Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 21 OCTOBER 1885

LEGISLATIVE COUNCIL.

Wednesday, 21 *October*, 1885.

Settled Land Bill—third reading.—Message from the Legislative Assembly.—Friendly Societies Act of 1876 Amendment Bill—committee.—Undue Subdivision of Land Prevention Bill—committee.—Logan Village to Beaudesert Railway.

The PRESIDENT took the chair at 4 o'clock.

SETTLED LAND BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding for the consideration of the Council the Pacific Island Labourers Act of 1880 Amendment Bill.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, ordered to be printed, and the second reading made an Order of the Day for to-morrow.

FRIENDLY SOCIETIES ACT OF 1876 AMENDMENT BILL—COMMITTEE.

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

Preamble postponed.

Clauses 1 to 4 passed as printed.

Preamble put and passed.

The House resumed, and the CHAIRMAN reported the Bill to the House without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

UNDUE SUBDIVISION OF LAND PREVENTION BILL—COMMITTEE.

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

Preamble postponed.

On clause 1—"Interpretation"—

The HON. F. T. GREGORY said on the second reading of the Bill he drew attention to the term "suburban and country lands," and the probable effect it would have on existing towns. Having carefully gone into the matter since, it appeared to him that the Governor in Council would be under the necessity of providing for special cases which would come under the powers granted to them by clause 11, and he therefore would not propose any amendment.

Clause put and passed.

Clauses 2 and 3 passed as printed.

On clause 4 as follows:—

"If any plan of subdivision of land is lodged at the office of the Registrar of Titles showing a street or lane laid out contrary to the provisions of this Act, the Registrar of Titles shall take notice of and give effect to the provisions of the last preceding section with respect to any land abutting upon any such street or lane which shall thereafter be transferred under the provisions of the Real Property Act of 1861."

The HON. A. C. GREGORY said in that clause there was some doubt as to the mode that the Registrar of Titles should be directed to adopt when he received a plan. Suppose a plan was received showing a street to be 40 feet instead of 66 feet wide: it would be far better for the Registrar of Titles to refuse to accept the plan, instead of saying that he would take notice of it and give effect to the provisions of the Act. As the clause stood it seemed very doubtful whether he would have to give effect to the provisions of the Act by drawing a line on each side of a narrow street and thereby increasing the width from 40 feet to 66 feet. He should imagine that the proper course would be to refuse to accept the plan, and require the parties to lodge another. He would suggest the amendment of the clause in some way so as to define what the Registrar of Titles' proper course was. Hon. gentlemen would see the desirability of having it clearly understood what the Registrar of Titles was to do—whether he was to amend the plan himself by drawing a line on each side of narrow streets, and perhaps thereby reducing the areas of the allotments from 16 perches to, say, 13 perches; or whether he should require a new plan to be lodged.

The POSTMASTER-GENERAL said he thought the provisions of the clause were ample, and that it would work better if left in its present

shape. The law would be known to all persons who had dealings in land, especially to surveyors; and if a plan was sent to the Registrar of Titles, showing a lane or street not conforming to the provisions of the Act, then the duty of attending to that matter fell upon the Registrar of Titles; the matter properly came within his functions. The law was one which would reach every man, especially surveyors, and he thought the clause might very safely be left as it stood.

The HON. F. T. GREGORY said it appeared to him that the method suggested in the Bill would just leave it in the hands of the Registrar of Titles to draw lines across the maps showing the proper widths of the lanes or streets, and that would entirely mutilate the plans. It might be said that those parties who were cognisant of the enactment would not present defective plans to the office; but assuming that a plan was lodged which was an infringement of the statute, he thought the better course would be to reject it. It would be utterly useless to draw a line on the plan, and reduce the area of the allotments. The matter would be simplified if the clause provided for the Registrar of Titles refusing to accept the plan; he should simply reject it, in accordance with the law. The method proposed by the clause was a clumsy way of dealing with the matter, and he was sure that, in a very few minutes, he could draft a clause to replace it. Perhaps, however, it was better that some little discussion should take place on the clause.

