

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 28 JULY 1886**

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**LEGISLATIVE COUNCIL.**

*Wednesday, 28 July, 1886.*

Absence of Members.—Members Expenses Bill.—  
Patents, Designs, and Trade Marks (Amendment)  
Bill.—Labourers from British India Acts Repeal Bill.  
—Appropriation Bill No. 1.—Absence of Members—  
question of privilege.—Absence of Member.—Sus-  
pension of Standing Orders.—Leave of Absence.—  
Motion for Adjournment.—Importation of Stock.—  
Settled Land Bill—committee.

The PRESIDING CHAIRMAN took the  
chair at 4 o'clock.

**ABSENCE OF MEMBERS.**

The PRESIDING CHAIRMAN said: Hon.  
gentlemen,—I have to inform you that this day  
I presented to His Excellency the Administrator  
of the Government, the Address agreed on by the  
House on the 21st instant, relative to the seats of  
the Hon. C. S. D. Melbourne and the Hon. G.  
Sandeman.

**MEMBERS EXPENSES BILL.**

The PRESIDING CHAIRMAN announced  
the receipt of a message from the Legislative  
Assembly, forwarding, for the concurrence of the  
Council, a Bill to provide for the payment of the  
expenses incurred by members of the Legislative  
Assembly attending Parliament.

On the motion of the POSTMASTER-  
GENERAL (Hon. T. Macdonald-Paterson),  
the Bill was read a first time, and the second  
reading made an Order of the Day for Wednes-  
day next.

## PATENTS, DESIGNS, AND TRADE MARKS (AMENDMENT) BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to amend the Patents, Designs, and Trade Marks Act, 1884.

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

## LABOURERS FROM BRITISH INDIA ACTS REPEAL BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to repeal the Acts relating to the introduction of labourers from British India.

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

## APPROPRIATION BILL No. 1.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to authorise the appropriation out of the consolidated revenue of Queensland of the sum of £250,000 towards the service of the year ending on the last day of June, 1887.

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

## ABSENCE OF MEMBERS—QUESTION OF PRIVILEGE.

The POSTMASTER-GENERAL said: I have the honour to hand to the Presiding Chairman a message from his Excellency the Administrator of the Government.

The PRESIDING CHAIRMAN read the message, as follows:—

"In compliance with the Address of the Legislative Council of the 23rd July, 1886, and in pursuance of the provisions of the 24th section of the Constitution Act of 1867, the Administrator of the Government hereby refers to the said Council, to be by them heard and determined, the question that has been raised respecting the vacancy of the seats of the Hon. Charles Sydney Dick Melbourne and the Hon. Gordon Sandeman, hon. members of this House.

"Government House,

"Brisbane, 28th July, 1886."

## ABSENCE OF MEMBER.

The PRESIDING CHAIRMAN read a letter from the Hon. G. King, intimating that he was prevented from attending through illness, and asking to be excused for the present week, as he was not sufficiently recovered to come to Brisbane.

## SUSPENSION OF STANDING ORDERS.

The POSTMASTER-GENERAL, having given notice of motion for the suspension of Standing Orders to-morrow, said: I hope hon. gentlemen will endeavour to be present to-morrow at the usual hour to enable the Appropriation Bill to pass through all its stages. It is requisite, under the present circumstances of the House, that twenty members should attend, as we require a majority of the members that appear on the list, and I shall be glad if hon. gentlemen will make it a point to be here, so that this important matter may go through to-morrow.

The HON. F. T. GREGORY said: Hon. gentlemen,—In reference to the notice of motion, I would remark that while there is not the slightest intention on this side of the House to oppose hastily passing the Bill through the House in the present case, still, as a rule, it is exceedingly objectionable that the Standing Orders should be suspended to enable the Appropriation Bill to pass, or any other measure, unless it is really urgent. There is no valid excuse for the great delay there has been in bringing the House together, and these Appropriation Bills certainly are anything but what they ought to be. They should never be brought up in this way and forced through the House.

## LEAVE OF ABSENCE.

The HON. J. S. TURNER moved that leave of absence for the remainder of the session be granted to the Hon. W. Graham.

Question put and passed.

The HON. F. T. GREGORY moved that leave of absence for the remainder of the session be granted to the Hon. T. L. Murray-Prior.

Question put and passed.

