Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 4 SEPTEMBER 1889

LEGISLATIVE ASSEMBLY.

Wednesday, 4 *September*, 1889.

North and South Brisbane Sanitary Contracts—progress report of select committee.—Crown Lands Acts of 1884 and 1886 Amendment Bill—committee.—Western Australian Constitution.—Adjournment.

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

NORTH AND SOUTH BRISBANE SANITARY CONTRACTS.

PROGRESS REPORT OF SELECT COMMITTEE.

Mr. BARLOW said: Mr. Speaker,—In accordance with the 162nd Standing Order, I beg to move, without notice, that I, as chairman of the committee appointed to consider the sanitary contracts with the municipal authorities of North and South Brisbane, be permitted to bring up and read a progress report.

Question put and passed.

The SPEAKER said: I understand that the hon. member wishes to read the report, but the usual practice is to lay the report on the table, and move that it be printed.

Mr. BARLOW said: Mr. Speaker,—I beg to lay the report on the table, and move that the paper be printed.

Question put and passed.

CROWN LANDS ACTS OF 1884 AND 1886 AMENDMENT BILL.

COMMITTEE.

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

Clause 4—"Opening roads through agricultural and grazing farms"—passed as printed.

On clause 5, as follows:—

"The provisions of the eleventh section of the Crown Lands Act Amendment Act of 1886, shall apply to grazing farms as well as to holdings under Part III. of the principal Act."

Mr. SMYTH said there were a great many amendments being proposed on the clauses of the Bill, and hon. members should be provided with a copy of the original Act of 1884, so that they could compare it with the amendments. Were hon. members to go to the Government Printing Office and get a copy?

The MINISTER FOR LANDS (Hon. M. H. Black) said he would remind the hon. gentleman that the clause which had been circulated that day was to follow clause 18, and it was not necessary to study the Land Act to understand its meaning. In future when he introduced a Land Act Amendment Bill he would see that hon. members were supplied with what they required.

Mr. SAYERS said he agreed with the hon. member for Gympie. A great many members had not got a copy of the original Act.

Mr. O'SULLIVAN: It can be got from the Government Printing Office.

Mr. SAYERS said it should be supplied to members. They did not carry the Act in their pockets.

Clause put and passed.

On clause 6, as follows:—

"Where a farm has been selected before survey thereof in any agricultural area, if within the ten years immediately succeeding the date of the application to select the same it shall be deemed necessary to open any public road through such farm, it shall be lawful for the Governor in Council to proclaim by notice in the *Gazette* a public road, not exceeding two chains in width, through such farm.

"In any such case the selector, licensee, lessee, or proprietor thereof as the case may be, shall, in lieu of the compensation prescribed by the principal Act, be entitled to compensation for the land taken for such road at the rate of twice the sum per acre specified in the proclamation which declared the land open to selection, together with the value of the improvements (if any) thereon, the amount whereof shall be determined by the board:

"Provided that where any such road shall be proclaimed through enclosed lands, the Minister shall cause the road to be fenced on both sides thereof with a sufficient fence equal to the fence enclosing the lands intersected by such road. After the erection of such fence, the liability to maintain the same shall devolve upon the occupier, or, if no occupier, the person for the time being entitled to the beneficial ownership of the land upon the boundary whereof such fence is erected:

"Provided further that no such road shall be opened for the use of, or dedicated to, the public until the same has been fenced and the compensation ascertained in the manner herein prescribed and paid to the person entitled thereto, or if not paid, notice given in the *Gazette* that the amount thereof can be obtained on application to the Treasury."

Mr. MORGAN said he hoped the Minister for Lands would give some explanation of the clause, and the reason that had induced him to bring it forward. What reasons had induced the hon. gentleman to make the change? It was a very decided change, and might be very injurious in many cases. It would be very unfair to persons holding agricultural farms.

The MINISTER FOR LANDS said there was often great difficulty in setting apart roads through agricultural selections. A great many farms were taken up before survey, and it was not always practicable to define where the roads should be. It was quite certain that the convenience of the few having farms in front of others must give way to the convenience of the many having farms behind them. Hon. members would see there was no use in allowing people to select lands unless they gave them reasonable means of access to those lands by means of roads. If hon. members would turn to the 102nd section of the original Act, they would see the delay and difficulty which took place in setting apart roads at present to give access to back selections. It had been found that that section was practically unworkable, and the department was compelled to act in a somewhat irregular way in providing roads, especially through selections taken up before survey. The only way the department could provide for the convenience of selectors at the present time was under that section, and hon. members would see that it provided in connection with resumptions for roads, that—

"A notice signed by the Minister must be published in the *Gazette* and served on the lessee either personally or by post letter, addressed to him at the holding, six months at least before the resumption takes effect."

Hon. members would see that that six months' delay was most harassing to the new selector, and most inconvenient to the department, because it was absolutely necessary that the roads should be made. That was subsection 1 of the clause, and subsection 3 said—

"The lessee may at any time within three months after service of a notice of resumption of a part of a holding, serve on the Minister a notice in writing to the effect that he accepts the same as a notice of resumption of the entire holding, to take effect at the expiration of the then current year of tenancy, and the notice of resumption shall have effect accordingly."

That was remedied by clause 4, which they had just passed. Subsection 4 of clause 102 said—

"Upon resumption of the whole or part of a holding the lessee shall be entitled to compensation for the loss thereof, the amount of which shall be determined by the board."

That was quite right, and the board would act upon the recommendation of the inspector of roads, who would arrive at a fair value, and make a reasonable compromise between the selector and the Government as to what the amount of compensation should really be. Subsection 5 of the same clause said—

"If the lessee is dissatisfied with the decision of the board, he may within one month after the decision is pronounced give notice to the Minister that he objects to the decision."

And then, in the event of there being insuperable difficulties in arriving at a compromise between the Government and the individual, subsection 6 provided that the Public Works Lands Resumption Act should be brought into effect, and the amount of compensation decided under the provisions of that Act. After all, the roads must be proclaimed for the benefit of the public, and the department would always be willing to grant fair compensation for the lands resumed. The object of the new clause was that the great delay arising under the principal Act, and which caused so much annoyance to selectors should be done away with. It was not proposed under the Bill to deprive anyone of his just rights, but hon. members must have known, over and over again, that there were constant complaints made of delay in laying out roads, and issuing deeds; and he desired that as far as practicable the cause of delay should be remedied, and that when a selector took up a selection there should be no unnecessary delay in giving him access to his holding, fair compensation being paid to the persons from whom the land was resumed for that purpose.

Mr. HODGKINSON: I did not follow your explanation of the omission of the 3rd subsection of clause 102.

The MINISTER FOR LANDS said that was dealt with in clause 4 of the Bill, which had just been passed. In the Amending Act of 1886, clause 10 read—

"When land is resumed from a holding under Part III. of the principal Act."

Part III. only applied to pastoral leases, and the contention was that it was an oversight in the passing of the Act of 1886 that that clause was not also applied to Part IV., and that was remedied now by clause 4 of the Bill. In future the provision would include Part III. and Part IV. of the principal Act. Part IV. referred to grazing and agricultural farms, and hon. gentlemen could easily understand that when they allowed 20,000-acre grazing farms, an area of about thirty-two square miles, it was utterly impossible, when those farms were originally laid out, to provide for future roads which might be necessary. It was not unreasonable to suppose that the time would come when it would be necessary to take a road through those thirty-two square miles of country, and the mere taking of land for that road ought not to entitle the holder of the farm to surrender the whole thing. They were now providing that the selector, when he took up his farm, must admit the necessity of

allowing resumptions for such roads as might be necessary for the convenience of the public at some future time. The holder of a grazing or agricultural farm from which a resumption was made for that purpose would, of course, receive fair remuneration; but he would in future understand that a road would be proclaimed when necessary, and he would not on that account be entitled to surrender the whole of his holding.

