Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 22 OCTOBER 1885

LEGISLATIVE COUNCIL.

Thursday, 22 *October*, 1885.

Suspension of Standing Order.—Message from the Legislative Assembly.—Friendly Societies Act of 1876 Amendment Bill—third reading.—Undue Subdivision of Land Prevention Bill—committee.—Licensing Bill—committee.—Noble Estate Enabling Bill—second reading.

The PRESIDENT took the chair at 4 o'clock.

SUSPENSION OF STANDING ORDER.

The POSTMASTER-GENERAL moved—

That so much of the 111th Standing Order as requires that the plans, sections, and books of reference of proposed railways shall lie on the table of the House for one week before being referred to a select committee, be suspended during the remainder of the present session.

The HON. F. T. GREGORY said: I would like to observe, before the motion is put, that it has been proposed with the concurrence of this side of the House, and that it is only intended to have the effect of giving the committee more time for their labours and the House a greater amount of time for the consideration of the report of the committee when it is laid on the table. I think that both the Postmaster-General and myself take the same view—that if there is time to spare, it is far better that the members of the House should have the report of the committee in their hands a little sooner than they would have if the plans were allowed to lie upon the table for the usual period of one week.

The HON. A. J. THYNNE said: I think before this motion is put we ought to have some information as to what railways are proposed to be brought forward. We have no information at the present time, and this Standing Order has been of great advantage in at least one instance, in which those interested in the construction or otherwise of a certain line had one week's delay in which to prepare their case and lay it before the committee. I submit that it is desirable that we should have some information from the Government, before suspending our Standing Order, as to the railways to be brought forward. There may be some propositions coming forward which will require a little more consideration than usual, and of which the public ought to have more notice than they will have if we proceed at once to deal with the railways. Some of these railways have been passed in another place with rather short notice, and if they come here, and are sent to a committee, they might be disposed of in one day after the matter has been referred to the committee.

The POSTMASTER-GENERAL said: I am not quite able to give the information that the hon. gentleman desires, although I was possessed of it a few days ago; but it has escaped my memory. I will, however, mention a few railways that will be brought forward. The railway from Cooktown to Maytown; the railway from Logan Village to Beaudesert; the railway from the Brisbane railway station through Fortitude Valley, joining with the Sandgate line at Bowen Hills, with a proposed central station in Ann street, under Wickham terrace. I think it is intended also to bring forward another short section of the North Coast Railway from Caboolture. A new section of that line will be submitted, but, so far as its construction is concerned, I am sure there will be no opposition to it, because, besides the new section of the line being easy to construct, the whole of the colony desires that the North Coast Railway should be constructed as quickly as possible. There are several other railways that may be brought forward, but I am not very certain whether the plans are ready.

An HONOURABLE MEMBER: The South Brisbane Railway?

The POSTMASTER-GENERAL: I am not certain about the South Brisbane Railway: at any rate, those are a few of the railways that I think will be dealt with before many days, and two of them are already on the table. There is no desire whatever to hurry these plans through, and, I think, whatever plans are put before this House will be plans and sections of railways which have been thought over by hon. gentlemen for some time, and there will be very little difficulty in coming to a conclusion as to the merits of each railway put before us.

The HON. J. TAYLOR said: I think the system proposed by the Postmaster-General is a very good one indeed—that is, to allow the plans to come before the committee at once, without keeping them on the table of the House for a week; but I would suggest to the Postmaster-General that he should withdraw this motion at present, and bring up a schedule of the railways which it is proposed to refer to this House. That would be the proper course to take, as some hon. members are very anxious to know what railways we are going to deal with.

The POSTMASTER-GENERAL said: With the permission of the House I will say, in reply to the hon. gentleman, that his suggestion, although a good one, is utterly impracticable, because the railways that come before this House are railways that have passed the Lower House. There may be a dozen railways put before the other branch of the Legislature, out of which only seven may pass.

The HON. J. TAYLOR: You know better than that.

The POSTMASTER-GENERAL said: That is quite possible; and under the circumstances it is impracticable to bring forward a schedule of railways that will pass the Lower House and then come before us.