## MOTION FOR ADJOURNMENT.

## IMPORTATION OF STOCK.

The HON. J. C. HEUSSLER said: Hon. gentlemen,—Before we proceed to the Order of the Day, I would like to speak on a subject of very great importance to this colony, and I will conclude with the usual motion for adjournment of the House. An article appeared in yesterday's *Courier*, which I think of such immense importance to the general welfare of the colony, especially at this present juncture, that I will read it *in extenso*, and make a few remarks, from time to time, as I think expedient. It has reference to a matter which should be well ventilated, and I should like all my remarks on the subject to appear in *Hansard*—especially the article itself. The article is headed "Prohibition of Stock Importation." It appears in the *Courier* of yesterday's date, and is taken from the *Sydney Mail*. It reads as follows:—

"The proposals now before the Governments of the colonies of Australia, New Zealand, and Tasmania, that a conference of chief inspectors of stock be held in this city next September, is deserving of earnest attention. There are at present many important matters connected with the interests of stockowners which require proper consideration such as a conference could provide. One of these is the advisableness of bringing about uniformity of quarantine laws in respect of imported stock, and similarity of action in regulating border or inland traffic; another, the provision of quarantine regulations, by which stock from countries outside of Australasia could be safely imported. The policy of closed ports such as at present rules is not creditable to the stock departments or their officers. It involves an unwarrantable interference with the business of stock-breeding. No other industry is so hampered. The manufacturer is allowed to obtain the machinery and materials which are best suited for his purpose, the merchant imports what wares he chooses to select; but the breeder of stock, the representative of what is the premier industry of Australasia, is restricted in transactions which are of vital importance to his calling. Because such diseases as foot-and-mouth, rinderpest, and scab exist in Europe, Australia's breeders are not allowed to use British stock. The highest veterinary authorities express the opinion that proper quarantine regulations, with skilful inspection, should suffice to render Australasia proof against the introduction of all dangerous diseases; but a couple of chief inspectors who are not veterinary authorities say this is not a correct opinion, and although in the minority are actually allowed to rule. The chief inspectors of this colony, Queensland, South Australia, and New Zealand, are on the side of open ports with long terms of quarantine. The heads of the departments of Victoria and Tasmania are the advocates of closed ports. Mr. Curr, the Chief Inspector of Victoria, never misses any opportunity

which offers to sing the praises of prohibition. He would shut out horses, cattle, sheep, swine, dogs, and poultry. According to his dictates, Australian stock need no improvement, no fresh strains of blood; but, strange to think, the practical breeders who have the best qualities of stock are not in consonance with Mr. Curr on the question. Speaking from past experience, we can say that no sooner are the ports opened than stock from outside countries are imported. The best studs of horses and the best herds of cattle in Victoria are the outcome of recent importations. We contend that it is time the curtain fell on this farce. It has been played long enough. In calling for a change we are complying with the wish of hundreds of stock-breeders. It has been discovered that there are grave defects in the dairy stock of this colony. Cattle are plentiful enough, but good dairy cows, such as are required by the suppliers of butter, cheese, and milk, are scarce. Efforts have been made to effect an improvement. A few pure-bred Ayrshires and many half-breds of the same breed have been brought from New Zealand. These have done some service, but not enough to satisfy the dairymen. They would have stock direct from the best sources. Breeders of other classes of stock also need fresh strains. If the members of the proposed conference can show by the evidence of qualified veterinarians that ordinary care cannot keep new diseases from being introduced with the imported stock, the present policy may well be maintained; but, if the contrary is proved, the obnoxious seals should be speedily broken."

Under the policy of the present Government—namely, dividing the country into small grazing farms and agricultural farms—it appears to me that it is especially desirable that what is here stated in this article should at once be done away with now in Queensland, even if this conference should be held in Sydney. I maintain that, after the seven years' drought, this industry has been brought nearly to the verge of ruin, and we should do something to give those engaged in the industry an opportunity of recovering from the losses they have sustained. Especially would I call the attention of hon. gentlemen to the fact that there is an immense want of suitable stock for dairy produce in Queensland, such as butter and cheese, and many thousands yearly are leaving the country which would give work to industrious settlers here, and increase the material wealth of the colony. I say we are in great want of a better stamp of milking cattle than we have at the present time. Far be it from me to say anything against the stock we have now in Queensland. The Durham and Hereford shorthorn cattle are the best in the world in certain respects, but they are not suitable for dairy purposes. We all know that there are other cattle, such as the Ayrshire, Holstein, and Jersey breed, and the Scotch poley breed, which are more suitable. Now, in connection with this same subject, I may mention that in former times I used to import a good many Continental rams, and in those days there were many sheep-owners in Queensland who were very willing to take these animals at £100 a piece and upwards. Other sheep-owners went themselves so far abroad as Germany to select sheep from the best flocks there, and were willing to pay as much as £300 or £400 for a good animal. I wish to mention the fact that all those imported rams were of a class that bore wool of great density, and were a good deal superior to any other class. Amongst those to whom I sold, I may mention a few names in order to give my statement a little more force. To begin with the oldest, I may mention the late Mr. Frederick Bracker, with whom I was personally well acquainted, and who was a great connoisseur on the subject of sheep; Messrs. Deuchar, Hodgson, and Ramsay, and to the then owners of Westbrook Station. These people took great trouble in selecting good sheep, and improving their flocks by the introduction of pure blood, especially the Negretti merino sheep, thus bringing their flocks to great perfection. I do not say that other