Mr. STEVENS said he thought the clause was hardly a fair one to the selector for many reasons, one being that the resumption of a road under certain circumstances might be the means of ruining his farm. They could easily imagine the case of a selector taking up 1,280 acres of land, and having only a narrow portion of it rich land and the rest more suitable for grazing than for agriculture, and if a road was proclaimed, under the clause, through the rich portion of the selection, it would decrease the value of it very materially. The compensation proposed by the clause was simply twice the amount put upon the land when first selected. If that was £1 an acre the compensation paid would be at the rate of £2 per acre, but they knew there was a great deal of land on the coast which had been cleared at a cost of from £6 to £10 an acre, and it was through that land which was most available that the road would probably go. The road would not, in all probability, be taken over the hilly part of the country, but over the level part of it, and that, in nine cases out of ten, would be the part most available for the selector: so that a man might have expended from £8 to £10 per acre in clearing land which would afterwards be taken from him for a road, and he would be compensated for the resumption only at the rate of £2 per acre. That would be a very great hardship indeed. It was, of course, necessary that power should be given the Government to resume land for roads, but he did not think there need be the delay mentioned by the Minister for Lands. The law should be so framed that when a road was required notice of resumption should be given, and action taken at once. The road could be surveyed and fenced off, and compensation could follow. He thought the proposed clause a good one, with the exception of the manner of valuing, and he disagreed entirely with that, as it would be a great hardship in some cases.

Mr. ARCHER said that the compensation to be paid was only for the value of the land, and the improvements made upon the land resumed, and certainly clearing was an improvement. If a man spent £8 or £10 an acre for clearing his land, he would certainly be compensated for that clearing, as he understood the clause. If clearing was not an improvement, then he did not know what it was. He had paid up to £15 an acre for clearing land.

The MINISTER FOR LANDS said that he agreed with the hon. member for Rockhampton. If the hon. member for Logan looked at the 2nd paragraph he would see that the most ample provision had been made for full compensation being made to the selector. That paragraph read as follows:—

"In any such case the selector, licensee, lessee, or proprietor thereof as the case may be, shall, in lieu of the compensation prescribed by the principal Act, be entitled to compensation for the land taken for such road at the rate of twice the sum per acre specified in the proclamation which declared the land open to selection, together with the value of the improvements (if any) thereon, the amount whereof shall be determined by the board."

If the selector had cleared the land resumed, he would receive full compensation under that clause for his clearing. The board had always dealt equitably in such cases, and if the hon. member looked at the next paragraph he would see that whenever the Minister decided that it was necessary to proclaim a road open, the Government had to fence it in for the selector, if he had fenced his land in previously.

Mr. GROOM: What compensation is to be paid for severance?

The MINISTER FOR LANDS said that would be assessed by the board.

Mr. GROOM: It does not say so here. Nothing is mentioned about severance at all.

The MINISTER FOR LANDS said that he thought the selector was entitled to compensation for every damage done to his land. The hon. gentleman must understand that that was not a clause to protect the department in any way, but to facilitate settlement, and to stop the insuperable delay that ensued under the 102nd clause of the original Act, by which they had to give six months' notice.

Mr. HODGKINSON: Will you include compensation for severance?

The MINISTER FOR LANDS: I have not the least objection.

Mr. SALKELD said that he would like to point out that one objection to the clause was that it would not compensate a person who was cut off from water by severance, while it would compensate others who suffered no damage from the severance of their land. In the case of a large selection, a road might be made through it which would not cut the selector off from water, and where it might be a positive advantage to the man, as he would get twice the amount he paid for the land by way of compensation, and at the same time get his land divided into two paddocks by the fence. He quite agreed that some amendment was necessary to facilitate the opening of roads, but that clause fixed the compensation in an arbitrary manner. It might apply fairly in some cases, but it would not in all cases. In some cases the selectors would be underpaid, whilst in others they would be overpaid. A person getting a large paddock fenced into two, especially if there were water on both halves, might be glad to get twice the amount he paid for the land, and at the same time have it fenced off into two parts. He thought the Minister for Lands should provide some other way of giving compensation.

Mr. HODGKINSON said it was very unfortunate that the 4th clause should have been rushed through in a hurry, as he had intended to call the attention of the Minister for Lands to the fact that it was quite possible that a holding, especially if it were a small one, might be utterly destroyed by the formation of a road through it. If the Minister for Lands was disposed to accept an amendment, he would suggest that in order to meet the very pertinent views expressed by the hon. member for Fassifern as to the arbitrary mode of fixing the amount of compensation to be paid, which involved a false principle, it should be left to a valuation. The amendment should also include not only the valuation for compensation, but also the amount of compensation due for severance. The provision for fencing was a very valuable one; but would the department require a tenant to erect his fence before the time had elapsed in which he was allowed to put it up? If the Government took a man's ground, they should comply with the conditions under which they proposed to take the land, without any reference to the fact whether the tenant had fenced his land or not. He had a certain time in which to fence, but the land might be required immediately for the road, and if the department took advantage of the clause at once, they should certainly comply with the conditions under which they obtained that advantage. Therefore, he would suggest that that arbitrary mode

of dealing with the selector should be struck out, and replaced by a clause giving compensation on a valuation. The land might be worth less than twice the amount paid for it, and it might even be worth less than the tenant had paid for it, while on the other hand it might be worth ten times as much. In any case there should be no hardship inflicted upon the selector, nor should he on his part obtain any undue solatium from the Crown. If those two points were provided for in the clause, it would be accepted by the Committee.

Mr. MORGAN said that he thought every hon. member in that Committee sympathised with the Minister for Lands in his desire to expedite matters in respect to the opening of roads. There was no doubt that the system provided in the 102nd section of the principal Act was too roundabout altogether; but in any amendment that would have the effect of opening those roads with something like reasonable despatch, they would have to see that the rights of the tenants of the Crown were protected. That clause proposed to lay down a hard-and-fast rule which would enable the Minister to say that the selector should have twice the amount fixed as the value of the land in the original proclamation, together with a fair compensation for the value of improvements, but no more. Under the compensation clause of the principal Act there was a complete scheme by which the actual value and the damage done to the tenant could be arrived at. If the tenant demurred to the valuation the matter was referred to the Land Board, and if he still further demurred, the provisions of the Public Works Lands Resumption Act of 1878 were to be called into operation. In that Act it was laid down that compensation should be paid for severance, and also that if only a small area was sufficient for the purpose the Minister must purchase it. Twice the amount originally given for the land, or, say, £2 an acre, would be no compensation in a case of that kind. A man might have cleared the land and cultivated it year after year, and, owing to unfavourable seasons, have got no return from it. If that land was taken away from him he would be debarred for all time from the possibility of recovering his losses. In order to save time the land might be resumed, and the fencing gone on with at once, leaving the question of compensation to be settled afterwards. There was no reason why that should not be done.

Mr. MELLOR said it would be very much better to give the farmer a chance of proceeding to arbitration in the event of his being dissatisfied with the amount of compensation offered. He did not know whether it was the intention of the Government to proclaim roads open without consulting the divisional boards. The boards ought to have some say in the matter, as they would have to keep the roads in repair after they were proclaimed open. He presumed the cost of fencing would be borne by the State, and of that the boards were not likely to complain. It would be a great hardship to a small selector of 160 acres to have a road taken through it, and to receive as compensation only twice the amount the land resumed originally cost him. Supposing he had paid only 2s. 6d. an acre for it, a refund of 5s. per acre, after he had perhaps been cultivating it for years, would be an utterly inadequate remuneration. On men of that class the clause would press very hardly indeed. He hoped to see the clause amended by the appointment of arbitrators in the event of the selector not being satisfied with the compensation offered to him.

Mr. SMYTH said he should like to see the clause made retrospective. He knew cases where selectors had acquired a certain amount of land fronting a public road. They did not cultivate the land, but merely grazed a few cattle upon it. At the back of those selections there was a large block of country containing valuable timber, and when the timber-getters wanted to get at that timber, and dispose of it to the saw-mills, they had to pay those selectors at the rate of 6d. per 100 feet for the right to take the timber through their land. That was levying black-mail on the unfortunate timber-getters. In his district, which he supposed was the best timber district in Australia, the unfortunate timber-getters had been robbed right and left by a lot of people who had taken up land fronting public roads, at the back of which were forests of valuable timber. The timber-getters had to pay those men an exorbitant price to get their teams through that land. Supposing that land was taken up at 5s. an acre, many a timber-getter would be only too glad to pay twice that sum for the road, and to fence it in as well. Making the clause retrospective would confer a great benefit on the timber-getters, who led a miserable existence, and were the hardest worked and the worst paid class in the colony. Hon. members need only look at the "Black List" to see how many of them had their teams, waggons, yokes, and everything they possessed mortgaged to the saw-millers and others. They were working in chains. He hoped the Minister for Lands would so amend the clause that the timber-getters would occupy a better position after the clause was passed, than they did at the present time.