Question put and passed.

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 Federal Council (Adopting) Bill (Queensland).

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

FRIENDLY SOCIETIES ACT OF 1876 AMENDMENT 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.

UNDUE SUBDIVISION OF LAND PREVENTION BILL—COMMITTEE.

On the Order of the Day being read, the President left the chair, and the House went into Committee to further consider this Bill.

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 of 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*) 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 not 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 POSTMASTER-GENERAL said considerable attention had been given to that clause since the debate of yesterday afternoon, with the result that the Government had decided that it would be wise to recommit the Bill in order to remove from clause 8 the amendment which had been proposed by the Hon. Mr. Pettigrew, and carried without division, that the word "sixteen" be omitted with a view of inserting the words "thirty-two." With that view, therefore, he hoped that hon. gentlemen would pass clause 9 as it stood, and when the Bill was recommitted they would be able to put clause 8 back in its original form. He felt quite sure that it was very much better for the country, and in the interests of all parties concerned, that the Bill should remain in its original shape. With those observations, therefore, it would be his duty to oppose any alteration in clause 9. Hon. gentlemen would, however, keep in view what he had said with respect to clause 8—that it would be recommitted for the purpose of putting the Bill into its original shape.

The HON. W. PETTIGREW said he had listened to what the Postmaster-General said, but it had not convinced him in the least degree of the necessity of continuing to allow persons to live on small patches of ground. The country was of immense extent, and there was no reason why the people should not have breathing space around them. They made railways to go out into the suburbs, but he would ask, what was the use of making railways to the suburbs, if the people were to be jammed up in the miserable way proposed by the Bill; and if they were allowed to subdivide their ground into small patches of sixteen perches, upon which the common decencies of life could not be carried out? He said it was a shame and a disgrace to the Government to make such a proposal as that; and he hoped the House would confirm what it did yesterday, that no subdivision of lands should take place in which the allotments were made of less area than thirty-two perches. He thought it was for the well-being of the country and of the inhabitants, for all time to come, that they should live, as to health, under the best circumstances possible. To have good health the people must have trees around them, as he stated yesterday, to purify the atmosphere; but trees could not be grown, and a house erected as well, upon 16 perches of ground. He hoped hon. gentlemen would confirm their action of yesterday by making the consequential amendment in clause 9; and he therefore proposed that, in line 3 of the clause, the word "sixteen" be omitted, with a view of inserting the words "thirty-two."

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

CONTENTS, 8.

Hons. T. Macdonald-Paterson, J. Taylor, W. Graham, E. B. Forrest, J. Cowlishaw, F. H. Holberton, J. Swan, and W. H. Wilson.

NON-CONTENTS, 9.

Hons. F T. Gregory, A. C. Gregory, J. F. McDougall, W. Pettigrew, W. F. Lambert, W. Aplin, W. G. Power, A. J. Thynne, and F. H. Hart.

Question resolved in the negative.

Question — That the word proposed to be inserted be so inserted—put, and the Committee divided:—

CONTENTS, 9.

The Hons. A. J. Thynne, J. F. McDougall, W. Aplin, F. H. Hart, F. T. Gregory, W. F. Lambert, W. G. Power, A. C. Gregory, and W. Pettigrew.

NON-CONTENTS, 9.

The Hons. T. Macdonald-Paterson, J. Taylor, J. Swan, W. H. Wilson, E. B. Forrest, P. Macpherson, W. Graham, J. Cowlishaw, and F. H. Holberton.

The CHAIRMAN said: The numbers being equal, it devolves upon me to give the casting vote, which I give with the "Non-contents." The question is, therefore, resolved in the negative.

The HON. W. PETTIGREW said that as the Chairman had decided that 32 perches should not be the size, and as legislation was a matter of compromise, he was willing to meet those miserable 16-perch men half-way and say 24 perches.

The HON. J. TAYLOR asked whether that was parliamentary language — "16 miserable perch men"? He thought it was an insult to the gentlemen who voted against the amendment.

