But now the hon. gentleman quoted exactly the same page. From that page it appeared that there were 3,500,000 acres open for selection; but what he wanted to know was how much of that would be affected by the clause—namely, the part of the clause that said it must

not only have been open for selection but have formed no part of a run? On that point the Premier gave no information, but his opinion, and that was quite worthless, because, for instance in the remarks he made about Toowoomba, he knew that not much of that formed part of a run, and, with regard to Beenleigh, not much of that formed part of a run. He knew it was wrong, or, at all events, it was only the hon. gentleman's own personal opinion, and he could have got the information easily enough from the Lands Department, and he ought to have given it to the Committee. But they were asked to vote now for what the hon. Minister for Lands liked to put before them.

The MINISTER FOR LANDS said the hon. gentleman evidently thought it was quite possible to ascertain the amount of land which would be actually dealt with under the clause. He was satisfied that neither he nor anyone else in the Lands Department, nor anybody, could tell. It depended upon certain conditions, and those conditions were, as he explained on the second reading of the Bill, of a character that could not be dealt with. It took too long a time to search out pieces for survey to suit selectors, and they could only be ascertained upon much further information than he already possessed of the lands in those districts. Much, however, could still be dealt with by survey before selection, and in cases where that could not be done it was intended that the clause should operate. Nobody in the Lands Department or out of it possessed sufficient information about those lands to say what portions should be dealt with under that clause.

Mr. MOREHEAD said the hon. Minister for Lands seemed to think that they were to be content with an expression of opinion on his part, and he did not know how many acres of land would be affected by the clause, and no one in the office knew anything about it. On the other hand, the Premier, with a hardihood characteristic of him, rose up and tried to gull the Committee by reading an array of figures which did not deal with the question at all. Speaking personally, he felt very sorry for the Premier, because he had to do a great deal of the schoolmaster upon the other side of the Committee. No doubt the Chairman himself must have noticed it, and he had often watched a smile pass over that gentleman's placid countenance when the Premier rose to correct his little boys, and tried to educate them and let them know they did not know anything about their departments. He would give the hon. gentleman credit for this: that when he did not know anything he assumed to know it, and tried to mislead the Committee in that way. The hon. member had to get up night after night to defend the unfortunate Minister for Lands; and it was unfortunate, because lately he seemed to be always amending and never got right. He (Mr. Morehead) thought the hon. gentleman could give an opinion upon this point: there were certain spots in the colony which could not be surveyed or got at except at great expense and with a great loss of time —country which might be taken up with advantage to the colony if selection were allowed before survey—and surely he was able to give them some idea of how many acres there were of that sort of country. Surely he must have had some data to lead him to bring in a Bill dealing with such an important measure as that before them. Could the hon. gentleman tell them how many hundreds of thousands of acres there were within his own knowledge? He did not ask him to go to the Land Office officers, whom he admitted could not give him any definite information. The Bill was, to a certain extent, evolved from his inner consciousness; he was trying to amend his Act of 1884, and could he tell them how many thousands of acres, or millions of acres there were, of his own knowledge? He (Mr. Morehead) only wanted an approximate number; he did not want the hon. gentleman to commit himself to any particular number of acres. The Committee was entitled to some information of that nature from the hon. gentleman, who had stated that he knew there were certain lands in the colony that could only be reached by being taken up before survey. If the hon. member would tell them how many acres of such lands there were it would be a step at any rate towards getting that information which every member of that Committee was entitled to receive. It would be only a measure of information, but it would be something; whereas at the present time they were perfectly in the dark as to whether there would be a dozen acres or a million.

The MINISTER FOR LANDS said he certainly could not tell them what number of acres were likely to be affected by the Bill. The land was generally of a very poor character, and there were certain areas—what their extent was he could not say—that ought to be dealt with in that way, and could be dealt with in no other.

Mr. BLACK said he wished to get some information from the Minister for Lands as to how the rental was to be decided in the scheduled districts? Was the land to be all of one price, and fixed before selection, or would the selector, after having made his selection, have to get it valued by the Land Board? That should be decided. The Minister for Lands had described the land which would be affected by the Bill as composed of broken scrubby ridges and poor sterile stony ridges, with here and there fine isolated patches. Was there to be one fixed rental in each one of those districts, or would the selector, as he asked before, make his selection, and then have it valued by the Land Board?

The MINISTER FOR LANDS said that where any area was set apart for selection before survey the Land Board would fix the rent.

Mr. BLACK said he knew what the old Act provided. It undoubtedly provided that the land was to be assessed before selection and after survey, but now they were adopting a new principle in dealing with the scheduled districts. The selector would be able to go out and pick up those pieces of land that were surrounded in a good many cases by stony sterile ridges. Would the Government have one schedule provided for the whole of the districts, whether the land was good or bad, or would the selector have to make his selection after it was ascertained what his rent was going to be?

The MINISTER FOR LANDS said the Land Board fixed the rent the selector would have to pay. When the areas were opened the rent would be proclaimed. The whole of the districts would not be proclaimed at one uniform price—at least he assumed not.

Mr. MOREHEAD said he did not think the Minister for Lands quite understood the member for Mackay. The Minister's prime motive in introducing the measure was that there were certain portions of the colony that were very patchy. There were certain good portions, and he proposed to allow those picked portions to be selected before survey. Now, what the hon. member for Mackay asked was, how were those lands to be occupied? Was every different selection to be classified, or would the good land and the indifferent be put into the same pot and classified together? Was that what the hon. gentleman intended by the Bill?

The MINISTER FOR LANDS said the selections opened in any particular area would be classified and the rent proclaimed at the time they were opened.