graziers have not done the same in other kinds, but I mention only these as the best examples which I can bring forward. I brought this matter before the House for the purposes of ventilation, and hereafter I intend to ask the Postmaster-General whether the Government feel inclined to send their Chief Inspector of Stock to the conference I have spoken of. I may ask that question another day, but I will confine myself now to the motion I have made, so that hon. gentlemen can have an opportunity of discussing the question. I think at this juncture it is prudent to bring the matter before the country. I have spoken to several graziers lately upon this subject, and although I have worked it up myself for the last six or seven years, I find that it is only now that my preaching may have a little effect. To see the beneficial result following the introduction of good stock, I have only to refer hon. gentlemen to the results of the sale of rams held recently by Messrs. Mort and Company, of Sydney. I take the liberty of saying that what we want in this colony is more density in our wool, and we want a class of cattle which are better milk producers than we have at the present time; therefore I suppose we will have to go back to the old country again and get more densely-woolled sheep of the Negretti merino type, which in a few years will make their mark on the Queensland flocks. I have been in England lately and on the Continent, and when I came to London I made it my business to study the wool sales a little. We all know what results have followed the neglect of the flocks in Australia, and particularly in Queensland. I saw wool sold there, the produce of some of the flocks I have mentioned, which formed quite an exception to the rest of the Australian wool, and I may mention amongst others that the produce of the flocks of Sir Samuel Wilson reached such prices as 4s., 4s. 1d., and 4s. 2d. per lb. Certainly that was well-washed wool, but still, with the ordinary deduction which is allowed for grease, there is left a very good margin of profit. It is quite possible that with the immense increase of sheep farming in the Southern States of America, in the Argentine Republic, where at the present time there are 90,000,000 sheep, prices will not be so profitable as they used to be in olden times; but it is quite certain that we in Australia have greater advantages than the South American States, for it is a well-recognised fact that we can produce finer, better, and more marketable wool than they can in that country. I do not see that I can say any more on this subject to-day, but I will conclude by moving the adjournment of the House.

The HON. J. TAYLOR said: Hon. gentlemen,—We have just listened to a most eloquent speech from the Hon. Mr. Heussler, and I am very glad that I can agree with him thoroughly upon the subject he has brought under the notice of the House. I think it is a scandalous shame that there should be a prohibition against the importation of stock into this colony. As for disease, there is not the slightest chance of it being imported if a long quarantine is insisted upon. I differ from the hon. gentleman, however, upon one point. I do not go in for fine-woolled sheep which he thinks so much of; I go in for coarse-woolled sheep, and I am debarred from improving my flocks by this combination. I say let Queensland break away from it. It is a well-known fact that the breeders in Victoria have compelled the Government to prohibit the importation of new blood, but here we have a large and healthy country, and as for disease being imported I deny there is the least chance of it. I am as large a stock-holder as any hon. gentleman in this House, or perhaps in the country, and I

have no fear whatever of disease. A great deal has been said about certain breeders who imported valuable German sheep. I must say there is a great deal in selecting sheep properly, and the Hon. Mr. Heussler has named many people who have gone to great expense in the importation of sheep. I have done no such thing. I have not imported sheep myself, but in the matter of wool I can beat either Mr. Bracker or Mr. Hodgson, and get 2d. or 3d. a pound more for the produce of my sheep than they can. I have been most successful in the breeding of coarse-woolled sheep, both for mutton and wool; and I maintain that they are more valuable as wool producers and in all other respects. I am now most anxious to import a large number of coarse-woolled sheep, but the combination which the colonies have entered into will not allow me to do so. Only the other day I applied to the Inspector of Stock, and asked him if I could not import sheep, and was informed that the regulations prohibited it. Why should we, I should like to know, be bound by the southern colonies? Let us break through this useless rule, and stand upon our own bottom. As for disease, I have said I have not the slightest fear of it. I have a large stake in the colony, and am quite prepared to run the risk of disease being imported. I trust that the Postmaster-General will give us some assurance that his Government will break through this combination, and allow the colony to strike out for itself.

The HON. W. FORREST said: I feel bound to say a few words on this subject, as otherwise it might be supposed that I agreed with all that has been said by the Hon. Mr. Heussler. I certainly do not, and I differ a good deal also from the Hon. Mr. Taylor. I think there is a very great deal of danger in allowing sheep to be imported.

The Hon. J. TAYLOR: What do you know about it?

