Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 22 AUGUST 1889

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LEGISLATIVE ASSEMBLY.

Thursday, 22 *August*, 1889.

Absence of the Clerk.—Question.—Formal Motions.—Petition—grant to schools of art.—Queensland Executors, Trustees, and Agency Company, Limited, Bill—second reading.—The Cases of Margaret Henry and Donald McNeill.—Companies Act Amendment Bill—committee.—Crown Lands Acts, 1884 to 1886, Amendment Bill—committee.—Adjournment.

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

ABSENCE OF THE CLERK.

The SPEAKER said: I have to inform the House that, in consequence of a family bereavement, the Clerk has asked permission to absent himself from this afternoon's sitting.

The PREMIER said: Mr. Speaker,—I beg to move that, owing to the unfortunate circumstance which has deprived this House of the services of the Clerk this afternoon, the Clerk-assistant be appointed to perform the duties of the Clerk during his absence.

Question put and passed.

QUESTION.

Mr. COWLEY, in the absence of Mr. Dalrymple, asked the Minister for Mines and Works—

1. Will he cause to be laid upon the table of the House, as soon as possible, the report on the geological formation of the Mackay district, upon which Mr. Maitland has been engaged for some months?

2. Will he state when such report will probably be ready?

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) replied—

1. I shall lay the report on the geological formation of the Mackay district upon the table of the House as soon as possible.

2. I cannot say when the report will be ready.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. SAYERS—

That there be laid upon the table of the House a return showing—

1. The quantity of machinery—distinguishing between mining and all other machinery—landed at the port of Townsville, coastwise and otherwise, from 1st January, 1881, to 31st December, 1885.

2. The quantity of such machinery sent by rail to places inland of Townsville for that period.

By Mr. COWLEY—

That there be laid upon the table of the House a return showing—

1. The quantity of Crown lands alienated in the Northern division of the colony between the 30th June, 1888, and the 1st July, 1889, distinguishing between ordinary town lands, town reserves, suburban lands, reserves, and country lands, and specifying the several localities.

2. The amounts realised by such sales in each such case and in each locality.

PETITION.

GRANT TO SCHOOLS OF ART.

Mr. LITTLE presented a petition from the School of Arts, Herberton, having reference to the endowment now granted by the Government to schools of art, and praying that the House would afford such relief as it might think fit. The petition was similar to those previously presented on the subject; and he moved that it be received.

Question put and passed.

QUEENSLAND EXECUTORS, TRUSTEES, AND AGENCY COMPANY, LIMITED, BILL.

SECOND READING.

Mr. POWERS said: Mr. Speaker,—In moving the second reading of this Bill I shall not detain hon. members long, inasmuch as last session a similar Bill was brought forward, and the question as to whether the powers of executors and trustees should be granted to companies was fully discussed, and the second reading of that Bill was agreed to by a large majority of members of the House. The Bill that at that time passed the second reading was considerably altered in committee in the direction of further protecting those parties who might appoint the company proposed in the Bill as executors or trustees. The securities required to be given by the company, before it was allowed to act as executor, trustee, or the other agencies asked by the Bill, were considerably increased by the committee of this House. A Bill similar to the one now before the House was brought forward last session by the same promoters, and a select committee recommended that it should be passed, but there was no time to carry it through before the session closed. This Bill is now presented to the House, and is similar to the Bill which passed this House last session. All the protections suggested by the Committee in passing the last Bill have been imported into this, so that any members approving of the second reading of this Bill will be simply approving of the second reading of a Bill which is similar to one that has already received the assent of the House. There is no difference in this Bill so far as the security required and the conditions imposed upon the company are concerned. They have been already approved by the House, and so I will now only go through the Bill, and briefly refer to its provisions. Clause 3 provides that the company may act as executor, and obtain probate on the same conditions as at present apply to a private individual, and under clause 4 the company may obtain letters of administration, and act as administrator under the same conditions. By clause 5 persons entitled to administration on intestacy may authorise the company to obtain administration. Clause 6 provides for saving rights of other persons to probate or administration, and is for the protection of parties having an interest in an estate. Under clause 7 the court may act upon the affidavit of the manager, acting manager, or secretary, or any two of the directors in an application for probate or administration. By clause 8 no bond to administer is to be required when the subscribed capital is £125,000, and when £20,000 is invested in Government securities or deposited with a bank. This clause is in the form as altered in the last Bill by the Committee. In the last Bill it was proposed that £10,000 should be considered sufficient security, but the Committee decided that it should be £20,000, and there must be a subscribed capital of £125,000. That was for the protection of persons appointing the company to act as executor, or in any other way as agents under the Bill, and was the security provided over and above what any private person must give. The assets of the company are to be liable for the proper administration of estates. Under clause 9 and under clause 10 the company may be appointed a trustee, receiver, committee, trustee in insolvency, or guarantor or surety for any person appointed as administrator, whether solely or jointly with any person, and by clause 10 the company may act under power of attorney. Under clause 12 executors and others may appoint the company to discharge their duties for them, and in all these cases it will be seen that this must be done with the consent of the court. Clause 13 provides that a trustee may, with the consent of the court, appoint the company to be trustee in his place; and clause 14 provides that application for the consent of the court shall be by motion. Clause 15 states that the manager, or acting manager, or secretary, may attend on behalf of the company, and they shall be personally responsible to the court; and, notwithstanding such personal responsibility, the assets of the company shall be liable for any pecuniary loss which may be occasioned by the improper conduct of an estate. Clause 16 provides that the company may receive a commission upon moneys received by them, but there is a limit to the commission they can charge on revenue, and as to capital they must go to the court to fix the amount of commission. That is also the result of a suggestion made when the last Bill was before the House, not to allow them to fix 5 per cent. on revenue and 2½ per cent. on capital, but to fix a percentage on revenue, and to go to the court to fix the commission on capital. Clause 17 states that the company may be removed from office by the court, and deals with provisions for relief against the company or directors. Clause 18 deals with the filing and passing of accounts by the company; and clause 19 provides for an order for account on the application of a trustee, *cestui que* trust, executor, or legatee, or any person entitled to an interest in any estate. In section 20 it is provided that the Supreme Court or judge may order audit in any estate committed to the company, as a further protection to those whose interests may be concerned. Section 21 provides that the voluntary winding-up of the company, or disposal of shares, may be restrained by the Supreme Court or a judge, so long as the company has the control of any estate, in order to prevent any misapplication of the moneys belonging to such estate. Clause 22 states that no member of the company shall hold more than 2,000 shares nor less than twenty shares, the object being to distribute the liabilities over a large number of shareholders. Then it states the liability of the directors as follows:—

"In the event of the company being wound-up, every person who has been a director of the company at any time within the period of two years preceding the commencement of the winding-up shall be liable for the balance unpaid on every share which he may have held and transferred during such two years, in addition to his liability upon any shares held by him at the commencement of the winding-up."

It is then stated that the capital of the company is to be in £5 shares and not to be reduced, and a following subsection states that no more than £2 10s. per share shall be called up, except in the event of and for the purpose of the winding-up or dissolution of the company, and every member shall, in such event, be liable to contribute the unpaid balance of every share held by him; so that there must always be an uncalled capital of £2 10s. per share to fall back upon in addition to the other assets of the company. Then it is provided that if any director becomes insolvent, he is to cease to hold office; and the 24th section provides that moneys remaining unclaimed for five years are to be paid

to the Colonial Treasurer. The company can get no benefit from moneys that may possibly fall into their hands in that way; they are to be handed over to the Colonial Treasurer, who will place them to the credit of a fund to be called the Testamentary and Trust Fund; and the next clause provides that persons entitled to moneys in that fund may apply to the Supreme Court or judge within six years. Clause 27 provides that a declaration of the state of the company's affairs is to be made every six months, and put up in a conspicuous place in the registered office, or branch offices, of the company. By clause 29, if a testator wishes to appoint his own solicitor as against the company's solicitor he has a perfect right to do so. Clause 30 provides that the £20,000 invested, as provided by a previous section, shall be held by the Colonial Treasurer as a security for the due performance by the company of its duties as executor or administrator, in priority over all other creditors of the company. Clause 31 relates to the incorporation of the company, and clause 32 provides that penalties imposed by the Act may be recovered in a summary way before two justices of the peace. I have given a brief outline of the clauses, because some hon. members may not remember the whole of the discussion last year. The principle of the Bill having been approved last year, I need not detain the House longer, and I move that the Bill be read a second time.

Mr. SAYERS said: Mr. Speaker,—With regard to the 8th clause it is the opinion of many hon. members that the £20,000 should be invested in Government securities only, and not in banks, and I believe that in committee the clause will be opposed, unless that alteration is made. There is nothing else in the Bill that I object to, and I daresay the hon. member will be quite willing to consent to the alteration I have pointed out.

Mr. HODGKINSON said: Mr. Speaker,—Although this is a motion for the second reading of the Bill, I do not intend to enter upon a discussion as to its merits. I merely wish to point out what appears to me to have been a want of care in the drafting of it. The Treasurer of the colony is a very important feature in this Bill; he is in fact the guardian of the public as against the interests of the company. There is no definition in the Bill of the word "Treasurer," and he is designated in it under a variety of titles. In the first clause in which he is referred to—clause 8—he is spoken of simply as "the Treasurer." It does not say what Treasurer; it might be the treasurer of the company. Of course we know what the hon. member means, but I think the word should be defined, so that there may be no mistake as to what Treasurer is intended. In clause 24 it is stated that certain moneys are to be paid to the Colonial Treasurer. That is scarcely sufficiently clear; I think it should be the Treasurer of the colony; and in clause 26 the words "the Treasurer of the colony" are used. In clause 30 the words "Colonial Treasurer" again appear. These are merely verbal matters, and I point them out because the hon. member was no doubt more occupied with the legal principles involved than in the petty details of the drafting of the measure. Still, it will perfect the measure if the Treasurer is designated in the same way in every clause in which he is mentioned. With regard to the details of the Bill, I am not going to offer any remarks, for reasons that are obvious to the House.

Question—That the Bill be now read a second time—put and passed.

On the motion of Mr. POWERS, the committal of the Bill was made an Order of the Day for Thursday, 19th September.

THE CASES OF MARGARET HENRY AND DONALD McNEILL.

On the Order of the Day being read, the House went into committee for the further consideration in committee of the following resolutions, which stood adjourned (under Sessional Order of 22nd May last), at 7 o'clock p.m., on Thursday, the 18th ultimo:—

"1. That the report of the select committee appointed to consider the petitions of Miss Margaret Henry and Mr. Donald McNeill, and laid upon the table of the House on 5th June, 1889, be now adopted.

"2. That an address be presented to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for the year 1889 the sum of £200 as compensation to Miss Margaret Henry, and the sum of £150 as compensation to Mr. Donald McNeill, for losses, injuries, and damage respectively sustained by them at the West Ipswich Railway level crossing."

Mr. BARLOW said, in order to save time, he would submit to the Committee the additional evidence that he had obtained in connection with this matter. Knowing the preciousness of time on private members' days, he should be as brief as possible. He could only repeat what he had said before—that in his heart he had a thorough conviction of the justice of the case; and it was unnecessary for him to do more, in addressing a number of gentlemen who were guided entirely by the deductions of their own consciences, than to appeal to their sense of justice in dealing with the matter. Without further preamble, he would read a letter he had been requested to submit to the Committee from Mr. Richard Bradfield, to whom he had previously referred as being a witness of truth. If there were any expressions in the letter which might appear to be out of place, he trusted the Committee would excuse them, because he was certain that no disrespect was intended. The writer said:—

"Brisbane street, Ipswich, 22nd July, 1889.

"A. H. Barlow, Esq.

"I was surprised on the arrival of your telegram, and more so when I saw in *Hansard* the statements made by Messrs. Tozer and Campbell.

"I did tell Mr. Norman Wilson, in the presence of Mr. Tozer, that I had been at two or three inquiries, and had never been asked the question if McNeill was sober when the accident happened. I said then that he was not, and I say so now, for I could smell liquor on him distinctly; but I do not mean to say that he was incapable of driving his cab or landing his passengers safely.

"How Mr. Tozer could construe my words to mean that the committee had only put questions to suit themselves, I am at a loss to know.

"As for Mr. Campbell's remarks, I deny ever seeing him in the train or making the statements which he said. McNeill was in the same compartment with me, and could have heard any conversation I had with anyone, and I would like to know if it is usual for members of Parliament to travel second class.

"When summoned before your committee I stated what I saw and can vouch for as facts.

"Had you asked me if McNeill was sober, I would have answered that he was not as sober as he ought to have been, and had you asked me what compensation I considered he was entitled to, I would have answered, Nothing.

"I have only expressed my opinion, which I consider I have a perfect right to do; but I hope it will not influence any gentleman in forming his own, though, of course, my opinion is founded on what I saw.

"I remain,

"Yours truly,

"RICHARD BRADFIELD."

In justice to Mr. Bradfield, and in honest dealing with the Committee, he had read that letter, and would now proceed to read affidavits which had been made on the subject. The first was the affidavit of Messrs. Thomas Armstrong, James Gall, and Michael Josiah Deane. The last mentioned person was a prominent member of the total abstinence cause, and was therefore not likely to

look with an indulgent eye upon any alleged intoxication on the part of McNeill. It would be in the remembrance of the Committee that two theories were set up—one was that McNeill was drunk when he started with his passengers and that the accident sobered him; the other was that he was drunk all through, and that the catastrophe was the result of that intoxication. The affidavit had been prepared by a firm of solicitors in Ipswich, and stated:—

"In the colony of Queensland.

"We, Thomas Armstrong, saw-sharpener, of Ipswich, in the colony of Queensland, James Gall, of the same place, sawyer, and Michael Josiah Deane, of the same place, rate collector, do severally solemnly and sincerely declare—

"1. We know and have been well acquainted with, for upwards of eight years last past, Donald McNeill, of Ipswich, in the colony of Queensland, cab driver.

"2. On the afternoon of Tuesday, the thirteenth day of March, 1888, at the railway crossing, Brisbane street, Little Ipswich, the horses of the said Donald McNeill were killed, his cab was injured, and Wilson Henry, of Ipswich, aforesaid, ganger, deceased, and his wife, the occupants of the said cab, received such injuries that they died.

"3. We saw the said Donald McNeill in the afternoon of the said thirteenth day of March, 1888, in Brisbane street, Ipswich, aforesaid, immediately after the said Wilson Henry and his wife were injured, as aforesaid, and the said Donald McNeill was then to the best of our knowledge and belief perfectly sober.

"And we make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act of 1867.

Signed and declared by the abovenamed Thomas Armstrong, James Gall, and Michael Josiah Deane, at Ipswich, this third day of August, 1889, before me. } THOMAS ARMSTRONG. JAMES GALL. MICHAEL JOSIAH DEANE.

"JNO. GREENHAM, JUNR.,
"A Justice of the Peace."

The next affidavit was from three cabmen, who assisted to load the luggage at the railway station:—

"In the colony of Queensland.

"We, William Boody, Patrick Byrne, and Thomas Butler, all of Ipswich, in the colony of Queensland, cab drivers, do severally solemnly and sincerely declare as follows:—

"1. We know, and have been well acquainted with, for upwards of nine years last past, Donald McNeill, of Ipswich, in the colony of Queensland, cab driver.

"2. In the afternoon of Tuesday, the thirteenth day of March, 1888, at the railway crossing, Brisbane street, Little Ipswich, the horses of the said Donald McNeill were killed, his cab was injured, and Wilson Henry, of Ipswich, aforesaid, ganger, deceased, and his wife, the occupants of the said cab, received such injuries that they died.

"3. We saw the said Donald McNeill in the afternoon of the thirteenth day of March, 1888, at the railway station, Ipswich, aforesaid, when he was employed by the said Wilson Henry, deceased. We assisted the said Donald McNeill to put the luggage of the said deceased on his cab. At this time the said Donald McNeill was, to the best of our knowledge and belief, perfectly sober.

"4. We have been informed by the said Donald McNeill, and verily believe that he drove the said Wilson Henry and his wife direct to Little Ipswich aforesaid, where the said Wilson Henry and his wife were injured, as aforesaid, and that not more than twenty minutes elapsed from the time of our assisting the said Donald McNeill, as aforesaid, till the said Wilson Henry and his wife were so injured.

"And we make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act of 1867.

'Signed and declared by the said William Boody, at Ipswich, this 2nd day of August, 1889, efore me. } WILLIAM BOODY.

"J. C. FOOTE,
"A Justice of the Peace.

"Signed and declared by the said Patrick Byrne, at Ipswich, this 2nd day of August, 1889, before me. } PATRICK BYRNE.

"J. C. FOOTE,
"A Justice of the Peace.

"Signed and declared by the said Thomas Butler, at Ipswich, this 2nd day of August, 1889, before me. } THOMAS BUTLER.

"J. C. FOOTE,
"A Justice of the Peace."

He had also a certificate from Dr. Thornton, medical superintendent of the Ipswich Hospital, which read as follows:—

"I hereby certify that I visited Donald McNeill at the Harp of Erin Hotel, Ipswich, on the evening of March 13, 1888, about one hour after the accident which caused the death of Mr. and Mrs. Henry. At the time of my visit he was sober, and as he returned to the Ipswich Hospital with me, I had ample opportunity of judging his condition.

"PHILIP THORNTON,
"Medical Superintendent.
"Ipswich Hospital, 2nd August, 1889."

Further, he had the following affidavit from Donald McNeill:—

"I, Donald McNeill, of Ipswich, do solemnly and sincerely declare that on 13th March, 1888, when Wilson Henry and Mrs. Henry were killed, I was driving a bay horse, AU3 near shoulder, bought by me from James Auld on 4th September, 1886, and a roan mare, 2QQ over 51 near shoulder, bought by me on 31st October, 1887, at Harding's auction, in a cab which I bought for cash, nearly twelve months before the accident, from Elias Harding, jun. I paid him with a cheque—my own money. At the time of the accident no one had a mortgage or lien on either horses or cab. My house in Gulland street, North Ipswich, was then mortgaged through Foxton and Cardew for £100. The troubles brought on me by the accident compelled me to sell the house at a sacrifice for £150. I have now no property or means whatever. I have four children three girls of four, six, and eight years, and a boy of ten—dependent on me, also a wife. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act of 1867.

"Signed and declared by the said Donald McNeill, at Ipswich, this fifth day of August, 1889, before me. } DONALD MCNEILL.

"A. H. BARLOW, J.P."

There was a theory started that the horses and cab were not the property of McNeill, but the following receipts would disprove that:—

"Ferguson street, North Ipswich.

"I have this day sold to Donald McNeill a dark bay horse branded AU3 on near shoulder. Received payment for same.

"JAMES AULD.

"September 4th, 1886."

The price he (McNeill) believed was £10, and the horse was unbroken. The receipt for the mare was as follows:—

"Ipswich, 31st October, 1887.

"Mr. Donald McNeill,

"Bought of Elias Harding, junr.

"One roan mare, 2QQ over 51 near shoulder, white hairs on off hind foot, £8 10s.

"Received payment by cheque.

"ELIAS HARDING, JUNR.,
"*Per* A. HARVEY."