The POSTMASTER-GENERAL said, if it happened that the plans were lodged, the Registrar of Titles was required to draw a line across the allotments facing the lane, which reduced the side allotments below the area of 16 perches, and he would be in this position—he would intimate in the usual way to the parties who had lodged the plan that the areas of the separate allotments were below the area required by law; and what would happen was what happened at the present time—the plan might be withdrawn. Any plan might be withdrawn from the Real Property Office before the land was dealt with; and even if it was dealt with it could be withdrawn and amended with the consent of the parties who had purchased the land. The Bill had been drawn up having in view the present system of working such matters in the Real Property Office. He thought the hon. gentleman had better let the clause alone.

The HON. A. J. THYNNE said there was very little danger in the clause as it stood. The result would be that if a plan was lodged in contravention of the Act the Registrar of Titles would not issue titles according to the dimensions of the allotments furnished by the owner of the property. Any danger that might arise from a plan being rejected, he thought, was so slight that they need not pay very much attention to it. Any irregular plan that might be lodged in the office would be treated in that way: it would simply stay in the office, but no actual transfer would be recorded if lodged in accordance with the irregular plan. One of the Registrar of Titles' requirements on all occasions was to have a sworn or statutory declaration from the surveyor that he had marked off the corners of each allotment with pegs on the ground. That was the universal rule now, and the Registrar of Titles was not likely to issue certificates of title in cases where the land had not been marked off on the ground. He thought that the clause was quite safe as it stood.

The HON. A. C. GREGORY said it would be far better to say that after the passing of the Act it should not be lawful to deposit with the Registrar of Titles any map or plan contrary to the provisions of the last preceding clause. Some were of opinion that one thing could be done and some were of opinion that another thing could be done, and they should make the clause show clearly what had to be done. Unless there was some particular reason why the Registrar of Titles should be allowed sometimes to do one thing and sometimes to do another, or to frame regulations to carry out the provisions of clause 4, it would be far better to adopt the language of clause 8 in the first part of the clause and retain the language of the latter part.

The HON. A. J. THYNNE said there was a reason why the clause should remain as it stood. The Registrar of Titles was by the Bill authorised to register transfers of areas of land smaller than the minimum provided by the Bill, though the map might have been lodged after the passing of the Act, where it was shown that there was a contract before the passing of the Act for the sale of land. If the amendment were inserted it would make the Bill contradictory, because it would prevent the Registrar of Titles from registering transfers of such allotments sold prior to the passing of the Act.

The HON. W. H. WILSON said there were two Real Property Acts—the Act of 1861, and the Act of 1877—and it would be better to have the two in the clause. He moved that the words "and the Real Property Act of 1877" be added at the end of the 21st line.

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

On clause 5—"Dwelling-houses not to be erected within certain distances of lanes"—

The POSTMASTER-GENERAL said he proposed to substitute a new clause for clause 5 of the Bill.

Clause put and negatived.

The POSTMASTER-GENERAL moved the following new clause:—

> It shall not be lawful to erect a dwelling-house fronting a street or lane at a less distance than thirty-three feet from the middle line of such street or lane, or to use as a dwelling-house any building erected after the passing of this Act, and being at a less distance than thirty-three feet from the middle line of a street or lane, unless in either case the building is at the corner of a street and a lane, and is distant not less than thirty-three feet from the middle line of the street.

The clause was a great improvement on the clause which had just been negatived.

The HON. A. C. GREGORY said there was no doubt that the clause was an improvement on the one it was intended to replace, but he would point out that a large proportion of the pieces of land already sold were laid out with much narrower streets than a chain wide, and the areas were so small that it was impossible to erect decent houses with proper back premises on them, beyond the distance of 33 feet from the middle of the street. Though the clause might apply to land subdivided after the passing of the Act, it should not be retrospective. A remedy might be found in clause 11, but there the difficulty was that the Governor in Council might suspend the operation of the Act only at the request of the council of a municipality or the board of a division. It was undesirable to pass the clause in such a shape as to affect vested interests, and it ought to be amended so as only to apply to land subdivided in the future.

The HON. W. PETTIGREW said the clause would be of enormous advantage to the health of the community. The object of the Bill was to prevent buildings going up within 33 feet of the middle of a lane; and such a provision was very

necessary. Land had been cut up into small patches, not only in towns, but in places where there was no necessity for such small areas.

The HON. W. H. WILSON said that, to meet the objection raised by the Hon. Mr. Gregory, and to preserve vested rights, he would move that the words "laid out after the passing of this Act" be inserted after the word "lane," on the 2nd line of the clause.