The HON. W. FORREST: The hon. gentleman asks me what I know about it. I know about as much of stock, and have had to deal with them probably as much, as the hon. gentleman. I have studied this matter most carefully, and it is altogether wrong to suppose that the southern colonies have forced this agreement upon us. They have done no such thing, neither have they compelled their Government to prohibit the importation of stock; but having met together and carefully considered the question among themselves, and having got the most reliable scientific information, they have come to the conclusion that it would not be safe to allow the importation of stock into these colonies. One fact is worth a thousand theories, and I am surprised at the Hon. Mr. Heussler bringing forward this matter in the way he has done. Why, what has happened recently in Victoria? One firm sneaked into the colony some imported sheep by an evasion of the quarantine laws. They brought over from America some rams, took them on to Sydney, and then brought them back again to Victoria; but the Inspector of Stock happened to be on the look-out, and they were destroyed. What was the result of that attempt? Why, the stock-owners of the colony, large and small, who were interested in the matter, held a meeting, and sent a letter of thanks to the Government for their prompt action. Are these breeders of stock, I should like to know, less intelligent than the Hon. Mr. Heussler or the Hon. Mr. Taylor? They see where the danger lies. There are no more intelligent breeders of stock in the whole of Australia than there are in Victoria, and this prohibition is the result of their intelligence. Reference has been made to the quality of stock in England compared with that which is to be seen in Queensland. Now, I have had an opportunity quite recently of comparing, and I unhesi-

tatingly say that as far as sheep, cattle, and horses are concerned, you will find no better stock in the world than there is to be found in Australia. I am not going into details on this subject, and I do not wish to accuse the Hon. Mr. Heussler of being disingenuous, but the hon. gentleman would lead us to believe that the Hon. Sir Samuel Wilson's flock was bred from the German rams which he spoke of. When the hon. gentleman had got into his speech I whispered to a friend of mine close by that he would come round to those German rams, and sure enough he did. What are the facts connected with the Hon. Sir Samuel Wilson's flocks? They were, every one of them, bred from the Spanish merino. His immediate successor got his sheep from a gentleman whose name I do not remember at this present moment, but they were certainly not bred from German rams; and there is no doubt that from the Spanish merino we have got the real Australian merino—the finest type in the world for weight, carcase, and density of wool. Then with regard to those gentlemen to whom the Hon. Mr. Heussler said he sold rams years ago. The hon. gentleman certainly did import rams, and he induced squatters in a weak moment to buy them, but they have regretted it ever since, and have endeavoured to get rid of the strain. Why, the Hon. Mr. Taylor can go into the market with a totally different class of sheep and beat them upon every point. Now, having a good class of sheep in the colony, why should we run the risk of importing disease? As I have said, I have no desire to go into the details of this matter, but I will say I am most decidedly not in favour of opening our ports. Even now we run considerable risk of the importation of disease from one of the Australian colonies. It is well known that scab is in existence in Western Australia, and strong remonstrances have been sent very recently to the Western Australian Government by other Governments of the Australian group. Fortunately we are pretty well isolated from that colony at present, but if the Western Australian sheep come near our borders our flocks would be contaminated with scab in a very short time indeed. The money spent by Australia in the eradication of scab does not amount to thousands but millions, and we have no business to run the risk of importing the disease. The Hon. Mr. Heussler has not got very much practical knowledge upon this question. A little knowledge is a dangerous thing, and it would be very much better if the hon. gentleman had left a question of this sort to those mainly interested. The stockowners of this colony know too well the danger of throwing open our ports, and I am quite sure the Government will be no party to any such transaction.

The HON. J. C. HEUSSLER said: With the permission of the House I will make a few remarks in reply, and afterwards withdraw the motion. I only wish to refer to what has fallen from the last speaker. I do not say that I know a great deal upon this question, and I have introduced it more for the sake of ventilating the subject, because I think the time has arrived when it should be ventilated. Although I am not a squatter, I am deeply interested in this question of the importation of stock, for, as a merchant, part of whose duty it is to sell and buy wool, I am in a position to know what is to the interest of the colony in this respect. I introduced this subject this afternoon because I thought I should do a little good, having had considerable experience in England quite recently. That I have a great many sheep-farmers on my side I can safely assert, for since my return from the old country I have spoken to a number of them, and to a number of very intelligent large graziers, and they entirely agree with my views on the

subject. They say that the wool of Queensland especially loses its density if new blood is not introduced from time to time, and that the wool is certainly not improving, but rather declining in commercial value on account of the lack of new blood. I believe I cannot be contradicted on that point. My remarks apply equally to the importation of cattle and horses, of which, considering various descriptions, we require a much better class than we have in the colony at the present time, and which breeders are likewise prohibited from importing. That is the only point I have raised. I do not wish it to be supposed that I am the champion of the stock-breeders in this House, and that I have a great deal of knowledge on the subject. That is not my idea, and it would be most foolish of me to pretend that it was. People would laugh at me if I posed as one who knew all about this subject, and I do not wish to be made a laughing-stock of. It happened, however, that I came across the article which I read this evening, and I thought it would be a very good thing to bring the matter before this honourable House for the purpose of ventilation and further dealing with it. I never said that sheep-farmers must get their sheep from Germany; they could go where they liked. They could go to France, they could go to Spain—which, however, has not such a high reputation just now—and they can get the sheep of which the Hon. Mr. Forrest speaks. I have no objection to that, and I only suggested the Negretti merino sheep, which are renowned for their wool-producing qualities by density of their fleece. I know perfectly well the origin of the pure Spanish merinos of which the Hon. Mr. Forrest speaks. I know also that in Victoria, Tasmania, and even in New South Wales, some of the finest wool in the world has been grown. I speak simply against the prohibition of the importation of stock, and against being obliged to buy our stock from perhaps a few sheep and cattle breeders. I say that we should have the power and the freedom to go all over the world to improve our stock. There are some people who have the idea that Australian sheep cannot be improved in any way, but we can see from the prices of wool at home that our flocks are still capable of improvement. With these few remarks, I beg to withdraw the motion.