That animal was unbroken, running wild, and had to be roped. As regarded the damage, he had a duplicate bill from F. Goleby, the saddler who furnished McNeill with a new set of harness on the 14th September, 1888, for £10, that was six months after the accident; and a receipt dated September 10th, 1888, for £30, from H. Henrickson for repairing the cab. It appeared that the cab was left at Bradfield's for a long time while McNeill was getting well, as it was considered to be in a hopeless state. There was a statement made on the previous occasion when the matter was under consideration, to the effect that

McNeill's cab and all his horses were mortgaged. On that point Elias Harding, junr., had been good enough to give the following certificate :—

"Ipswich, 5th August, 1889.

"I hereby certify that I neither held a mortgage or a lien over Mr. Donald McNeill's horses or cab in March, 1888, or since.

"ELIAS HARDING, JUN."

With regard to the sale of McNeill's property, he (Mr. Barlow) had the original account sales, which read as follows :—

"ACCOUNT SALES of land sold by the undersigned at auction on Saturday, 2nd February, 1889, at Ipswich, by order and on account and at risk of Mr. Donald McNeill.

	£	s.	d.	£	s.	d.
Allotment 4 of section 34, with frontage to Gulland street, North Ipswich, containing 30½ perches, more or less, with buildings thereon, sold to Mr. Wm. Williamson for the sum of	150	0	0	150	0	0
CHARGES.						
To commission, 2½ per cent. ...	3	15	0			
Advertising	1	6	0			
By contra account	5	4	4			
Account allowed, Foxton and Cardew	54	3	4			
Account allowed, promissory note due Royal Bank	11	0	0			
Account allowed, Foxton and Cardew (half renewal)	1	0	0			
Account allowed, *re* P. L. Cardew's account	50	0	0			
By cheque	23	11				
				150	0	0

E. & O. E.

"ELIAS HARDING, JUN.,
"*per* A. H.

"Ipswich, 11th February, 1889."

So that all McNeill got out of the sale of his property was £23 11s. 4d. He (Mr. Barlow) had closely questioned McNeill himself as to what his losses were, and McNeill reckoned that, at the very least, his loss in connection with the two horses, cab, and harness, and his loss of time for six months would amount to £90. That estimate did not take into consideration the amount he paid for medical attendance, or anything else than his actual loss in hard money, including the time which he might have spent in earning a living. He (Mr. Barlow) would sum up that evidence by submitting to the Committee that Mr. Bradfield did not say that McNeill was drunk, or that he was sober, but, in the face of that, they had the declarations of six persons—the declarations of three people who saw McNeill before he loaded up the luggage, and the declarations of three persons who saw him at the scene of the accident—and they had also the certificate of Dr. Thornton, in addition to the certificate previously given by Dr. Von Lossberg, the Government medical officer at Ipswich. It was stated on the last occasion when the matter was before the Committee that McNeill could have avoided the accident by seeing the train in time. He (Mr. Barlow) had taken particular trouble to make a personal survey of the place where the accident occurred, and the result was that he found that, supposing McNeill was driving in the centre of the road—though by the rule of the road he should have been driving on the left-hand side—that was nearest to Bradfield's side ; but taking the case in the worst light, supposing he was driving in the centre of the road, if an engine had been drawn up level with Bradfield's premises, which cut off the view, then at thirty-seven paces from the line, that engine would have been invisible, so that the whole space McNeill had to pull up in was thirty-seven paces. He (Mr. Barlow) pointed out in the lengthy remarks he made on the previous occasion that if the man had had room to pull up it was a very easy thing to do; but there was no room. If he turned to one side that would have involved running against the engine, and if he turned to the other side that would have involved running into the board which was put up to guard people against the trains, and also running into the gutter. He (Mr. Barlow) had no desire to press the case unduly on the Committee. He believed it was a *bonâ fide* case. He had addressed himself mainly to McNeill's case. With respect to Margaret Henry he believed she needed assistance, as when the property left by her father was divided among the relations who would be entitled to share in it, and the cost of administration was paid, there would be nothing for her worth speaking about. He therefore confidently submitted the case to the Committee. He had no interest in it except a desire to do justice, and he was sure the same feeling would influence every member of the Committee.

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) said he did not think it necessary to take up the time of the Committee any further, as every member must have made up his mind on the matter after what was said on the previous occasion when it was under consideration. He would, however, draw attention to the very extraordinary way in which the case had been conducted. First of all, the hon. member had allowed the matter to be referred to a select committee, and that committee had brought up a report which had been duly discussed. In the meantime the chairman of that committee obtained certain affidavits, and visited the scene of the accident, and gave his own evidence. It was upon the sworn evidence taken at the inquiry that he formed his opinion; and upon that evidence he was perfectly satisfied that no case had been made out. That inquiry was held shortly after the accident happened, which was the proper time for it, and a petition was presented to the late Government asking for compensation, and the late Government took the matter very fully into consideration, and decided against it upon its merits. He could not see, inasmuch as the late Government, who were cognisant of the facts of the case, and who had investigated it when full evidence was available, had refused to grant compensation, that there was any reason to warrant the present Government coming to a different conclusion. The question as to whether the man was drunk or sober he had not commented upon before. So far as the evidence was concerned, it did not appear whether the man was drunk or sober ; but it was perfectly clear, and the man admitted it himself in his sworn testimony, that he knew the train was due, and with that knowledge he drove his cab and his passengers on to that crossing, without looking where he was going. Whether the man was drunk or sober, could anyone justify such a piece of gross carelessness? Those were the facts of the case. The man turned round to speak to his passengers inside the cab, and had allowed the horses to go on, as was said, at the rate of about ten miles an hour right into that place, and with the knowledge that it was just about time for a train to be passing. The rest of the testimony brought forward by the hon. member had very little bearing upon the case. As he had said already, the whole of the proceedings in connection with the inquiry had been of a very irregular character, and it was perfectly unjustifiable for affidavits and correspondence of that sort to be brought before a committee of the House after a select committee had been appointed to make an inquiry and had brought up its report. He saw no reason to change his mind on the subject, and he hoped hon. members would not do so either.

Mr. BARLOW said the testimony he had brought forward was sworn testimony, while that brought before the select committee was not sworn.

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said he would remind the Committee that the sworn testimony referred to had not been subjected, and could not be subjected, to cross-examination, and that was a very important point. It was the most irregular proceeding he had ever known. He never saw anything like it before. The decision of the select committee was of a very weak character, and if the hon. gentleman thought hon. members would be convinced by the evidence he had just brought up, he must think them very simple indeed.

Mr. CAMPBELL said it was quite possible that the witness Bradfield did not know him, and he (Mr. Campbell) was sure that he did not know Bradfield. A person with whom he had travelled in a train, had stated that he was a witness in the case, and had given him the information he (Mr. Campbell) had furnished that Committee with. Up to that time he had not read the evidence, but afterwards he discovered that there were only two male witnesses, one of whom was the mayor of Ipswich, Mr. Shenton, with whom he had been acquainted for the last twenty-five years. The other witness was Mr. Bradfield, and he naturally concluded that Bradfield was the man which had given him the information. It was asked if it were usual for members of Parliament to travel in second-class carriages. He had done so, and did so for the convenience of ladies only the other night, and had often done it. If he found a first-class carriage unusually full, he travelled second-class. He was not above doing that, and hoped no other hon. member was. It seemed strange that after the prolonged debate they had on the subject three weeks ago, that the hon. member in charge of the motion should be so zealous as to obtain fresh evidence. Although he might have been honest in what he had stated, Bradfield must have been the man who had given him his information, and he had modified his views considerably in what he had told the hon. member for Wide Bay, Mr. Tozer, so that not much reliance could be placed upon what he said.

Mr. MELLOR said that the hon. member for Ipswich ought to have received commendation, instead of censure, for having brought forward the evidence he had produced that afternoon. He considered the statements made by the hon. member for Wide Bay, Mr. Tozer, and the hon. member for Aubigny conveyed a certain amount of stigma upon the select committee who were said to have only asked such questions as would suit their case. The hon. member for Wide Bay had said that the witness Bradfield had told him so; but he (Mr. Mellor) denied anything of the kind. So far as his lights went, he denied that he had withheld any question that might properly have been asked, and he was sure the other members of the committee acted in the same way. He thought at the time that Bradfield must certainly be a blackguard. What that witness had said in his evidence was quite sufficient to show that the accident was caused by proper precautions on the part of the Government not being taken. From what he had read of Bradfield's letter, he did not think any the better of him. If he had asked him the question if the man was drunk at the time, he would have said very likely the man was sober. According to his evidence before the select committee, Bradfield said he had several times prevented accidents occurring there before, and as to his saying that it was not a place of real danger, the fact of the Railway Department having since placed a signal-man there for the purpose of preventing similar accidents showed that they thought it was a dangerous place. He had asked the mayor of Ipswich, and other witnesses, if the railway authorities had ever been made acquainted with the dangerous character of that crossing, and so far as he could understand, they had not, nor had the Ipswich Municipal Council. Therefore, those who had to do with the matter were to blame for not bringing the dangerous state of that place before the proper authorities. It was clear that the accident was due to want of proper precautions on the part of the railway authorities. He himself asked McNeill a question in reference to the train, and it appeared that McNeill was expecting the usual train from the other direction, and that the train which came along was a special train that travelled about twice a week.

Mr. BARLOW said he thought that was a mistake about the special train. He was informed by McNeill that the Dugandan train was late, and the outgoing Fassifern train could not leave Ipswich till the other arrived. He was looking out for the train leaving Ipswich when he came in contact with the other.

Mr. MELLOR said he accepted the explanation; at the same time he could not help feeling that McNeill had to some extent contributed to the accident by his negligence. But no hon. member would say that Miss Henry had contributed to the accident in any way. She had suffered a very great loss; and he felt sure that she had the sympathy of hon. members.

The MINISTER FOR RAILWAYS said he would read some of the evidence given by McNeill at the first inquiry held after the accident by the Ipswich police magistrate; and he thought that a man would be more likely to give correct evidence then than nearly two years afterwards. According to the depositions taken before Mr. Yaldwyn, he said:—

"My name is Donald McNeill. I am a cab proprietor and driver living in Ipswich. I recollect 13th instant. I was driving a cab on that day. I was driving Wilson Henry and his wife to Little Ipswich. They came up by the 5 o'clock p.m. train, and engaged me. When opposite Bradfield's, I asked Wilson Henry where he was going to. He replied 'Round by the tannery.' I said 'Alright.' When my boy said, 'Here is a train, father,' I pulled my horses round to the left as hard as I could. The train was a little bit from the level crossing, and I was close to it. If I had another foot to spare, we would have escaped; but the pole struck the engine, and I knew nothing more till I found myself under my own cab. I did not hear the engine whistling. The horses were quiet. I have been accustomed to using them. I could not see the train till I had passed Bradfield's shop. I heard no whistling of any kind."

It was alleged before the select committee that he could not hear the train on account of the whistling of the sawmills. McNeill said further at the inquiry before the police magistrate:—

"I knew the half-past 5 train was due. I was looking for it as it was the proper time. I was sober."

Bradfield's testimony at that time was substantially the same as he gave before the select committee. He said:—

"I was in my shop in Ridge lane, Little Ipswich, at the corner of Brisbane street. My shop is close to the line. I saw a cab about twenty-five yards from the crossing driven by Donald McNeill. I saw the train come down the Fassifern line towards the crossing. It was then about eighteen or twenty yards from the crossing. The cab was going about seven miles an hour, and the train was going about the same pace. I then saw the cab come into collision with the engine. The cab was broken up. Before the collision occurred I ran out of my shop, shouted, and held up my hand to the cab. The cabman took no notice of my action, he was looking in the opposite direction towards the corner of the sawmill. The pole of the cab appeared to run into the boiler of the engine, the horses and the cab were thrown backwards and seemed to face up the hill. I

ran up and saw Mr. and Mrs. Henry lying on the ground. I then picked a little boy up and carried him into my house."

Then Bradfield went on to say:—

"I heard the usual whistle of the train when at Little Ipswich platform. As the train approached the crossing it gave two whistles as usual. The train was whistling, the last time I heard, about forty or fifty yards away. I can't say if it whistled afterward. When I rushed out to give the alarm McNeill (the cabman) appeared to be conversing with the passengers. The train was the usual passenger one from Dugandan. There is a signboard at this crossing; on it is written 'Look out for trains,' and if McNeill looked he could have seen it. When I first saw McNeill he could have slewed the horses round the same as I have seen others do."

There was a great deal more testimony, but he thought that was sufficient. In cross-examination Bradfield went on to say:—

"It would be about twenty-five or thirty yards when the driver of a vehicle could obtain the first view of a train round the north-west corner of my shop, but the train could also be seen through the back of my yard when a hundred yards off. There is nobody at the crossing to warn people if the trains are late. I have never seen any precautions by Government officials on foot. They may have done it in the train. The whistle from saw-mill is frequently blown. The alarm notice board is fully two feet by six feet."

And so on. He said lastly:—

"There is plenty of room for a vehicle to pull up before reaching the culvert and signboard."

Mr. SAYERS said that the last time the matter was under consideration great stress was laid on the fact that certain questions were not put to Mr. Bradfield by the select committee, the members of which were virtually accused of shirking their duty. He had listened to what the Minister for Railways had just read; but it did not appear that the police magistrate, or any of the legal gentlemen present at that inquiry, put the question to Bradfield as to whether McNeill was sober; and if the question was not put to Bradfield, then he did not see that the select committee could be blamed for not putting the question. When the proper time arrived the hon. member for Stanley, Mr O'Sullivan, asked McNeill himself. If Bradfield had thought fit to give the select committee the information, he had ample opportunity of doing so; and if he had given the slightest hint that McNeill was not sober, there was no doubt that the question would have been put to him. It had never occurred to his mind. He did not know what the hon. member for Stanley knew of the matter, but he had put the question to the man himself point blank, and it seemed that the same question had been put at the inquiry to McNeill. The letter he held in his hand had been written by Bradfield, and he said, "How Mr. Tozer misconstrued my words to mean that the committee only put questions to suit themselves, I am at a loss to know." The hon. member for Wide Bay said what was tantamount to that—at least that was the impression conveyed to his (Mr. Sayers') mind. The hon. member for Wide Bay had stated that Bradfield had informed him that the committee had only asked questions to suit themselves, and he (Mr. Sayers) had felt sore about the statement, because he had had no personal interest either one way or the other in the case. Perhaps, being new members, and unused to that kind of work, they might not have gone so fully into the case as they should have done, but it was not from any wish to act unfairly. After the statement made by the hon. member for Wide Bay he had thought that Bradfield must be a very peculiar man, to say the least of it, to make such a remark; but in his letter he had denied that he had ever said anything which could be construed to mean that. It would be very hard to get hon. members to sit on select committees if hon. members got up afterwards and said that witnesses had told them that members of the committee had only taken evidence to suit themselves. He would not go upon any select committee dealing with any matter with which he had any personal interest, and he believed other hon. members would be of the same opinion. It was very hard that such motives should be imputed to members of that select committee, who had not known anything about the parties. He hoped the explanation of the hon. member for Ipswich would at least convince the Committee that no hon. member sitting on the select committee had had any object in preventing any evidence being brought out, or in only taking evidence to suit themselves.

Mr. HAMILTON said that he did not think any evidence had been adduced to lead the Committee to revoke the decision of the late Government. McNeill had known, or he ought to have known, that the train was due, and the evidence read by the Minister for Railways showed that had McNeill been in full possession of his senses he could have averted the accident, but he was more entitled to be punished than to receive compensation, as he had not exercised common prudence. Even if McNeill had not been drunk he would not be entitled to compensation, but the testimony was in favour of the man having been drunk. They had now a letter from Bradfield commenting upon the statement made by the hon. member for Wide Bay. The hon. member for Wide Bay had stated that Bradfield had told him that McNeill was not sober, and they had no reason to doubt that statement. It was evident that Bradfield wished to please both sides, as that letter was evidently written with the view of pleasing hon. members who were desirous of giving compensation. He admitted, however, that the man was not as sober as he ought to have been. They had got McNeill's evidence, saying that he was not drunk, but he (Mr. Hamilton) had never yet seen a drunken man who would admit that he was anything but sober. They had also the evidence of a surgeon to the effect that the man was sober one hour after the accident, and they had the evidence of two other witnesses that he was sober just after the accident. But, admitting that that testimony was reliable, it did not prove that McNeill was sober immediately before the accident, because as they all knew very well a sudden shock or fright would cause sobriety. He had seen cases of that in his own experience. He would just mention one case. On the Calliope Gold Field a friend of his had been drinking too freely, and thinking cold water would do him good, he (Mr. Hamilton) had induced him to go down to the river, a distance of a mile or two, for a swim. As the man was slouching along through the long grass he emitted a sudden yell, and when he (Mr. Hamilton) looked around he saw his friend about four feet up in the air with a snake coiled round his leg, while his leg was going, like the piston of a steam engine, sixty strokes to the minute. When the man reached the ground the snake was off and the man was sober. In fact, he had gone up drunk, but he had come down sober. Now, if a fright of that kind—a snake being round his leg—would sober a drunken man, surely a steam engine running into a man would have an equally sobering effect; and, therefore, the only point the committee had brought forward in support of their contention that McNeill should get compensation had been knocked on the head.

Mr. PLUNKETT said that, as the only member of the select committee who had not yet spoken, he wished to say a few words. He

did not rise to justify his action with regard to the evidence, because he would do the same thing again, if it were to be all to do again. Bradfield was asked by the hon. member for Stanley if McNeill was sober, and he had replied that he was. From the evidence of Bradfield it must be evident to anyone that McNeill was entitled to compensation from the Government. In question 69, Bradfield said :—

"You are a wheelwright having a shop immediately alongside the railway crossing in Brisbane street, Little Ipswich? Yes.

"We want you to give your opinion about the danger of that crossing, and to tell us of the persons you have saved from accident there? My opinion about the crossing is that it is very dangerous. There cannot be two questions about that. I cannot give dates, but I can remember some names of persons that I have seen very nearly smashed. The first one I saw was a German in a waggon, just before the line was opened. The next one was Paddy Byrnes, cab-driver. The next was a German who lived at Marburg; he was upset in his waggon in exactly the same place where McNeill's horses were upset.

"By Mr. Plunkett: Upset by what? By the train? The train did not touch him. He pulled round out of its way, and so he was upset."

Then, in question 100, Bradfield said :—

"By Mr. Plunkett: How many trains cross this place in a day? About four to eight.

"Two up and two down? Yes; sometimes more;—in the day, I mean. Sometimes special trains, and trains for timber. Last Friday, Queen's Birthday, the train very nearly smashed up three horsemen. The train did not leave till half-past 6; it was dark; and there was quite a race. The front of the engine was not a yard from the horses.

"By Mr. Mellor: Did you know the parties that were killed? Yes.

"Was Mr. Henry in fair circumstances? Well, he was a hard-working old man; but I do not think he had any money. That is, I think, like most tradesmen, he made enough to keep his family.

"Where did they live? About 400 yards from where I live.

"In the same street? No; in Moore lane.

"By Mr. Sayers: In your opinion has his daughter suffered to any extent loss in money by the death of her father? Yes. She has nothing to keep her; her home is broken up; she has nothing but her needle to depend on.

"And she is in bad health, I think? Yes; she is not healthy like the other children.

"By Mr. Plunkett: Is her health worse since the accident? It seems to me to be worse. I have known her since she was a little girl.