The HON. W. PETTIGREW said that if he had used any unparliamentary language he apologised. He moved that the words "twenty-four" be inserted.

The POSTMASTER-GENERAL said it would be advisable to pass the clause with a blank, as the Bill would be recommitted with regard to clause 8, and clause 9 might also be recommitted for the purpose of filling up the blank.

The HON. J. TAYLOR asked whether the Postmaster-General intended to give way to the Hon. Mr. Pettigrew?

The POSTMASTER-GENERAL: Certainly not!

The HON. J. TAYLOR: Then why should the clause be recommitted?

The POSTMASTER-GENERAL said that if they recommitted the clause they might reinsert the word "sixteen."

The HON. SIR A. H. PALMER said the Hon. Mr. Pettigrew had moved an amendment which should have been put from the chair at once. The amendment might be negatived, but it certainly should have been put at once.

The HON. W. PETTIGREW said he would withdraw his amendment in the meantime.

Amendment withdrawn.

The HON. J. TAYLOR said he objected to the amendment being withdrawn.

The CHAIRMAN said there was no question before the Committee.

The HON. A. C. GREGORY said that taking the Bill as a whole there was no provision to protect the interests of those persons who had lodged plans of subdivisions of land and had sold some parts but not the remainder, though the unsold allotments were marked in the plans lodged in the office of the Registrar-General. It was desirable that some relief should be afforded to those persons, because there must be a number of cases in which a person had sold a number of allotments but had allotments remaining between those which were sold; and those remaining would be unavailable for sale if the Bill became law. He therefore moved that the following words be inserted immediately after subsection 5:—

> When the land comprised in the instrument is the whole of the land comprised in a subdivision delineated on a map of subdivision lodged with the Registrar of Titles before the 20th day of October, 1885, for the purpose of conveying one or more of such subdivisions.

The reason for fixing the 20th day of October was to prevent any persons, after the discussion that had arisen on the subject in that Chamber, rushing plans into the office of the Registrar of Titles with the view of taking advantage afterwards of the lodgment before the passing of the Act. The amendment did not require a great amount of discussion, because the subject must be tolerably clear to most hon. members. There would be a great injustice done if those persons who had cut up their lands and sold part were suddenly prevented from selling the remainder.

The HON. A. J. THYNNE said that the amendment, instead of being clear, was one that required a great deal of consideration. He had not had an opportunity of seeing the amendment before, so that he had not had time to study its effect; but he could see that it was one which, if carried, would enable people interested in those small allotments to continue in the future to sell them in the same way as they had been doing up to the present time. The Bill opened up a very large question. Were they to encourage people in doing what was recognised to be a public evil—the continuation of the small subdivision of land—and protect them from some possible loss or diminution of profit at the expense of the public health? The neighbourhood of the city of Brisbane had been absolutely ruined, and had been in course of destruction for a considerable time by the system of subdivision of land, and the amendment would have the effect of continuing the system. If a man had his plans lodged before the 20th October, no matter how small the allotments might be, he might continue to sell just as he could at the present time. The effect of the Bill without the amendment would be that an owner of several subdivisions of land, whether on the plan or not, could not sell them afresh, except in lots of a certain size at least. There was a misapprehension on the part of some hon. members as to the position of owners of isolated allotments which had not been sold—assuming that some odd allotments did remain in the owner's hands—that he would not be able to sell them. That was a misapprehension, for it would be seen, by carefully examining the clause, that such cases were fully provided for in subsection 9. It was his intention to have moved that subsection 9 should be transposed and placed immediately after subsection 5, which was its proper place. Subsection 5 provided that it should be lawful to register any instrument where the area was less than the minimum size fixed by the Bill:—

> "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."

That it should be followed by subsection 9, which said that such an instrument might be registered—

> "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 or portion thereof as is by this section permitted."