Mr. HIGSON said he should like to know why the district of Rockhampton had been omitted from the schedule, inasmuch as it was one of the oldest settled districts in the colony. He had mentioned the matter to the Minister for Lands, and he, knowing the district so well, and that it extended for fifty miles all round, might have included it in the schedule. There were numbers of selectors round about Rockhampton who might be allowed to take up the waste lands of the district and the residence on their present homesteads be allowed to count for residence upon the new selections they might take up. He did not know why such an important district had been left out, and hoped the matter would receive some attention.

Mr. JESSOP said all the districts west of Brisbane, including Toowoomba and Warwick, were included in the schedule, and he failed to see why the selectors round about Dalby should not derive some benefit from the Act.

Mr. BLACK said he must say it was very difficult to ascertain what had guided the Ministry in drawing out the schedule. Some of the scheduled districts were those in which selection had taken place to a very great extent during the past year. In other districts it had taken place to a very small extent. Assuming that there might be some difficulty in getting surveyors to go to the outlying portions of the colony, surely that could not apply to Brisbane! There was more land selected in the Brisbane district last year than in many districts in the colony; showing, he presumed, that people could get land, and he was certain the Government could get surveyors enough to survey the southern portions of the colony. There were 99,147 acres selected in the Brisbane district last year. Brisbane ranked fourth amongst the land agents' districts as far as the area settled was concerned. Yet here was Maryborough standing twenty-third in the list with 2,910 acres selected last year, and it was included in the schedule. There seemed to be no recognised system in drawing out the schedule. Every facility seemed to be given to selectors to congregate in the southern portions of the colony, and if that was the intention of the Bill it was just as well to let the country understand it. Much greater facility was given for acquiring land in the South than in the North, and he considered that was manifestly unfair to the other portions of the colony. The quantity of land selected in the scheduled districts was 284,000 acres, whereas land selected in the districts outside of the schedule amounted to 644,000. The area of the districts left out of the schedule amounted to 360,233 acres more than the area in the scheduled districts. If the Government really wanted to make the Bill such as would not only increase settlement, but also increase the land revenue, they should reserve power to themselves to extend the schedule from time to time as it might be required.

Mr. KATES said that the speech of the hon. gentleman who had just sat down was most extraordinary. When the Bill was before the House last week, and the board had the power to extend the suspension of the 43rd clause, the hon. gentleman opposed it, and his speech now was in direct opposition to what he had said then. As far as he (Mr. Kates) was concerned he was very well pleased with the amendment, because it would in a great measure restore the 43rd clause. He thought that the Premier and the Government had been taught the lesson, that for the future, before they placed their Bills upon the table of the House they should consult the friends of their party. In the present instance if they had done so it would have saved them the humiliation of amending their own amendments. The members of the Government were a very able set of men and very willing, but they were not the perfection of wisdom.

The HON. SIR T. MCILWRAITH said he could quite appreciate the feeling of the hon. member for Darling Downs, who was the father of survey before selection and who grumbled when the Bill, as originally printed, was brought before the House, but now that it meant simply nothing it pleased him. It quashed survey before selection for all that. There were some faults connected with the Bill notwithstanding, and if the Minister for Lands had tried to understand what the hon. member for Mackay was aiming at he would have seen that he was opening the door to a great deal of fraud. Supposing there were one or two million acres of land in the districts operated upon—liable to be operated upon;—the Minister for Lands would remember that he said "liable," and that would save him a speech afterwards;—the hon. gentleman had characterised that as an immense amount of barren useless land. The original Act of 1884 provided for survey before selection, and it was enacted that the proclamation throwing the land open should specify the numbers of the lots, their area, and the annual rent per acre to be paid for each lot. There was no provision in the principal Act for districts at any one price, and according to the Bill no provision was made for specifying the price, but they had to fall back on the original Act, which said the price of each lot should be specified. As the Bill contemplated throwing land open in a district, even according to the Act the Minister for Lands would have to specify the price for the district when the general character of the soil was barren and useless; and, according to his own showing, it stood to reason that the price fixed by the board for the picked spots would be small, and it would lie within the patronage of the Minister for Lands to give his friends those particular spots. It was simply a Bill to give certain political power in certain districts to the Minister for Lands and the board. It would not help selection or the settlement of the colony. As to helping settlement, that was washed away by the amendment moved by the Minister for Lands.

The MINISTER FOR LANDS said the hon. gentleman must take the view he held from his own actions while in office. It was a view that certainly never entered into his mind. And what would be the real power of patronage possessed by the Minister for Lands even if he were disposed to use that power? It was one great beauty of the Land Act that the power was taken out of the hands of the Minister for Lands to favour any district or any constituency. Everything was in the hands of the board, so that he had no opportunity of favouring friends even if he wished to do so. A district might possibly be favoured, but he did not think a district could be said to be a friend of his. The view taken by the hon. gentleman was one which would never have occurred to his mind under any circumstances.

Mr. STEVENSON said the hon. member for Darling Downs (Mr. Kates) just now twitted the hon. member for Mackay with having opposed the amending Bill brought in; but he (Mr. Stevenson) did not wonder at the hon. member having opposed that Bill, because it was simply giving power to the Minister to have selection before survey, either within the schedule or outside. If they were to have selection before

survey in the southern districts he did not see why they should not have it in the northern districts—he did not see why they should not have it between St. Lawrence and Mackay as well as down south. When the Minister for Lands was asked about what area would come under the operation of the amendment to the amending Bill, he was not able to tell the Committee, but said the area had nothing to do with the principle of the Bill. If that were so, why did he bring forward the amendment limiting the power of the Minister in regard to the area? When he moved the amendment he said it might be injurious to extend the power of the Minister, but how could that be if the area had nothing to do with the principle of the Bill? It was the whole principle of the Bill; and the hon. gentleman knowing that was so, ought to have calculated the area he was going to bring under the operation of the amending Bill, and to have told the Committee, so that they could judge of the land to be brought under the operation of the amendment. The hon. gentleman said it all remained with the Land Board, but did he not know that he was simply stating what was not correct? He said that the board was appointed in order that political influence might be done away with; but did he not know that, in the only instance where the division of a run had taken place under the new Act, influence had come in and done away with the decision of the board altogether? The hon. gentleman knew perfectly well that in the case of Welltown the run was not divided according to the original report, so that his assertion in regard to the Land Board not being influenced was perfect moonshine, because Mr. Golden's original recommendation was not adhered to, and the decision of the board was vetoed afterwards.