Motion, by leave, withdrawn.

#### SETTLED LAND BILL—COMMITTEE.

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

Preamble postponed.

Clauses 1 to 12, inclusive, passed as printed.

On clause 13, as follows:—

"A tenant for life may lease the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same, for any purpose whatever, whether involving waste or not, for any term not exceeding—

- (a) In case of a building lease, ninety-nine years;
- (b) In case of a mining lease, sixty years;
- (c) In case of any other lease, twenty-one years."

The Hon. F. T. GREGORY said he had an amendment to propose in subsection (a), with the view of reducing the time for a building lease to sixty years. His reason was that, in a young country, where property rapidly increased in value, a ninety-nine years' lease locked up the land too long, and a sixty years' lease would be ample. There might be a few cases in which a sixty years' lease would not be sufficient, but

such cases were provided for by clause 17, under which the tenant for life might move the court, and have the lease extended to any period. He moved that the word "sixty" in subsection (a) be substituted for the word "ninety-nine."

The POSTMASTER-GENERAL said that a ninety-nine years' lease was, after all, a very moderate one in many cases, and one had to take into consideration the nature of the holding of land in other countries. The hon. gentleman spoke of the colony being different to an old country in the matter of leasing lands, and he (the Postmaster-General) concurred with him in that respect; but it would be better, at the same time, to leave the clause as it stood. In the old country it was found that ground-annuities in England and feus in Scotland were the most favourite modes of dealing with lands under settlements. A ninety-nine years' lease in Scotland was considered a very moderate term indeed, and in enormous numbers of cases land was held on perpetual lease. He did not consider ninety-nine years too long, because it was to be assumed that very few leases for that term would be granted under the Bill, as the trustees, the tenant for life, and the court, would have the circumstances of the country in view at the time a proposed lease for ninety-nine years was considered. In the city of Brisbane there was land which would be enormously benefited by the grant of a ninety-nine years' lease, whether under the operation of the Bill or otherwise. Generally speaking, ninety-nine years' leases were advantageous, because the improvements under them were always of a much more substantial character than in the case of leases for shorter periods, and the rents, which might be progressive, were better secured. Of course that would not apply so much to agricultural and pastoral properties, but the question of ninety-nine years' leases would not often arise, and it would be better to give the option of leasing from sixty up to ninety-nine years, especially in view of the solid fact that perpetual leases were given in the old country. In some places an annual payment for ever secured the land for all time, and, by that means, certain cities had grown to be not only commercially important, but also the most beautiful cities in Europe. He should not very stoutly oppose the amendment, but he submitted that it would be better to leave the word "ninety-nine" in the clause.

The Hon. F. T. GREGORY said he failed to see why, because in the old country the value of property did not change with the rapidity with which it changed in a new country, the term of ninety-nine years was at all applicable to the colony. Though in the last thirty or forty years the value of estates in England had increased very much, it had not increased in anything like the proportion the value of estates had increased in Australia. Within twenty or thirty years properties in Australia increased in value fully 1,000 and even 5,000 per cent.—percentages quite unknown in the old country; and the object he had in moving the amendment was to show the idea of the Legislature in regard to what was a reasonable term of lease, subject to the operation of clause 17, which would prevent any hardship or injustice being done. He would not waste the time of the Committee in contesting the matter, but abide by the decision of the majority.

The Hon. A. J. THYNNE said that the longest lease of Government land recognised by the Government land laws was a lease of fifty years for grazing farms. For agricultural farms the term of lease was thirty years. A private individual could not lease land in a settled estate for a longer period than twenty-one years, and he was of opinion that the same principle ought to be applied to the public estate. In the

leasing law with regard to public lands there was a provision by which a periodical assessment of rent should be made every five or ten years. The Government would not commit themselves to lease land for thirty or fifty years at a fixed rent; but it was proposed in the Bill before the Committee to give power to lease for ninety-nine years at a rent stated at the time when the lease was made, and there would be no opportunity for the owners to have the rent modified for the whole of that period. It seemed to him that such a long period in the case of city property, or even suburban property, considering the rapid growth of the value of such properties in Australia—it seemed to him that giving power to lease such lands for ninety-nine years was going too far, and, though he shrank from the responsibility of attempting to alter or modify the Bill, still he agreed with the Hon. Mr. Gregory that in the present case the number of years should be curtailed. During the whole of his experience in the colony he had not come across a ninety-nine years' lease, and he considered the period allowed under subsection (a) was one more suitable for the old country than for a progressive country like Australia.