It would be seen that under subsection 9 the owner of an odd allotment, after the other allotments had been transferred, would be in a position to transfer that odd allotment, no matter what its area was. He trusted hon. gentlemen would not lend their countenance to the continuation of the evil which the subdivision of land had created, and was still more likely to create in the future. If they had any regard for the colony at all, what was their first duty, except to provide opportunities for healthy living and freedom from disease? Could hon. gentlemen say that small allotments would tend to promote the public health in any way? Was it not better that speculators who had been doing such injury should suffer—if there was to be any suffering—some slight loss, and that the public health should be conserved? There was no law passed that did not affect personal privileges more or less. The restriction of freedom to a certain extent was one of the foundations of the law; and he would ask whether there was any matter on which they could so well provide restrictions as on the subject before the Committee? If the Committee made any alteration in the Bill i should be in the direction of enlarging the minimum area.

The HON. A. C. GREGORY said he did not think the matter was clearly understood by the hon. gentleman. He would assume that a man had cut up a piece of land into twenty allotments and had sold every alternate allotment; then subsection 9 would not help him at all in regard to the unsold allotments. He had always understood that there was an objection, if not an insuperable objection, in the way of including several pieces of land, not touching, in one deed.

The POSTMASTER-GENERAL: It cannot be done.

The HON. A. C. GREGORY said it could not be done. Therefore, unless some provision were made by which all those separate subdivisions between those which had been sold could be dealt with they would remain unconveyable and unavailable for occupation. As he said before, subsection 9 would not be of any use in a case like that, because each allotment would not be the whole residue of the land. The unsold allotments would remain vacant rubbish-holes, which were more detrimental to health than small allotments which were occupied. Some hon. members were of opinion that allotments containing 16 perches were of sufficient size, and he believed that, in regard to the plans already lodged with the Registrar of Titles, comparatively few portions contained much less than 16 perches. He agreed that it was desirable that in all future subdivisions a larger area should be insisted upon, but he proposed the amendment as a saving clause to protect those persons who had a species of vested interest, which would be seriously prejudiced if the clause were passed in its present form.

The HON. W. GRAHAM said he did not exactly see the motive for fixing on a date which had gone by. That was certainly making the Bill retrospective to a certain extent. Clause 8 provided that certain things should take place "after the passing of this Act," and he did not see why the same phraseology should not be adopted all through. In other respects he had no objection to the amendment, but he should vote against it if it were made retrospective.

The HON. A. C. GREGORY said the reason why he fixed on the 20th of October as the date on which the operation of the clause should commence was in order that it might come into force just before the discussion on the question arose in that Chamber. Some idea of the amendment had been floating about outside before to-day, and that was why he fixed on the 20th of October —not that he was wedded to any particular date, but because he wished to prevent the office of the Registrar of Titles being rushed with plans between that date and the time when the Bill became law. If the date were not fixed people might deposit plans during that interval in order to gain some advantage to which they were not entitled.

The HON. P. MACPHERSON said he took the same view as that taken by the Hon. Mr. Graham. The Bill was *primâ facie* an invasion of the laws of property, in spite of all that they had heard with reference to the public health. They ought not to countenance a retrospective provision in general legislation, as indicated by the amendment. Why should not the Real Property Office be rushed if necessary? It was only what might be expected in view of such a Bill becoming law. He did not think there was the slightest danger of the Real Property Office being rushed at all, because they all knew that the land mania was now subsiding. Even if there was a rush in the office, he did not see what it mattered.

The HON. W. GRAHAM said, so far as he could make out, the amendment of the Hon. Mr. Gregory was intended to save an undue amount of work in the Registrar-General's Office. If that was all he supposed the country would be willing to pay a few extra clerks. They had seen similar instances of the same thing in the Customs. When a Bill imposing an additional duty was about passing, perhaps all articles subject to the new duty were taken out the night before the Bill was passed. Property owners would protect themselves, and he thought that they had a perfect right to do so.

The HON. J. F. MCDOUGALL said that if he understood the Hon. Mr. Gregory's amendment it was simply to protect vested interests, and he believed it was the wish of every member of the Committee that the Bill should not be retrospective. It would be an extremely hard case if people who had invested in 16 perches of land should not be allowed to utilise their land. He should support the amendment.

The POSTMASTER-GENERAL said the Hon. Mr. Graham, he thought, was somewhat incorrect in stating that customs duties were levied in respect to articles anterior to the passing of a Bill.