The MINISTER FOR LANDS said the hon. gentleman was either in too great a state of confusion or else he had not the courage to say what he meant. He had tried to make it understood that the Land Board were influenced in their decision with respect to the division of the Welltown Run by the Minister for Lands. If his remarks meant anything they pointed to that, though he had not the courage to say so plainly. The hon. gentleman must know, however, that the report of the dividing commissioner did not bind the Land Board, who might act on their own judgment in view of evidence brought before them, and he had no doubt they did act on evidence brought before them. The commissioner might have been right, or the board might have been right, but he did not know sufficient of the case to form an opinion. But for the hon. gentleman in that House to insinuate that the Land Board were influenced by the Minister was in exceedingly bad taste, and showed a remarkable want not only of good taste but also of manliness. The members of the Land Board were not present to defend themselves, and for the hon. gentleman in their absence to make such a charge as that against them was to his mind atrocious.

Mr. STEVENSON said he had not said a single word against the Land Board.

The MINISTER FOR LANDS: No; but you made an insinuation.

Mr. STEVENSON: Nothing of the sort; the remark he made was this—the hon. gentleman said the Land Board were perfectly independent.

The MINISTER FOR WORKS: So they are.

Mr. STEVENSON said: The Minister for Works said "So they are," but he would like to know what the Land Board had to go on unless they went on the report of the commissioner sent by the Minister for Lands to report upon a run? He thought it was a farce; the Minister for Lands employed a commissioner and paid him a high salary to go and report upon the division of a certain run; the commissioner recommended a certain division, and if the Land Board did not abide by the report of the commissioner, it was simply a farce sending him out. That was what he said, and the Minister for Lands knew it. What was the good of employing Mr. Golden to report upon the division of runs unless the Land Board were going to abide by his report? It was like the report on the rabbit question—no good. That was the way with all his reports—they were no good and they never would be any good.

Mr. FOOTE said hon. members were drifting away from the question before the Committee, as was oftentimes the case when the land question was under discussion. He did not agree with the contention of the leader of the Opposition that the Bill would not facilitate settlement. He believed it would facilitate settlement, and that was the reason he was supporting it. It had been pointed out over and over again that selection had taken place to a greater extent in the South than in the North: the land had been picked over and over again, and a great deal of land was left—land which, although of value to the adjacent settlers for grazing purposes, was not of sufficient value to induce selectors to go upon it *bonâ fide* for the purpose of occupying it. Those lands were described by the Minister for Lands in introducing the Bill as being as a rule inferior country, with bits here and there of good agricultural land. He took into consideration also that the Government did not want to spend money upon the survey of that land previous to selection. He regarded that as one of the objects of the Bill, and he commended the Government for it, for this reason: that it must be some time before the Land Act of last year could be made to bring in anything like a fair revenue, and it was consequently necessary the Government should economise their means. He was quite prepared to help them to do so, and he saw his way clear in the Bill, especially with the amendment proposed. If hon. members could make out a good case and show that there were any other districts which should be added to the schedule list, they could move that they should be so added when the schedule came before the Committee for their consideration. It had been shown by the Minister introducing the Bill that there was a great deal of land up north that had not been selected; there was plenty of land there available, and it was being surveyed, and the necessity for the operation of the Bill there did not exist. But he could understand the remarks of the hon. member for Mackay, because he looked upon them as being made from the point of view of a separationist.

Mr. BLACK: Hear, hear!

Mr. FOOTE said the hon. member wished to imbue the Northern mind with the idea of separation, and he would hold on to every item to increase that feeling—of course with the view of having separation ultimately. The hon. gentleman had not shown that there was not an abundance of land up north that could be taken up at any time it was wanted. If the hon. gentleman could show there were selectors up north calling for land without being able to get it, then he would make out a good case for any district which he could prove to be in that position being placed upon the schedule. As he understood the Government, they did not intend that the Bill should be in operation in any district where it would interfere with the present lessees of runs and grazing areas. They were wasting a good deal of time

in dealing with the Bill, and were going greatly from the subject, according to his ideas. As he had already stated, he thought the Bill was intended to facilitate settlement, and he thought it would facilitate settlement to a very great degree, and for that reason he should support it.

Mr. BLACK said he would like to set the hon. member for Bundanba right in his figures and facts.

Mr. FOOTE : I never quoted any figures.

Mr. BLACK said the hon. gentleman said that selection in the South had been very much greater than in the North, and consequently lands in the South had been picked over and over again. That was one reason why the hon. gentleman supported the Bill; but the contrary was the fact. He would give the hon. gentleman an explanation. During the last eight years the whole of the selection that had taken place in the new scheduled districts of the South amounted to 1,830,147 acres, while that which had taken place outside the scheduled districts amounted to 2,947,964 acres, so that there were over 1,100,000 acres more selected outside the scheduled districts than in them.

Mr. FOOTE said he wished to correct the hon. gentleman. He believed the hon. gentleman's figures so far as they concerned the selection of vast properties in the North; but he would like to ask the hon. member how many selectors there were. They knew how much of that land was taken up as a pure speculation for sugar plantations, and nothing at all was being done with it.