Mr. ADAMS said that on the second reading of the Bill he referred to the part of the clause which provided that the value of the improvements, if any, on the resumed land should be determined by the board. A similar power with regard to lands resumed for railway purposes was exercised by the Railway Arbitrator, and they all knew how that system had worked in the past—how such small awards had been given that people had had to come to that House for redress. He was afraid that that state of things would only be repeated by the board, and he was of opinion that it would be far wiser that the value of whatever improvements there might be should be determined by arbitration. As he had mentioned on the second reading of the Bill, the Government had officers in every district, and it would be very easy for them to get one of those officers to act as arbitrator; let the owner of the land appoint another arbitrator, and if the two could not agree let them appoint an umpire. That would be a convenient way of getting at the fair value of the land. It was all very well to say that the Government would pay twice the amount actually paid for the land resumed, but the practice at present was that when a road was required, the divisional board had to give certain information to the Government before they would take any action at all. He knew several instances where members of divisional boards had large areas of land where roads were wanted, and of course they resumed them where they liked. Take the case of a small selection with one high ridge from corner to corner; it might be the best land, but the people who were resuming would not go on to the low land; they would take the high land so as to make a good road at as little cost as possible. Therefore he thought it would be far better for both the Government and the selector that the compensation should be given according to arbitration and not by the decision of the board. The board could not go everywhere and examine everything for themselves; they had to take information second-hand, whereas arbitrators could go on the land and judge for themselves. He would therefore suggest that the words "the board" be struck out and that "arbitration" be inserted.

Mr. HYNE said the desire of all hon. members who had spoken was to see that no injustice was done to the selectors. Before saying anything more he would like to ask the Minister if the clause referred to farms taken up after survey. The words of the clause were, "Where a farm had been selected before survey;" did the clause deal with that class of farms only?

The MINISTER FOR LANDS: No; that is to be amended.

Mr. HYNE said he had great doubt whether improvements in the way of high cultivation would be allowed for as improvements. The hon. member for Rockhampton said they would, but he had strong doubts about it. If such things would be allowed for as improvements, it would remove a great deal of the objection that existed as to the possibility of injustice being done. He thought the clause would be made very much clearer if the words "compensation, severance, and the value of the improvements" were inserted after "with" in the 17th line, and "including clearing and cultivation" were inserted after "thereon" in the same line. On the introduction of the Bill he had spoken on that very subject, and pointed out that it was rather dangerous that a selector should be tied down to receive only double what he paid for the land. A man might have paid 2s. 6d. an acre, and to sever his farm and allow him only 5s. an acre would be a great hardship. He believed the amendment he had suggested would meet the wishes of hon. members generally, and would make the clause very clear.

The MINISTER FOR LANDS: It is already provided for in the principal Act.

Mr. HYNE said he had not the principal Act before him, and as he understood that the hon. member for Burrum had a prior amendment to move, he would not propose his amendment at present.

The MINISTER FOR LANDS said with regard to the remarks of the hon. member for Maryborough, it was intended by that clause that all improvements should be paid for. If hon. members would turn to the interpretation clause of the principal Act, they would see what "improvements" really meant.

"Any head station, house, store, stable, hut, woolshed, sheep pen, drafting yard, barn, stock yard, fence, well, dam, tank, reservoir, trough, artificial watercourse or watering place, pump, apparatus for raising water, plantation, cultivation, or any building, erection, construction, or appliance, being a fixture, for the working or management of a holding, or of any sheep, cattle, or horses, or other live stock depastured thereon, or for maintaining or increasing the pastoral, or in the case of agricultural farms, the agricultural, capabilities thereof."

Mr. DRAKE: It did not include clearing.

The MINISTER FOR LANDS: Yes, it did. Was not clearing "increasing the agricultural capabilities thereof." Every possible improvement was provided for.

Mr. TOZER: Only on the two chains.

The MINISTER FOR LANDS: On the two chains. With regard to severance, he took it that if a selector was protected as far as that was concerned, it would remove one other objection. Clause 103 of the principal Act provided:—

"The amount of compensation in respect of the whole or part of a holding shall, irrespective of the compensation payable in respect of the improvements thereon (if any), be such sum as would fairly represent the value of the whole or of the part resumed to an incoming purchaser of the whole or that part for the remainder of the term of the lease:

"Provided that upon resumption of part of a holding, the lessee shall be entitled to compensation for the loss of that part as hereinbefore provided, and shall also be entitled to a proportionate reduction of rent in respect of the portion resumed, and in respect of any depreciation of the value to him of the residue of the holding, caused by the withdrawal of that portion from the holding, or by the use to be made thereof, and the amount of that reduction shall be determined by the board in manner herein provided."

Hon. members should understand that the intention of the clause was primarily to do away with the six months' delay before a road could be proclaimed. There was no intention to deprive the selector of any right which he enjoyed at present. In fact, the clause gave him a further right, compelling the Government to pay for fencing, unless the holding was fenced in already. It was altogether an improvement in the position of the selector. The question as to whether double the cost of the land was sufficient was perhaps entitled to some discussion, but in view of the very low price at which the Government parted with the land, the selector should not be too hard on the Government in the matter of compensation for roads.

Mr. POWERS said that after the amendment of the Minister for Lands with reference to "before survey" had been disposed of, he proposed to amend the 2nd paragraph of the clause, so as to make it read thus:—

In any such case the selector, licensee, lessee, or proprietor thereof, as the case may be, shall, in lieu of the compensation prescribed by the principal Act be entitled to payment of the value of the land taken for such roads, together with the value of the improvements (if any) thereon, and the amount of damage (if any) caused by severance, the amounts whereof shall be determined by the board.

The holder of the land might not be the original selector, and the land might have considerably increased in value by the exertions of the occupier and his neighbours, so that the compensation should be equivalent to the value of the land at the time the road was resumed, especially as the road would be resumed for the public convenience.

The MINISTER FOR LANDS said he was prepared to accept the amendment suggested by the hon. member for Burrum, but he wished first to amend the clause by the omission of the words "before survey thereof."

Mr. HODGKINSON asked whether the effect of that amendment would be retrospective?

The MINISTER FOR LANDS said the effect would necessarily be retrospective.

Mr. DRAKE said he could not agree with the Minister for Lands with regard to his interpretation of the 4th section of the principal Act, because all the words after "being a fixture" referred back to "any building, erection, construction, or appliance;" so that under that definition "clearing" did not rank as an improvement.

The MINISTER FOR LANDS said that according to the interpretation clause, in the case of agricultural farms, an improvement included anything for maintaining or increasing the agricultural capabilities of the land; and if clearing had not that effect he did not know what had. At any rate the amendment of the hon. member for Burrum would meet the case.

Mr. MORGAN said he did not think the amendment of the Minister for Lands ought to be allowed to go. It was all very well in dealing with farms selected before survey to protect the Government, but in the case of survey before selection, the Government employed people supposed to be competent; and if those men did not protect the interests of the State, the State ought to bear the consequence, and not the individual who had been led to believe that due provision for roads had been made by the surveyors.

Mr. HODGKINSON: That is going to be altered.

Mr. MORGAN said the Government should make due provision for the accommodation of traffic; and if it was found afterwards that they had not done so, they ought to pay the selector full value for the damage done to his property.

Mr. TOZER: That is the amendment of the hon. member for Burrum.

Amendment agreed to.

Mr. STEVENS said he thought another amendment was necessary in connection with the words "ten years immediately succeeding," in the 2nd line. As the time at which a man might make his land freehold had been reduced from ten years to five years, he wished to know whether it would not be better to insert the word "five" instead of the word "ten."

Mr. POWERS moved in line 14 the omission of the words "compensation for the land taken for such road at the rate of twice the sum per acre specified in the proclamation which declared the land open to selection," with a view of inserting the words "payment of the value of the land taken for such road."

Amendment agreed to.