The POSTMASTER-GENERAL said he wished to answer one remark made by the last speaker, because hon. gentlemen might take the view with regard to a lease of ninety-nine years that the rent stated at the beginning could be the rent for the whole period of the lease. Under the Bill, however, what could take place would be the same as when dealing with land leased by private individuals. Lessors always had in view the probable increase in value of their property, and an augmentation of rent took place in some cases every five years, in others every seven years, and in others every ten years; so that all those things were sure to be considered by the parties interested. He particularly desired to retain the word "ninety-nine" in the Bill, in order to give the utmost facility in dealing with lands for the benefit of the parties most likely to be interested. Lands had been leased in the suburbs of Sydney for ninety-nine years, and the properties there had increased enormously in value—a result which would never have been achieved if those broad acres of sand-hills had been held on twenty, thirty, or forty years' lease. As it was, they had been transformed into valuable properties to the advantage both of the city and the life-owners.

The Hon. A. C. GREGORY said he thought that the contention that ninety-nine years should be retained, as it caused property to increase in value, was diametrically opposed to the general principle of the Bill. The intention of the measure was to break up large estates and give facilities for the subdivision of land, which might be passed from hand to hand as a chattel. When land was leased for ninety-nine years it undoubtedly tended to create large permanent estates. That must be the tendency; and as regarded benefiting those persons already interested, it would be far better to sell outright. The Bill gave that power, and why should the shorter period of leasing not be adopted? The shortening of leases would tend to some extent to disperse the land among the people, which appeared to be the present policy of our legislators of the colony. Let them look at what had happened elsewhere in regard to ninety-nine years' leases. It was now about 110 years ago since two families in New York city became possessed of a large suburban property. This was leased in ninety-nine years' leases; it was only recently the leases had fallen in. What was the consequence? The tenants absolutely refused to move out; and they were so numerous compared with the

owners of the land that, though the reversionary interest still remained in the family, yet the actual tenants were enabled to prevent the court from giving a verdict against them. They stuck to the property for several years, until the actual owners were compelled to compromise with them although they were in the right. It was not expedient to allow anybody to hold such an enormous estate, so the owners were practically ousted from what were their legal rights. It would be far better to curtail the period, say, to sixty years. If there was any desire to have the land improved it was far better for the term to be reduced. The reason why the term of ninety-nine years was originally adopted was that in many cases in England there were settlements such as the Bill proposed to break down, and under those settlements the trustees could not sell, but they were left the power to lease, and their object was to maintain the large estates. Therefore the 99 and 999 years' leases were introduced for the purpose of evading the original trust to some extent, and they had the effect of perpetuating large estates, while our Real Property Act tended to make land as much a chattel as a bag of sugar or a bag of flour.

The POSTMASTER-GENERAL said the hon. gentleman said it was very much better that the fee-simple should pass away if the tenant for life desired to have the balance of his land improved: that if he was unable to improve the property it was better the fee-simple should pass from him. He (the Postmaster-General) thought the hon. gentleman could conceive some very hard cases indeed if his argument were to be carried to its legitimate conclusion. Take the case of a 66-feet frontage in any street in this town. If the life-tenant had not any money to improve the property, was it not better to give him the option of long leasing than that he should sell half of it. It was possible, under the Bill, that the 66-feet frontage might be let *in globo* or in three lots for a long period. Surely the hon. gentleman would not wish to deprive the owner of a small property in a good position of the advantage that would accrue from leasing for a longer term than sixty years? The rent would be paid, and surely it was desirable that an owner should, if he liked, retain the whole of his little estate. He held that a ninety-nine years' lease was too short in many cases. He had seen the consequences of long leases. There was hardly a merchant in his native city who owned his own warehouse. They held up to 999 years' leases of the land on which had been erected the most splendid structures in the world. Those buildings would never have existed if the leases had been limited to 50 or 100 years. In adopting a law of that kind they should give all reasonable facilities possible, and he hoped there would be no further objection to the clause passing. He could not help remarking that the balance of argument seemed to be altogether on his own side, and the benefits to be derived from granting long leases seemed to him to be indisputable.