The HON. A. J. THYNNE said they were legislating against small allotments and narrow streets, and they should meet the difficulty in the present day when it was slight, rather than postpone it to a future day when it would be a serious one. It was better that the building of houses in such a crowded state as to be dangerous to health, especially in such a climate as that of Queensland, should be prevented now, instead of waiting till some epidemic broke out; because in a state of panic they might be driven to extreme measures in trying to prevent further loss. There had been an epidemic of land speculations; but it had only gone, except in a few cases, so far as buying and selling land. Comparatively a small proportion of land sold had been built upon, and it was better, before people —poor people especially—went to the expense of building, that they should be obliged, for their own sake and for the sake of their neighbours, to build their houses at a reasonable distance from the middle of the street. He was in favour of making the clause retrospective.

The HON. F. T. GREGORY said that if clauses 5 and 6 were retrospective they would reduce a 16-perch allotment below the area on which people would be allowed to build; and he did not see how they could pass the clause without making provision for vested interests. Even if people continued to reside in the buildings at present standing on such allotments, they would very soon have to replace them, for most of them were wooden buildings; and then they would be guilty of an illegal act the moment they attempted to erect fresh premises. The people living on such allotments were not in a position to buy fresh pieces of land, and would simply have to sacrifice the land they owned to the next neighbour—if the next neighbour were in a position to buy. He thought some protection should be afforded by the Bill to persons who occupied allotments not larger than 16 perches, abutting on lanes.

The HON. A. C. GREGORY said he thought the amendment would meet the case, and it was highly important that it should be adopted. He was the secretary in an estate in which what might be called a working man left property to his children. Amongst the property was a cottage in a narrow street in Brisbane, and the building would not last very much longer. If it had to be pushed back 33 feet from the street there would be no room for any kind of back premises, and the cottage would be unfit to be inhabited from a sanitary point of view; as it was there was sufficient room for back premises. He knew of a great number of other instances where very serious injury would be done to the owners of property if the clause were made retrospective. With regard to the future, they should do all in their power to have streets of a proper width, and see that buildings were not crowded too closely together. At the same time they should consider the interests of those who had vested rights, and if they interfered with them they ought to compensate them as they would do if they were running a railway line through the ground. If they took off a certain quantity of land and put it into a street they ought to compensate the owners of that land as they would if the street were proclaimed under the Act for widening and adjusting streets. He should support the amendment.

The HON. A. J. THYNNE said the hon. gentleman assumed that the Bill would deprive owners of the frontages of their land by taking off part and putting it into the street; but that was not the true interpretation of the clause. The ownership of the land still rested with the parties concerned; the only restriction was that they must build a certain distance back from the street. A man might use the front of his allotment for a garden; but he must not build a house within a certain distance of the middle of the street.

The HON. A. C. GREGORY said clause 3 was as follows:—

"If any street or lane is laid out of a less width than that hereinbefore prescribed, it shall nevertheless be deemed and taken to be of the prescribed width, and a space of thirty-three feet on each side of the middle line of any such street and of eleven feet on each side of the middle line of any such lane shall, by virtue of this Act, without any further dedication thereof, be and become a portion of such street or lane."

The HON. A. J. THYNNE said the hon. gentleman had done a good thing in calling attention to a slight defect in clause 3; but a very short word of two letters would make the matter right. Clause 2 provided that "every street laid out or dedicated after the passing of this Act shall be of the width of 66 feet at the least, and every lane so laid out or dedicated shall be of the width of 22 feet at the least." Then clause 3 described the mode of enforcing clause 2, and should begin with the words "If any street or lane is so laid out"—that would mean after the passing of the Act.

The HON. J. COWLISHAW said that if the clause were passed as it stood it would be possible to build houses up to a lane 10 feet wide and still evade the Act.

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

Clause 6 passed as printed.

On clause 7, as follows:—

"A registered proprietor of any suburban or country land held under the Real Property Act of 1861, who desires to transfer or otherwise deal with part of such land, shall deposit with the Registrar of Titles a map or plan showing the proposed division of the land, and the area of each portion thereof after division, and being in other respects in conformity with the provisions of the one hundred and twentieth section of the said Act relating to maps and plans deposited under the provisions of that section."