Mr. POWERS moved the insertion after the word "thereon," on line 17, the words "including clearing and the depreciation, if any, of the value to him of the residue of the holding caused by the opening of any such road through such farm."

Amendment agreed to.

Mr. STEVENS said there was another point worthy of consideration. The 3rd paragraph of the clause said, "Provided that where any such road shall be proclaimed through enclosed lands, the Minister shall," etc. Unless the whole of the selection were fenced at the time of the proclamation of the road, the Government would not be compelled to fence the road. He thought the clause should apply to holdings which were partially fenced, and also in the event of the holding being fenced after the proclamation of the road the Government should then be liable for the erection of the fence. They should not be exonerated from the cost of the fence because the holding did not happen to be enclosed.

Mr. TOZER said he hoped the Government would thoroughly consider all those amendments from a legal point of view. The question of the resumption of public lands was already provided for by law, and in making amendments in a hasty manner the Government should be prepared to take full responsibility. He did not know the matter was going so far, or he should have done what he could to assist the Government from a legal point of view. Looking at the Public Works Lands Resumption Act he found the Government could take land for certain purposes, and there was a provision which said:—

"And provided further that the power to make and open roads through selections reserved by the Crown Lands Alienation Act of 1868, and the Crown Lands Alienation Act of 1876, and any other Act containing like provisions, may be exercised in the manner and to the extent thereby provided as fully as if this Act had not passed. But the provisions of this Act shall apply as to all land taken in excess of the area by the said several Acts provided."

Supposing a two-chain road were taken, they would have one set of circumstances and one mode of valuing the two chains; and supposing in certain cases the Government wanted five chains, there would be an entirely different system for valuing the excess. The Public Works Lands Resumption Act contained a lot of valuable machinery for the purpose of estimating, determining, and settling the question of compensation, and it occurred to him at first sight, without having gone deeply into the matter, that the Government should be very cautious in departing from the provisions of the Act he had quoted by making new machinery for valuing a road that might be taken from a selection. He agreed with hon. members who were doing their best with a view of making a principle that ought to be applicable to all, but the question was whether in doing so they were not interfering with an Act already in force to such an extent as to make it unworkable. He wished to assist the Government by calling their attention to the provisions of the Public Works Lands Resumption Act. Another thing just occurred to him, and that was that apart from the Government altogether, the various divisional boards had power to take the lands which were the subject-matter of discussion before the Committee, for the purpose of making roads. So that the Government could take lands, and the divisional boards could take lands for roads, under certain provisions of the Public Works Lands Resumption Act, and they had now another tribunal proposed, under which the Government could take land under another machinery. He thought it would be wise for them to hesitate before they rushed into too many clauses of that kind. He did not rise for the purpose of throwing any obstacle in the way, but to ask the Minister for Lands to study the question from the three aspects, and say whether the new machinery for resumption proposed would not clash with the means at present existing.

The MINISTER FOR LANDS said that if it was necessary, in exceptional cases, to proclaim a road five chains in width, the Public Works Lands Resumption Act could be brought into force, because the area would be in excess of that provided for in the amending Bill they were now passing. He took it that the Public Works Lands Resumption Act was especially intended to apply to freehold land.

Mr. TOZER: It applies to all land in the colony.

Mr. SALKELD said he took it that that amending clause was intended to take away the right of appeal from the decision of the Land Board.

The MINISTER FOR LANDS: The right of appeal still remains.

Mr. SMITH said he thought the suggestion of the hon. member for Logan was worthy of consideration, because when a man took up a selection he practically entered into a contract to fence it in in three years. If he had already fenced it in before the road was proclaimed, the Government would be bound to fence the road off; but if the road was proclaimed before the selector had fenced in his selection he would be obliged to fence the road off himself. Under the conditions under which he took up his selection, the selector was obliged in three years to fence it in, and he held it was only fair that if a road was proclaimed through the selection, the Government should fence it off; if not immediately the road was proclaimed, at any rate by the time the selector performed his portion of the contract he made. He thought the suggestion of the hon. member was worthy of consideration, and that the Government should accept some amendment which would give effect to it.

The MINISTER FOR LANDS said it was not proposed to make any alteration in the present law with regard to fencing. In the event of a selector having completed his fencing before a road was proclaimed, the Government would bear the cost of fencing off the road; but if the suggestion mentioned was carried out, the moment a selector ascertained that a road was likely to be proclaimed through his selection, he would put up a few panels of fencing, and the country would then be called upon to pay the

expense of a double line of fencing right through his selection. As a rule, where a selection was in its primary stage, the taking of a road through it and fencing it off would be a positive advantage to the selector, as it would give him at all events one side of fencing for a dividing paddock. He thought that as the law stood at present it was perfectly fair. They must study the interests of the country to some small extent, and under the proposal in the Bill compensation would be paid for any injury done to the selection. He considered the Act sufficiently liberal as it stood, and he had not heard of any particular hardship occurring under it, and there was no intention of altering the existing conditions at all.

Mr. ARCHER said he hardly agreed with the Minister for Lands in that matter; because when a selector took up his land he was called upon to fence it in within three years. He would naturally fence it in the cheapest way he could, and that would be one fence surrounding the whole selection; and it would undoubtedly be a hardship to him if he had in addition to that to fence in each side of a road proclaimed through his selection. It would certainly be a hardship to him to throw upon him the expense of so much extra fencing.

Mr. SALKELD said he thought that the clause, as amended, did not require the 3rd paragraph, and he would suggest its omission, because he held that if compensation was to be given for loss or damage through severance, by the resumption for a road, it would necessarily include the cost of fencing off the road. He would move the omission of the 3rd paragraph.

The HON. SIR S. W. GRIFFITH said that the clause as first introduced made an alteration in the law, in the case of selections taken up before survey; but, as the clause now stood, it was only passing four long paragraphs without making the slightest change in the law, which at present provided for compensation for improvements and for severance. Part VIII. of the Act of 1884 dealt with that. When any holding or part of a holding was resumed, the lessee was entitled to compensation for the loss of the land and for the improvements, and the amount paid was to be determined by the board, and the lessee, if not satisfied, might appeal and ask to come under the provisions of the Public Works Lands Resumption Act, which contained provisions for assessing the value of the land resumed and the amount of compensation due for severance. With regard to the notice, he thought it was only fair that the selector should be heard before the road was resumed. He had heard of cases of cruel hardship caused by the resumption of roads, and it was only just to hear what a man had to say before the road was made through his land. The officers of the department might not know why the road should go in a particular direction, or why it should not take that direction, and for that reason a man was entitled to be heard. As to the clause dealing with selections taken up before survey, something might be said for it in that case, because it was likely that roads might have to be made through the selections; but if it were to apply to all selections the only change made in the existing law was the doing away with the six months' notice. The result of passing the clause would be that after some expense they would discover that the law was unaltered, and it would be an interesting subject for discussion in a court of justice when the question arose.

The MINISTER FOR LANDS said that they were not repealing clause 102. Roads were not proclaimed at the sweet will of the Lands Department, as clause 102 distinctly provided that they should be recommended by the Land Board, and the board were moved to take action, probably by the divisional boards in the first instance asking the board to recommend that certain roads should be proclaimed open. The selector was not taken unawares at all, as he was almost invariably consulted. It did not come by way of a surprise upon the selector. He did not suddenly get notice that a road was being taken through his land without his views being heard.

Mr. TOZER: The divisional boards can take action themselves.

The MINISTER FOR LANDS: No; they cannot.

The HON. SIR S. W. GRIFFITH said that raised another doubt in considering that clause and clause 102 in the principal Act together. Clause 102 stated:—

"The whole or any part of a holding under this Act may be resumed from lease by the Governor in Council on the recommendation of the board."

He did not know whether the present clause was intended to supersede clause 102 or not, though the Minister for Lands said it was not. As he had read the clause, it was to take the land without compensation, except for the value of the land, but now that part was gone from the clause there was nothing left but two provisions dealing with the same thing. Careful consideration led him to think they were intended to mean the same thing, but he was not quite sure, and the Minister for Lands evidently was not sure either.

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

AYES, 28.