"Was that caused by the accident? I think so."

Hearing that evidence, and seeing how utterly careless the Government were in not stationing some person to give notice of the approach of trains at that place, he considered a very good case had been made out. Of McNeill he had no knowledge but what he heard from the witnesses, and he had no hesitation in believing the evidence given before that committee as to the man's sobriety, and he took the word of the member for Stanley, and others in preference to that of Bradfield, who he considered was running with the hare and hunting with the hounds, and he gave no credence at all to that man's evidence. He thought the sum asked for those persons by the committee was not a bit too much, and if the question went to a division he would vote for the resolution.

Mr. TOZER said he wished to add some observations to what he had said previously on the question. When he addressed the Committee before on the subject he had and he still had a very good opinion of Bradfield's truthfulness. He had only met the man by accident, and from the way Bradfield had spoken to him he did not seem in any way to be a sneak or anything of that kind. Bradfield did not go back upon what he had said in the conversation he (Mr Tozer) had given to the Committee. What he had stated to the Committee on the previous occasion was, that in the presence of another gentleman Bradfield had told him that McNeill was not sober, and he said now that if the select committee had asked him if McNeill was sober, he would have said he was not as sober as he ought to be. He said that he then asked the man why he had not stated that to the members of the committee, and his reply was that they had taken good care only to ask questions to suit themselves.

Mr. O'SULLIVAN That is a blackguard statement.

Mr. TOZER said he considered he was perfectly justified in placing that before the Committee of the House, and the gentleman who was present with him on the occasion to which he had referred confirmed his statement that the man Bradfield had distinctly told him that he had never been asked the question.

Mr. O'SULLIVAN : That is another thing.

Mr. TOZER said that if the hon. member for Stanley would allow him to continue, he wished to state that he had gone further than that in his inquiries as to why Bradfield had not been asked the question, and had drawn the man's attention to the fact that the committee were endeavouring only to do justice, and what Bradfield had stated was that it was his impression that the committee who made the inquiry were actuated by a sympathetic view towards McNeill. Bradfield had left that impression upon his mind by what he had said, because when he asked him why he did not say so, he said, "They did not ask me." He understood him to be referring to both inquiries that had been held when he stated that only such questions were asked as appeared to suit those who were making the inquiry. He considered he was a very good judge of a man's character, and he was not under the impression that Bradfield intended to convey that the committee were acting unfairly, or failed in their duty. All that Bradfield appeared to him to wish to convey was that the man had suffered, and that the committee were sympathetic, like all other human beings. The very sensitive feeling of some members of the Committee had caused them to rise up and say that the hon. member for Wide Bay had made an inference that the select committee had not done their duty. He had never made any such inference. He had simply repeated the whole of a conversation with a man who, when he came before the committee, was not sworn, and who afterwards related to him something which he (Mr. Tozer) thought it his duty to tell the Committee of the House. What Bradfield stated then was what he stated now, and he thought it was very material for the Committee to know whether a man coming to that House for damages sustained in an accident was or was not sober when the accident occurred. Bradfield had never answered the question because he was not asked, but he answered it now, and it seemed to him that he was a man who was able to back his own opinion, and said what was reliable. He knew nothing whatever in the conduct of the investigation, or in the conduct of Bradfield that would lead him to think Bradfield was anything but a truthful man. He knew well that, in many instances, not only before select committees, but in the courts all the necessary questions were not put. All he had intended to convey, in what he had said on the subject, was that there was an omission in that man's evidence, which he (Mr. Tozer) had since supplied. He had afterwards been lectured in a paternal way for his tittle-tattle, when he had only enabled Bradfield to supplement his evidence by a statement made to a member of the House. He was pleased to notice that Bradfield now confirmed the statement he had first made

to him. All Bradfield said now was that he did not intend to convey that the committee were to that extent negligent in their duty in putting questions in such a manner as to suit themselves, and he (Mr. Tozer) must say that he had not conveyed that to his mind when he spoke to him.

An HONOURABLE MEMBER: You conveyed it to the House.

Mr. TOZER said he begged the hon. member's pardon; he did not convey it to the House. What he conveyed to the House was that the select committee did not put all those questions which would lead to getting an answer as to the man's sobriety from Bradfield. There had been an accident, and, like all large-hearted men, the members of the select committee acted in the interests of the sufferers. The members of two Governments had considered the matter, and the question was whether that House should on every occasion be made a court of appeal against the actions of Ministers. He had never, since he had been a member of the House, troubled the House with matters which Ministers themselves were better able to deal with. When two successive Ministers in charge of the department did not consider there was a fair case for compensation, was that Committee likely to constitute itself a court of appeal upon the action of both those Cabinets unless members who did not confirm it were strong enough to eject them?

Mr. GLASSEY said there were two prominent points in the controversy worthy of consideration. One was—Was that crossing safe? and the other was—Was McNeill sober at the time of the accident? The impression left on his mind by the remarks of the Minister for Railways, though whether the hon. gentleman intended to convey that impression to the Committee or not he could not say, was that whether the man was sober or not, knowing that a train was due at the time, he could not claim compensation for an accident caused by driving over that crossing. If it be a fact that the crossing was extremely dangerous, the man McNeill in consequence of the accident and the loss he had sustained—and it had not been proved that McNeill was drunk—had a just and legitimate claim on the Government for compensation. Mr. Bradfield did not say that McNeill was sober, neither did he say that he was drunk; so perhaps they might consider he was half-and-half. But numerous witnesses had been examined before the police magistrate, and had sworn distinctly—as also the persons who put the luggage into McNeill's cab just prior to the accident—that the man was perfectly sober. Yet, notwithstanding the strong testimony given by those persons, and by the doctor who saw him immediately afterwards, and by the medical superintendent of the Ipswich hospital who saw McNeill an hour afterwards, some hon. members seemed still to think that the man was intoxicated. If the question had to be decided by a court of law, would the mere implied statements of Mr. Bradfield—a gentleman whom he did not know and to whom he did not desire to impute improper motives—as to the man's sobriety be taken, or would the overwhelming evidence of witnesses whose names had been given, weigh with the court? It was not too much to say that the balance of evidence would be unquestionably on the side of McNeill, and that he was undoubtedly sober on the day in question. Again, if the crossing was quite safe previous to the accident, and if it was left to persons driving over the crossing to understand when trains were due, and it was unnecessary to take precautions to prevent the occurrence of accidents, why were such precautions taken now? That was a strong testimony to the fact that the crossing was at that time unsafe. The very fact that since that time the Minister had placed a person there to take charge of the crossing and to prevent accidents showed that the Government was liable. It was an extremely small sum that McNeill was asking as compensation for the loss he had sustained, and to grant it would prevent him practically from becoming a pauper on the country; to refuse it would be to prevent him from gaining a livelihood, and might force him to make his way to that public institution at Dunwich, and thus force him to become a permanent burden on the country. He hoped the Committee would take a more humane view of the matter, and would say that as the accident happened on account of the apathy or neglect of the Government, the claim set up was a reasonable one, and grant the amount asked for. As to the sum asked for for Miss Henry, surely it was a small sum for a young girl who had lost both her parents in consequence of the accident, and who had suffered in bodily and mental health in consequence of it. He hoped the Committee would be guided by higher considerations than had been shown during the debate, and would, notwithstanding all that had been said, grant the very reasonable amount asked for, in order that some slight compensation might be given to those individuals who had suffered such serious losses.

Mr. SALKELD said that when the question was last before the Committee he moved an amendment in the 1st paragraph of the resolution. By inadvertence that did not express what he intended to move, and with the permission of the Committee, he would withdraw that amendment with the view of moving another. What he had intended to move was that after "1889" the words "in so far as refers to the case of Miss Margaret Henry," be inserted.

Amendment withdrawn accordingly.

Mr. SALKELD moved by way of amendment that the following words be inserted after "1889" in the 1st paragraph of the resolution, "in so far as relates to the case of Miss Margaret Henry." His object in so doing was that each case should stand on its own merits. At the same time he had no intention to prejudice McNeill's case before the Committee. His former amendment made it appear as if he wished to strike out McNeill's claim altogether. That was not his intention, which was merely that the Committee might come to a decision on each case separately. After the very strong evidence that the hon. member, Mr. Barlow, had brought forward that afternoon he had no doubt hon. members' opinions as to the sobriety of McNeill on the occasion of the accident would be somewhat modified. He knew it had been reported that McNeill was intoxicated when the accident occurred, and he (Mr. Salkeld) had been under that impression himself, and therefore thought some blame was attached to him; but he had no reason to doubt the truth of the affidavits that had been read. He knew all the gentlemen who had made them, and had no doubt that they had stated what was correct—that to the best of their knowledge and belief McNeill was sober when he left the railway station, and also at the time of the accident. One witness said he was not perfectly sober, that he had had some liquor, but a man might have some liquor and still be perfectly sober and able to take care of himself and attend to his business.

Mr. BARLOW said he presumed the division on the proposed amendment would settle the question, so far as McNeill was concerned. He might state that on the last occasion when the matter was under consideration he telegraphed to Mr. Bradfield to know what was the meaning of the statements that had been made by some

hon. members, and in reply he received the following telegram, which, at the request of several hon. members, he would read :—

"Ipswich 19-7-1889.

"Don't know Campbell Told Tozer never been asked the question My opinion McNeill not as sober as he ought have been.

"R. BRADFIELD."

As the proposed amendment appeared to be a test question in the matter, he might say that he was not aware, until the hon. the Speaker had pointed it out to him, that a person who gave false testimony before a select committee of that House was subject to all the pains and penalties of wilful and corrupt perjury. He was every day learning something about the business of legislation, and he did not know that fact before to-day. He had endeavoured to obtain the additional evidence he had produced in order to do his duty to his constituents, and also to supplement, as far he could, what he believed to be the deficient case produced to the Committee previously. He trusted his hon. friend the member for Aubigny would not misunderstand anything that had been said about him. He could assure the hon. gentleman that the statement was made in perfect good faith, and as to the question of hon. members travelling second-class on the railway, he (Mr. Barlow) thought it was a very good thing for them to do from time to time. It enabled them to mix up with the people from whom they derived their authority and position, and get to learn their wants and wishes. Very likely those were the motives which actuated the hon. gentleman on the occasion referred to; and they were highly commendable, and he hoped the hon. member would not feel hurt in any way by the remarks that had been made. He sincerely hoped the Committee would give something to the unfortunate man, McNeill, who had been stripped of everything through the accident.

Mr. MACFARLANE said, with reference to the remarks of the Minister for Railways and the Minister for Mines and Works, regarding the introduction of new evidence by his hon. colleague, Mr. Barlow, he knew it was unusual to bring forward additional evidence after a select committee had inquired into a matter; but his hon. colleague had been met in an extraordinary way by the manner in which that evidence was received, and by the insinuations made against McNeill, and almost against his own honour and the honour of the select committee. Therefore he was perfectly justified in bringing additional evidence before the Committee. It must be borne in mind also that, according to the evidence, McNeill had suffered great loss through the accident—not only of his horses and cab, but his house and everything. He, therefore, thought McNeill's case should be favourably considered. In reference to Miss Henry, he could assure hon. members that if they had known her before the accident, and had seen her within the last three months, they would be astonished at the difference in her appearance. She looked just like a girl who had suffered a recent bereavement —just as if the accident had occurred a few days ago. That being so, he hoped the Committee would take all the circumstances into consideration, and award such a sum as they thought reasonable to both those persons.

Mr. MELLOR said in reference to the merits of the case, he must say his candid conviction was that the accident had occurred more through want of proper care on the part of the railway authorities than anything else. He was satisfied that if they had taken proper precautions the accident would never have happened. It had been stated by Bradfield that McNeill was druuk, or under the influence of drink; but that was not evidence given before the select committee, or sworn evidence, and it only showed how easy it was to blast a man's character. McNeill was said to be drunk, and everybody appeared to believe it simply because an accident happened. He did not know Bradfield or McNeill, but as far as he had been able to learn, McNeill was generally a sober man, and when it was stated that he was drunk when the accident happened, it only showed how easy it was to kick a man when he was down. Bradfield in the statements he made outside the Committee did not say that McNeill was drunk at the time of the accident, but simply that he was not as sober as he ought to have been, and the evidence produced by the hon. member for Ipswich should disabuse the minds of hon. members of the idea that McNeill was drunk. The evidence given before the select committee was sufficient to show that there was a great amount of traffic at the place where the accident occurred, and there appeared to be a want of proper precautions on the part of the railway authorities in protecting the crossing.

Mr. SALKELD said the hon. member for Ipswich seemed to think that the amendment proposed would decide the case of McNeill. He had asked the hon. member to divide the question, so that the Committee might have an opportunity of expressing their opinion on each separately, but as the hon. member did not accept that suggestion he (Mr. Salkeld) moved the amendment. Whatever opinion hon. members might have respecting the question as to whether any blame was attached to NcNeill, they certainly could not think that any blame attached to Miss Henry. If the amendment was carried it would have the effect of endorsing the recommendation of the select committee with regard to Miss Henry, and a similar amendmend could then be moved with regard to McNeill.

Mr. HODGKINSON said that the discussion was one of the most extraordinary discussions he had ever heard. A select committee was appointed as guardians of the honour of the House, including, as chairman, a gentleman whose reputation for honour and principle was unblemished, and another gentleman whose acquaintance with local circumstances was extensive, and whose knowledge of examining witnesses from professional practice should be fully adequate to the requirements of the case. That committee sat on the case, and delivered their verdict. He quite ignored the efforts that were made to cast a stigma on the members of the committee by saying that they asked questions to suit themselves. Whatever conclusion the committee came to it could not be to suit themselves. He did not think any member of the committee had any interest in Margaret Henry or Donald McNeill beyond the interest any man should feel in examining a subject relegated to him for investigation. But whether the committee were right or wrong in their conclusion, he declined to admit that they should be subject to the criticism or statements made by Bradfield, or information from other outside sources. As to the decision of the committee, he should not travel outside the record for the grounds of his opinion. He considered that both McNeill and Margaret Henry were entitled to the very moderate sum recommended, for the reason that every witness examined affirmed a fact, which was the basis which guided him in his opinion —namely, that the Railway Department were contributory by their negligence to the accident, and, consequently, they should in some way give the sufferers compensation. He had watched the debate very attentively on every occasion on which the matter had been brought

forward, and it seemed to him that there was something underneath the opposition shown to the proposal that was not known to members of the Committee. He understood that it was thought, if they gave that man compensation, they would cast a stigma on officials in the railway department; but they should take care lest, in being influenced by such a consideration, they should do injustice to the sufferers by the accident. It had not been proved before the select committee that McNeill was intoxicated when the accident happened. He submitted that hon. members had nothing to do with anything they had heard outside in railway carriages or elsewhere, but should be guided by the evidence given before the committee. The first witness examined was Samuel Shenton, mayor of Ipswich. That gentleman had not been alluded to as having any interest in the matter, and he stated that if the crossing had been protected the accident would not have been possible; that the traffic over that crossing was far greater than the traffic over all the other crossings put together; and that those crossings where there was very little traffic were protected, but the crossing on which there was a great traffic was not protected. Richard Bradfield, wheelwright, gave the following evidence:—

"My opinion about the crossing is that it is very dangerous. There cannot be two questions about that."

Further on he was asked by the member for Ipswich, Mr. Barlow:—

"That road has the greatest traffic over it of all the roads in Ipswich. Do you not think so? Yes.

"And yet there is no gate, no protection there, though Waghorn street, Thorn street, Wharf street, and West street are protected, and there is less traffic at these places? Oh, yes. This is the main outlet to the country—Brisbane street.

"And those streets that I mentioned are protected by gates? Yes."

There was no question about Bradfield's evidence on that point. Some hon. members wished to establish that McNeill was drunk at the time of the accident. But what did Bradfield say in his evidence about the accident? He gave this evidence:—

"Do you wish to give the impression to the committee that if McNeill had been another man—that if there had been another driver besides McNeill—this accident would not have happened? I could not give that impression.

"Are you under the impression that the accident could not have happened to anybody else? That is, driving as fast as he was, and taking no more notice where he was going ——?

"Anybody would have come to the same accident? Yes."

As a member of the committee, it struck him (Mr. Hodgkinson) as very singular that a cabman should not be acquainted with the running of the trains. He asked a question on that point, and it was explained to him that the reason McNeill was looking the other way, as stated by Bradfield, was that he was expecting a train from that direction. He (Mr. Hodgkinson) based his opinion on these facts—namely, that the chairman of the committee was well acquainted with the subject-matter of the inquiry; that his character was unimpeachable; that he was supported by gentlemen bearing the same high character as himself; that it was universally acknowledged that it had been a constant complaint that the crossing was unprotected, and a source of danger to human life, and that many accidents had been prevented from occurring, solely from the fact of Bradfield, who resided near the line, constituting himself special guardian of persons travelling in that direction. He was not ashamed of the report to which his name was attached, and if the same case came before him again he would give the same decision.

Mr. MURPHY said that, with regard to Donald McNeill, he might inform the Committee, as evidence had been brought in from outside sources, that he had been communicated with by some very respectable people in Ipswich, persons in position, and they had told him that they had repeatedly warned their wives and families going up by train never to employ that man as a driver. McNeill was well known among cabmen in Ipswich, and to persons who used cabs, as a man who was very often in a state of inebriety. The affidavits that had been brought forward by the hon. member for Ipswich, who, as chairman of the select committee, was in charge of the case, were not of very much value, because the question as to whether a man was drunk or sober was purely a question of opinion. The witnesses who swore those affidavits were never cross-examined in any way; but, whether or not, hon. members knew that it might be the opinion of one man that a person was perfectly sober, and of another that he was perfectly drunk. There were many cases on record, in law reports, that might be quoted in support of that statement, so that an affidavit on a question of that kind was simply not worth the paper it was written on. McNeill, as he had said, was well known. In fact, he thought the hon. members for Ipswich themselves knew that the man was more or less a drunkard, and that he was utterly unfit to be in charge of a licensed cab. He was utterly unfit to be in charge of a licensed cab upon that occasion. Through sheer inattention, through not watching where he was going, and through driving over a railway crossing at the rate of seven miles an hour when a train was expected, he had caused that accident. It was a crossing that any driver or any person accustomed to driving horses would have gone over at a walk, and the whole of the facts proved conclusively to him that, even if the man were sober, he was utterly unfitted to be in charge of that cab, and that the accident was caused through his negligence entirely. It was either through utter want of care or through his being drunk at the time. If in the colony they had coroner's inquests instead of miserable magisterial inquiries, the matter would have been sifted to the bottom, and probably the man would have been in St. Helena serving a sentence for causing the deaths of those two people. The evidence showed that a perfunctory inquiry had been held, and that insufficient investigation had been made, and it was well worthy the consideration of the Government whether it would not be better to have proper coronial inquiries into the deaths of persons wherever possible, instead of those wretched magisterial inquiries which resulted in nothing. Through the evidence never being properly sifted, there were no doubt many criminals who would otherwise be punished, and the case before them was distinctly one in point, in which a man who ought to have been punished for causing the deaths of those two persons, had escaped. The hon. member who had brought the matter forward had done so in the interests of his constituents; he asked the Committee to vote a sum of money to please his constituents, and not to do an act of justice. There was nothing in the evidence that showed that any injustice had been done; but the accident had been caused through the negligence of the driver of the cab who ran into a train; the train did not run into him. The negligence was on the part of the cabman, and not on the part of the driver of the train. He could not see his way to vote a sum of money either to McNeill or to Margaret Henry. He was sorry he could

not do it in the latter case, as she had no doubt suffered, if not pecuniarily, at least in her feelings, in losing her father and mother; but it was for the Committee to say whether they were to give compensation for an injury of that kind. She appeared, in fact, to have rather benefited than otherwise, because she came into some property by the death of her father and mother. She had been out at service ever since she was sixteen years of age, and she only went to her mother's house when she was out of a situation, so that she was in no worse position than most other domestic servants in the colony. She was twenty-seven years of age, and had been earning her own living ever since she was sixteen years old; so that he could not see she had sustained any injury except to her feelings. They must all sympathise with her, and be sorry that her feelings had been hurt, and their gallantry would no doubt make them very much inclined to vote the money to that suffering young lady; but in the interests of the State, he did not think the case should ever have been brought before Parliament, and he certainly could not vote for the motion.