The HON. W. GRAHAM: When the Bill is about passing the articles are taken out.

The POSTMASTER-GENERAL said, on the contrary, the practice had always been to have the duties collected on the morning of the day on which the Bill for increasing the duty was introduced, and unless the secret happened to leak out the public would have to pay the duty. He had never heard of cases in Queensland where that had occurred. Returning to the amendment of the Hon. Mr. Gregory, the case was simply this: Having regard to the belief that they should probably go back to 16 perches in clause 8, was it desirable to perpetuate allotments of less than 16 perches in area? If it was desirable that smaller areas should continue to exist in certain localities that object could be achieved in clause 11, where the Government at the request of the municipality might suspend the operation of the Act, and might cause the area to be 1 perch or any other size under 16 perches; but with respect to suburban lands, was it desirable that a man who held two small 7-perch allotments should be able to sell one and build upon the other? Personally, he did not think it was. He thought the Bill was better as it stood; and as the matter had been fully considered he hoped there would be no attempt to limit the usefulness of the measure.

The HON. J. COWLISHAW said the Postmaster-General must be aware, as a lawyer, that, if the Bill passed as it stood, persons who had isolated allotments could not get titles for them. It was all very well to say that section 9 covered everything, but, as a lawyer, the Postmaster-General must know that although the instrument would cover the whole of five or six subdivisions, certificates of title must necessarily issue for each subdivision. It would be impossible to obtain one title to cover half-a-dozen different allotments in different portions of an estate. It must be borne in mind that plans having once been lodged could not be altered without the consent of the persons who had bought land in the estate, and it would be a very difficult matter to get the consent of those persons to any alteration, because their interests might seriously be affected. He would repeat that it was impossible to get one title to cover the residue of an estate. There would have to be a number of certificates, and those certificates being issued after the passing of the Act nothing could be done with them. He thought the amendment ought to be accepted, but the words "after the passing of this Act" ought to be substituted for the words "before the twentieth October, 1885."

The HON. A. J. THYNNE said he thought there was something in the contention of the Hon. Mr. Cowlishaw and the Hon. Mr. Gregory, with regard to the effect of subsection 9, and that the wording of that subsection would not cover all cases. It was intended, no doubt, that subsection 9 should cover the unsold residue, because, if not, that subsection had no meaning. That was the difficulty that ought to be removed.

He could not agree with the Hon. Mr. Cowlishaw in saying that they ought to perpetuate the present plans.

The HON. J. COWLISHAW said he had said that the present plans should run out.

The HON. A. J. THYNNE said they should run out, but where a person owned more than 16 perches he ought not to be allowed to sell less than 16 perches. He fully believed that the amendment of the Hon. Mr. Gregory went to such an extent that if it was carried the Bill would be laid aside altogether. It was his duty to point out that clearly to hon. gentlemen, and let them understand that they must take the responsibility of having the measure rejected.

The HON. J. COWLISHAW said he did not think the amendment would have the effect of rejecting the Bill, because he believed that when hon. members of the other House saw the force of the remarks made by the hon. gentlemen they would accept the amendment.

The HON. A. C. GREGORY said, as it seemed to be considered desirable that no special time for the operation of the clause should be mentioned, he would, by permission, amend his amendment by substituting for the words "twentieth October" the words "before the passing of this Act."

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

CONTENTS, 12.

The Hons. W. F. Lambert, W. Pettigrew, F. H. Hart, E. B. Forrest, P. Macpherson, J. Cowlishaw, W. Graham, F. H. Holberton, W. H. Wilson, J. F. McDougall, F. T. Gregory, and A. C. Gregory.

NON-CONTENTS, 5.

The Hons. T. Macdonald-Paterson, A. J. Thynne, J. Swan, W. Aplin, and W. G. Power.

Question resolved in the affirmative.

The HON. A. J. THYNNE moved that subsection 9 be transposed so as to follow new subsection 6.

Question put and passed; and clause 9, as amended, and preamble, put and passed.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the Bill was recommitted for the consideration of clauses 8 and 9.