The Hon. W. FORREST said he must confess that he was unable to follow the argument of the Postmaster-General. In supporting the amendment of the Hon. F. T. Gregory, the Hon. A. C. Gregory supported the short leases, and went on to say that if longer leases were required it would be better to part with the fee-simple. The Postmaster-General said, "No, you might be doing an injury to the tenant"; and then the hon. gentleman went on to say that a 999 years' lease was ever so much better than a 99 years' lease, and a 99 years' lease better than a 60 years' lease. Now, if a 999 years' lease was better than a 99 years' lease, the fee-simple must be better than either, and the hon. gentleman,

instead of sustaining his own case, advanced an argument in favour of the Hon. A. C. Gregory's view. With regard to the Bill generally he might say that on the second reading he refrained from criticising it, and even now he was not going to offer any opposition to it or propose any amendments, and the reason why he did not criticise it on the second reading was that he honestly believed there was not a layman in the House who understood one word about it. He had applied to a confiding friend and borrowed a legal dictionary for the purpose of trying to understand it, but even then he could not make anything out of it. It was purely a legal Bill, and it was carefully drafted to land confiding laymen in a sea of troubles. At the same time, he agreed with the principle of the Bill, but he could not help comparing it with the Land Act which was passed a few sessions ago. Let them see the simple form in which that Act was passed and then compare it with the confused jumble that had emanated from the legal mind. The ordinary business of a lawyer was to make sense out of what other people could not understand, but he warned hon. gentlemen that in passing the Bill they would find that when they came to be trustees they would discover themselves in a position that they never for one moment contemplated. He should like to see the Bill thrown out, not because he disapproved of it, but he should like to see it thrown out and the House insist that it should be put in an intelligible form.

The Hon. W. H. WILSON said he hardly thought that they should throw out the Bill because the Hon. Mr. Forrest did not understand it. The Bill was very clear to him, and he thought that the subject under discussion was a very simple one indeed. They were now on the 13th clause, and the question was before them as to whether a ninety-nine years' lease should be allowed in preference to a sixty years' lease. That was the whole question before the Committee, and that was what they should apply themselves to. He thought himself that it would be very much better to leave the clause as it stood. They knew very well that it was a good thing to offer as many facilities as possible to people who wished to erect large buildings, such as warehouses or stores, which they could not purchase simply because the vendor would not sell. It was to meet cases of that kind that the Bill gave the power to lease for ninety-nine years, and he thought that the full term should be allowed. They had noticed, even lately, in this town how large sums of money were being expended upon leasehold property, and he thought that nobody could say that it was not a good thing for the city that such buildings should be erected. It was to further matters of that kind that the ninety-nine years' lease was proposed, and for that reason he was disposed to support the clause as it stood.

The Hon. W. G. POWER said he should like to be enlightened a little by the Postmaster-General. The leases of which the Hon. Mr. Wilson spoke were short leases of about twenty or twenty-five years' duration. Now, suppose he had an allotment, and when he was about to be removed from his present sphere he wished to leave the use of it to some person, could that person dispose of it for ninety-nine years after his life? He certainly thought that would be an improper proceeding, because the person to whom it was left might make a very good thing out of it. He might almost sell that property which he (Hon. Mr. Power) might have intended should be used by other people who came after the first tenant for life. He wanted to know how that would work.

The POSTMASTER-GENERAL said that was just the object of the Bill. If he understood the question put by the hon. gentleman it was this: he wanted to know if he left an allotment to somebody for life, whether that person could lease it or sell it? Yes, he could.

The Hon. W. G. POWER: For ninety-nine years?

The POSTMASTER-GENERAL: Not after his death, certainly.

The Hon. W. G. POWER said he wanted to know how long the property could be leased for. If he left the Postmaster-General an allotment, how long might he lease it for, and keep it away from the use of those who might succeed him?

The POSTMASTER-GENERAL said if the hon. gentleman would leave him an allotment of land, he should be able under the Bill to lease it for any term from one day to ninety-nine years.

The Hon. W. G. POWER said he thought it would be a very bad power to give anyone.

The POSTMASTER-GENERAL said it was only under special circumstances that ninety-nine years was ever likely to be availed of, but the facility should exist. One point had been omitted from the discussion. There were many capitalists who were not able, or inclined if they were able, to invest their capital in both the land and buildings, and that was the secret source of the great success of leasing elsewhere. An owner of property would find a capitalist with £50,000 who wished to lease a piece of land that was worth £25,000. The latter put £10,000 into buildings, and he had £40,000 left to carry on his business with. There was the capitalist of the land; there was the capitalist who took his long lease of it; and the same capitalist who improved the land might sublet again to a third capitalist who carried on a large business.

The Hon. W. FORREST said he could see how, under the Bill, a very serious injury might be inflicted on some persons to whom property was left by will. They knew of cases where a life-interest was left to a man or woman and then to children afterwards. Well, the first tenant for life might only expect to enjoy the use of the property for a few years, but the children might look forward to enjoying it a great many years; but under the Bill the tenant for life might let the land for ninety-nine years, and thus deprive his or her successors of the power of dealing with it. He thought that was one of the greatest objections to the Bill. He could see that the Bill aimed at giving relief to trustees; but he thought it went a little bit too far. He thought serious hardship might arise under it. Supposing the first tenant did not enjoy the use of the property for more than five years, and his young children looked forward to the enjoyment of it for fifty years, why should it be tied up for ninety-nine years?