The HON. A. C. GREGORY said he thought clause 7 would be a convenient place to introduce an amendment with regard to laying out proper reserves for the construction of drains. The question of drainage was one that was exceedingly difficult to deal with, but the amendment which he would propose would not in any way affect the other provisions of the Bill. He proposed to add at the end of the clause the following words, "And such maps shall show suitable reserves for the construction of drains." He did not propose to touch the rest of the clause, because it was convenient as it stood. It was possible the amendment might be put in better words, but as it stood there were sufficient grounds upon which to debate the question. Hitherto land had been cut up by private persons without the slightest consideration as to drainage, and the local authorities and also the persons who had purchased allotments had been put to very great inconvenience. An instance of that occurred in the shire of which he was a councillor and where there were a number of portions of land which had been laid out, through which a drain ought undoubtedly

to go. If a drainage reserve had been laid out it would have inconvenienced no one, but as the matter stood a considerable amount of expense and inconvenience would accrue to the council in carrying out the drainage through that ground. The matter, he feared, would have to be left now until some epidemic broke out, when everybody would be forced by necessity to provide sufficient drainage. He begged to move the insertion of the words he had already read.

The HON. J. COWLISHAW said the amendment was incomplete as proposed by the Hon. Mr. Gregory. The hon. gentleman ought to have suggested who was to decide when a suitable reserve had been provided. Considering he had been Surveyor-General so many years, it was rather rich to say that restriction should be placed on private individuals now when he had the opportunity of seeing that proper drains were provided for town and suburban lands and did not do so. Persons were now following the example which the hon. gentleman had set. He thought it would be useless to accept the amendment unless there was someone to decide when a proper reserve had been made. Under the Local Government Act and Divisional Boards Act he thought sufficient power was given to those bodies to construct drains, and, besides that, he considered that the streets were the proper places through which the drains should run. In that case the requirements of every case was met, persons on each side of the street being able to connect with the main drain.

The HON. A. C. GREGORY said if the hon. gentleman who had just sat down would use his eyes and look at the grades of the various streets he would see that it was next to impossible in the majority of instances to carry the drainage along the streets except just for the purpose of draining the street itself. The drain must run into some portions of the estates without any possibility of an escape through the allotments. Now, although there was power in the hands of the municipal authorities to go into those properties and lay out the drains, still they had got to pay compensation for any actual damage done. That would not have been the case if there had been proper reserves made for the purpose of drainage. The persons who subdivided the estates would in no way be inconvenienced, and the necessity for such a provision of the kind he had mentioned must be apparent to everyone. Look at what had happened in the city of Brisbane. Hon. gentlemen would remember that for years there was a difficulty between the municipal council and the owners of allotments along the left-hand side of Queen street, with regard to drainage; and that was not by any means the only instance. Look at the inconvenience and difficulty that occurred through the way in which the land was subdivided along Roma street, and how very difficult it was to carry a drain through that street. That was one of the instances in which he had suggested that a tunnel should be cut right through to the North Quay. As regarded the question asked by the Hon. Mr. Cowlishaw as to why he did not lay out the lines of drainage when he was Surveyor-General, that question was very easily answered. When he asked for authority to expend money to either lay out drainage works or roads it was flatly refused, and orders were given that the very lowest tenders should be accepted, and the work done in the cheapest manner possible. Under those circumstances it was very easy to understand why the matter had not been attended to years ago. He agreed with the hon. gentleman that it ought to have been attended to, but the Surveyor-General had no power to expend money without ministerial authority.

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

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The Postmaster-General, the Hons. J. Cowlishaw, W. Graham, W. Aplin, A. J. Thynne, W. G. Power, J. Swan, J. C. Foote, E. B. Forrest, and F. H. Holberton.

Question resolved in the negative, and clause put and passed.

On clause 8, as follows :—

"After the passing of this Act it shall not be lawful to deposit with the Registrar of Titles any map or plan of subdivision of suburban or country land held under the provisions of the Real Property Act of 1861, in which any allotment or portion of such land is shown as of a less area than sixteen perches, unless such map or plan is deposited with, and for the purpose of the registration of, one of the instruments following, that is to say—

(1) An instrument executed in pursuance of an agreement in writing made before the passing of this Act ;
(2) A transfer or lease of land to the owner of land adjoining the land transferred or leased ;
(3) A transfer of land to Her Majesty or any person on behalf of Her Majesty or on account of the Public Service ;
(4) A transfer of land to or by the council of a municipality or board of a division ;
(5) A lease for a term of less than ten years."

The HON. W. H. WILSON said he wished to move a similar amendment to the one he had previously proposed. He moved that on line 4 of the clause, after the figures "1861," the words "and the Real Property Act of 1877" be inserted.