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 thirty-two 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 division;
(5) A lease for a term of less than ten years."

The POSTMASTER-GENERAL moved that the word "thirty-two," on line 5 of the clause, be omitted with a view of inserting the word "sixteen."

The HON. W. PETTIGREW said the Committee had already settled the question as to the area of allotments, and he hoped they would adhere to their former decision. He had already given his reasons for the amendment which was carried yesterday.

The HON. A. J. THYNNE said, the Bill having been amended in clause 9 so as not to affect any subdivisions of land that might have been made up to the present time, they might at least provide that in all future subdivisions no allotment should contain less than 32 perches. If the amount which had been made in clause 8 was not now adhered to the Bill would be worth nothing.

The POSTMASTER-GENERAL said he would repeat that, by the general consent of the people of the colony, the minimum area of allotments had been fixed at 16 perches. Everybody did not buy 16-perch allotments, but there were a good many 16-perch allotments held by persons who did not own any more land than that. The great evil which had existed was that many of the town and suburban allotments were under 16 perches, and since the decision of yesterday he had inspected two allotments, neither of which exceeded 8 perches. He trusted the Committee would retrace their steps and adhere to the minimum originally fixed by the Bill.

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

CONTENTS, 9.

The Hons. W. F. Lambert, F. H. Hart, W. G. Power, W. Aplin, F. T. Gregory, A. C. Gregory, J. F. McDougall, W. Pettigrew, and A. J. Thynne.

NON-CONTENTS, 8.

The Hons. T. Macdonald-Paterson, W. H. Wilson J. Cowlishaw, P. Macpherson, W. Graham, J. Swan, E. B. Forrest, and F. H. Holberton.

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

On clause 9—"Instruments to give effect to undue subdivision not to be registered"—

The HON. W. PETTIGREW moved that the word "thirty-two" be inserted after the word "than" in line 6.

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

The House resumed; and the CHAIRMAN reported the Bill with further amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

LICENSING BILL—COMMITTEE.

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

Preamble postponed.

Clause 1—"Division into parts"—passed as printed.

On clause 2—"Short title and commencement"—

The HON. A. J. THYNNE said he thought it was desirable that the Bill should commence at the same time as the new licenses—on the 1st July.

The POSTMASTER-GENERAL said he could not accept the suggestion.

Clause put and passed.

Clause 3—"Acts repealed"—passed as printed.

On clause 4—"Interpretation"—

The HON. A. J. THYNNE said that on the second reading he drew attention to the danger that would arise from granting licenses to sell wine, pointing out that spirits would most likely be sold under such licenses. He was not sufficiently skilled in the question to construct a definition of wine, but it ought to be defined. Had the Postmaster-General devoted any attention to the matter since the second reading of the Bill?

The POSTMASTER-GENERAL said he had given the matter some attention and had come to the conclusion that there should be a license given, as provided in the Bill. If the Hon. Mr. Thynne—with whom the licensing laws were a specialty—was not able to suggest a definition of the term "wine" which would meet with the approval of the Committee, he must confess at once that he was not able to do so either.

The HON. F. T. GREGORY said that any person holding a license to sell wine from the licensing authority would be a wine-seller, and no difficulty would arise from allowing the clause to remain as it stood.

The HON. A. C. GREGORY said that, in the ordinary acceptation of the term, "wine" meant any liquor made from the juice of the grape. Probably some of the legal members of the Committee remembered, however, a case which came before one of the principal law courts in London, on which occasion it was proved conclusively that what a certain person sold as wine did not contain a fraction of the juice of the grape. Therefore, he thought the term "wine-seller" was sufficient for all practical purposes. He would now draw attention to the term "ratepayer," who was defined to be "any person whose name is duly entered in the ratepayers' roll of a municipality, or in the rate-book of a division." Ratepayers in a municipality who had not paid their rates before the 1st day of November in each year were not left on the roll; but in a division they were ratepayers so long as they paid the rates at any time. He mentioned the matter now, because when they came to the clauses dealing with local option they would find it stated that one-tenth of the "ratepayers" might do certain things.