Sir T. McIlwraith, Messrs. Morehead, Macrossan, Nelson, Black, Donaldson, Pattison, Dunsmure, Murphy, Crombie, Watson, Agnew, Hamilton, Murray, Plunkett, Adams, O'Connell, North, Powers, O'Sullivan, Archer, Smith, Dalrymple, Philp, Lissner, Stevens, Rees R. Jones, and Campbell.

NOES, 16.

Sir S. W. Griffith, Messrs. Hodgkinson, Glassey, Drake, Grimes, Salkeld, Macfarlane, Morgan, Buckland, Mellor, McMaster, Smyth, Hyne, Unmack, Foxton, and Sayers.

Pair: For the clause, Mr. Cowley. Against, Mr. Tozer.

Question resolved in the affirmative.

Mr. STEVENS moved, as an amendment, that the following words be added at the end of the 3rd paragraph of the clause:—

Provided that if at the date of such proclamation the lands are not enclosed, the Minister shall, if the lands are fenced in within five years from the date thereof, cause the road to be fenced on both sides thereof with a sufficient fence equal to the fence enclosing the lands intersected by such road.

The MINISTER FOR LANDS said he could not accept the amendment. He did not know of any such law existing in any of the colonies. It had been stated over and over again what the existing law was, and he did not see the necessity for departing from it. It was unfair to ask the Government to do anything of the kind.

The HON. SIR S. W. GRIFFITH said it appeared to him somewhat differently. When a man took up land after the boundaries had been declared, and roads laid out round it, he had an idea as to what his obligations were in the way of fencing. If the Government afterwards cut that land in two, it would be an additional burden put upon him. The case was different with land taken up before survey, when roads were only made provisionally for the convenience of the selectors. There was a good deal to be said in favour of the original clause in the Bill, but the more he looked at the clause as now amended, the more unwise it seemed to him to embody it in the Bill. It was proposed that in the event of a road being deemed necessary

through an agricultural farm, at any time within ten years of the application to select, the selector should be entitled to certain compensation instead of the compensation given by the present law. Having said that, the clause went on to enumerate exactly the same kind of compensation the selector was entitled to under the present law. A clause of that kind could only give rise to confusion. The present Act provided that the amount of compensation should be such a sum as would fairly represent the value of the whole, or of the part resumed, to an incoming purchaser of the whole, or that part, for the remainder of the term of the lease; and that if the lessee was dissatisfied with the decision of the board the compensation should be determined in the manner prescribed by the Public Works Lands Resumption Act. That Act defined exactly what were to be taken into consideration. There was not only the value of the land taken, but also damage sustained by severance, value of improvements, and so on. They were apparently substituting something new for the old, but the new was exactly the same as the old. What was the use of the clause at all? The rule under the Public Works Lands Resumption Act was a perfectly fair one. Whatever a man lost he got paid for. That rule was perfectly satisfactory. He had never heard any objection to it, and the object of the amendment was to make the rule exactly the same as the rule under the Act of 1884, but there were apparently some variations in the procedure. Whether they were intended or not he did not know. Was it still to be done on the recommendation of the board, and would the Government exercise their powers under the Public Works Lands Resumption Act, under the Act of 1884, or under that Bill? As a matter of pure guesswork he would infer that that clause was intended to operate under the Public Works Lands Resumption Act instead of under the Act of 1884; but clause 4, which had just been passed, indicated the contrary. Having two laws dealing with precisely the same subject, giving precisely the same compensation, and being determined in precisely the same way, must inevitably lead to confusion and litigation.

Mr. TOZER said he must repeat his observations with reference to that question of resumption. It was one that had arisen so frequently in his constituency that he felt it his duty to bring under the notice of the Minister the difficulties in connection with it. He presumed that the deeds of grant of those agricultural farms would contain the usual indefinite reservation of so many acres for roads. Formerly, under the land Acts of the colony, the mode of resuming land was much simpler than under the Public Works Lands Resumption Act, and it was now proposed to make the mode more complicated than under the Public Works Lands Resumption Act. Divisional boards had power to made roads quite irrespective of the Government. They had the machinery for doing so, and if that machinery was made more complicated, or if the conditions were made heavier on the board, the powers would not be exercised, because the boards would work under their own Act. He would again call attention to the words "Provided that where any such road shall be proclaimed through enclosed lands." There was no definition whatever of what "enclosed lands" were. In many instances in his district the back of a selection was a big mountain which was perfectly inaccessible, and for the purposes of impounding that was deemed to be enclosed, being a natural boundary, and it was not necessary to fence it. But a surveyor going there to lay out a road would, in accordance with the practice of the department, hold that to be unenclosed land, because it was not fenced at the back. He knew a case in which a selector was engaged fencing in his front lines, and had only about four chains to go to complete the enclosure; but the surveyor said it was not enclosed land, because the enclosure was not complete at the moment he went through. Those were some of the difficulties that cropped up in connection with the resumption of roads. The general feeling in the community was that the Public Works Lands Resumption Act gave the best and fairest means of getting road access, and of giving the selector compensation. They were all satisfied with that Act. Then the questions for the Government were: Was the time required under that Act too long, and were the amounts to be paid too heavy? Under the Land Act the Government had a quicker remedy than under the Public Works Lands Resumption Act, but he was certain that not one selector in a thousand could define what his rights were in regard to the resumption of roads and what were the rights of the Government. The first thing they did was to bring in their grant, and say, "Can the Government take these roads from us?" The next thing to be done was to see if the deed contained the indefinite reservation. If there was no such reservation, which there generally was, the next questions were whether it was within ten years, whether the board was to move in the matter, could they operate under the Public Works Lands Resumption Act, or was it the Government who had to move in the matter. And now, besides all those complications, there would be additional complication by the clause proposed. What he wanted the Minister to do was to make the question of the resumption of those lands uniform, so that the Government might take whatever lands they required for roads under one system. Let that system be based on the principle that where the farms had been surveyed and sold, the Government would take the responsibility of paying the selector whatever he lost, in fact, by the taking of the road. He was perfectly certain that the passing of that clause, in addition to the Public Works Lands Resumption Act, would lead to such complication and clashing that it would injure the selectors.

The HON. SIR S. W. GRIFFITH said he had forgotten to state that the resumption clauses of the Act of 1884 were never intended to deal with the resumption of roads. That was always intended to be dealt with by the Public Works Lands Resumption Act, which was the general law dealing with those matters. The 10th clause of the Act of 1886, providing that the resumption of part of a holding should not entitle the lessee to throw up his holding, was inserted for fear of the point being raised that resumption under the Public Works Lands Resumption Act might be taken to be a resumption within the meaning of the Land Act. It was inserted to get over that difficulty, and the same difficulty was got over by the 4th clause of the Bill.

Mr. POWERS said the remarks of the hon. member for Wide Bay showed the necessity for some legislation in the matter. He could corroborate that hon. member's statements. He knew a case in his own district where a divisional board were trying for eighteen months to get a road through a selection where it was wanted very badly, but owing to the position the board was in, the matter was not settled yet. They had given notice and communicated with the Government, but they could not come to any arrangement with the owner of the land as to what compensation he was entitled to. At last the owner had got on the divisional board himself, and would have a say in the matter. Complaints had been made all round his district with regard to the present system. First of

all the divisional boards and the selectors interested tried to come to some arrangement, and, failing that, they asked for the interference of the Governor in Council. If such a clause as that now before the Committee were passed, though it might be similar to the provision contained in the Public Works Lands Resumption Act, it would be clearer. The selector would then know what he was entitled to, and the Government would know what they had to pay in the way of compensation. With regard to the amendment proposed by the hon. member for Logan, the remarks of the hon. member for Wide Bay had shown the necessity for that.

The HON. SIR S. W. GRIFFITH: All that is dealt with by the present law.

Mr. POWERS said he thought it would he better to remedy all the difficulties by provisions contained in one section of the Bill now under consideration, and he hoped the Minister for Lands would accept the hon. member for Logan's amendment.

The HON. SIR S. W. GRIFFITH said there was another curious point in connection with the clause. It provided that a man should get the value of land which did not belong to him. He had only a lease, and he might have paid only 9d. an acre, but the value of the land might be £5 per acre. Surely what he was entitled to was compensation for the loss; and that was what he got under the existing law. Another thing—he was afraid he would have to put it to the Chairman—was that the provision could not be inserted in the Bill without a recommendation from the Governor, which had not been made. It certainly imposed a burden on the Treasury.