Amendment agreed to.

The HON. W. PETTIGREW said he had an amendment to move in line 5—namely, to omit the word "sixteen" and insert the word "thirty-two." He had given his reasons yesterday why such an amendment should be made. He considered that a less area than 32 perches of land was insufficient for a family to reside upon for the purpose of health or cleanliness. It was becoming recognised that in town allotments there should be a sufficient area of ground for the purpose of growing trees, and he could not see how it was possible on a 16-perch allotment to have a house and other conveniences and grow trees as well, but by laying out allotments 2 chains by 1 chain there would then be sufficient land for all purposes. He had lately been reading a book on health, and one-fifth of an acre was the minimum size of an allotment that the author mentioned as being sufficient for a family to live upon. So far as his knowledge went, and from what he had seen in this country, he considered that less than 32 perches was not sufficient when the common decencies of life were taken into consideration. They must bear in mind that they were not legislating only for this or the next year, but for many years in the future, and he considered that they ought not to crowd houses together in the towns or suburbs in such a way as to be injurious to the health of the community.

The POSTMASTER-GENERAL said he understood that the Hon. Mr. Pettigrew advocated the doubling of the area from a sanitary point of view, but he had not told them that if the land was sound healthy land, 16 perches in area, with a 66-feet road in front and 22-feet lane at the side, that that would not be a sufficient area for a family to live upon. He was inclined to think that the recognised 16-perch allotments, on which very many comfortable homes were to be found, was a very proper minimum area. On former occasions he had condemned allotments of smaller area than

16 perches, which were a curse to all towns, and which were to be found, not on healthy land but on swamps, to drain which would be impossible, and to raise the land would be an enormous expense. Of course, the local authorities were able to deal with such places from time to time, and bring about a healthier state of sanitary conditions; but he submitted that the bulk of opinion was favourable to the minimum area as prescribed by the Bill — namely, 16 perches; and if the land was really sound land that was a sufficient area, and came within the means of a great number of the population of the colony. He hoped the Committee would adhere to the clause as it was presented to them in the Bill.

The HON. A. J. THYNNE said he congratulated the Hon. Mr. Pettigrew upon his amendment. Since yesterday another reason had occurred to him why it would be advantageous to reserve a larger area. In 16-perch allotments, with a residence or house built upon them, there was never to be found any room for the young people to kick their heels about, and the consequence was that those children were driven into the streets and became at the earliest age street arabs. As he had said yesterday, he should support his hon. friend Mr. Pettigrew.

The HON. A. C. GREGORY said he really thought some sound arguments had been used in favour of the amendment of the Hon. Mr. Pettigrew. The ordinary 16-perch allotment was 33 feet wide and 132 feet deep, with no access to the back. Now, upon a 33-feet frontage, could a man build a house with proper means of getting to the back premises for the purpose of having them cleaned? It was necessary that some provision should be made by which people could pass between the houses and get to the back premises. Again, it must be remembered that the amendment would not apply to town lands, but to country and suburban lands which might hereafter be subdivided. It would not touch anything that had already been done. An area having 66 feet frontage, with a depth of 132 feet, was only sufficient to build a small cottage, and leave space for drays to pass down the side for the purpose of bringing in firewood, etc., and carting away rubbish.

The HON. W. PETTIGREW said, as the Hon. Mr. Gregory had explained, the amendment would only apply to the future. He could not see how it was possible to construct convenient suburban residences on allotments having only 33 feet frontage. There was no space available by which a dray might get to the back, and there was no room to plant a single tree. He trusted his amendment would be agreed to.

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

On clause 9, as follows:—

"After the passing of this Act it shall not be lawful to register any instrument dealing with any allotment or portion of suburban or country land which is of a less area than sixteen perches, unless in one of the cases following, that is to say—