The POSTMASTER-GENERAL said the hon. gentleman imagined that all leases under the Bill were going to be for ninety-nine years, and he forgot that the very moment the tenant for life died the remainder-men stepped into their patrimony and enjoyed what the tenant for life enjoyed. The *corpus* was always held sacred. Notwithstanding the hon. gentleman's observations about laymen and lawyers, that was a Bill which any layman could grasp with a few days' study. It was simplicity itself. However, they were now departing from the work before the Committee. It was better to take those little matters one by one, and deal with any objections which might be raised as they came to the clauses to which they applied.

The Hon. A. C. GREGORY said he might just point out that the difference of value between a lease of forty years and one of ninety-



nine years would be  $\frac{3}{4}$  per cent. per annum upon the rent, and if for the sake of that the land was to be alienated for an additional sixty years, he certainly thought it would not be prudent that the tenant for life should have the power to tie up the land for a future period for so small an advantage in the earlier part of the lease. If he was making a lease to the Postmaster-General he should only charge him  $\frac{3}{4}$  per cent. more for the shorter period than for the longer.

The HON. W. FORREST said he did not think the remarks of the Postmaster-General were a reply to what he pointed out; indeed what the hon. gentleman said told against what he had argued previously. The Postmaster-General said that he (Hon. Mr. Forrest) imagined that all leases were going to be for ninety-nine years. He might reply that no lease might be allowed, and that would upset the Postmaster-General's contention. The one argument was just as good as the other. That did not get rid of the point. Another thing just occurred to him. Would it be possible for a person to say, "I will lease you this property for ninety-nine years for a lump sum"?

The POSTMASTER-GENERAL: No.

The HON. W. FORREST said that was one danger that he was glad was guarded against. At the same time, his former objection still held good, and he would like to see some more safeguards introduced into the Bill.

The HON. A. J. THYNNE said the question asked by the Hon. Mr. Forrest was whether a lump sum could be compounded for. He (Mr. Thynne) saw that in the following section there was reference to a "fine" being taken, but he had looked through the Bill and he did not see any provision by which that fine was to be treated as capital. There was a provision to that effect in the former Bill, but he had not been able to discover it in the present Bill. He was sure it was the intention of the Bill to provide for that point.

The HON. F. T. GREGORY said, in regard to what had fallen from the Hon. Mr. Thynne, he might state that a case had come within his own notice where a fine of £600 went to the life-tenant, and in no way was he responsible to the heirs. That was English law not very long ago, and unless it had been modified in this colony it was equally the law here. After carefully listening to the various arguments *pro* and *con.*, he was more satisfied than ever that it would be more than questionable—it would be a dangerous thing—to allow the power of leasing for ninety-nine years, more especially as there was provision in clause 17 for extending the term of lease if it was found to be desirable.

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

#### CONTENTS, 7.

The Hons. T. Macdonald-Paterson, W. H. Wilson, W. Pettigrew, F. H. Holberton, J. C. Foote, W. F. Taylor, and J. F. McDougall.

#### NON-CONTENTS, 8.

The Hons. F. T. Gregory, A. C. Gregory, A. J. Thynne, W. Forrest, W. G. Power, J. Cowlshaw, A. Raff, and F. T. Brentnall.

Question resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put and passed.

The HON. F. T. GREGORY moved that in subsection (b) the word "sixty" be omitted with the view of inserting "thirty." He thought that the arguments which had been adduced in regard to the previous subsection held good more in respect of mining leases where so very little was known of the minerals, and it would tend to

check the development of the country if such long terms were given. The remaindermen or heirs would thus be prevented from deriving the benefit which they ought to derive in those cases where the value of the minerals was quite uncertain.

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

The POSTMASTER-GENERAL said he did not think the mover of the amendment had suggested such an alteration when speaking on the second reading of the Bill.

The HON. F. T. GREGORY: I think I did.

The POSTMASTER-GENERAL said the hon. gentleman did not refer to his intention of reducing the term from sixty to thirty years. After hearing what the hon. gentleman said on the second reading of the Bill, he expected to have had amendments printed and circulated. How was it possible for hon. members to come to a conclusion on a question like that at a moment's notice. Hon. members must remember that when amendments of that character were proposed to be moved due notice should be given.

The HON. W. FORREST called attention to the state of the Committee.

The CHAIRMAN left the chair, and reported to the House that there was no quorum in Committee.

The PRESIDING CHAIRMAN said: My attention having been called to the state of the House, and there being no quorum present, the House stands adjourned until to-morrow, the next sitting day.

The House adjourned at twenty minutes past 7 o'clock.