Mr. SALKELD said the contention of the hon. member for Mackay would have some weight if there had been any selection in the North previous to eight years ago; so the hon. member's figures really had nothing to do with the question.

Mr. BLACK said he could give the hon. gentleman some information about the number of selectors also. The number of selectors during the last eight years within the scheduled districts was 8,086, and in the whole colony 14,134; so that outside the scheduled districts the number of selectors was 6,048, and the difference was after all not so very great.

Mr. NORTON said he understood the Minister for Lands, when he made his speech introducing the amendment, to say that it would apply to unavailable country included in the boundaries of some of the runs. Was he right?

The MINISTER FOR LANDS: No.

Mr. NORTON: Then I misunderstood the hon. gentleman.

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

On clause 3, as follows:—

"When any selector of land under the provisions of the Crown Lands Alienation Act of 1876, who resides personally and *bonâ fide* thereon, or any owner in fee of land which, if it had not been alienated from the Crown, would be country land, who resides personally and *bonâ fide* thereon, selects under Part IV. of the Crown Lands Act of 1885 other country land adjoining the land whereon he so resides, he shall in such case, but for so long only as he continuously and *bonâ fide* resides on either portion of land, be exempt from performance of the condition of occupation in respect of the other."

On the motion of the MINISTER FOR LANDS, the clause was amended by the substitution of "1884" for "1885."

Mr. KATES said he thought the hon. member in charge of the Bill could hardly have considered the effect of the clause. Unless the clause were amended in the way he was about to propose, it would become almost a dead-letter, because hardly one selector in twenty could find land adjoining his own. He found in the Act of 1876 that a clause was inserted allowing the selector to take up a piece of land within fifteen miles. He did not intend to go that far; but he thought no harm could come of inserting "five miles." He would propose that the word "adjoining" be omitted, with a view to inserting the words, "within a distance of five miles from."

The MINISTER FOR LANDS said the purpose of the Bill was merely to remedy an oversight in the principal Act, which limited the holder of a selection under the Act of 1876, or a freeholder, to his own land, unless he was able to occupy personally. This Bill was to put him under the same footing as a selector under the principal Act; and it would not be consistent or just to give him a privilege which the principal Act did not give. If they were to do that, the principal Act would have to be altered to make it apply equally to all, and he did not think there was any necessity to alter it. He would certainly oppose the amendment.

Mr. FOOTE said he did not see things in the same light as the hon. Minister for Lands. A selector might perhaps not have land adjoining his own which he could select, but he might know of a suitable piece within a certain radius, and if they were to allow him to select that it would suit his purpose and facilitate settlement. Now, the argument of the Minister for Lands defeated itself to some extent—that was so far as settlement was concerned. There was always a scramble for land, and a man might not be able to get good land to the maximum area allowed by the statute, but if he had a bit of good land he would put up with as much inferior country as would make up the balance. If, however, he were compelled to keep a bailiff on it he possibly would not be able to bear the expense. The amendment proposed by the hon. member for Darling Downs was a very reasonable one, and calculated to promote settlement. If residence on a selection were allowed as residence on another selection within a distance of five miles from it, it would enable a lot of poor inferior country to be taken up, which would then, of course, become of value to the country. He would certainly support the motion.

The MINISTER FOR LANDS said the hon. member who had just spoken argued that the amendment would facilitate settlement. The effect would be rather the other way, as it would allow men to obtain land on which they did not settle, and in that respect it would put selectors under the Act of 1876 in a better position than selectors under the Act of 1884. He did not think that would be fair. All selectors should be put on the same footing. If there was land adjoining then a selector could take up country to the maximum allowed in that district.

Mr. FOOTE: The land might not be there to select.

The MINISTER FOR LANDS: Then he must go to some other place.

Mr. FOOTE: That proves my argument.

The MINISTER FOR LANDS said he did not see that it would be fair to give the selector under the Act of 1876 a privilege not allowed the man who selected under the Act of 1884.

The HON. SIR T. MCILWRAITH said the hon. member for Bundanba was, he thought, under a misapprehension as to the effect of the amendment. The hon. gentlemen asked, "Why should a man settled down on his own selection not have the right to select, within five miles, an amount of land sufficient to make up the maximum allowed under the principal Act?" It was

not a question of selecting the balance of land at all. Under the Act of 1884, as passed by the House, land could be selected in any part of Queensland under certain conditions, one of which was that there should be residence. The hon. member for Darling Downs now proposed an exception in favour of selectors under the Act of 1876. Why should they be excepted more than selectors under the principal Act? They had to take the same chance as anybody else under the Act of 1884. If a man wanted to take up land under that statute he had to perform the conditions, one of which was residence either by himself or by bailiff, and there was no more reason why a special exception should be made in favour of the selector under the Act of 1884, and a special exception would be made if the amendment now proposed were accepted by the Committee.

Mr. KATES said the chief object of his amendment was to give people who had not the full complement of 180 acres allowed under the Act an opportunity of taking up more land to make up that complement, but if people were restricted to land adjoining they would never have the opportunity of doing so—at least, he would not say "never," but at any rate not one person in fifty would have that opportunity. There might be a piece of land within a mile or a mile and a-half to be had which would be of great service to many selectors, but, as the clause at present stood, they were excluded from taking that up. His amendment was, he was sure, a step in the right direction, and if it were not adopted they might as well leave the clause out of the Bill altogether.

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

Clause 4—"Not to enable acquisition of homestead without residence"—passed as printed.