The HON. A. J. THYNNE said he was not in a position to supply a definition of the term "wine"; but he thought it was necessary that some definition should be inserted, otherwise all the wine-sellers' shops in the country would be turned into places for the sale of all sorts of liquors. With regard to the term "ratepayer," it would have to be considered that the ratepayers were not always the only people who ought to exercise the privilege proposed to be given. Under the Local Government Act and the Divisional Boards Act the ratepayer was the person rated, and the owner of property was excluded if the occupier paid the rates; so that they would have the exercise of local option and other things carried out by people who happened to be the occupiers, while the owners of property were excluded. That was a matter that should be digested before they considered the local option clauses.

The HON. A. C. GREGORY said in regard to ratepayers he would state what the practice was. If no one made any statement the vote was given to the occupier, but if the owner should desire to exercise the rights of the ratepayer he gave notice that the property was in his hands and that he would pay the rates; and if the owner paid the rates he was the ratepayer, while the occupant in that case was not a ratepayer and was excluded. That was the actual practice.

The HON. W. G. POWER asked whether a wine-seller's license included the selling of wine made outside the colony other than colonial wine?

The POSTMASTER-GENERAL: Yes.

The HON. W. G. POWER said he thought that was objectionable. In Victoria wine-sellers held licenses for selling wine which was the produce of the colony, and the sale of other wines was not taken out of the hands of the publicans, who paid a heavy license.

The HON. W. APLIN said he was under the impression that wine-sellers' licenses were provided for in the Bill to facilitate the sale of colonial wines. It would be absurd to allow the holders of such licenses to sell port, sherry, and champagne.

The POSTMASTER-GENERAL said it would be utterly impossible in practice to confine the holder of a wine-seller's license to the sale of colonial wine.

The HON. W. APLIN said he thought it was intended that the term "wine-seller" should refer to the seller of colonial wine, and he moved as an amendment that the word "colonial" be inserted after the word "sell" on line 20. He was almost certain that was the intention of the other branch of the Legislature.

The POSTMASTER-GENERAL said he should like the hon. gentleman to explain where he got that information. He was intimately acquainted with the principles of the Bill anterior to the meeting of Parliament, and he never heard that view expressed before.

The HON. W. APLIN said the tenor of the discussion when the measure passed through the other House led him to believe that the wine-seller's license referred to the sale of colonial wine. He did not see how it could be intended to apply to foreign wines.

The POSTMASTER-GENERAL said that foreign wines were, as a rule, very much better than the colonial wines, and he did not see why the holder of a license for selling wines should be restricted to the sale of colonial wines. He was of opinion that a wine-seller should be permitted to sell the best of wine, no matter from what part of the world it came.

The HON. A. C. GREGORY said he thought it would be better to postpone the discussion on the matter till they came to the clause providing for wine-sellers' licenses.

Question — That the word proposed to be inserted be so inserted—put, and the Committee divided.

The HON. SIR A. H. PALMER called attention to the fact that the Hon. Mr. Wilson entered the Chamber after the door was closed, and that his vote could not be recorded.

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The Hons. Sir A. H. Palmer, W. G. Power, W. Pettigrew, W. Aplin, and A. J. Thynne.

NON-CONTENTS, 7.

The Hons. T. Macdonald-Paterson, F. T. Gregory, J. F. McDougall, A. C. Gregory, F. H. Holberton, J. Swan, and W. F. Lambert.

Question resolved in the negative, and clause passed as printed.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again on Tuesday next.

NOBLE ESTATE ENABLING BILL—SECOND READING.

The HON. A. J. THYNNE said: In moving the second reading of this Bill it is not necessary for me to add any remarks to what are contained in the report of the committee which investigated the matter before the Bill passed through the Legislative Assembly. The report shows that it is most desirable that power to sell and invest the proceeds of the property referred to in this Bill should be granted. I beg to move that the Bill be read a second time.

Question put and passed, and committal of the Bill made an Order of the Day for Tuesday next.

The House adjourned at 6 o'clock.