Mr. ADAMS said if ever there was a case made out in which compensation should be given, it had been made out in that before them. If any case could be made out in favour of giving compensation to any one the hon. member for Ipswich had certainly made out a very good case indeed. But there was a principle involved in the system of granting compensation, and if it were allowed in the present case he would be in favour of giving compensation in any case where an injury was sustained. But if that was done there would be any number of people asking for compensation, and he did not see why the Government should always be held liable for injuries sustained by people who put themselves in the way of being massacred. There was ample proof that that had been done in the present case, and he would therefore vote against the motion.

Mr. UNMACK said he had at first had no intention of voting upon the matter. He had listened attentively to the discussion, and was not at all satisfied with the testimony which had been given. In his decision he should be chiefly guided in the first instance by the fact that the last Ministry had carefully investigated the whole affair immediately after the accident, and had decided against giving compensation to the applicants in that case. The present Ministry also had investigated the matter, and had opposed giving any compensation. He was strictly opposed to giving McNeill anything, and the only doubt in his mind as to whether any compensation should be given was with reference to Miss Henry. According to the evidence, she claimed compensation on the ground that through the death of her parents she had sustained serious loss of affection, comfort, and maintenance; but he considered that her brothers and sisters were equally entitled to compensation on that ground. There was a family of three or four, and the parents being killed, presumably by neglect on the part of the Government, if one was entitled to compensation, the others were also; therefore he might fairly dispose of that ground, as far as she was concerned. As to the question of maintenance, according to the evidence, Miss Henry had been out at service on different occasions. She earned her own living, and merely made use of her parents' house when she left her situation, so that her parents' home had only been a matter of convenience to her. He did not think she could have had so much maintenance from her parents, because according to her own evidence at question 51, even the furniture in the house belonged to the girls. If the parents were so poor that the girls had to find the furniture, he failed to see how the parents could have maintained the family. Therefore, so far as Miss Henry was concerned, he felt reluctantly compelled to vote against any compensation being granted in her case also; and in every case brought forward he should endeavour to conscientiously do his duty as he was doing now. And whenever hon. members were asked to vote away the money of the taxpayers of the colony, they should always be guided by justice, and not be led away by sympathy.

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

AYES, 11.

Sir S. W. Griffith, Messrs. Jordan, Murphy, Mellor, Sayers, Grimes, Morgan, Salkeld, Macfarlane, Smyth, Buckland.

NOES, 35.

Sir T. McIlwraith, Messrs. Rees R. Jones, Nelson, Donaldson, Morehead, Macrossan, Black, Dunsmure, Stevenson, O'Sullivan, Crombie, Unmack, Dalrymple, Tozer, Murray, McMaster, Archer, Callan, Philp, Little, Adams, Campbell, Allan, Stephens, Luya, Isambert, Cowley, Barlow, Watson, Lissner, Smith, Hodgkinson, Hamilton, Glassey, Drake.

Question resolved in the negative.

Original question put, and the Committee divided:—

AYES, 13.

Messrs. O'Sullivan, Hodgkinson, Sayers, Macfarlane, Mellor, Smyth, Grimes, Morgan, Isambert, Glassey, Plunkett, Barlow, and Drake.

NOES, 33.

Sir T. McIlwraith, Sir S. W. Griffith, Messrs Nelson, Rees R Jones, Donaldson, Macrossan, Jordan, Black, Hamilton, Smith, Morehead, Watson, Stephens, Luya, Cowley, Philp, Little, Buckland, Adams, Lissner, Allan, Callan, Archer, McMaster, Murray, Dalrymple, Tozer, Unmack, Campbell, Murphy, Stevenson, Dunsmure, and Crombie.

Question resolved in the negative.

The House resumed.

At 7 o'clock.

The SPEAKER said: In accordance with the Sessional Order, the House will now proceed with Government business.

COMPANIES ACT AMENDMENT BILL.

COMMITTEE.

On the Order of the Day being read, the House went into committee to further consider this Bill in detail.

On clause 50, as follows:—

"(1.) Where the Registrar of Joint Stock Companies has reasonable cause to believe that a company, whether registered before or after the passing of this Act, is not carrying on business, or in operation, he shall send to the company, by post, a letter inquiring whether the company is carrying on business or in operation.

"(2.) If the registrar does not within one month of sending the letter receive any answer thereto, he shall within fourteen days after the expiration of the month, send to the company by post a registered letter referring to the first letter, and stating that no answer thereto has been received by the registrar, and that if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the *Gazette* with a view to striking the name of the company off the register.

"(3.) If the registrar either receives an answer from the company to the effect that it is not carrying on business or in operation, or does not within one month after sending the second letter receive any answer thereto, the registrar may publish in the *Gazette* and send to the company a notice that at the expiration of three months from the date of that notice the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register, and the company will be dissolved.

"(4.) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by such company, strike the name of such company off the register, and shall publish a notice thereof in the *Gazette*, and on the publication in the *Gazette* of such last-mentioned notice the company whose name is so struck off shall be dissolved: Provided that the liability (if any) of every director, managing officer, and member of the company shall continue and may be enforced as if the company had not been dissolved.

"(5.) If any company or any member thereof feels aggrieved by the name of such company having been struck off the register in pursuance of this section, the company or member may apply to the court in which the company is liable to be wound-up; and such court, if satisfied that the company was at the time of striking off carrying on such business, or in operation, and that it is just so to do, may order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if the name thereof had never been struck off; and the court may, by the order, give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be, as if the name of the company had never been struck off.

"(6.) A letter or notice, authorised or required for the purposes of this section to be sent to a company, may be sent by post, addressed to the company at its registered office, or, if no office has been registered, addressed to the care of some director or officer of the company, or, if there is no director or officer of the company whose name and address is known to the registrar, the letter or notice (in identical form) may be sent to each of the persons who subscribed the memorandum of association, addressed to him at the address mentioned in that memorandum."

The HON. SIR S. W. GRIFFITH said that as he had pointed out at an earlier stage, on the second reading of the Bill, that section contained some very extraordinary provisions. The clause dealt with a case that frequently happened where a company ceased to carry on business, though it was not formally wound up and still remained on the register, though none of the provisions of the law respecting companies were complied with by the company as there were no directors or officers to carry them out. The Act really became a dead letter in respect to them. The clause provided that when the registrar found that a company was not carrying on business he could send them a notice inquiring whether they were carrying on business, and if he received no reply he was to send another notice, and if he received no answer to that he might publish in the *Gazette* and send to the company a notice that at the expiration of three months from the date of that notice the name of the company mentioned in it would, unless cause was shown to the contrary, be struck off the register, and the company would be dissolved. Then it went on to say:—

"At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by such company, strike the name of such company off the register, and shall publish a notice thereof in the *Gazette*, and on the publication in the *Gazette* of such last-mentioned notice the company whose name is so struck off shall be dissolved."

Then there was the proviso—

"Provided that the liability (if any) of every director, managing officer, and member of the company shall continue and may be enforced as if the company had not been dissolved."

The company would be dissolved, and yet would not be dissolved. Then it went on to show how the liability was to be enforced, and that was by winding-up the company though it had been dissolved. It seemed to him a most extraordinary provision, that though a company was dissolved it should be resurrected, and everything should go on the same as before. He would suggest that the reference in the clause to dissolving companies be left out. That could be done by omitting the words at the end of the 3rd paragraph—"and the company will be dissolved"—and all the words in the 4th paragraph after the word "*Gazette*" in the 4th line. The clause would then be intelligible, and any company or members of a company who felt aggrieved at the name of the company having been struck off the register might apply to the court to have the company wound up. He was of opinion that the clause must originally have been drafted in that form in the English Bill, and that the words he was referring to had been put in by mistake. He would strongly advise the hon. gentleman to omit the words he had mentioned. It would certainly do no harm, and would prevent a very obvious inconsistency.

The POSTMASTER-GENERAL said he had no objection to accept the amendments suggested by the hon. gentleman, but he might say that the clause was exactly the same as that in the English Act.

The HON. SIR S. W. GRIFFITH moved that the words "and the company will be dissolved," at the end of the 3rd paragraph, be omitted.

Amendment put and agreed to.

The HON. SIR S. W. GRIFFITH moved that all the words in the 4th paragraph, after the word "*Gazette*," in the 4th line, be omitted.

Amendment put and agreed to.

The HON. SIR S. W. GRIFFITH said there was another evident error in the 5th paragraph, where it was stated that "the court, if satisfied that the company was at the time of striking off carrying on business or in operation, and that it is just to do so, may order the name of the company to be restored to the register." That seemed a very unsatisfactory limitation. The word "and" should be "or," and "otherwise" should be inserted before "just." He could quite understand that a company which had ceased to carry on business might not be anxious to be wound-up. In fact those were the very cases to which the clause ought to apply. He therefore moved that the word "and" in the 15th line be omitted with the view of inserting "or."

Amendment agreed to.

On the motion of the HON. SIR S. W. GRIFFITH, the clause was further amended by the insertion of "otherwise" before "just" in the same line, and agreed to.

Clauses 51—"Contributory when not qualified to prevent winding-up petition"—and 52—"Winding-up may be referred to district court"—passed as printed.

On clause 53, as follows:—

"If during the progress of a winding-up it is made to appear to the Supreme Court that the same could be more conveniently prosecuted in any other district court, it shall be competent for the Supreme Court to transfer the same to such other district court, and thereupon the winding-up shall proceed in such other district court."

On the motion of the HON. SIR S. W. GRIFFITH, the words "in a district court" were inserted after "winding-up" in the 1st line.

Clause, as amended, put and passed.

Clause 54—"Parties aggrieved may appeal"—passed as printed.

Mr. HUNTER said he would suggest to the hon. gentleman in charge of the Bill that that would be a convenient place to insert a clause giving power to transfer operations from the limited to the no-liability system, so that persons could claim the privileges of the no-liability system without going into liquidation.

Clause 55—"Powers to frame rules and orders under section 127 of 31 Vic. No. 30"—passed as printed.

Mr. POWERS said he had had a clause printed and circulated which he thought would come in properly at that place. It was:—

> In the distribution of the assets of any company being wound-up under the principal Act, subject to the retention of such sums as may be necessary for the costs of administration or otherwise, there shall be paid in priority to other debts—
>
> All wages of any labourer or workman in respect of services rendered to the company during three months before the commencement of the winding-up, and if the assets are insufficient to pay the costs and meet the claims for wages in full, the claims for wages shall abate proportionately between themselves.

Under the Act of 1869 miners were protected in that way. In insolvency proceedings they also endeavoured, as far as possible, to protect the wages of workmen, and the desirability of adopting the principle was generally admitted. He knew that in a great many cases, although the liquidators had money, there were sometimes delays for months, because they could not pay claims for wages as preferential claims. The clause would, therefore, be a great benefit to the working man.

Mr. MELLOR said he did not see the necessity for the words, "subject to the retention of such sums as may be necessary for the costs of administration or otherwise," and he would therefore move that they be omitted, as he thought such costs should not be paid before the wages of workmen.

The HON. SIR S. W. GRIFFITH said the omission of those words would not make any difference in the legal effect of the clause, but it might confuse liquidators. The costs of administration would include the cost of getting in the money which would be paid to the workmen, and surely the workmen ought to bear a share of the cost of getting in the money before they were paid. The workmen were not to be paid out of the gross assets, but out of the net assets, and leaving out those words would not make any difference. All the clause said was that wages of workmen were to be paid in preference to other debts, and the retention of the words proposed to be omitted would make more clear what was the effect of the clause. He might mention that there had been some doubt whether what the clause provided was the law at the present time. The Insolvency Act made provision that, in the winding-up of companies, certain rules under the Bankruptcy Act should be applied. One learned judge decided that that was one of those rules, another decided that it was not. Probably it was not one. He thought the provision was a very good one; but the sentence "three months before the commencing of the winding-up," should read "the three months next before," etc.

Mr. MELLOR said there should be some check on the cost of winding-up companies, which was sometimes very grievous, and he would like to see some provision inserted that would keep down those costs.

Mr. HODGKINSON said he would like to know what was the meaning of the words "or otherwise?" He agreed that the cost of administration, or getting in the money, was a fair charge on the assets of a company, but a skilful advocate might make the words "or otherwise" cover everything. They certainly seemed to be an inlet for the admission of every possible charge. "Or otherwise" meant everything else but the cost of administration.

Mr. POWERS said he hoped hon. members would allow the clause to pass, because it was a necessary provision. Liquidators must, of course, get their costs of administration. The words "or otherwise" meant costs or charges in connection with the administration, and their omission would not in any way lessen the expenses of liquidation. If it would, he would be very glad to accept the amendment. The question of the costs of liquidation would have to be considered in another form some day shortly, as everyone admitted they were excessive, but he hoped the hon. member would not press his amendment in that clause.

Mr. TOZER said he hoped that by-and-by, when a Mining Companies Bill was introduced, a short and simple form of winding-up mining companies would be provided. He had no doubt that the Government would some day have to consider, in connection with the winding-up of larger companies, the question of appointing an official liquidator.

Mr. MELLOR said, with the permission of the Committee, he would withdraw his amendment, but he would like to see the words "or otherwise" omitted.

Amendment, by leave, withdrawn.

Mr. MELLOR said he would now move that the words "or otherwise" be omitted. The cost of winding-up mining companies had been a very heavy burden on innocent shareholders in the past. In some cases the directors had called up nearly the whole amount of the shares, and had then resigned, and a meeting could not be got together for the purpose of forming another directory. The consequence was that the company had to go into liquidation, the cost of which was sometimes five times as much as their debts. He could mention a great many instances in which the expenses in connection with liquidation had been very heavy, and it was a means of frightening people who might wish to go into mining speculations. It was a great deterrent to mining generally, and the sooner they remedied that state of affairs the better it would be for the industry.

Mr. POWERS said he did not know whether they would be safe in omitting the words, but he would accept the opinion of the majority.

Amendment agreed to.

On the motions of Mr. POWERS, the word "the" was inserted in the 2nd line of the 2nd paragraph, after the word "during," and the word "next" after the word "months" in the 3rd line.

Clause, as amended, put and passed.

Mr. HUNTER said he had already suggested that a clause should be inserted making it possible to transfer operations from a limited liability company to a no-liability company without going into liquidation, which was necessary under the present system.

The POSTMASTER-GENERAL said that could not be provided for by a single clause. It was a matter that would require a good many clauses to protect the creditors of companies, and should not be dealt with hurriedly. He sympathised with the hon. member, but the subject he referred to could not be dealt with in the present Bill.

On clause 56—"Saving clause"—

The POSTMASTER-GENERAL moved that the clause be postponed.

Question put and passed.

"On postponed clause 7—Application of provisions of 27 Vic. No. 4, s. 121; 40 and 41 Vic. c. 126, s. 4"—

The HON. SIR S. W. GRIFFITH said that clauses 7 and 8 came from the Acts 40 and 41 Vic. of 1877. They were passed to modify the provisions of the Act of 1867, which, so far as the present Bill was concerned, were contained in clauses 4, 5, 6, and from 9 to 15, inclusive. The qualifying clauses 7 and 8 had somehow been

inserted before many of the matters they qualified. For instance, the 10th section dealt specially with creditors, and the 7th section provided for cases where creditors were not entitled to be heard at all. He was not aware of any case in which it had been necessary to transpose clauses in a Bill passed by another Chamber; but he thought the matter might be dealt with by moving an amendment to the motion that the clause stand part of the Bill. He therefore moved that clause 7 stand part of the Bill, to follow clause 15 as printed. That was its proper place.

Question put and passed.

On postponed clause 8, as follows:—

"Any company limited by shares may so far modify the conditions contained in its memorandum of association, if authorised so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital by cancelling any shares which, at the date of the passing of such resolution, have not been taken or agreed to be taken by any person; and the provisions of this Act shall not apply to any reduction of capital made in pursuance of this section."

The HON. SIR S. W. GRIFFITH moved the insertion of the word "preceding" before the word "provisions." In the Act from which the clause was taken, the only provisions of the Act were those of the 7th and 8th clauses of the Bill now before the Committee. The amendment would make the clause mean the same as it meant in the English Act.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved that the clause, as amended, stand part of the Bill, to follow the clause inserted after clause 15.

Question put and passed.

On postponed clause 16—"Power to make rules extended to making rules concerning matters in this Act. 30 and 31 Vic. c. 131, s. 20"—

The HON. SIR S. W. GRIFFITH moved that the clause stand part of the Bill, to follow clause 54. That was evidently the proper place for it.

Question put and passed.

On postponed clause 23—"Registration anew of company"—

The HON. SIR S. W. GRIFFITH said that he had pointed out previously that clause 23 of the Bill should precede clause 19, as clause 19 referred to the proceedings which were to be taken under clause 23. Clauses 23, 19, 24, and 25 all dealt with one subject, and, he, therefore, moved that clause 23 stand part of the Bill, to follow clause 18.

Question put and passed.

The HON. SIR S. W. GRIFFITH moved that clause 24—"Application of the principal Act and this Act"—stand part of the Bill, to follow clause 19.

Question put and passed.

On postponed clause 25, as follows:—

"A company authorised to register under this Act may register thereunder, and avail itself of the privileges conferred by this Act, notwithstanding any provisions contained in any Act of Parliament, Royal charter, deed of settlement, contract of copartnery, cost book, regulations, letters patent, or other instrument constituting or regulating the company."

The HON. SIR S. W. GRIFFITH moved that the clause be amended by the insertion of the words "the provisions of the three last preceding sections of" after the word "under" in the 1st line of the clause.

Question put and passed.

The HON. SIR S. W. GRIFFITH moved that the clause, as amended, be inserted, to follow the clause inserted to follow clause 19.

Question put and passed.

On clause 56, as follows:—

"Nothing in this Act contained shall exempt any company from the third or fourth provisions of the one hundred and ninetieth section of the principal Act, restraining the alteration of any provision in any Act of Parliament or charter."

The HON. SIR S. W. GRIFFITH said that he had pointed out before that that clause contradicted clause 25, which they had just passed. Clause 25 gave power to a company authorised to register under the Bill "notwithstanding any provisions contained in any Act of Parliament or Royal charter" to register under it. An unlimited company might wish to become a limited liability company, but by that clause it might be prevented from doing so. He did not know of any companies in the colony operating under Royal charter, which were to be domiciled here; although there were some such companies—the Bank of Australasia, for instance—carrying on business here. The clause was, therefore, scarcely necessary at all, but, as there might be such companies formed in the future, there could be no objection to its insertion, though some words should be put in to show that it did not contradict the 25th section. He moved that the words "except as hereinbefore expressly provided" be inserted after the word "shall."