Mr. BLACK said before proceeding further with the Bill, as he assumed they were not likely to have a further amendment of the Land Act of 1884 for some time, he would like to have one matter, which was extremely vague at the present time, set right by that Committee, and that was the conditions of homestead selection. As hon. members would remember, when the Bill was introduced last year the homestead selector was originally left out, but the Minister for Lands made a concession and introduced the clause by which it was intended to reinstate the homestead selector in the Bill of 1884 in the same position as he was under the Act of 1876. He believed the House generally, in passing the Bill, was under the impression that that had been done when the Minister for Lands introduced the clause. On that occasion the hon. gentleman used the following words:—

"He proposed to insert a new clause after clause 68, as passed, to provide for homestead settlement. The new clause differed somewhat from the form of the homestead clauses in the present Act, but contained many of the advantages supposed to attach to the present homestead clauses, though in some respects it dealt more favourably with the selector than they did. The new clause provided that upon payment of a sum which, together with the rent already paid, would make up half-a-crown an acre, together with the deed and assurance fees, the selector, having fulfilled the conditions stated, would be entitled to a deed of grant of the land in fee-simple."

It was certainly understood by the House and by the country that the homestead selector was going to be reinstated—that was, that after having complied with certain conditions extending over five to seven years as to rent and residence, and having expended 10s. an acre on the land in improvements, and having paid 2s. 6d. an acre in the shape of rent, he should be entitled to apply for his deeds and get them. But it turned out that in many cases it might happen that the Land Board might assess the rent of a homestead selection at a sum, five or seven years' payment of which would be considerably in excess of the 2s. 6d. an acre which it was expected the selector would have to pay. If, for instance, the land was assessed at 1s. 6d. an acre, the homestead selector would have to pay 7s. 6d. an acre for his land instead of 2s. 6d; and there was no provision in the Act of 1884 for a refund of the difference between the two sums. If the land was assessed at 2s. 6d. an acre the selector would have to pay 10s. an acre for it, instead of 2s. 6d. What he wished to point out was that the homestead selector, who believed he was being reinstated, and that he would be able to get his land at 2s. 6d. an acre, would in many cases—in the majority of cases—find that he would have to pay very much more than it was the intention of the House that he should pay. It was hardly necessary to dwell at any length upon the great benefit the country had derived from its homestead selectors. They were nearly as numerous as the conditional selectors, and the majority of them being married men, had built comfortable homes, and reared their families and become fixed settlers on the lands of the country. He appealed to the Committee now to put the homestead selector in that position which it was the intention of the House he should occupy, and which the Minister for Lands, in introducing the homestead clause last year, undoubtedly led the Committee to believe was his own intention in so doing. In order that the matter might be set at rest he would move the insertion of the following new clause:—

"If, when a lessee becomes entitled to a deed of grant under clause 74 of the principal Act, and has paid in rent for five years at the time more than 2s. 6d. per acre, he shall be entitled to a refund of the difference between 2s. 6d. and the amount of rent for the five years so paid."

The COLONIAL TREASURER said he must enter a preliminary objection to the amendment—that unless recommended by message from the Crown it could not be entertained. It might be remission of a debt due to the Crown, and such an amendment, therefore, could only be introduced by message from the Crown. The 202nd Standing Order provided that—

"No application shall be made by a petition for any grant of public money, or for compounding any debts due to the Crown, or for the remission of duties payable by any person, unless it be recommended by the Crown."

Mr. ARCHER said it seemed as if the Government, notwithstanding what the Minister for Lands said when introducing the clause last year, were anxious to place the homestead selector in a worse position than he was before. Instead of the clause being "more favourable" to the homestead selector, as the Minister for Lands said, it would be very much the reverse.

Mr. NORTON said the 202nd Standing Order, quoted by the Colonial Treasurer, applied to petitions presented to the House. The present was not a petition but an amendment proposed to a Bill.

Mr. MOREHEAD said he hoped the Chairman would rule against the Colonial Treasurer's point of order. It was absurd to imagine that a Standing Order relating to petitions should apply to a proposed new clause in a Bill.

The COLONIAL TREASURER said that, even supposing the Standing Order he had quoted applied to petitions, he submitted that the refundment proposed must be made out of the consolidated revenue, and therefore he should take his stand upon the 18th clause of the Constitution Act, which provided:—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said Consolidated

Revenue Fund, or of any other tax or impost to any purpose, which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

He was of opinion that that covered the proposal of the hon. gentleman, because the refundment, if made, must come out of the consolidated revenue.

The HON. SIR T. McILWRAITH said what the hon. the Treasurer had stated was entirely on the assumption that the meaning of the Act was that no refundment should be made, supposing the rent for five years exceeded the amount specified. But he understood the clause to mean that refundment should be made; and the amendment proposed by the hon. member for Mackay was simply to make that perfectly clear. The original clause stated :--

"The lessee, upon payment at the Treasury, or other place appointed by the Governor in Council, of a sum which together with the rent already paid will make up the sum of 2s. 6d. per acre, together with the prescribed deed fee and assurance fee, shall be entitled to a deed of grant of the land in fee-simple."

When they took into consideration minus quantities in an Act of Parliament, he did not see why refundments should not be made of over-payments. The Act certainly contemplated it, but the fact was that when the 74th clause of the Act was passed they were talking so much about 3d., 4d., and 5d. an acre that they seldom thought of it reaching 6d. an acre. The chance of the rent being as high as 6d. an acre was scarcely contemplated; and the Committee were certainly led to believe that the homestead selector would have only 2s. 6d. per acre to pay in five years. In fact he considered that that was embodied in the phraseology of the clause; and what was now proposed was in no way an infringement of the 18th clause of the Constitution Act. It was simply making clear what was a little muddy at present. When subsection (*b*) of clause 74 was passed they never thought that rent would be more than 6d. per acre, but, as the hon. member for Mackay had pointed out, in a great many cases up north the rent would be considerably more than that, and if selectors paid more than 2s. 6d. per acre at the end of five years the case was the other way; and why should there not be a refundment? He did not think that even the Treasurer could justify his objection when they were simply doing what they could to make clear a clause of the original Act that was not quite clear. He was quite sure the intention of the House in passing the Act was that the selector should get his homestead within seven years by paying 2s. 6d. an acre in five years.