(1) When the instrument is a deed or grant from Her Majesty;
(2) When the instrument is executed in pursuance of an agreement in writing made before the passing of this Act, and such agreement is produced to the Registrar of Titles at the time of registration, and the date of making the agreement is proved to his satisfaction;
(3) When the land is not held under the provisions of the Real Property Act of 1861, and is the whole of a portion of land which has been conveyed to the person by whom the instrument is executed, or his predecessors in title, by an instrument executed before the passing of this Act or in pursuance of an agreement in writing made before the passing of this Act and registered in conformity with its provisions;
(4) When the instrument is an application to bring such a portion of land as lastly described under the provisions of the Real Property Act of 1861;
(5) When the land comprised in the instrument is the whole of the land comprised in—
  (*a*) A deed of grant, or
  (*b*) A certificate of title registered before the passing of this Act, or
  (*c*) A certificate of title registered after the passing of this Act in one of the cases hereinbefore in this section mentioned;
(6) When the instrument is a conveyance or transfer of land to Her Majesty or any person on behalf of Her Majesty or on account of the Public Service;
(7) When the instrument is a conveyance or transfer of land to or by the council of a municipality or board of a division;
(8) When the instrument is a conveyance, mortgage, transfer, or lease of land to the owner of land adjoining the land dealt with by the instrument;
(9) When the land comprised in the instrument is the whole residue of the land comprised in any such instrument as hereinbefore in this section mentioned after the registration of any such conveyance or transfer of portion thereof as is by this section permitted;
(10) When the instrument is a lease or assignment of a lease for a term of less than ten years and not containing an agreement for renewal.

"The provisions of this section do not apply to instruments dealing with easements only."

The HON. W. PETTIGREW moved—as a consequential amendment on that which had just been passed—the omission of the word "sixteen" in line 6, with the view of inserting the word "thirty-two."

The POSTMASTER-GENERAL said he did not think the proposed amendment was entirely consequential, because the clause referred to the registration of an instrument. How was an instrument conveying a 16-perch allotment sold anterior to the passing of the Act to be registered unless the clause remained as it was?

The HON. A. C. GREGORY said the difficulty was met by the exceptions provided in subsection 5.

The POSTMASTER-GENERAL said he understood it was the intention of the Committee to conserve all existing rights. Suppose a jobber in land yesterday purchased ten 16-perch allotments according to a plan already lodged, with a view of reselling them, and suppose that for convenience he took one title for the ten allotments, all of which were contiguous—was he to be debarred from selling them? He did not think that was intended, because the fact of not taking out ten separate deeds was a mere matter of detail. Again, suppose a plan of subdivisio had been lodged containing 100 allotments, one-third of which had been sold—the plan could not be retired for the purpose of altering the roads and areas without the consent of all the parties concerned.

The HON. A. J. THYNNE said the question whether the minimum area should be 32 perches or 16 perches was only one of degree. If they made 16 perches the minimum, men who had bought 12-perch allotments would have just as much reason to complain as men owning 16-perch allotments had to complain because the minimum was fixed at 32 perches. They had to restrict the rights of some, otherwise the Bill would have no effect; and the Committee had wisely come to the conclusion that in all future sales of land the areas should not be less than 32 perches. The Postmaster-General had called attention to the injury that might be inflicted on a man who had taken out one certificate of title for ten allotments. Such a thing might be done to save registration fees or lawyers' fees, or—he would put it on higher ground—it might be done to save work in the Real Property Office; but if a man took out one title instead of ten separate titles,

he put himself in the position in which the Bill intended such people to be placed. A man having a series of ten 16-perch allotments might comply with the provisions of the Act by making five 32-perch allotments of them.

The POSTMASTER-GENERAL said the Hon. Mr. Pettigrew stated that it was his desire, in moving his amendment, that clause 8 should provide that after the passing of the Act it should not be lawful to deposit with the Registrar of Titles any map or plan of subdivision of suburban or country land, in which any allotment was less than 32 perches. If he had known that the amendment before the Committee was to be proposed as a consequential amendment, he should have taken a different course, because if passed it would prevent the Registrar of Titles from receiving any instrument in respect to 16-perch allotments already subsisting. The amendment just passed had reference to future subdivisions.

The HON. A. C. GREGORY said if hon. gentlemen would refer to subsection 2 they would find that provision was made for the difficulty. Unless business was transacted on an exceedingly loose footing, it was clear that if an ordinary sale-note had passed between the vendor and vendee in the purchase of a 16-perch allotment that would be sufficient to enable the owner to get a certificate of title. It was very desirable to make the amendment extend as far as possible —without doing an injustice—so as to enforce the larger area where it was not in contravention of some existing vested right.

The POSTMASTER-GENERAL said there must be hundreds, if not thousands, of cases where 16-perch allotments were owned by persons who had only one allotment between other allotments owned by other people. If the word "thirty-two" were substituted for the word "sixteen" it would deal most harshly with those people.