The MINISTER FOR LANDS said that under a provision already passed an agricultural farm might be made freehold within the time specified.

The HON. SIR S. W. GRIFFITH: It might not be.

The MINISTER FOR LANDS said that if it was not the selector would not get compensation to the extent of the value of the land, but to the extent of his loss.

The HON. SIR S. W. GRIFFITH said he would get it whether or not as the clause was worded.

Mr. STEVENS said he took it that a proclaimed road would be fenced off by the Government, in the first place, to keep stock off the selector's land, and, in the second place, in order that the selector should not be put to the cost of fencing the road resumed by the Government. If that was the case, he did not see why the provision should not apply to the men who had not completed their fencing as well as to those who had.

Mr. SALKELD said it appeared to him that the amendment of the hon. member for Burrum would cover all cases where fences were necessary.

Mr. MURRAY said he did not wish to see too many impediments placed in the way of opening up roads, and he did not think selectors should be compensated in cases where roads were made previous to their selections being fenced. The land was only leased, and a man might abandon his selection after a fence had been put up at the expense of the Government. He should only be compensated when the land was fenced, and in a fair way of being made a freehold. The difficulties in the country districts at present were very great. Divisional boards had great difficulty in opening up roads through freeholds. So much so that they declined to take the matter in hand, and the more impediments which were thrown in the way the worse it would be for the public.

Mr. STEVENS said his amendment would facilitate the opening of roads. The selector would offer less opposition to the opening of a road, when he knew he could get payment when he demanded it, than if he got no compensation at all. The hon. member argued that the man who had a selection entirely fenced should be compensated, but the man who had fenced his whole selection, with the exception of a few chains, should not be paid. There was no justice comparing one with the other. There might be only a week's or month's fencing to be done, yet one man would be compensated in full and the other only to a certain degree.

The HON. SIR S. W. GRIFFITH said he hoped the Minister for Lands would seriously consider if the whole thing was not being made perfectly ridiculous. Was the hon. gentleman going to oppose the amendment? The clause was unjust without the amendment, and with it it was absurd.

Mr. STEVENS: If you were a selector you would not think so.

The HON. SIR S. W. GRIFFITH said he had said the clause itself was unjust, and with the amendment it was absurd. In any case, the amendment could not be put without a recommendation from the Crown.

The MINISTER FOR LANDS: How is the the clause unjust?

The HON. SIR S. W. GRIFFITH said because it imposed new burdens on the selector. The selector took up land and knew what his fencing would be. A road was run diagonally through it, and that might double the fencing, but unless the road was proclaimed before the land was fenced, he got no compensation. The present law was perfectly just, and took everything into consideration. The clause was an attempt to deal with one set of facts, but, as amended, it was attempted to make it apply to an entirely different set of facts. The hon. gentleman had been led away from his original intention, which was to deal with selections taken up before survey, and the proposal was not at all applicable to others. The clause had been amended to divert it from its original purpose, and it had been made useless for any purpose. With the amendments it all resolved itself into something already provided by the Public Works Lands Resumption Act, under which land was taken for roads. The notice of resumption in the principal Act was never intended to be used for the purpose of taking land for roads. That was to be done under the Public Works Lands Resumption Act. Why should different rules be applied to roads taken through selections and those taken through freeholds. The measure of compensation was the same in each case—the amount which a man lost. The question of tenure made no difference, and that was the law at present. He should like the hon. gentleman to point out in what particulars he proposed to make the law differ from the present law. He could see a lot of confusion in the working of the clause, but the net result would be the same. He did not like to see litigation arising about the land laws, and they might pride themselves on their freedom from that; but the clause was intended to bring about, by a cumbrous series of sentences, exactly the same thing as the present law provided.

The MINISTER FOR LANDS said the object of the introduction of the clause was to get away from the intolerable difficulties brought about by the Public Works Lands Resumption Act.

Mr. TOZER: As to time?

The MINISTER FOR LANDS said yes, as to time. First of all six months' notice had to be given, and then, if there was any disagreement at all, the case had to go to arbitration. Then it was doubtful how many months that would take. Under the principal clause six months' notice had to be given. The object of the introduction of the clause was to get rid of that delay.

The HON. SIR S. W. GRIFFITH said it was only intended to apply to land taken up before survey.

The MINISTER FOR LANDS said the amendments had been inserted at the request of hon. gentlemen on both sides, who considered the present law extremely vague.

Mr. TOZER: The Public Works Lands Resumption Act gives compensation for everything.

The MINISTER FOR LANDS said that was what the Government desired to do. They desired to give full compensation in the event of a road being absolutely necessary. If they carried out strictly the wording of the principal Act they could not even commence a survey of a new road under six months.

Mr. TOZER: Are you satisfied that the principal Act applies to this question?

The MINISTER FOR LANDS said he was. Any amendment that had been made had been at the request of hon. gentlemen on both sides, who did not consider the existing law sufficiently explicit. The leader of the Opposition had come in and said everything done prior to his arrival was altogether wrong, but the majority were perfectly satisfied that they were legislating in the right direction. It required a very able legal gentleman to criticise the legal quibbles of the legal gentlemen on the other side. He saw no reason to withdraw the clause. He did not approve of the amendment of the hon. member for Logan, which would entail enormous expense on the Government, which could not possibly be defined—an expense which, at all events, was not provided for by the Act as it was at present.

Mr. TOZER said they had got very much mixed up with the clause. They must not put on the statutes anything they did not understand. When he rose in the first instance he appreciated the desire of the Minister for Lands to do justice to the selector in connection with roads; but he pointed out that the original intention of the Minister was evidently in reference to selection before survey. The question he wanted to ascertain was whether the Minister had thoroughly considered the legal proposition of applying the principle of selection before survey to all selections. It struck him that those complications ought to be carefully considered by the law adviser of the Crown; and he was satisfied that if during tha recess for tea the matter was submitted to that gentleman, the difficulty would be surmounted in five minutes. The Minister for Lands had no doubt a desire to do justice to all, and take the suggestions of all hon. members; but he could not possibly grasp the legal aspect of the affair. He assured the hon. gentleman that he saw great difficulties in the way if the clause was passed as had been suggested. What the hon. gentleman wished now to do was to avoid the long delay, but surely that could be altered by a slight amendment as to the time. The principle of the Public Works Lands Resumption Act was a very good one, and it really said that if they took that which belonged to another they must compensate that other for what they took. They wanted to apply that to those farms, and the only question was as to whether the Government were doing that by the proposed clauses. He did not think they were. For instance, the Government were making it compulsory to fence the road, and he could give them instances in his own electorate in which it would be an absolute injustice to the selector to fence off the road. He knew instances where a number of selections were taken up without having selectors at their back at all, but men were engaged in the timber industry behind them, and they simply wanted to get from where they were cutting the timber down to the road, and for that purpose they must go through those selections. The Government would find a difficulty under the clause in that case, but it might be surmounted by proclaiming temporary roads through the farms. Instead of doing that, under the clause they would be bound to gazette and open those roads. If they were to be bound in every instance where the demand was made to fence off the roads the burden upon the country would be very large, and the benefit to the selector in many instances very small. He knew one instance where a man named Lock held a selection of 900 or 1,000 acres and there was good permanent water on one part of it. The Government proclaimed a road there for the timber men, and as long as that road remained unfenced the timber could be got through, and the selector's cattle from both parts of his selection could get to the permanent water, but if the Government, under that word "shall," fenced off the road the result would be that one-half of the land would be rendered utterly valueless, as it would be cut off from the permanent water, and the compensation in such a case would be extremely high. He mentioned that to draw the attention of the Minister to the danger of passing those amendments without full consideration. The scheme of the Bill was clearly to make provisions that would apply to cases where persons took up land before survey, but with a full knowledge that the Government might be called upon at some time to make provision for roads. Having altered that scheme, the question was whether the provisions which applied under the first scheme would apply equally to the general run of selections that would take place. He did not think they would. He preferred to see the provisions of the Public Works Lands Resumption Act applied, and if any complications had arisen in the working of them, to have a short clause dealing with them inserted to make them applicable in respect of those farms. What he desired in the matter was uniformity in the law applied.