Amendment agreed to.

Mr. TOZER said that was the last clause of the Bill, and hearing the word "charter" and the word "bank" mentioned he was induced to make certain observations, more by way of making public what he desired to say than anything else. What he had to say would probably not have much effect upon the Bill, but it would have the effect he wanted, and that was to draw the attention of the Government and the public to the action of certain companies to which they extended the liberality of that House. He spoke with a personal knowledge of what he was saying. They gave charters to banking companies and told them they must not engage in trading or mercantile concerns except for the purpose of redemption, but a great deal of illegitimate trading was allowed to go on. He knew it was going on in his own district. They had an Eight Hours Bill put before them because longer hours of labour were hard upon the labourer, but there were other persons in the colony who suffered extreme hardships through that unfair trading of which he spoke—by monetary institutions and banks of other countries. They lent money to sawmillers and others, and after lending more than they ought, they took over the securities and then went in for unfair trading. At the present moment, under those circumstances, there was a sawmill company in his district selling timber at 2s. per 100 feet less than it cost them. Was that fair trading? He would not mention names on the present occasion, but he warned those people that a chiel was among them taking notes, and next year, if that illegitimate trading was still going on, his voice would be raised against a continuance of that state of things. He had had offers made to him in Maryborough of hardwood timber at less than cost price, and that sort of thing was most unfair to men honestly engaged in the trade. Persons dealing in that way said, in answer to complaints, "You buy us out." He had thought he might have been able to deal with the matter under the part of the Bill relating to defunct companies, but he found that the only way that that unfair trading could be stopped at present was by making it notorious. They made strong objection when they found a man getting in pollard at a little lower rate by cheating the Customs, and they held up the immorality of that to the public. The same immoral trading was carried on by monetary institutions using their

capital in the way to which he had referred. While he would be always one to allow a reasonable time for the redemption of mortgages, he protested against such a system as he had mentioned being carried on against honest trading.

The HON. SIR S. W. GRIFFITH said he found the 190th section of the principal Act did not refer to a "charter" at all, but to "letters patent." He proposed, therefore, to omit the word "charter," and substitute for it the words "letters patent."

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

Preamble passed as printed.

On the motion of the POSTMASTER-GENERAL, the House resumed, and the CHAIRMAN reported the Bill with amendments.

The POSTMASTER-GENERAL said: Mr. Speaker,—I move that the Bill be re-committed for the purpose of reconsidering clauses 2, 27, 28, 46, and a new clause to follow clause 41.

Question put and passed.

On clause 2—

The HON. SIR S. W. GRIFFITH moved that in the phrase "and the principal Act and this Act" the words "the Mining Companies Act of 1886" be inserted between "Act" and "and."

Amendment agreed to; and clause, with further verbal and consequential amendments, put and passed.

On clause 27, as follows:—

"Nothing contained in the principal Act shall be deemed to prevent any company under that Act, if authorised by its regulations as originally framed or as altered by special resolution, from doing any one or more of the following things, namely,—

(1) Making arrangements on the issue of shares for a difference between the holders of such shares in the amount of calls to be paid, and in the time of payment of such calls:

(2) Accepting from any member of the company who assents thereto the whole or a part of the amount remaining unpaid on any share or shares held by him either in discharge of the amount of a call payable in respect of any other share or shares held by him, or without any call having been made:

(3) Paying dividends in proportion to the amount paid up on each share in cases where a larger amount is paid up on some shares than on others."

The HON. SIR S. W. GRIFFITH said that clause was an extremely embarrassing one. The 1st paragraph had given him a great deal of trouble to understand. He believed it was intended to mean making arrangements for a difference between the holders of shares in the amounts of any calls to be made on them—that some shares might be liable to calls of 10s., others of 5s., others of 1s., and so on, and the object of the paragraph was apparently to meet such cases. He proposed to amend it so as to make it mean that. The 2nd paragraph, in effect, proposed this: That if a man held two shares, on each of which £100 was payable, the company might, if it liked, and with the consent of the holder, accept the £100 due on one share in payment of the debt of £100 due on the other, still leaving £100 owing. It was absolute nonsense; £100 could not pay more than a debt of £100. He thought it would be better to omit that paragraph altogether.

On the motion of the HON. SIR S. W. GRIFFITH, the first portion of the clause was amended by the omission of "any one or more" and the insertion of "either"; and the 1st subsection was amended so as to read:—

"(1) Making arrangements on the issue of shares for a difference between the holders of such shares in the amounts of any calls to be made thereon and in the time of payment of such calls."

Mr. HUNTER said he was not quite clear whether the 2nd subsection clearly expressed what was meant. The object in view was this: Supposing shares in a company were paid up to 4s. 6d., the liability being, say, 5s., the articles of association as a limited company empowered them to make calls of, say, 2d. at a time, and what they wanted was to be able to accept payment of the balance of calls due on shares at one time. That power they had not at present. He knew an instance at Charters Towers in which a company held a great number of shares paid up to 5s., which were called paid up shares; a member of the company who wanted to make his shares paid up offered the balance due on them, but it was not legal for the company to accept the money from him in advance and give him a receipt making his shares fully paid up. The 2nd paragraph was intended to deal with cases of that kind, but he was not quite sure that it would do so in its present form.

The POSTMASTER-GENERAL said there was nothing to prevent the secretary of a company accepting from a shareholder the difference between the amount paid up and the value of his shares, but that would be no gain to the shareholder, because he would not get any interest on that amount. If, for instance, a man had a number of 10s. shares on which 5s. was paid up, he could pay the other 5s., but he would not receive interest or dividend on that amount, because interest would be paid at so much per share.

The HON. SIR S. W. GRIFFITH said he thought the hon. member for Burke, Mr. Hunter, had hit on the idea that was intended to be, but was not, conveyed by that clause. They might with advantage leave out in subsection (2) the words "either in discharge of the amount of a call payable in respect of any other share or shares held by him or," and he moved that they be omitted. The sentence would then be intelligible and useful.

Amendment put and passed.

The HON. SIR S. W. GRIFFITH moved that the words "in respect thereof" be added at the end of the same paragraph.

Amendment put and passed.

Mr. HUNTER said he thought the heading of the clause should be "calls and dividends on shares" instead of "calls upon shares," as no one would think of looking for information about dividends under the heading of "calls upon shares."

Clause, as amended, put and passed.

On clause 28, as follows:—

"Every share in any company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same shall have been otherwise determined by a contract duly made in writing, and filed with the Registrar of Joint Stock Companies at or before the issue of such shares."

The HON. SIR S. W. GRIFFITH said there did not appear to be any reason why fully paid up shares issued at the formation of a company should not be mentioned in the memorandum of association. The object of that clause was to make such information public, and for one person who would go to the register of companies there were fifty who would see the memorandum of association, which was the contract between the shareholders themselves and between them and the public. He moved that after the word "by" in the 4th line there be inserted the words "the memorandum of association or by."

Mr. POWERS said those particulars might be put in the memorandum of association, but he thought they should also insist upon the contract

being made and filed, and he would therefore suggest that the word "and" be substituted for the word "or" in the amendment as proposed.

The HON. SIR S. W. GRIFFITH said that would prevent any paid up shares being issued after the formation of the company. The objects to be gained by registering contracts were provided for by a long clause they inserted the other evening. The object of the clause under consideration was that the public might know how much uncalled capital the company had. It was a question between the public and the company, and therefore if creditors got notice in the memorandum of association that the company only had a certain amount of capital to fall back upon they could not complain.

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

New clause, to follow clause 41—

Mr. HUNTER said the 2nd paragraph of the new clause, which said that notice of any alteration in the address of a registered company should be forthwith given to the registrar and registered by him, was already contained in the 39th section of the Companies Act of 1863, and was there explained more fully. There was no necessity for having it in twice, so he begged to move its omission.

The HON. SIR S. W. GRIFFITH said the English Act provided that the memorandum of association should state which of the three divisions of the United Kingdom the registered office of the company was to be situated in, and that the company should from time to time give notice to the registrar whereabouts in that part of the United Kingdom the registered office was situated, such as at London, Liverpool, or Leeds. But in Queensland a company could not be registered out of the colony, and therefore the word "place" in the corresponding clause must mean a particular part of the colony. There was also a section in their Act which said a company must from time to time give notice of a change in the locality of the registered office, so that there was an apparent inconsistency, and the words the hon. member proposed to omit were really necessary, as they would remove a doubt.

Amendment put and negatived.

On clause 46—

THE POSTMASTER-GENERAL moved that the word "power" in the 8th line be omitted, and the word "period" be inserted.

Amendment agreed to.

On the motion of the POSTMASTER-GENERAL, the House resumed, and the CHAIRMAN reported the Bill with further amendments.

The report was adopted, and on the motion of the POSTMASTER-GENERAL, the third reading of the Bill was made an Order of the Day for Tuesday next.

CROWN LANDS ACTS, 1884 TO 1886, AMENDMENT BILL.

COMMITTEE.

On this Order of the Day being read, the Speaker left the chair, and the House went into committee to further consider the Bill in detail.

On subsection 3 of clause 3, as follows:—

"The following provision shall be added to section fifty-five:—

> Within three months after the issue of a license, the selector must enter upon the land and take possession thereof, and thereafter, during the currency of the license, he shall occupy the land continuously and *bonâ fide* in the manner prescribed by the said Act with respect to occupation by a lessee.
>
> In the event of his failing to perform the condition of occupation hereby prescribed, the same consequences shall ensue with respect to the license as are prescribed in the case of a lease upon the like default."

The HON. SIR S. W. GRIFFITH said the subsection contained an important alteration. At present there was no obligation to occupy land during the currency of the license, but what was proposed now was that the obligation to occupy should commence within three months from the issue of the license. The period allowed was never so short under any previous Land Act, and, though he had no practical experience of taking up land, he could easily understand that a *bonâ fide* selector having taken up a selection might not be able to make arrangements to occupy it within three months. The matter was one for serious consideration.

Mr. JORDAN said he had no serious objection to the subsection, but he did not see any necessity for it. What it proposed was that the licensee or his agent should reside on the land within three months, and that if he did not do so the license would be subject to forfeiture in the same way as a lease when the conditions were not fulfilled. Homesteaders must reside personally on their selections five years before they could get their deeds, and selectors other than homesteaders must reside either personally or by agent on their selections for ten years before they could get their titles. Licensees must pay the first year's rent and the survey fees, and if they wished to secure the lease, must fulfil the conditions of improvements within three years. Though he had no objection to the subsection, as he said before, he thought that six months would be a more reasonable time to allow.

The MINISTER FOR LANDS (Hon. M H. Black) said he was prepared to accept the hon. member's suggestion. The period of three months might be considered too short within which to insist upon residence. In the Act of 1876 the period allowed was six months, and he thought that time might be allowed in the present case. He therefore moved the omission of the word "three," with the view of inserting the word "six."

Amendment agreed to.

Mr. ISAMBERT said he thought that provision ought to be made for extending the time in special cases. In consequence of drought, or any other disaster, it might be tantamount to ruin to compel a selector to reside on his selection within six months of the issue of the license, and he thought the Governor in Council or the Land Board should be empowered to extend the time in special cases.

The MINISTER FOR LANDS said he thought six months quite sufficient to meet the requirements of selectors. If such a proviso as the hon. gentleman suggested were put in, the subsection might as well be omitted. He did not think those continual references to the Land Board tended to any useful purpose. It was well known that in any special case where it was shown to the Minister that through unavoidable circumstances a selector had been unable to occupy within three months, the concession had always been granted, and always would be.

Subsection, as amended, put and passed.

On subsection 4, as follows:—

"Section fifty-eight shall be read and construed as if instead of the word 'thirty' inserted therein the word 'twenty' had been therein inserted."

Mr. JORDAN said he hoped the Minister for Lands would not insist upon that alteration, which proposed to reduce the length of the lease for grazing farms from thirty to twenty years

The pastoral lessees with vast runs of 1,100, 1,200, or 1,300 square miles had a tenure of twenty-one years, and he considered that the period should not be altered in the case of grazing farms. He would endeavour to explain to the Committee what his views were upon that question, though he was afraid his voice was so very weak that he would hardly be heard; but he craved the indulgence of hon. members for that. The Act of 1884 was framed to lessen the vast extent of country occupied by the pastoral tenants of the Crown, and there had been special reasons for doing so. The colony had advanced, millions of money had been expended in making three great trunk lines of railway to open up the vast pastoral interior, and one of the principal features of the Land Act of 1884 was to lessen the areas of those runs, and to increase the rents. But it not only was intended by that Act to increase the rents paid by the pastoral tenants of the Crown, but to provide for an increasing rental by introducing a new system of leasing the land, which would be much more profitable than the system which had been in existence from the beginning of the colony up to the period when the Act of 1884 came into operation. It was thought very desirable that the large properties should be divided—not simply for the purpose of dividing them, but in order that they might realise something like close settlement under pastoral occupation. Generally, they talked of close settlement in connection with agriculture, but there was a very important part of the question of close settlement connected with pastoral occupation, and one of the great objects of the Act of 1884 was to create small squattages, to induce persons to adopt a better system, instead of the old wasteful, extravagant system of vast areas—to adopt a more scientific system of occupying the land for pastoral purposes—and it was thought that if persons had limited areas it would be much better. In the first place, it was thought that the pastoral tenants of the Crown would be willing to give up large areas of their runs for close settlement if certain considerations were given them, and they were offered something like indefeasible leases for their runs, and compensation for improvements at the end of the term, on condition that they gave up portions of their runs. Those portions were to be resumed for close settlement, and they should be allowed to lease the remainder at the old infinitesimal rent—averaging 9s. 4d. a square mile, or less than three-quarters of a farthing per acre. The great bulk of the squatters—from 75 to 80 per cent.—had voluntarily come under the operations of the Act of 1884, and had given up portions of their runs. He thought that about 40,000,000 acres had been resumed for close settlement, which had been voluntarily given up by the old pastoral lessees. For a year or two, of course, the Act could not come into actual operation, because there was a long process to be gone through. The pastoral tenants of the Crown had first to make application to come under the Act of 1884. Then the dividing commissioners had to visit the runs, and recommend certain divisions. The board had to consider their reports, and then they had to proceed to make the divisions in the local court. There was not only that to do, but there was also the fact to be remembered that after the passing of the Act of 1884, there had been a succession of droughts for three years, more severe than any droughts in the history of the colony. During last year, terminating 31st December, 1888, however, no less than 1,390,038 acres had been taken up in small squattages, the holders having the right of a thirty years' lease. That was the great inducement to that class of settlers. From calculations he had made from the tables in the report of the Lands Department for the year 1888, he had found that those squattages were not large, the average area being 5,472 acres; and he thought it would be satisfactory to the Committee to know that the rents for those small squattages were very much more than the rents paid previously. Hon. members on the other side had often said that the rents paid by the grazing farmers were very little more than the rents paid by the pastoral tenants of the Crown. By turning to table 30, on page 32, of the report of the Under Secretary for Lands they would find that the average rent paid by the pastoral tenants of the Crown, before the Act of 1884 had come into operation, had been 9s. 4d. a square mile for the available country, which was less than three-quarters of a farthing an acre. Then by turning to table 19 on page 17 of the report they would find that the small grazing farmers were paying a very large rent. He had been very much pleased to find that the minimum rent paid was three farthings an acre, while the average rent was five and a-half farthings. Hon. members would find on looking at that table that several of the rents were 2d. an acre instead of the three-quarters of a farthing paid by the old squatters. Many of them were 1½d. per acre, and the minimum, as he had said, for one grazing farm was three farthings, the average being 5·42 farthings. That could also be verified by reference to table 16, where it would be seen that for the 1,390,038 acres taken up as grazing farms last year, the amount of £7,859 was paid as the first year's rent, and that was, as he had said, at the rate of five farthings per acre. That was just eight times as much as the rents paid under the old system, and yet how often had it been said that persons taking those farms of from 2,560 acres, or four square miles, up to 20,000 acres or thirty-one and a quarter square miles, were paying very little more than was paid by the pastoral lessees under the old squatting system? Yet it was seen from those figures that they paid eight times as much. As he had said, about 40,000,000 acres had been resumed for close settlement, so far as the process under the Act of 1884 had been completed. It was still going on and he did not know what it would come to when it was completed, as they had only one-half the area of the colony included in the first schedule. So far as the process was completed at present they had 40,000,000 acres resumed and ready for the new and better system of squattages, paying eight times the rent paid before. Not only that, but it was an increasing rent. The thirty years' lease provided for four increases in the rent. The increase for each period could not be more than 50 per cent. of the rent for the preceding period, but what would that be. In some cases the rent was 2d. per acre. From the first to the end of the tenth year the rent would be 2d.; from the tenth to the fifteenth year the rent would be 3d.; from the fifteenth to the twentieth year the rent would be 4½d.; the third increase would bring it up to 6¾d., and the fourth increase to 9⅝d., or more than four times as much as was paid in the first period of ten years. He repeated, in the existence of the thirty years' lease there would be four increases, making the rent more than four times what it was now, at 50 per cent. on each increase. The average was now five farthings, and it would be then four times as much, so that instead of realising £7,859, as was shown by the first year's payment, the amount realised would be £31,436. What would be the result if they had those 40,000,000 acres occupied? He did not say how soon they would be occupied, but he did say, that if after the succession of disastrous seasons they had had since the Act came into operation, and after the misrepresentations

of the Act that had been made, and deliberately made in the public papers, and by parties opposed to it, such a result had been achieved, they need not have to wait long to have the 40,000,000 acres occupied. The Act had been called a "revolutionary Act," and he was thankful to say it was a revolutionary Act. It had done away with the old system of leasing vast areas at three-fourths of a farthing per acre, with the old wasteful system and the aggregation of large estates; and he thought it would be a terrible blow to dummying, and it gave the greatest facilities for the occupation of small squattages at eight times the rent that was paid for the land before, and especially for the acquisition of a freehold by the farmer. Yes, he was thankful to say it was a revolutionary Act. It had effected a great revolution in the land legislation of the colony, such as had been demanded five years ago in New South Wales, and such as they would have been delighted to realise in that colony on the lines set out in the very wise recommendations of the commission appointed there to inquire into the operation of the Land Act in that colony. If they could conceive the possibility of those 40,000,000 acres, which were actually resumed and in the hands of the Government, being occupied, what would be the result? He might mention that the squatters were still paying rent for that land, because they were allowed to retain the resumed portions until they were opened for selection. They paid about double the rent they were paying before on the portion of the runs they held on lease, and, on the resumed portion, until it was proclaimed open for selection, they paid the old infinitesimal rent. Suppose they realised the occupation of that 40,000,000 acres upon the new system of small squattages, what would be the result? He had been spoken of as a very sanguine man, and so he was, and he did not get any less sanguine as he grew older; he meant about the future of the colony. The more he knew of the colony, the more he studied its history, the more he thought of what had been done as regarded the administration of the lands, and what had not been done in the past, the more sanguine he was about the future of the colony. He knew something about land occupation because he had been, for six years, Agent-General for Immigration in England. He was satisfied that if the system of small squattages was well known in the other colonies, the resumed lands he had spoken of would quickly be occupied, and he was still more satisfied that, if proper means were taken to make that system known in Great Britain, they might, even in a few years, get those 40,000,000 acres actually occupied. Why, a thousand people a day went away from Great Britain, and most of them were small capitalists going to the United States; and if the system of small squattages prevailing in the colony was made thoroughly well known in Great Britain, he was satisfied they would not have to wait long to have those lands, which were now actually thrown open for occupation, and waiting to be occupied—fully occupied—by small capitalists from England. They had had all this vast colony occupied in pa toral occupation in the course of twenty-five years. Was it not a wonderment that this vast country, with its 427,000,000 acres of land, should be occupied for pastoral purposes in such a time. He said that if the admirable system of small squattages was made thoroughly known in Great Britain, although the rents were eight times as much as under the old system, those 40,000,000 acres of land would quickly be occupied. He knew the Agent-General now was too great a man to promote emigration. He was something like the Imperial Commissioners for Emigration in the old times, of whom it was said, in the House of Commons, that they were persons who did not promote emigration to the colonies, but who controlled it, and rather checked it than otherwise. There were other means, however, besides the Agent-General, of making the system known in England, and he believed that if the "Queensland Guide," which was recommended by the present Minister for Mines and Works, and first published by the Hon. Patrick Perkins, when he was Minister for Lands—if the present edition of the "Queensland Guide," or rather an improved edition of it, were sent to England and circulated in thousands, or hundreds of thousands if they liked, at a very low price, say, 1s., then, he believed, those 40,000,000 acres of land would be speedily occupied. What rent would they bring in then? They would provide 4,000 of those small squattages of an average of 10,000 acres each. He had said that the average at present for the last year, was only 5,472 acres, but, even if they put it at 10,000 there would be 4,000 of those small squattages to be disposed of. The rent of 10,000 acres, at five and a-half farthings per acre, would be £57 5s., and those squattages would bring in a revenue, for the first ten years, of £229,000 a year. For the fifth period that would be multiplied four times, and during the last five years of the twenty years' lease, it would bring in no less than £916,000. In expressing his belief that these 40,000,000 acres of land might be speedily occupied, he must be understood to mean that that would be done if effectual means were taken to make the facts known to the people of Great Britain. If that were done he believed that before many years were over all that country would be closely settled, and then, during the last period of the thirty years, the colony would have an annual income from that source of £916,000. Another objection raised by Ministers was that vast areas were being taken up without any conditions of improvement, except such as would secure them still larger areas. The words of the Vice-President of the Executive Council were these:—

> "Now people can get enormous areas of land on long lease. They are not obliged to improve it except to such an extent as will enable them to get a longer lease."