The HON. A. J. THYNNE said that under subsection 2 the Registrar of Titles had power to register an instrument dealing with a less area than 32 perches—if the amendment were carried —or 16 perches as the clause stood, where he was satisfied that the agreement for the sale had been made beforehand. The purchaser of such an allotment would always be able to produce sufficient evidence to satisfy the Registrar of Titles whether the agreement was made before the passing of the Act or not. The clause would only affect those people who had large areas and wanted to cut them up into small areas, and it provided that the areas should not be less than a certain size. The minimum originally fixed was 16 perches, and the Committee had increased the minimum to 32 perches. The amendment was undoubtedly consequential on the amendment made in section 8; and if it were not passed the two clauses would be contradictory.

The POSTMASTER-GENERAL said the arguments used by the hon. gentleman would have been very well on clause 8, but they were too late now. The arguments adduced by the mover of the amendment, when speaking on clause 8, were that in future all plans and subdivisions of country and suburban land should contain no allotment less than 32 perches. Under the circumstances, he moved that the clause be postponed to give hon. gentlemen an opportunity of considering the matter.

Clause 9 postponed.

Clause 10 — "Instruments for undue subdivision of land prohibited "—passed as printed.

On clause 11, as follows :—

"The Governor, at the request of the council of a municipality, or board of a division, may, by Order in Council, and subject to such conditions as may be imposed by the Order in Council, suspend the operation of the Act or any part thereof with respect to any part of the municipality or division which is used principally for business purposes and not for purposes of residence."

The HON. A. C. GREGORY said it would be better if the power contained in the clause were left in the hands of the Governor in Council, because there were places where no local authority would take the trouble to deal with the question. In the larger cities and towns municipalities would be excellent advisers of the Government as to what should be done; but there were places where the clause would not be put into operation unless the power lay in the hands of the Governor in Council, and he therefore moved that the words "at the request of the council of a municipality or board of a division" be omitted.

The POSTMASTER-GENERAL said the proposed alteration would be objectionable, because the Governor in Council should not take action except at the request of the local authorities, for they were the parties who had an intimate knowledge of the local circumstances of the different districts. The Governor in Council simply meant the Cabinet of the day, who were not supposed to have an intimate knowledge of localities which would require the suspension of the Act in order that smaller areas might be sold for purposes other than residence, and he thought the Governor in Council should be moved by the persons who had the best knowledge of the particular requirements of a certain section of a city or town. The clause was following up the principle of local self-government, and it was most desirable that the local authorities should be the parties to say whether the operation of the Act should be suspended in certain cases or not. Local authorities were elected from time to time; and they undoubtedly represented the people, and it was unwise to leave the matter in the position that would accrue if the suggestion of the hon. member were adopted. There must be a source of information. What machinery was to be put in motion to enable the Government to consider as to where and when the operation of the Act should be suspended if they omitted the words proposed to be omitted? They would have to seek the necessary knowledge from the very source prescribed by the clause in question. It was a wise thing to place as many of those matters as possible on local shoulders, and he hoped the clause would remain as it stood.

The HON. A. C. GREGORY said it was not his intention to curtail the power of the local authorities, but there were divisions in which there were towns at rivalry, and the moment either town wished to have the operation of the Act suspended, so that certain areas might be rendered more suitable for business purposes, the influence of the other would be exerted to prevent the divisional board requesting the Government to proclaim the suspension of the Act. Therefore, he thought it would be better to leave the matter to the discretion of the Governor in Council. The difficulty would not arise in a town which had one undivided interest, but it would probably arise where interests were divided. For instance, the East Ward in the city of Brisbane might object to Fortitude Valley or Wickham terrace being relieved from the operation of the clauses relating to suburban lands. That ward might wish to have all the business premises within its own boundaries, and the same might be said of other

parts of the city. He therefore thought that more power should be placed in the hands of the Executive Government, in order that they might do what they considered best in the interests of the community.

Amendment put and negatived, and clause passed as printed.

Clauses 12 to 14, inclusive, passed as printed.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

LOGAN VILLAGE TO BEAUDESERT RAILWAY.

The PRESIDENT read a message from the Legislative Assembly, asking the approval by the Council of the plan, section, and book of reference of the proposed extension of the Logan branch of the Southern Railway from Logan village to Beaudesert.

The House adjourned at five minutes past 6 o'clock.