The PREMIER said if that was the meaning of the Act the amendment was not necessary. It must not be forgotten, however, that the privileges given to homestead selectors under the Act of 1884 were much greater than under the Act of 1876. Under the Act of 1884, a selector could leave his homestead whenever he liked, but under the Act of 1876 he must remain there for five years. And not only that, but under the Act of 1884 he could take up a lot of adjoining selections, and residence on one would count as residence on the others.

AN HONOURABLE MEMBER: He could do that under the Act of 1876.

The PREMIER said he could not. He could not take up anything but 160 acres, and he must live upon it. He could not sell, or, in fact, do anything with it until he had resided upon it for five years. But under the Act of 1884 he could take up several adjoining selections of 160 acres—he could live upon one, and at the end of ten years get his title for the whole. If a man took up 160 acres of land in an agricultural district, where it was worth perhaps £5 or £10 an acre, was it a great hardship, under those circumstances, that he should be asked to pay more than 2s. 6d. an acre? As he had said before, the selector was not bound to live upon his land unless he liked. He could go away at any moment.

The HON. SIR T. McILWRAITH: Then he loses his freehold.

The PREMIER said the selector could sell, and somebody else might get the freehold. The selector could sell it for its full value, but under the Act of 1876 he could not sell or do anything with it unless he had resided upon it for five years. Under the Act passed last year he could sell it, mortgage it, or in fact do anything he liked with it; so that he was placed in very different circumstances. What was proposed now by the hon. member was that the homestead selectors under the Act should be in an infinitely better position than they were under the Act of 1876; and as all rents were paid into the Treasury, if the clause were passed the refundment would come out of it.

Mr. ARCHER said, according to the explanation they had just heard, the clause of the Act of 1884 that had been referred to was ingeniously worded so as to make people believe that the homestead selector would get his land at 2s. 6d. per acre, whereas he would probably have to pay £1 an acre for it, or at all events 10s. He was perfectly certain that every member of the Committee, excepting the author of the clause, was under the impression that the homestead selector would get his land at 2s. 6d. an acre. That was certainly the intention with which it was passed.

The PREMIER said it must be remembered that after the clause referred to was introduced a great many changes were made in the Bill, and many additional privileges were given to selectors beyond those which were originally intended to be conferred. For instance, provisions were introduced giving homestead selectors power to take up adjoining selections, and other advantages to which he had referred.

Mr. ARCHER said that was a great mistake, because even supposing the changes mentioned to have been introduced, they did not affect the clause to which he referred; and hon. members were then certainly under the impression, as had already been pointed out, that the selector would not have to pay a higher rate than 6d. an acre, so that in the course of five years he would pay 2s. 6d. an acre. It was evident that the clause was ingeniously worded, because, according to the statement of the hon. gentleman, although it was clearly understood that the selector should pay only 2s. 6d. an acre, yet the board had power to make him pay 10s. per acre in five years.

Mr. NORTON said he could not see that any greater advantages were given to selectors under the Act of 1884 than they possessed before. Under the Act of 1884 a selector certainly could sell his homestend, but the man who bought it from him could not make it freehold. It was only the original selector who could make it freehold, and he could only do so within seven years from the time he took it up. If he wanted to leave it within the seven years he could sell it to someone else, but he could not sell his right to make it a freehold to anyone else.

The PREMIER: Yes, he can.

Mr. NORTON: No, he cannot.

The PREMIER: He cannot sell his right to make it freehold in five years.

Mr. NORTON: His right to make it freehold is limited to the first seven years—the Act says so exactly.

The PREMIER: It runs through the whole fifty years.

Mr. NORTON said that under the Act of 1884 the homestead selector had a right to take up any land that had been surveyed in an agricultural area. He would have to wait until the land had been surveyed, and he could only take it up in an agricultural area. Under the Act of 1876 any land that was open for selection in any part of the colony could be taken up, and yet they were told that the selector was in a better position under the Act of 1884 than under the Act of 1876. Under the latter Act he had the pick, over the whole colony, of the lands that were thrown open for selection. He had simply to apply for it, and he had the priority over every other selector. He could pick the eyes out of the country in any way he chose; but under the Act of 1884 he was limited to the agricultural areas.

Mr. J. CAMPBELL said that up to the present he had been under the impression that the homestead selector had got his land at 2s. 6d. an acre, and it was a very great disappointment to him, and it would be a great disappointment to the country generally, to find that it was not so. The selectors hoped to secure 160 acres of land at the price at which they formerly got it, only with the exception that they waited for seven years instead of five years before they got their deeds. If they could not get their land at that price it would be a very serious thing for them.

The MINISTER FOR LANDS said the hon. gentleman seemed to be under some misapprehension. Five years was all; and the advantages were enormous under the Act of 1884. If there were four separate blocks of 160 acres each, he could take up those four, and make one his homestead, and receive the fee-simple for the other three after the term had expired. Under the Act of 1876 he could not; he was limited to his homestead, and could not hold land without occupying it. There was an enormous advantage, as he secured the three adjoining blocks at the end of the term, and that was an advantage that could scarcely be over-estimated. In very rare cases, indeed, was the land really valued at over 6d. There were places where it was valued at 2s. with the capital value of £5, purchasing price, and for that land there had been applications nine or ten deep. If selectors got it for five years at 2s. 6d. an acre, they got it very easily indeed, and they knew it well themselves. Could any selector object to that? In the majority of instances they would get the land at 2s. 6d. an acre, and it was only in the richest places where it was valued at more.