He confessed he did not understand that. The hon. gentleman was speaking of those grazing farms the leases for which it was now proposed to reduce from thirty to twenty years. Could they suppose it possible that people would go on to those farms, and pay eight times as much rent as the old squatters had to pay, unless they had some inducement thrown out—the inducement of a long lease? He would take the largest area that could be taken up, 20,000 acres. An oblong block of land eight miles long by four miles wide would represent thirty-two square miles, and would require twenty-four miles of fencing; and that, at £60 a mile, which he supposed was a fair estimate of the cost of fencing on a sheep farm, would amount to £1,440. So that he did not understand the hon. gentleman's remarks that those vast areas could be taken up without any condition of improvement except such as would secure a larger area. They could not retain possession of those small squattages unless they fulfilled the conditions of improvement. It had been said that those lands were being dummied. He believed there was no proof of that whatever. The only case that had been adduced in the House he had referred to before. At Aramac nine gentlemen, members of two families, took up between them 119,010 acres of country. Even supposing those gentlemen were dummying, let the Committee see what they had to do. 119,010 acres of land

represented 186 square miles of country. By enclosing the land in a ring fence and cross fencing they would divide it into nine farms. But supposing they divided it into only six farms of 20,000 acres each, how much fencing would be required, and how much would it cost? It would require 94½ miles of fencing, which at £60 a mile would come to £5,670. Suppose they took half the cost of that—dropping the odd £70—for labour which would be £2,800, that sum would employ ten men at 36s. a week for three years. He repeated that, because it was the only instance that had been adduced of what had been called dummying; and he wanted the reading public—those who read *Hansard*, which included a great many working men and men settled on the land—to understand what was called dummying by the hon. gentlemen who occupied the Treasury benches. Those men paid eight times the old rents, and they had to go to all that expense besides. As he had said, the fencing of those six farms would employ ten men for three years at 36s. a week. Supposing all the land taken up for grazing farms last year only—1,390,038 acres—were to be fenced in—and the persons who took it up had to pay for the fencing before they got their leases—it would employ 120 men for three years at 36s. a week. And if they did it in twelve months it would employ 360 men at the same rate of wages. He wanted the public outside to understand how much employment that would give if vast quantities of that land were taken up. Would not that be a benefit to the country? But that was only the fencing. When a man had enclosed himself within a ring fence he must sink for water or make dams; and in many instances he would do what had been done largely in New South Wales on those limited areas, he would grow winter feed for his cattle, and the colony would obtain that close settlement which had been often advocated by the Vice-President of the Executive Council before the public—settlement by families—settlement which would employ a large number of men carrying on the work not on the old wasteful system, but on the more scientific system which was so strongly advocated by the hon. member for Barcoo. That was what he wanted to see in operation, and it was in operation—in very successful operation—he was thankful to say. Having studied those tables most carefully, he challenged anyone to show that his conclusions were incorrect. He repeated that the present proposal was to destroy that system. Would men pay eight times the old rent, and spend all that money, if they were not to have some consideration for it? Could they put any other interpretation on the proposed alteration than that the present Ministry wished to destroy the system? He hardly liked to say destroy it, because he did not think the Minister for Lands wished to destroy it, but he (Mr. Jordan) did not think he had carefully studied the question. But let them now consider this. By the 31st section of the Crown Lands Act of 1884 it was provided that the resumed portion of a run might be retained by the original pastoral tenant at the old infinitesimal rent; it might be thrown open for selection, but if not taken up for settlement as grazing farms the inevitable result would be that that vast area—40,000,000 acres of land—would go back to the possession of the pastoral tenants at the old rent of three-quarters of a farthing per acre. He thought that would be most undesirable; therefore, he hoped the Minister for Lands, if he did not wish to destroy that portion of the Act, would waive that clause and let the scheme have a fair trial. It was to a certain extent a failure during the first year for the reasons he (Mr. Jordan) had given, but last year it had been a great success, and he was satisfied that it would be a still greater success as time went on. He therefore hoped that the law would not be changed, but that the term of the lease would remain as it was at present—thirty years.

Mr. CROMBIE said the question before the Committee was not about fencing or squatters' leases, but whether the leases of grazing farms should in the future be for thirty years or for twenty years. Of course, the leases that had been granted were for thirty years, and he did not see why the new leases should not be for that period also. Those selectors were a very desirable class of men; he was sure that they deserved everything the legislature could do to help them; and to reduce their leases would be very detrimental to them. He had had five-and-twenty years' experience in the Western districts; during that period he had experienced twelve droughty seasons; every one of those bad seasons put the squatter back, and it would be the same with those grazing farmers. Presuming that the seasons continued as they had done during the last twenty-five years, that would give them eighteen good seasons and twelve bad ones, and under those circumstances he was satisfied that a thirty years' lease was none too short for those grazing farms. A good deal had been said about locking up the lands from the people, but he did not think they would be locked up from them. During the last twenty-five years the seasons had not improved; in fact, he thought they had got worse than they were twenty-five years ago; and, judging by the past, he did not think they would improve very much during the next twenty-five or thirty years, so that the land would be no more valuable than it was now, because it would not carry any more stock. The chances were that it would carry less, so that it was absurd to talk about it being locked up from the people. There was yet the whole of the lands outside the schedule, and when the squatters leases fell in at the end of twenty-one years there would be plenty of land for everybody. Therefore let those people have leases for thirty years; there would be plenty of land for those who come afterwards. If it was at all probable that they would be able to use the land for agriculture, he would say, "Do not lock it up for thirty years;" but he saw no prospect of that. In the first place, the seasons were against it, and, in the next place, distance from port was against it. He should be very sorry to start agriculture on such land, especially when there was good land and more suitable climate on the coast. He should oppose the reduction of the term of the leases, and hoped the Minister for Lands would see his way to withdraw that subsection.

Mr. MURPHY said he had always opposed the reduction of the leases of grazing farms from thirty to twenty years, on the same grounds that he had always advocated long leases to the squatters. Anyone who knew anything at all of the dry arid lands in the Western country must know that unless a man got a long lease it was not worth while touching the land at all. The squatter's lease was quite short enough now, and to reduce the length of tenure of grazing farms from thirty to twenty years would be handicapping the selectors of those lands very heavily. He should therefore oppose that subsection, and divide the Committee upon it if necessary. He hoped, however, that the hon. gentleman in charge of the Bill would withdraw it. In doing so he would be doing only what was right and fair and just, so far as grazing farm selectors were concerned.

Mr. MELLOR said to frame a Land Bill that would suit all the conditions of the colony was a very difficult matter. He thought

twenty years' tenure in the settled districts was quite long enough. He was perfectly satisfied that a great deal of land that had been thrown open to selection as grazing farms would be agricultural land long before the thirty years expired. People were asking for railways in various directions, and it was well known that it would not pay to take railways where the lands were locked up for thirty years in grazing farms. Where the land was good it should not be locked up for so long as that. It had been argued that the squatters in the Western districts had got twenty years' leases, and therefore grazing farmers should get the same; but squatters in the settled districts got only ten years, while grazing farmers got thirty years. He felt confident that to lock up the land in the settled districts in large areas for thirty years would be a great mistake. It would be wanted for close settlement in less than that period. A great deal of good land had already been let as grazing farms. He was speaking from experience. He knew what the lands in the settled districts were, and he knew they would be wanted long before the thirty years expired.

Mr. HODGKINSON said if all the land now held as agricultural land were cultivated, instead of importing produce they would have a surplus, and he did not think there was the slightest fear of any such evil arising as that mentioned by the hon. member for Wide Bay. He thought an opportunity was afforded them that evening which they should take advantage of without hesitation. Two hon. members, who spoke with authority on the pastoral interest, had signified their opposition to that subsection, and he was certain it did not require very much more pressure to induce the Minister for Lands to withdraw it. If they attempted to take a vote on the question he (Mr. Hodgkinson) was perfectly satisfied that a large majority would show that they fully agreed with every word that had fallen from the hon. member for Barcoo and the hon. member for Mitchell. But he hardly thought it was necessary to go to a vote. He believed the Minister for Lands was only waiting out of pure courtesy to give hon. members an opportunity of airing their sentiments, and was really ready to withdraw the subsection at once without debate. He (Mr. Hodgkinson) at any rate would not debate the question.

The MINISTER FOR LANDS said on the second reading of the Bill he gave the reasons that induced him to insert that subsection reducing the term of the leases for grazing farms from thirty to twenty years. He was still of opinion that it would be judicious to reduce the term. To lock up, as they were doing, huge areas of some of the most valuable lands of the colony for practically a lifetime, even though, as the hon. member for South Brisbane had said, they received an increased rental for them, was a most injudicious and pernicious policy, which would be condemned in future years. Thirty years was, in his opinion, too long a lease, but he was quite prepared to defer to the wishes of the Committee if they said it was not too long. He thought the late Minister for Lands himself and the Government of which the hon. gentleman was a member really held the opinion that thirty years was too long.

Mr. JORDAN: No; never!

The MINISTER FOR LANDS said how was it then that the late Government were so reluctant about throwing lands open for selection as grazing farms? During their term of office only about half a million acres had been thrown open as grazing farms.

Mr. HODGKINSON: The seasons were not propitious,

The MINISTER FOR LANDS said the seasons were quite as propitious as the season was last year, and during the year 1887 only 513,759 acres had been thrown open for selection as grazing farms, while last year, under a vigorous administration of the Land Act, which he desired to give a fair trial, there were thrown open and selected 1,390,000 acres—nearly three times as much as the late Government threw open in 1887. He believed that the reason why the then Government did not throw more lands open was that they believed it would not be a judicious policy to lock up large areas of land in that way for such a long time. He could quite understand pastoral lessees speaking in favour of thirty years' leases, and had no doubt that if the term had been made forty, or even fifty years, they would have supported it because they knew into whose hands the lands would eventually fall. The hon. member for South Brisbane, Mr. Jordan, had referred to the lands taken up by Melbourne people in the Aramac district. Was there no significance to be attached to that circumstance? Were those lands not in some way connected with the pastoral tenants in those districts? He knew of some cases in which attempts had been made by squatters, through the medium of grazing farmers, to regain parts of the resumed portions of their pastoral holdings. That was a well known fact, and he would not be a bit surprised if they had proposed to increase the thirty years' leases to fifty years to find that the proposal met with the support of the pastoral section of the community. When that amending Bill was introduced he stated that he desired to make the Land Act of 1884 as effective as possible without departing from the principle of the Act, and he gave the reasons why he considered twenty years was a sufficiently long lease. It had been stated that the pastoral leases were for twenty-one years. The reason was obvious. Pastoral lands were re-assessed every seven years, that was three times during the currency of the lease. Grazing farms were re-assessed every five years; therefore four fives made up the term of twenty years. Of course if considered advisable to make the leases the same length as the pastoral leases they could add another year and the last assessment would be at the end of six instead of five years. If it was really wished that the law should stand as it was he would defer to the opinion of the Committee. At the same time he had candidly stated why he thought the proposed alteration would be judicious.

Mr. TOZER said he stated on the second reading of the Bill that he intended to vote for that subsection, and he intended to do so still.

Mr. GROOM said he intimated on the second reading of the Bill that he intended to vote for that subsection, and he was still of the same opinion. He objected to lands being locked up for such a long period. Some of the finest lands in the Burnett district, which he was certain would be wanted in the course of twelve years or so for close settlement, had been unjustly and unnecessarily locked up for thirty years. If the Minister for Lands divided the Committee on that subsection, he should vote with him, and, in doing so, he would simply be carrying out views that he had held for a long time. He endorsed every word the hon. gentleman had said. Before very long there would be a hue and cry at the way the land was being locked up by those leases, more particularly where large areas were so leased. They would never have close settlement, in the ordinary acceptance of the term, by leasing large areas for such long periods. That was his opinion from a long experience in the colony, and he should vote for the amendment in the Bill.

The HON. SIR S. W. GRIFFITH said he had listened with very great regret and surprise to the speech just made by the hon. member for Toowoomba. He (Sir S. W. Griffith) certainly thought that if there was one part of the Land Act of 1884 that had been generally accepted, except by a section of the extreme squatting party, as most beneficial to settlement throughout the country, it was that which provided for thirty years' leases for grazing farms. That was the part the old ultra-squatting party always objected to. Ever since he had been a member of the House they had said, "Why should we give up our land for other graziers? They are no better than we are." The answer given them was, "There will be ten of them for one of you." That new system was introduced after many years' struggle, and it had now become extremely beneficial in its operation. They found that close settlement was going on in all parts of the colony; it was putting the land to its best use, whereas squatting was not putting the land to its best use. There was no alternative between those leases and leaving the land as it was for a great many years to come. It was either leaving the lands in the hands of the present squatters at the old rents, or using it for the closest settlement it was capable of. The proposal of the Minister for Lands was to leave it in the hands of the present squatters, because selectors would not take up land for so short a time as twenty years. Hon. members knew perfectly well that the real effect of the amendment would be to knock the grazing farm system on the head altogether. Those who believed in that system were the most concerned about the amendment, and those who had always been opposed to the grazing farm system, of whom the present head of the Government might be taken to be the representative all the years he had been in the House, would be the members found supporting the amendment. He hoped the amendment would not be carried. He did not know that any part of the Bill gave him more concern than that, because it would have the effect of wiping out a most important part of the Act of 1884. He maintained that those grazing farms were disliked and detested by the hon. gentleman at the head of the Government, and those whom he represented. The fight had been going on for years, and he hoped they were not going, after the great struggle they had had to defeat the opponents of grazing settlement in the colony, to hand back the victory they gained upon that occasion. To hand back what they had won in that struggle would be a great mistake. There were many parts of the colony where thirty years' leases might be too long; but the remedy was not to offer grazing farms in those places. If the land ought not to be locked up, then why lock it up? The Bill was introduced for the purpose of encouraging settlement under what circumstances were possible in their time. If the time was reduced the whole system would be abolished, and he hoped the amendment would not be carried.

Mr. CROMBIE said he could not understand the leader of the Opposition. The hon. gentleman must know that there were no stronger opponents to the amendment than the squatters on that side of the Committee.

The HON. SIR S. W. GRIFFITH: The old squatting party.

Mr. CROMBIE said he did not know where hey were. They must all have died out. The Minister for Lands had rather opened his eyes. He seemed to think some hon. members must have some secret motive in the way of getting hold of those selections at the end of thirty years. He did not expect to be in this world at that time. When the hon. member for Barcoo got up to speak he was afraid it might be thought there was some secret motive for the way he had spoken, but he could assure the Hon. Minister for Lands that he had no secret motive, and he was sure the hon. member for Barcoo had none either. The reason why they had spoken as they had was that they knew a great deal more than certain hon. members who had not studied the subject so well. They had a good right to know and a good right to speak, and they knew that the 20,000-acre selectors would have all they could do to prosper with a thirty years' lease, and he certainly hoped they would prosper, because as long as he had them as neighbours he wished to have prosperous neighbours. It would be all the worse for everybody if they were not prosperous.

The PREMIER said he knew perfectly well to whom the hon. the leader of the Opposition was alluding when he spoke of the old squatting party. It was to himself (the Premier) of course. But what had his action been in reference to the land legislation of the colony? He had always held, and the records of the House could prove it, that he was a thorough believer in the Act of 1869. What was the Act of 1869? It was simply six months' tenure to the squatter. That was the tenure squatters had then, and it was the tenure he thought they should have now. He had always maintained that, so far as the rentals were concerned, under the Act of 1869 they were as large as the rentals paid by the squatter under his twenty years' tenure at present. He had always held that the present tenure was an improper one, and one which would entail an enormous expense upon the colony in future. He had been no champion of the squatter; he had always tried to hold the balance between the pastoral tenant and the Crown, but when the leader of the Opposition got into power six years ago he did a great deal more. He gave on one hand an indefeasible tenure of twenty-one years, and on the other he gave to other pastoral tenants—for they were nothing else—the right of taking up land to the extent of 20,000 acres and holding it for a period of thirty years. He and others who thought with him protested against that legislation as throwing the heritage of the people into the hands of those who would do no better with the land than the former occupants had done. Would the hon. gentleman say after that that he (the Premier) was a defender of the old-fashioned squatter? If he were, all the more credit to him for trying to protect the people from having their lands taken from them and locked up for a time which might almost be eternal. He believed those lands would be so hampered with improvements at the end of the tenure that the Government would either have to pay enormous sums as compensation or give an extended tenure.

The HON. SIR S. W. GRIFFITH: I do not think you see where your argument is tending.

The PREMIER said it was tending in the direction of showing that those lands could be made almost as valuable as freeholds as the law stood at present.