Mr. STEVENS said he did not think there would be much difficulty in meeting the objection raised by the hon. member for Wide Bay with regard to roads that would not require to be fenced. He regretted to hear that the Minister for Lands was not in favour of the amendment he had himself proposed, as he considered it a fair and just one, and the majority of members of the Committee were, he thought, in favour of it. One objection the hon. gentleman raised to it was that he did not think it could be done without a fresh recommendation from the Governor. If the hon. gentleman had any doubts on that point with regard to his amendment, they applied equally to the clause itself.

The MINISTER FOR LANDS: I did not say that. The leader of the Opposition made that remark.

Mr. STEVENS said he thought the Minister for Lands had also said something to that effect, and he felt that the same objection would apply to the whole clause.

The HON. SIR S. W. GRIFFITH said he thought those constitutional rules should be observed. They were very important sometimes. He would raise the point that the clause involved additional expenditure and required another

message. No doubt under the clause the Government would be called upon to expend money in fencing, and it could not be proposed without a message from the Governor. He asked for the ruling of the Chairman on that point.

The CHAIRMAN said: The question was: That clause 6, as amended, stand part of the Bill; since which it has been moved, by way of amendment, that the following proviso be inserted, to follow the 3rd paragraph of the clause:—

Provided that if at the date of such proclamation the lands are not enclosed the Minister shall, if the lands are fenced in within five years from the date thereof, cause the road to be fenced on both sides thereof with a sufficient fence, equal to the fence enclosing the lands intersected by such road.

Upon that an objection has been raised on the constitutional point, whether the proviso can be inserted without a message from the Governor. Clause 18 of the Constitution Act says:—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said consolidated revenue fund, or of any other tax or impost, to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

As this Bill was originated in the Legislative Assembly, and did not come with the recommendation of the Governor, I have to rule that the objection is valid.

Mr. STEVENS said he supposed the objection applied not only to the amendment, but to the whole of the clause.

The CHAIRMAN: The objection was raised against the insertion of the amendment.

Mr. STEVENS said he would draw the Chairman's attention to the fact that the same objection applied to the whole of the clause.

The CHAIRMAN: I hardly think it applies to the whole of the clause, but it does apply to the 2nd paragraph.

The MINISTER FOR LANDS said that with a view of relieving the Committee from the serious constitutional difficulty it had got into, and as it would simplify matters very much, and enable them to get on with perhaps more important clauses of the Bill, he would withdraw the clause, with the intention of getting a fresh clause drafted, which would carry into effec tthe object he had in getting that particular clause framed; that was, to obtain greater expedition than was at present possible. The Act under which they were supposed to make those road reservations—the Public Works Lands Resumption Act—was a most cumbrous Act, one which caused more annoyance to the public than perhaps any other condition connected with land selection. The 102nd clause of the Act of 1884, under which they were also supposed to act, was cumbrous, because, under it, it was necessary to give six months' notice before the Government could legally enter upon any land to undertake the resumption for roads. That clause was unnecessarily cumbrous, and the clauses in the Public Works Lands Resumption Act were even more so. Under that Act, objections had to be called for when a road was wanted. Those objections extended over a certain time. There was no immediate hurry; selectors would defer the evil day as long as they could. Those objections had then to be considered; and having been considered by the Minister, they were sent on to the Cabinet, and in all probability confirmed. But that did not by any means end the matter. Notice of resumption had to be given to the selector again; it had to be published in the local papers, and the owners of the land called upon to send in their claims. Those claims had to be considered; then a mutual arrangement was endeavoured to be come to. That generally took a very long time. In many cases the selectors were rather impracticable, and if no arrangement was come to the question had to be referred to arbitration, which was really an almost interminable affair. It was often difficult to get the selectors to name their arbitrators. In one case now before him, they had been trying to get a selector to do so for two years, and without success. He did not mean to say that there were many cases so long as that, but still there was a great deal of unnecessary delay. Then after the arbitration had taken place, and the valuation had been arrived at and confirmed, the money was supposed to be paid over; but then the selector had the right to take the whole matter into the Supreme Court. The public suffered by those unnecessary delays, and he thought any attempt to facilitate public business in the interests of selectors should receive careful consideration at the hands of the Committee, should not be criticised too severely, and have so many impracticable amendments tacked on to it, which really rendered the intention of the clause inoperative. What he proposed to do, was to frame a clause which would obviate the delays he had referred to, and he trusted the Committee would allow that clause to pass. In the meantime, he would withdraw the clause before the Committee.

Mr. BARLOW said he had been informed that it was the practice to survey only one side of a road, and that very serious inconvenience and trouble was occasioned to selectors in consequence. He was also informed that when they had to subdivide their holdings into three parts, that led to complications in the Real Property Office. He would, therefore, suggest that the Minister should consider the question of surveying both sides of the road in framing his amendment.

Mr. STEVENS said the hon. gentleman in charge of the Bill had taken almost the only course that was open to him after the decision that had been given. No doubt hon. members were quite willing to believe that the clause had been introduced with the intention of doing a fair thing, so far as selectors were concerned, and he hoped the hon. gentleman would not think that their amendments had been introduced idly, or for any other purpose than the perfectly justifiable one of seeing that the selectors received fair play at the hands of the Government. In framing the new clause, he trusted that some means would be found of doing away with the hardships under which selectors had been labouring for years, and which had been brought forcibly under the notice of the Government by many hon. members. With the permission of the Committee, he would withdraw his amendment, with the view of allowing the clause to be postponed.

Amendment, by leave, withdrawn.

The MINISTER FOR LANDS said if the clause was put and negatived, he would like to know whether the same subject could be re-introduced that session?

The HON. SIR S. W. GRIFFITH: Certainly, on re-commital of the Bill.

Clause 6, as amended, put and negatived.

On clause 7, as follows:—

"So much of section two of the Crown Lands Act of 1884 Amendment Act of 1885 as is contained in the words 'the Governor in Council, on the recommendation of the Land Board, may suspend the operation of the forty-third section of the principal Act with respect to any land situated in any of the districts specified in the schedule hereto which did not at the commencement of the principal Act form part of a run, and which had before the commencement of that Act been open

to selection under the Crown Lands Alienation Act of 1876, and the schedule to the said Act,' and section twelve of the Crown Lands Act Amendment Act of 1886, and the first schedule to that Act, are hereby repealed and the following enactment is substituted therefor:—

"The Governor in Council may, on the recommendation of the Land Board, suspend the operation of the forty-third section of the principal Act with respect to any country lands which the board may under the forty-first section of the principal Act recommend to be set apart as agricultural areas."

The HON. SIR S. W. GRIFFITH said the clause in effect proposed to introduce free selection before survey all over the colony. That was an important alteration in the law. He well remembered the great struggles that took place about the extension of that principle in 1885 and 1886. At that time the hon. gentlemen in Opposition made great objections to the extension of the system of free selection before survey. In 1885 it was allowed within certain restrictions —limiting it to certain land agents' districts, practically to the Southern coast districts, and only to lands which did not at the commencement of the principal Act form part of a run, and which had been previously open to selection. In 1886 it was extended so as to include practically all the other coast districts, and it was now proposed to extend it all over the colony. He did not offer any objection to the extension of the system, if it was done on the recommendation of the board, but bearing in mind how strongly it was opposed previously by hon. gentlemen now on the Government benches, he thought the question deserved a word of comment before the clause was passed.

The MINISTER FOR LANDS said when he was in Opposition he advocated that principle very strongly, and it was chiefly on his suggestion that the amendment was made in the Act of 1886 extending its operation. The schedule at present comprised the following land agents' districts:—Beenleigh, Brisbane, Ipswich, Toowoomba, Warwick, Gympie, Maryborough, Bundaberg, Gladstone, Rockhampton, St. Lawrence, Mackay, Bowen, Townsville, Ingham, Mourilyan, Cairns, Port Douglas, and Cooktown —and in all cases it was done only on the recommendation of the board. The system had been in operation ever since the Act was passed in 1884, and no serious difficulties had arisen. He knew that many selectors would be only too glad if they could go out and select under the conditions of that Act land which they considered best adapted for the purposes for which they required it. He knew that under the Act of 1876 the principle had given satisfaction; it was in operation in many districts, and he thought it might be extended to other parts of the colony on the recommendation of the board.