The HON. SIR T. MCILWRAITH said that, according to the Minister for Lands, the Act of 1884 meant this: that if the land were bad the homestead selector could have it for 2s. 6d., and if it were good he would have to pay more. The meaning of the Act was that homestead selectors should have 160 acres at 2s. 6d. an acre after living upon it for five years, and every member of the Committee knew it except the Minister for Lands. The hon. gentleman said that the homestead selector under the Act of 1884 had a great advantage for the reason that, supposing the land was surveyed in 160-acre blocks, he could take up so much more agricultural land, and reside simply upon his homestead. He could do that under the Act of 1876; he could take up as much additional land as he wished.

The PREMIER: Not in a homestead area.

The HON. SIR T. MCILWRAITH said the Premier said that the selector was not entitled to take up anything but his homestead under the Act of 1876. He could take up as much as he could now, and what advantage was there under the present Act? The Premier said he had the advantage of selling out the homestead. He had no such advantage. If he sold it, it ceased to be a homestead; it came under a different condition altogether—a condition by which the purchaser could only acquire the fee-simple by a conditional residence by himself or his successors for ten years, and if that residence were interrupted by one year at any time, by putting in a bailiff, the whole ten years was to commence again.

Mr. NORTON: It cannot be commenced again.

The HON. SIR T. MCILWRAITH said that made it worse. There was no advantage under the Act of 1884 that he had not under the Act of 1876, and he had to do more time. He supposed that they intended to put the selector as nearly as possible into the position that he was in before; the wording of the Bill showed that. They never contemplated land going beyond 6d., and so they concluded that where the rent of any five years should amount to more than 2s. 6d. the difference between the aggregate amount of rent for five years and 2s. 6d. per acre should be reimbursed. That was undoubtedly implied in the wording of the Act.

Mr. HIGSON said he certainly understood that the selector would get his land for 2s. 6d. an acre, and his hon. colleague understood the same. In fact, they had led the people of Rockhampton to believe that it was so. He did not see what advantage was gained under the Act. It appeared to him that they had to pay from 3d. to 2s. per acre. One man got poor land that was valued at 1s. 3d. per acre, and he had to pay another 1s. 3d., making it 2s. 6d. per acre; and another man, who paid 2s., had to pay 2s. more. He, for one, could not see where the advantage came in. Under the previous Acts the selector was allowed to pick the very best land, and he certainly thought that the matter ought to be put right before it went any further.

Mr. JORDAN said he knew men who had been the most successful farmers in the colony to be men who had farmed their own lands with their own labour. He, in common with several other gentlemen on his side, felt strongly in the matter, and considered that there was a serious defect in the Bill as it was first presented to the House, in the omission of the homestead clauses; and during the second reading he ventured to make a suggestion that as the present Government could not possibly intend to place any obstacle in the way of the settlement of the country upon a large scale by *bonâ fide* farmers—those farmers who had proved that farming could be carried on successfully in the colony. They had been almost invariably men who had satisfied themselves with a very small quantity of land, and had not had to hire labour but had done it themselves. He had submitted that, without retaining the American name of homestead areas, that in the agricultural areas proposed under the Bill, limited quantities might be surveyed of 160 acres, upon which persons might pay 6d. an acre, their annual payments to make up 2s. 6d. an acre at the end of five years. He was not allowed to propose the amendment, but it was framed by the Government, and, as he supposed, embodied what he meant. He was under the impression that under the Act of 1884 persons could take up 160 acres and get the fee-simple of the land at the end of five or seven years and at a total cost of 2s. 6d. per acre. That impression was held throughout the whole colony, and several members, in addressing their constituents, had placed

the matter before them in that light. They would be placed in a very awkward position with their constituents and the country if it were to be understood that the holders of homestead areas would now be liable to pay 1s. or 2s. for their land so that at the end of five years they would have paid 8s. or 10s. per acre. They should regard not only the letter of the Act, but its spirit also. He did not think he should vote for the amendment of the hon. member for Mackay, but he would make a condition. If the Minister for Lands would tell them that he would carry out the Act in such a way as to be of benefit to farmers, and guarantee that the total rent should not amount to more than 2s. 6d. an acre, he would be satisfied ; but if he could not get any such promise then he should have to vote for the amendment.

Mr. MOREHEAD said he did not think that was legislation, and they ought not to be dependent on or be bound by a promise from either the present Minister for Lands or any other Minister. They should certainly use their own judgment. He should do so for one, and absolutely refuse to rely upon any promise of the kind suggested. He was astonished when the hon. member for South Brisbane expressed his opinions so strongly and then wound up in the lame and impotent way he did. Believing, as the hon. member evidently did, in the justice and propriety of the homestead clauses, he was astounded to hear him wind up in such a manner. He was certain that other hon. members who assisted the Minister for Lands in passing those clauses were not willing to surrender their consciences into the hands of any Minister. He would not do so for one, and he was perfectly convinced the majority of the Committee would not.

Mr. FOOTE said the amendment had taken him quite by surprise, and he thought such an important amendment should have been printed and circulated, so that hon. members would have had an opportunity of considering it. For his own part, he never held the belief that a homestead selection was to be obtained for 2s. 6d. an acre. He could never see it, although he understood that facilities were to be given to the selector, and very much greater facilities, for acquiring the land than he had ever had before ; at all events he thought they should have had more time to consider this important subject.

The HON. SIR T. MCILWRAITH said there was no reason why the Bill should be passed that night. It did not matter, as far as he saw, whether it passed during the present sitting or six months hence. The hon. member for Bundanba did not seem to care what the selector had to pay for his land as all the land about Ipswich had been taken up ; therefore the hon. member's notion was to extract as much as he possibly could out of the selector. The hon. member for South Brisbane did not surprise him (Sir T. McIlwraith) in the least ; because, as was usual with him, he made a strong speech against a clause and voted for it, but he was surprised at the gross ignorance the hon. member betrayed of the meaning of the Act of 1884. Why did not the Minister for Lands turn round and tell him that he had not the power to fix the rents—that it was the board's duty to do that? But at the same time the hon. gentleman was prepared to sacrifice all his freedom of judgment to a man who had nothing whatever to do with fixing the rents—no more, in fact, than he himself had.