Mr. MURPHY: Why shouldn't they?

The PREMIER said the hon. member for Barcoo had let the cat out of the bag. That remark showed what the effect of the legislation of the hon. leader of the Opposition would be. It was a rather unfortunate remark for the hon. member to have made. He resented the remark of the leader of the Opposition that he had been the leader of the old-fashioned squatting party. The old-fashioned squatting party had no desire, and never had, to take the lands from the people

in any shape or form. Let hon. members look at the Act of 1869, or the Act of 1876; there was no desire shown by him when passing those Acts to take the land from the people. Hon. gentlemen could not point to any section in any one of those Acts, except the permissive right of pre-emption in the Act of 1869, where he had made an attempt to take the lands from the people, and at what price?—10s. per acre. He was certain that those who bought land at 10s. an acre under the Act of 1869 would be happy to hand it back again to the Government to-morrow at the price they paid. The Act of 1884, so far as the squatters were concerned, meant locking up the land for twenty-one years, and so far as the grazing farmers were concerned, locking it up for thirty years, with the baneful proviso that, at the end of the term, compensation had to be paid for improvements. With regard to the amendment, it was only fair that the grazing farmers should be put in the same position as the men who held the unresumed portions of their runs, because the grazing farmer would use the land for no other purpose than the purpose for which it was used by the squatter. If he did not cause two blades of grass to grow where one grew before—if he did not utilise the land in any other way than the way in which it was used by the previous occupant, he should not receive any more consideration at the hands of the State.

The HON. SIR S. W. GRIFFITH: That is the old squatting view.

The PREMIER said it was not. It was not pretended by the hon. gentleman that the land thrown open as grazing farms would for many years hence be used for anything else but grazing sheep and cattle, and he did not see why the people who took up those farms should receive any more consideration than the pioneers who went out into the wilderness and opened up the country. It was not as if the land was taken from the squatter for the purpose of legitimate settlement, because the fact was that those areas of 10,000, 15,000, and 20,000 acres were dummied wholesale, and the law allowed it. An aggregation of men with their sisters, cousins, and aunts, took up 120,000 or 150,000 acres and used it for the very same purpose for which it was used before. Where, then, was the close settlement of which the late Minister for Lands spoke? There was none. All that was done was to get rid of one tenant, and put in another with a 50 per cent. additional tenure; and that was all that would happen so long as the Act remained as it stood now. That was a strong argument why the grazing farmer should be brought down to the same tenure as that held by the pastoral tenant. There was not a pastoral tenant in that Chamber who did not know that what he had pointed out had been done, and the leader of the Opposition knew it as well.

The HON. SIR S. W. GRIFFITH: What has been done?

The PREMIER said that an aggregation of grazing farmers had combined to take up a tract of land, say, six grazing farms of 20,000 acres each, with a tenure of thirty years. Did they do any better with the land than the man from whom it had been taken?

Mr. JORDAN: Yes. They pay eight times the rent.

The PREMIER said he would now deal with the rent question, speaking from memory, and his memory was pretty good on that question.

Mr. JORDAN: I am speaking from the tables.

The PREMIER said that in 1869 the land was in some instances taken up by the squatter at 10s. per square mile. Afterwards the rent was arbitrarily increased at the end of the first seven years to 25s. per square mile, and in some instances to 30s. per square mile. In many instances those who took up land in the early days were forced to come under the Act of 1869 and pay that high rent. In 1865 or 1866 squatters came in under the lower rate, but the rents of the old stations taken up by the pioneers were fixed at 25s. to 30s. per square mile, which was very much higher than the 9s. 4d. named by the late Minister for Lands.

Mr. JORDAN: I gave 9s. 4d. as the average.

The PREMIER said he was not talking of averages; he was talking about the high rents which had to be paid by the pioneers in the Western district—slightly to the north-west—and which had to be paid by them up to the present time.

The HON. SIR S. W. GRIFFITH: A pioneer?

The PREMIER said he was not talking of "a pioneer." He could ask the hon. member for Barcoo what rent he paid for Northampton Downs when he bought that run. And he could confidently say that all the pioneers in the Mitchell district, who took up stations in 1862 and 1863, had to pay very high rents when the Act of 1869 was passed, and had to pay those high rents ever since. What the late Minister for Lands said about 9s. 4d. being the average might be absolutely correct, but it was not fair to include in his average the rents paid under another Act, which enabled men to take up runs at 5s. a square mile. He thought he had shown, as far as the average was concerned, that, though it was true on the surface, when it was subjected to analysis it turned out to be very much the other way; that was to say, those runs taken up first were fixed at a very high rent, and therefore the comparison as to what was paid by the grazing farmer and the rent paid for Bowen Downs and Mount Cornish was a comparison that would not hold water, because the grazing farmer came in on much more favourable terms and with a much longer tenure. He thought it was doing a very great injustice to the country to lock up those lands for thirty years. During the past thirty years the population of the colony had increased from 29,000 to over 400,000, and no one could tell what the next thirty years might produce; and they should be very wary in locking up the lands of the colony in the way they were now being locked up. Though he was told by the leader of the Opposition that he was the representative of the old squatters, he was the representative of no old squatter. He was there as a Queenslander; all his children were born in Queensland; he had every desire that Queensland should flourish; and he warned hon. members not to lock up the country in the way it had been locked up, but try, as far as possible, to undo the locking up that had taken place in the past. It was nothing to him. He was not a squatter. He did not own an acre of squatting land in the colony, nor would he ever do so; but he protested, and he would protest as long as he had the honour of representing a constituency in that Committee, against any attempt at locking up the lands which belonged to posterity.

The HON. SIR S. W. GRIFFITH said that although the hon. gentleman stated that he would not lock up the land, yet he was willing to do so by selling it by auction. The land should be kept for posterity, the hon. gentleman had wound up by saying, and his idea of doing so was to sell it by auction! It was difficult to argue with such opinions as that. The hon. gentleman had just used the old arguments they had been hearing for the last

seventeen years—that the old squatters had been very far indeed from desiring to prevent settlement; that, on the contrary, they were always willing to encourage settlement by offering to accept a six months' tenure. That was what they always professed, but it should be remembered that they had always taken very good care that there should be no other tenure offered to anyone else which could induce anyone to take up their runs.

The PREMIER: That is not correct.

The HON. SIR S. W. GRIFFITH said that so long as there was no other possible tenure which could compete with them, it was quite a matter of indifference to them whether their tenure could be terminated after six months, or one month, or without any notice at all. For fifteen years previous to the passing of the Act of 1884, when the proposal was made to change the existing system, they had always been defeated on the same arguments. It was always said, "Why should we, who have borne the burden and heat of the day, make way for others who will use the land for the same purpose?" The Premier said the same thing now, and it had been said seventeen years back. The reason was given that the small men would only put the land to the same use as the old squatters, but the party in favour of the new system had said that if they could put twenty, thirty, or fifty men where at present there was only one, they would be doing a good thing, even though the land would still be utilised for grazing. But they should consider not the number of sheep or cattle on the land, but the fact that fifty men, instead of probably one absentee squatter, represented by a manager, would occupy the land. They were always told that the sheep and cattle would be eating the grass just the same, but the supporters of the grazing farms thought of the men and women, who, with their families, would be upon the land. What were their young men to do if they could not go out into the country to settle? They would not all go into agriculture in its strict sense—ploughing and turning up the soil—and what inducement was offered them to go upon the land? They must go and buy a part of a run from some squatter. That was the only thing before them. It was not likely that any of them would embark in grazing farms with the tenure the Government proposed to give them. It appeared as if the intention of the Government was to make the tenure such that no one would take up a grazing farm. What man would start his son in life on a grazing farm with a tenure of twenty years, with the warnings they had before them of the number of bad seasons there had been? He took a personal interest in grazing. He looked forward to it as a possible outlook for his son. He took a personal interest in it in that way, and he desired that there should be some means by which a young man might go out into the country and gain a living for himself without paying a large sum of money to some existing squatter. It was a most important thing, and one which they had been struggling for on that side of the Committee for years and years. How the Government had taken the earliest possible opportunity of trying to do away with the system. What was the good of saying that they had put the grazing farmer on a better footing than the old squatter? The old squatters had a tenure of twenty-one years, besides about twenty-one years that they had already had; and more than that, they were to be paid compensation for all improvements, and the increase in the rent was very little.

The PREMIER: They may get six months' notice.

The HON. SIR S. W. GRIFFITH said that although they might have been turned out on six months' notice no one was likely to disturb them. They knew perfectly well that they would not suffer from intrusion.

Mr. MURPHY: There was more land selected on my run under the old Act than under the Act of 1884.

An HONOURABLE MEMBER: You selected it.

The HON. SIR S. W. GRIFFITH said that the areas previously taken up by selectors in the Western districts were so small that the squatters were practically safe from intrusion. During the short time the Act of 1884 had been in operation, notwithstanding the disadvantageous circumstances, it had already shown itself to be a most beneficial one, and they also knew that a majority of the present Government detested the system created by it. They detested the system of grazing farms. Some members of the present Government had earnestly supported the late Government in carrying through that part of the Act of 1884, and he had every reason to believe that their action then was genuine and sincere; but he supposed that now they had to bow to the majority. They knew that the Government had had to compromise in other matters, and he supposed that those of its members who had honestly in 1884 supported the principle had now to yield to their colleagues, and try to undo what they had previously supported. Why could the Government not give that part of the Act of 1884 an opportunity of being tested thoroughly? It was becoming successful, notwithstanding the bad seasons, and it should be allowed a chance, instead of altering the conditions so that no one would take up the land. Who would take up a grazing farm for a term of twenty years? Of course he was not referring to the coast lands. Lands which were required for agriculture should not be put up for grazing farms. The system might be abused in some parts of the colony, but that was no reason why they should abolish it altogether, as in some parts of the colony it was the only practical way of breaking up the old squatting monopoly.

The MINISTER FOR MINES AND WORKS said the hon. gentleman who had just sat down had passed the Act of 1884 by using arguments as fallacious as those he had just used. He said without fear of contradiction that the Act of 1884 would never have been passed by any Parliament, but especially by the Parliament which had passed it, had the hon. gentleman and his colleagues not held out inducements through their expectations of large revenue from that Act, which had never been realised.

Mr. JORDAN: They will be.

The MINISTER FOR MINES AND WORKS said they had no proof that they would be, and the very fact of their passing the Act had thrown the colony into such a condition that it had placed the present Government in power.

Mr. JORDAN: Long droughts and misrepresentation.

The MINISTER FOR MINES AND WORKS said that was the old story. Inducements had been held out to hon. gentlemen to pass every clause of the Act of 1884. They were told that there would be a large revenue derived from it, and one hon. member said that it would produce two millions, while another member of the Government did not know how much it would produce. Hon. members at that time had been led astray by the arguments of the leader of the Opposition, who was then the leader of the Government, and by some of his colleagues, and they had passed the Act most cheerfully, and without

examining what the consequences would be. Now, the hon. gentleman said that the old squatters were still the old squatters, and that the Premier was the leader and champion of the old squatters. Well, he was not an old squatter nor yet a new squatter, and he certainly thought that the Act of 1869—barring the pre-emptive right, which he had never believed in—was a much better Act for the colony of Queensland than the Act of 1884, combined with the operation of the Act of 1876, for the settlement of people upon the land. The hon. gentleman had asked who would go into a grazing farm with a tenure of twenty years, because he had to make improvements. Would a man who could not go in for one with a twenty years' tenure, go in for one with a thirty years' tenure?

The HON. SIR S. W. GRIFFITH: Yes.

The MINISTER FOR MINES AND WORKS: Was twenty years not long enough to work out the improvements?

The HON. SIR S. W. GRIFFITH: No.

The MINISTER FOR MINES AND WORKS: No; and fifty years would not be long enough according to the ideas of some members. Would the hon. gentleman say how it was that the "old squatter" he had spoken of had gone in for tens of thousands of pounds in improvements with only a six months' tenure?

The HON. SIR S. W. GRIFFITH: They had their pre-emptives.

The MINISTER FOR MINES AND WORKS said he knew they had their pre-emptives, and the hon. gentleman had helped them very much with those pre-emptives, although he was not in the House when the 1869 Act passed.

The HON. SIR S. W GRIFFITH: How did I do that?

The MINISTER FOR MINES AND WORKS: Did the hon. gentleman remember the time when he passed a clause in the 1876 Act giving the squatters the power to consolidate their pre-emptives, and make those large estates which were now the bane of the country and were detested by the country? Did the hon. gentleman not recollect that he was strongly opposed on that point by several hon. members sitting on his own side, as well as by hon. members opposed to him at the time?

The HON. SIR S. W. GRIFFITH: I remember all about it. It was a personal opposition to one man.

The MINISTER FOR MINES AND WORKS said he did not know what the hon. member for Toowoomba did at that time, but he knew he had himself done so as a strenuous opponent of large estates. The leader of the Opposition had no right to speak on that question, as he had never been a Liberal in idea upon land legislation. When it suited his purpose the hon. gentleman had helped the squatters, and when it did not he held up a red rag, and made his followers believe that he was always opposed to squatting.

An HONOURABLE MEMBER: He is an opportunist.

The MINISTER FOR MINES AND WORKS: Yes; he was probably an opportunist on the question. The present law allowed those lands to be locked up for thirty years, and let them see what sort of lands they were. Were they lands that could not be devoted to anything else but grazing? Would the hon. gentleman or would any hon. member of the Committee tell him that agricultural lands, and good agricultural lands, were not being locked up?

The HON. SIR S. W. GRIFFITH: They ought not to be.

The MINISTER FOR MINES AND WORKS said it could not be helped. He said that if that land which was being locked up under the thirty years' tenure was fit for nothing else but grazing, he would not be as strongly opposed to it as he was; but knowing as he did that good agricultural land, and some of the best land, had, owing to the Act, been locked up by both Governments—the present and the last Government—he was opposed to the thirty years' tenure, and would reduce it still more than to twenty years if possible. He would do so, not because he liked squatters and disliked agriculturists, but because he looked forward to the time when the country would have to take those lands back again; when the succeeding tenant, or the State would have to pay an amount of compensation to get those lands that they would not be able to pay, and when the lands would consequently have to be allowed to remain in the hands of the individuals who had them now or in the hands of their successors. That was his objection to the thirty years' lease. He was not speaking in favour of the squatter, who would, no doubt, like a thirty years' tenure.

Mr. CROMBIE: Oh! certainly.

The MINISTER FOR MINES AND WORKS said he knew that, and he knew that never in Australia had the squatters had so beneficial an Act passed for them as the Act of 1884. They all knew it, and for that reason he had done his best to prevent the passing of that Act, and he would do it again and more strongly; he believed he would stonewall and prevent its passing by taking every opportunity afforded by the rules of the House. It had been a most pernicious Act in that respect. Look at the land now being locked up even in the Western country; could they say what it would be thirty years hence? Look at the population to which they had increased in one generation. If they increased their population in the same proportion—and he saw no reason why they should not, but rather, in fact, a reason why they should increase in a greater proportion—if they increased in the same proportion as they had done since 1860 that Western country, where the 20,000-acre blocks were being taken up—land which no one could estimate the capabilities of—would be required for close settlement. They did not know what irrigation would do for those lands when they came to tapping the resources underneath the surface. He said that if they were to increase their population in the same proportion, long before the thirty years were up, or even fifteen years, the people would be crying out for those lands for what would be actually close settlement. The settlement of one man upon 20,000 acres of land was not close settlement, whatever term the hon. member for South Brisbane might choose to apply to it. They knew for a fact that large estates were being aggregated in the way pointed out by the leader of the Government, and if the leader of the Opposition did not look upon the Act of 1884 as his especial pet lamb, he would know it also, and would confess it. The hon. gentleman could not see anything wrong in the Act of 1884, any more than a mother could see anything wrong in her own child. He considered that Act his own pet lamb, and would not allow any other sheep of the flock to bleat at it. He (Mr. Macrossan) hoped the hon. member would not carry his opposition against the proposed alteration of the section any further. The hon. member for Toowoomba had been, in the House and out of it, as strong an advocate for the settlement of the people upon the land as ever the leader of the Opposition had been. That was a fact which

every member of the Committee must admit, and when the hon. member for Toowoomba was in favour of the amendment, it ill befitted the leader of the Opposition to talk about it being a squatting attempt, to reduce the tenure from thirty to twenty years.

The HON. SIR S. W. GRIFFITH : It is that all the same.

The MINISTER FOR MINES AND WORKS said he did not think it would be said that either the hon. member for Toowoomba or himself were squatters. They had never been connected with squatters, and he believed they were both in earnest in trying to get true settlement upon the land, and prevent the lands of the colony being locked up. It might be a very disagreeable term in the mind of the leader of the Opposition, but it was the proper term to apply to it, because the land was locked up, and must remain so for thirty years. He was strongly opposed to the locking up of the lands for thirty years, and he would vote as freely for the reduction of the term to fifteen years as he would for the reduction of the term to twenty years.

Mr. GROOM : So would I.

The MINISTER FOR MINES AND WORKS said the Government considered that twenty years was better than thirty years, not because they were squatters, but because they thought it would, to some extent, prevent the locking up of the land. Hon. members were free to vote as they liked on the question, and those who thought the thirty years' lease was preferable could vote for it.

The HON. SIR S. W. GRIFFITH said he would say a few words, not by way of answer to the hon. gentleman who had just spoken, but in order to correct him upon a matter of history. The hon. member had said that he (Sir S. W. Griffith) could not claim to speak as a Liberal in land legislation, as compared with hon. gentlemen opposite. That was also, he thought, a matter of history, and hon. members would, no doubt, form their own opinions upon it. The hon. gentleman had said that in 1876 he (Sir S. W. Griffith) had been a party to the extension of the pre-emptive system, which was strongly opposed by the side of the House on which the hon. member then sat.

The MINISTER FOR MINES AND WORKS : Strongly opposed by me, and by some members on your own side.

The HON. SIR S. W. GRIFFITH : In the Act to which the hon. member referred, the Railway Reserves Act, it was proposed that when a squatter's run was taken from him, or a considerable part of it, under the provisions of that Act, and he was entitled to pre-emption on various runs, he might take it all up in one block. That appeared to him still to have been of great advantage to the country, because, instead of enabling the squatter to pick out the eyes of the country, in ten or twenty different runs, he had to make his castle in one place. The hon. gentleman said he had no right to pose as a land reformer, because once a Government, of which he was a member, made a provision to promote the formation of large estates. He (Sir S. W. Griffith) was giving the true history of the matter, and he said that under those circumstances they thought it in the interests of the country that a man should take up the whole of his pre-emptives in one place, instead of picking out the eyes of several runs. And that was opposed, not from any opposition to the system, but from personal animosity to one member who then supported the Government, and who was known to be desirous of taking advantage of it. That was a notorious fact. Advantage was taken of the law in, he believed, half-a-dozen instances. On that slender ground new members were invited to believe that all his past land legislation was for the aggregation of large estates.

The PREMIER said it was only fair to point out what really did take place with regard to the Railway Reserves Act. Certain individuals had acquired pre-emptive rights under the Act of 1869, and they were compelled—they had no other means of getting the land—to take up isolated blocks of 2,560 acres each on different runs. In one case nearly 40,000 acres were taken up in that way, from the runs included in the railway reserves. What happened then was that the Government, of which the hon. gentleman was a member, put up those lands to auction at a price up to 30s. per acre.

The HON. SIR S. W. GRIFFITH : That is another thing altogether.

The PREMIER said he was talking about the Railway Reserves Act, and showing how the Government, of which the hon. gentleman was a member, behaved to the unfortunate pastoral tenants who had taken up pre-emptives under the Act of 1869. As he was saying, those lands were put up at auction at a price ranging from 20s. to 30s. per acre, and in the particular instance to which he was alluding, the average certainly approached the higher figure. The unfortunate lessee of that country was compelled either to buy that land or to see his pre-emptives rendered valueless, and he was blackmailed on that occasion, at the beck and call of the hon. gentleman and his party, to the extent of over £90,000. The result was that one of the biggest estates in the colony was aggregated—an estate which probably, if cut up now, would soon be covered with fairly flourishing homesteads. On two adjoining properties the same state of affairs prevailed. That was the way in which the hon. gentleman preserved the land for the people, and if the hon. gentleman posed as a land reformer on those facts—which the country should have before them—he failed egregiously.

Mr. SALKELD said the Premier had made a mistake in saying that the leader of the Opposition was not in favour of land settlement, because he had given the squatters a twenty-one years' lease of the unresumed portions of their runs. The Act of 1884 gave them a fifteen years' lease, and an amendment was carried in 1886—against the wishes of the Government and a majority of their supporters, and with the assistance of the then Opposition almost in a solid body—giving them an additional six years. The Minister for Mines and Works had just stated that if he could, he would make the tenure for grazing areas fifteen years instead of twenty years. How did the hon. gentleman square that with his action in 1886—for he presumed the hon. gentleman voted for that amendment—in favour of increasing the squatters' tenure from fifteen years to twenty years?

An HONOURABLE MEMBER : He did not vote for it ; he voted against it.

Mr. SALKELD said he was under the impression that the hon. gentleman voted for it, but if it was not so he would withdraw his remark. A great deal had been said about locking up land. It was marvellous what ideas some people had about locking up land. Under the grazing farm clauses of the Act of 1884 it was provided that the Government of the day could proclaim land open for selection in any district, and the Minister for Lands said that a lot of that land would be required for close settlement before twenty years were over, which was now locked

up. But why did not they stop it? Why did they not prevent any more land from being proclaimed in the settled districts, which was likely to be required within twenty years? It was not likely that land in the West would be required within that period. Did the hon. gentleman mean to tell them that all the land fit for agriculture in the settled districts along the coast line would be taken up in thirty years? He entirely disbelieved it.

An HONOURABLE MEMBER: It is all gone now.

Mr. SALKELD said he did not think it was all gone in the Central districts. The grazing farm clauses of the Act provided that the State should receive a largely increased rental for the land; that the leases should be for thirty years, and that the rents might be revised at the end of ten years, and every five years afterwards, and could be increased to the extent of 50 per cent. The Ministry had kept that all in the background; they had never referred to the vital part of the argument that those were the strongest reasons for giving the extended time. He remembered a case where nine persons took up 119,000 acres of land, and the strongest argument brought forward against the grazing farm process was that so much land should be locked up, and all the rest of it, but the facts as disclosed by the late Minister for Lands disproved altogether the allegations with regard to locking it up. They proved that the State received a largely increased rental, that a certain amount of improvements had to be done, that every holding had to be occupied, and that the rents could be increased at the end of ten years. The remedy for any mistakes that might be made under the Act in the settled districts, or wherever land was likely to be required for agricultural purposes, rested in the hands of the Ministry at the present time. That remedy was to look ahead, and not throw open land for grazing farms in places where it was likely to be required for close settlement within thirty years. His impression was that the reduction of the leases from thirty to twenty years would prevent a very large quantity of land from being selected, and the result would be that it would remain to be taken up under occupation licenses at a mere nominal rental. He believed that the grazing farm clauses of the Act of 1884 were beginning to be appreciated and promised to be far more successful than anything else they had had in the past, and to reduce the term from thirty years to twenty would paralyze the operation of the system. He therefore hoped the Committee would refuse to reduce the term of the lease.

Mr. JORDAN said in reference to the remarks that had been made about throwing lands open as grazing farms, he wished to state that in all cases he had, when in office, ascertained as far as possible whether such lands were likely to be required for settlement before throwing them open. He remembered one case in particular in which one of their most intelligent dividing commissioners, Mr. Gibson, sent in a very interesting and elaborate report upon thirteen consolidated runs in the Southern portion of the colony, between Mungindi and St. George. They contained nearly 4,000,000 acres, and from the description of the dividing commissioner he (Mr. Jordan) was satisfied that a very large proportion of it was land of superior quality. He requested the dividing commissioner to call at the Lands Office, and the result was that they had a long conversation. That gentleman described much of the land as being very fine chocolate-coloured soil, permanently watered. He (Mr. Jordan) asked him if a good deal of it was not suitable for agriculture. He replied that it was, but that there was no agricultural settlement there, and if it was proclaimed open to selection as grazing farms it would be at once taken up by people from New South Wales. He (Mr. Jordan) said they must be careful that it was not proclaimed open on thirty years' lease; but that they should try and retain alternative blocks, so that it would be available for settlement when required. He gave instructions to that effect, and the land was not proclaimed as grazing farms while he was in office. The Minister for Lands had said that he (Mr. Jordan) was unfavourable to thirty years' leases when he was in office, because he was very tardy in getting land thrown open for settlement. In that the hon. gentleman was labouring under a great mistake. Whilst he was Minister for Lands, he gave particulars in that House of all the land brought under the Act, all that had been dealt with by the board, and all that had been thrown open for settlement; and if his memory served him the area then thrown open for selection as grazing and agricultural farms was 12,000,000 acres. There were necessarily some delays during the first year or two, but the work was carried on with all possible expedition, and the hon. gentleman was in error in saying that it was not proceeded with as rapidly as possible. If the Premier would refer to the tables attached to the report of the Lands Department, he would see what he (Mr. Jordan) had stated was correct. He was speaking of the average rent paid by the pastoral tenants, he was comparing it with the average rent paid during 1888 by holders of small grazing farms, the latter being five and a-half farthings per acre, while the average rent of pastoral tenants outside the schedule, under the old system, was 9s. 4d. per square mile. Table 19 showed that some rents of grazing farms were 2d. per acre, many 1½d. per acre, and only one ¾d. per acre. That table showed that the average rent now paid for grazing farms was eight times as much as the average rent that was paid by the pastoral tenants under the old system, as proved by table 32 in the report of the Lands Department for 1888. He would ask the Premier, and the Minister for Lands, and the Minister for Mines and Works —and the latter could always make out a good case, however bad it was in itself intrinsically—whether they thought those 40,000,000 acres which had been resumed for close settlement would be extensively occupied by people paying eight times as much rent as was paid before, if the term of the grazing farm lease was reduced from thirty to twenty years? He did not think they would. If the proposed change was made there would be nothing like 1,390,038 acres taken up, as there was last year. It was most unreasonable for hon. gentlemen to repeat the old exploded statement that squatters would form a ring to take up those farms when they had to pay eight times as much rent as was paid before. The thing was too ridiculous, and he wondered that hon. gentlemen were not ashamed to repeat the argument. The hon. member for Toowoomba talked about locking up vast areas of land for thirty years. But what were those vast areas? Whereas the old squattages averaged about 200 square miles in extent, those "vast areas" were about nine square miles on the average. There were no vast areas locked up, and if the proposed change was made the grazing farm system would be stopped. As to throwing open land suitable for agriculture for selection as grazing farms, if any Minister for Lands did that it would be his own fault, and he would be accountable to the country for it. The Minister for Lands had the matter entirely under his own control, and none of the rich lands in the settled districts should be proclaimed open to selection as grazing

farms. He (Mr. Jordan) had been particular in that matter, and very many cases submitted to him he rejected. He was sorry he had occupied so much time of the Committee; but he felt very deeply on the subject, and wanted to see those 40,000,000 acres of resumed land occupied, improvements made on them, and men employed in making those improvements. If those 40,000,000 acres were occupied at the present rents of 5¼ farthings an acre they would bring in £229,000 a year, and with the advanced rents in the last period they would bring in £916,000. The Premier had said that those small squatters would not make two blades of grass grow where only one grew before. He (Mr. Jordan) was of an entirely different opinion; he believed they would make five or six grow. They would pay eight times the rent paid before, the holders would have to spend a great deal of money on improvements, and if the land got into the hands of intelligent men with some capital—and it was only such men who would take up those lands—they certainly would make two blades of grass grow where only one grew previously.

Mr. ALLAN said he rose to refer to a remark made by the hon. member who had just sat down. The hon. member alluded to a report made by Commissioner Gibson on country on the border of New South Wales, and said Mr. Gibson stated that the land was well suited for agriculture. No man had a higher opinion of Mr. Gibson than he (Mr. Allan), but that gentleman had not been in the country referred to many months, while he (Mr. Allan) had been there for many years, and he knew that year after year they tried to cultivate very carefully, but not one year in four did they get a crop, and any man who tried to get a living there by farming would very soon give it up. They had to get fodder for their horses, not only from the Darling Downs, but also from New Zealand. The opinion of Mr. Gibson, therefore, in that particular was not reliable. He (Mr. Allan) was surprised at some remarks which fell from leading members on both sides of the Committee, with respect to pastoralists. He was very sorry to hear the remark made by the Minister for Lands as to the reason why pastoralists would oppose that subsection. He (Mr. Allan) was not in favour of dummying; he had never had anything to do with dummying and never wanted to. The leader of the Opposition had also made some unfair remarks on the same subject. He (Mr. Allan) was not in favour of reducing the leases for grazing farms from thirty to twenty years, because he wanted to see every facility given to people who tried to make a living on a 20,000-acre grazing selection. He knew what the country was, and the difficulties that had to be contended against. The land had to be fenced in, water conserved by wells and tanks, and stock put on the land, and the selector had to fight with droughts and floods alternately, so that it would take the whole of thirty years to make the enterprise pay.

Mr. SMITH said he certainly intended to vote against the subsection reducing the tenure for grazing farms from thirty to twenty years. If they gave the large squatters a lease for twenty-one years, they should give the grazing farmer some consideration, because he was obliged to make improvements on the land, and pay a higher rent than the squatter. They should give every inducement to grazing farmers to occupy the land.

Mr. SALKELD said with reference to the Minister for Mines and Works voting on the extension of squatters' leases, he found that on both occasions the hon. gentleman voted with the majority in favour of both amendments for the extension of those leases, and also in favour of resuming only one-fourth, instead of one-half of the runs, being of opinion that there would be plenty of land available without resuming one-half.

Mr. MURRAY said he was in favour of retaining the present period of thirty years; but it mattered very little what was the term of the lease, as there was very little danger of the tenants ever being dispossessed by any Government, because the cost of dispossessing would be so great. The only thing the Government could do would be to increase the rent; the length of the tenure would be quite a secondary consideration. There was too great a difference in the terms as regarded taking up agricultural and grazing farms, both in prices and terms. There was nothing to prevent the holder of a grazing farm using a portion of his land for agricultural purposes, and competing with the farmers, because whilst he held his land at 1d. per acre, the latter had to pay 6d. He thought that was unfair.

Mr. PLUNKETT said he would have great pleasure in supporting the amendment, as he considered twenty years was long enough. In fact long before that time a good deal of the land would be required for agricultural settlement. As the hon. member for Normanby had said, it would not make much difference whether the lease was twenty years or thirty years, as it would be almost impossible to get the people off the land. The tenants could put such improvements upon the land that it would be impossible for the Government to buy it back again. There really ought to be some limit as to the amount of improvements that a selector could put upon a grazing farm; he thought 10s. per acre would be ample for all that was necessary upon a 20,000-acre selection. If there was not a limit, at the expiration of the lease it would be impossible for any Government to buy the land back again. He would support the amendment.

Mr. CAMPBELL said when the clause was before the Committee in 1884, many hon. members were carried away by it. From the glowing opinions which were given, it was expected that as soon as the Land Bill passed there would be hundreds of young men with capital ranging from £3,000 to £10,000 coming up and occupying grazing farms in Queensland. Many hon. members thought that would be the case, but, unfortunately, that was not so; and since then he had steadily opposed the thirty years' lease, being perfectly certain that a lot of those 20,000-acre farms would get into the hands of the pastoralists before many years. He did not think that would occur in places where the farms were small, but he firmly believed that that would be the result in regard to the large farms. Therefore he felt it his duty to oppose the thirty years' leases and to vote with the Government.

Mr. MELLOR said he was sorry that in some cases persons who had taken up land as grazing farms had competed with the farmers; but he must say that fact had not caused him to lose his faith in the Land Act of 1884. He did not think thirty years was too long a lease in the Western parts of the country at any rate, and he thought the Minister for Lands might have seen his way to have made the reduction apply only to land in the coastal districts. If the hon. gentleman had done that he would have supported him, and such an arrangement would have been acceptable to a majority of the Committee. In the coast districts, and places where goldfields existed, the lands might be wanted in less than thirty years, but he did not believe that a twenty years' lease would be a sufficient inducement for people to settle in the far Western parts of the colony.

Question—That subsection 4 of clause 3 stand part of the clause—put, and the Committee divided:—

AYES, 14.

Messrs. Nelson, Morehead, Macrossan, Black, Groom, Donaldson, Dunsmure, Watson, Campbell, Tozer, North, Plunkett, Lissner, and Callan.

NOES, 28.

Sir S. W. Griffith, Messrs. Jordan, Glassey, Hunter, Sayers, Salkeld, Grimes, Smith, Morgan, Macfarlane, Buckland, G. H. Jones, Luya, Hamilton, Corfield, Allan, Mellor, Powers, Philp, McMaster, Murray, Crombie, Drake, Unmack, Wimble, Isambert, Barlow, and Murphy.

Question resolved in the negative.

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

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn.

Mr. TOZER said: Mr. Speaker,—I rise to move as an amendment that the House at its rising adjourn till Monday.

The HON. SIR S. W. GRIFFITH: Monday is not a sitting day.

Mr. TOZER: I understood from the leader of the Government the other day that we were going to sit next Monday.

The HON. SIR S. W. GRIFFITH: That cannot be brought on before to-morrow.

Mr. TOZER: Mr. Speaker,—I will give my reasons for proposing the amendment. Many hon. members have not been so much occupied as others. I have been sitting on select committees for several days, and to-morrow I have two to sit upon. I have not been able to get through the work imposed upon me, and I want to see the show. To-morrow will be a public holiday, and I do not see why we should not take advantage of it as well as the general public. I think I am entitled to a little leisure. Since the 21st of May I have been pretty regular in my attendance here; and I think it is only fair that we should have one day at any rate. If there was any business on the paper of a very important character I would not propose that we should adjourn over to-morrow; but there is no business of an important character set down for to-morrow.

An HONOURABLE MEMBER: Make it Tuesday.

Mr. TOZER: I do not care particularly whether it is Monday or Tuesday. What I want is a holiday to-morrow. I do not want in any way to embarrass the conduct of Government business, but if the Government will consent to the arrangement, I will move, as an amendment, that the House at its rising adjourn till Tuesday next.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—The question before us is the adjournment of the House, and I rise to speak to that. I do not know whether hon. members are aware what the effect of adjourning over to-morrow will be. I have no business on the paper for to-morrow, but I observe that there is enough private business on the paper to occupy a considerable part of the sitting. There are enough Orders of the Day standing over to occupy the whole of next Thursday; and the resumption of the debate on the motion relating to the sugar industry is set down for Friday, the 30th August. For the following Thursday an Order of the Day is set down; and for the following Friday two Orders of the Day are fixed. And the result of adjourning over to-morrow would be to throw the whole of that business into confusion. Every member who has got a day for any private business coming on, will lose it, and it will be a matter of absolute chance for the next two months whether that business can come on again. That is a very serious matter, as there are some important private Bills coming on. It is not fair bringing up a question like this at half-past 11 o'clock, when everyone is in a hurry to go home, and not in a humour to discuss it. If it is not thought desirable to sit to-morrow, we can have a quorum here, and then adjourn. I am not at all anxious to come to-morrow, but to hon. members having private business on the paper an adjournment would be unfair, as it would throw all the business into confusion, and there is no way of putting it right again. I am speaking from experience. We have already had one holiday this week, and that is the most we have ever had previously under the circumstances. I do not think it is advisable to ask us to adjourn because a few members want to go to the races to-morrow.

Mr. GROOM said: Mr. Speaker,—I do not object to meeting to-morrow, but at the same time if the House desires to have a holiday I shall offer no objection. Like the hon. member for Wide Bay, I have been sitting since 9 o'clock this morning, having sat for two hours and a-half on a select committee, and then in this Chamber. But I wish to draw the attention of the Premier to the notice of motion he has given to commence sitting on Monday in next week. As a country member I am quite ready to make arrangements to sit on the Monday following, but, as the hon. gentleman has only given notice of motion to-day, it makes it very awkward for country members to sit on Monday next. This affects other hon. members as well as myself, as we must make arrangements for our private business, and we cannot make the necessary arrangements for the first Monday. If the Monday sitting be commenced the week after next I shall be quite willing to come here to help to form a House, but I think it will be impossible to do so next Monday.

Mr. HAMILTON said: Mr. Speaker,—To-morrow is a private members' day, and it is only right that they should be consulted. The question has been raised by a private member, and it has been supported by private members. If the House does not sit to-morrow it will not throw business into chaos. The hon. member for Toowoomba has the first private business coming on to-morrow, and he has stated that he has no objection to the adjournment. As to the Premier's notice of motion with regard to sitting on Monday, there is no objection to the adjournment proposed by the hon. member for Wide Bay, because on the 22nd of May I find that the Premier moved, pursuant to order, "That, unless otherwise ordered, the House will meet for the despatch of business at 3 o'clock p.m. on Tuesday, Wednesday, Thursday, and Friday in each week."

Mr. POWERS said: Mr. Speaker,—I understood the leader of the Opposition to say that an adjournment will disorganise the whole private business. But that can be avoided by getting enough hon. members to attend to-morrow to form a quorum, and then adjourn. Private members for some time past have had to look five or six weeks ahead to find a date on which to fix their business. To-day I had to move that the committal of a Bill should come on on the 19th of next month.

Mr. MACFARLANE said: Mr. Speaker,—I think we shall be setting a very bad precedent if we have two holidays for the Brisbane show. In the country districts we are anxious to have a holiday for our shows. We had a very important show in Ipswich lately, and I went to the

Premier privately, but he would not grant a holiday on the plea of business. I think one day is quite sufficient, and I protest against having a holiday to-morrow.

The PREMIER said: Mr. Speaker,—I have listened with attention to what has fallen from hon. members. One suggestion has been made that we should meet here to-morrow, form a quorum, and then adjourn, but that would destroy the holiday for those who had to attend to make a quorum.

Mr. HUNTER: Let us meet at 7 o'clock then.

The PREMIER: To talk of meeting at 7 o'clock is simply nonsense. The hon. member ought to know that even in a virtuous House like this there would not be much business done after a race meeting. I do not intend on the part of the Government to support any motion for adjournment. I should like a holiday myself, but the work must be done, and hon. members can sit in their places to-morrow. The motion must stand as moved by me.

Question put and passed.

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