Mr. FOOTE said that the hon. the leader of the Opposition was mistaken in thinking that all the land had been selected in the West Moreton district, and that he (Mr. Foote) wanted to extract money from the selectors. He had always stood upon one side.

Mr. MOREHEAD : Upon one foot !

Mr. FOOTE : The Liberal side ; and he thought the leader of the Opposition was quite out of place in posing as the poor man's friend. Just let them compare the hon. gentleman's speech with that which he made on the trans-continental question, when he wanted to give away all the land of the colony to a big syndicate and have it locked up for an indefinite time. The hon. gentleman thought that he had thrown a bombshell into the Liberal ranks —that he had managed to produce discord amongst the Liberal members—and he (Mr. Foote) was sorry to see that one or two members had been caught by the bait. He was quite sure, however, whatever the hon. gentleman might say, that he (Mr. Foote) himself would always be found upon the same side, following the same cause, and doing his very best and utmost to settle people on the lands of the colony. And he wished to see it done in the way it ought to be done. He did not say that as much should be paid for poor land as for good, because every reasonable selector who was a judge of land would not hesitate to pay a better price for better land. The hon. gentleman was very much out of place in trying to put himself forward as the selector's friend.

Mr. BLACK said it could not be said that he attempted any surprise in bringing forward the new clause. He had spoken on the subject twice before, once before the debate on the Address in Reply and again on the second reading of the Bill. He took it for granted that he should be so much in accord with the majority of members on both sides of the Committee that there would be no trouble in carrying into effect what was the real intention of the House in passing the clause last year. It was with the object of making that clause clear that he moved the new clause now ; but if hon. members thought it was a matter requiring consideration he was sure the leader of the Opposition and the Premier would have no objection to an adjournment so that it could be printed and circulated. He had not the slightest apprehension as to the result, because the more the clause was considered and the more hon. members read the speeches made last year when the homestead clauses were under discussion the more certainly would they come to the conclusion that his new clause simply gave effect to what was really intended last year.

Mr. ISAMBERT said he believed it was the best plan to adjourn, because the question was a very important one. The difficulty with regard to the amendment was that every one was to some extent right. He doubted whether the privilege should be extended to any one who could select more than 160 acres. He confessed he was under the impression that the homestead selectors would not have to pay more than 2s. 6d. per acre, and he knew the majority of the people were under that impression. He would not vote for the amendment of the hon. member for Mackay as it stood, because he thought it should be made to apply only to the homestead selector who held no more than one homestead ; then it would carry out the spirit of the Act. He could understand why the Government, and particularly the Colonial Treasurer, were somewhat sensitive ; it was on account of the revenue, but they need have no apprehension on that account. Suppose a man had no more than 160 acres and had to pay to the extent of 1s. per acre it would amount to £8 ; but if the extra privilege would induce settlement, the Treasury would gain more than it would lose. Taking an average settler as representing four heads—himself, wife, and two children—there would be four tax-

payers at £7 per head, or a total of £28; so that the Treasury would not suffer by giving the privilege to settlers who held no more than 160 acres. He spoke feelingly on the subject, because if any district had been benefited by what he suggested it was the district he had the honour to represent.

The PREMIER said he would ask the hon. gentleman who introduced the amendment to consider the observations which had just fallen from the hon. member for Rosewood, who could not be accused of being an enemy of the homestead selector. The privilege given to the homestead selector under the Act of 1876 was confined to the selector of one block of 160 acres, who by residence on that block was not able to perform vicariously the condition of residence on other blocks. Under the Act of 1884 residence on one block of 160 acres would do for any number of adjoining blocks should they belong to the same person. That ought not to be. It was simply encouraging speculation and not settlement. When a man occupied 1,000 acres instead of 160, he ceased to deserve the same consideration. If the hon. gentleman desired to press the clause, he hoped he would be prepared to modify it so that the benefit might be confined to the same class of persons to whom it was originally intended to be given under the Act of 1876.

Mr. BLACK said he should be glad to discuss the matter from the point of view suggested by the Premier; at the same time he would point out that he wished to have the particular clause referred to so fixed that the intention expressed by hon. members last year might be carried out. With regard to the man who held 160 acres being able to take up more land under the Act of 1884 than under the Act of 1876, the Minister for Lands based his opposition to the homestead clauses chiefly on the ground that 160 acres were not sufficient to make a living on. He evidently contemplated that the homestead selector would be able to acquire more than 160 acres of land under the new Act.

Mr. JORDAN said he wished, as he had been charged with inconsistency, to show that he had not been inconsistent in what he had said. He said that unless the Minister for Lands could assure them that there would be areas of 160 acres—limiting it to that—which settlers would get at the outside price of 2s. 6d. an acre, he should vote for the amendment. There was no inconsistency in that. It would be most inconsistent for him to do otherwise, after all he had said in that House and outside of it. He would express his opinion freely on any subject before the House, and he did not bind himself to any measure in its details. He could not understand hon. members in the Opposition twitting him with not being an independent man. He was independent; and he repeated that what he wanted was that persons should be able to take up 160 acres only, at 2s. 6d. an acre, and reside on it for five years. He would support the amendment in its proposed modified form, as it would meet what he thought should be done.

On the motion of the MINISTER FOR LANDS, the House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said: We propose to-morrow to go on with the Charitable Institutions Management Bill in committee, the Local Government Bill, and the Marsupials Bill in committee.

The House adjourned at thirteen minutes past 10 o'clock.