Mr. JORDAN said it was a matter for consideration whether it was desirable to have selection before survey all over the colony. When the principal Act was passed it was contended, for reasons which appeared to him to be sufficient, that there should be survey before selection all over the colony. And in New South Wales some years ago, Messrs. Rankin and Morris, who were appointed to inquire into the working of the Land Acts in that colony, gave very sufficient reasons for doing away with selection before survey. Under that system selectors chalked out their land without reference to the roads that would be required for the public convenience, and that caused great confusion afterwards. Survey before selection, though it would cost a good deal to begin with, would be very much better for the colony. When there was selection before survey roads were made through swamps and over mountains; whereas, if the roads were first surveyed according to the natural features of the country, great convenience to the public and saving of expense would be the result. He was strongly opposed to he clause; but he did not suppose that his opinion had any weight.

Mr. SALKELD said he believed that selection before survey had been the means of causing serious injury to the colony. The keys of the position, as it were, with regard to water were secured by a few people to the exclusion of others. That had been done again and again, and the country had suffered in every way by the neglect of all Governments to survey the main roads and proclaim water reserves before the land was taken up. If there had been survey before selection, a great deal of expense in connection with resumptions and road-making would have been saved. The Act of 1885 provided that only lands previously open for selection should be subject to selection before survey, but the present proposal related to all lands whether previously open for selection or not. The provision in the present Act was intended to meet cases where small portions of land had been left after the rest had been selected—where the boundaries were pretty well known, and the land would only be taken up by the residents in the locality who required more land. He hoped the Committee would not accept the clause, and he was surprised that the Minister had put it into the Bill.

Mr. O'SULLIVAN said he was surprised at the confidence with which an hon. member who was quite a new hand in the colony, got up and stated that he knew for a fact that free selection before survey had done a great deal of damage to the colony. The colony of New South Wales was a wilderness before the system was adopted there; but one year of free selection before survey had settled more people in that colony than any Act that was ever passed or ever would be passed. As for taking up waterholes, that could be prevented by providing that permanent waterholes should be exempted from selection before survey. A great colony like Queensland would never be settled without free selection before survey, because the land surveyed would very likely not be the land that people wanted. If people saw better land beyond that which had been surveyed, they would want to take up the good land, and he did not see why an immense amount of money should be spent in surveying land on which people would not settle. During the first couple of years of free selection before survey in New South Wales, settlement was almost as rapid as American settlement. There was free selection before survey in Oregon, which was raised to the dignity of a State, which meant 40,000 inhabitants, in three years, simply because the people could take up the land before it was surveyed. According as they settled down the surveyor came upon the ground, and not only that, but they were supplied with seed to put into the ground. The consequence was that the whole State was actually settled with people in three years. What was to prevent them doing the same thing here? Why should any man take land at the dictation of a surveyor who could not point out to him where he could get good land? They would never have settlement in any other way than by allowing selection before survey.

Mr. SMITH said he did not agree with hon. members who said that the clause would mean free selection over the whole colony. The wording of the section was, "The Governor in Council may, on the recommendation of the Land Board." Therefore it was simply permissive. It did not say that the land was to be thrown open at once. The Land Board had to recommend what portions should be thrown open, and on their recommendation the Governor in Council might act. He failed to see that the clause made it incumbent on the Government to throw open all

the lands of the colony. The hon. member for Fassifern could not have read the clause carefully, or he would not have made such a statement.

Mr. WIMBLE said he was wholly in favour of the clause. Instances had come under his notice in which great disappointment had been felt by selectors. They had gone out and searched for land, found exactly what they required, and made application to have it thrown open. It had been surveyed, and they had then found they stood no more chance of getting it than the others who applied for the land; and had been disappointed because they had not secured the land they applied to have thrown open. There was another feature in the principle of selection before survey. The selector knew best what his requirements were. He would select the spot which he thought he could make a success of. He would settle down on the spot if he could get it, and unless he got what he required, how could they expect him to be successful. If the clause was passed, he was certain it would be the means of a very large amount of settlement taking place. There were a number of people he knew of who had ceased to make application for land to be thrown open for the reason that they were not certain of getting it.

Mr. SALKELD said he could not pretend to have been so long in the colony as the hon. member for Stanley, but he knew the result of selection before survey. If the Government would undertake to survey all the main roads and water reserves, he had no objection to selection before survey. That was the difficulty. The roads were not surveyed, and all the water frontages were taken up. It was not right to allow men to take up long creek frontages, and leave all the back country without water. He knew a great deal about the way in which land had been selected in the Southern part of the colony, and could quote plenty of cases in which selectors could just look over their fence and see a few chains away permanent water, which they could not get at. He was amongst others who took up land within a stone's throw of the Brisbane River, and they could not get to it without going a distance of three miles by road on account of the way in which the land had been taken up. As to what had been done in New South Wales they were beginning there to feel the pinch of the reckless way in which land had been selected, and as population increased they would feel it more.

The MINISTER FOR LANDS said in the event of the clause becoming law the intention of the Government was to make feature surveys of all districts likely to be required under the section. They would make entire surveys of the roads and waterholes. Surveyors would be employed in doing that in preference to making the numerous comparatively useless surveys that they were carrying out at the present time. If the clause became law the existing schedules would be cancelled, and before any new areas were thrown open care would be taken that feature surveys were made.

Mr. SALKELD said he was glad to hear that explanation, which removed his objection. He had before called attention to the neglect in having proper surveys made, and the inconvenience which was afterwards caused.

Mr. JORDAN said he was glad to hear the Minister for Lands' statement; but it did not remove his objection to the system of selection before survey. The hon. member for Stanley had evidently not read the evidence to which he alluded.

Mr. O'SULLIVAN: I am quite sure he did.

Mr. JORDAN said it was supposed at one time that the selection that took place under the selection before survey system was settlement, but it was soon found that it was not. The fact was that it enabled persons to go upon the squatters' runs and pick out the eyes of the runs, any part of it, even the orchard and garden, up to the very front door of the dwelling house. The squatters, in self-defence, had to take the land themselves. The system became a regular trade with unprincipled persons, who were called black-mailers, and in self-defence the squatters took up land which ruined them, and large portions of the 13,000,000 acres dealt with under this Act were now in the hands of banks and monetary institutions. So far from settlement proceeding with unparalleled rapidity, as the hon. member for Stanley said, at the end of twenty years it was even less, in proportion to the population, than before the Act was passed. He made that statement without fear of contradiction, and if he had time to refer to the report he could quote figures given by the commission to show that under that abominable system selection in proportion to the population was actually less, as he had said, than before the Act came into operation.

Mr. STEVENSON said he did not rise to speak upon the clause under discussion, but to bring under the notice of the Government something which had been brought under his notice within the last two or three days. He had heard that one or two of the dividing commissioners had been selecting grazing areas on the very runs they had themselves divided. He would mention the names of the commissioners he intended to refer to, in order that the other gentlemen acting as dividing commissioners might not feel that any slur was cast upon them. He had heard that Mr. Palmer, one of the dividing commissioners, had selected a grazing area on a run he had himself divided, and he had also heard that Mr. Norman Rule, or his son, had selected a grazing area or grazing areas on a run which Mr. Rule himself divided. He thought the commissioners were very well treated, as they were paid £1,000 a year; but neither the Government nor the public could have any confidence in dividing commissioners if they were to be allowed to select grazing areas on runs they divided themselves.

The HON. SIR S. W. GRIFFITH: Are they still in the service?

Mr. STEVENSON said he understood that Mr. Palmer was still a dividing commissioner, and that Mr. Norman Rule was still in the Government service. He had no wish to do any harm to those gentlemen, who were friends of his, but he thought their action very reprehensible, and he did not see how the Government who appointed those men, or the public, could be expected to have any confidence in them if they were allowed to select grazing areas on runs they themselves divided.

The MINISTER FOR LANDS said that that matter only came to his hearing on the previous day, and he had that morning taken steps to ascertain to what extent the statement made was correct. He had not yet been able to get full information, but the papers he had called for that morning certainly did disclose the fact that a Mr. Palmer—and he assumed he was the dividing commissioner, from what he had been told—had selected a grazing farm on a run which he himself had divided. With regard to the other case, Mr. Norman Rule's son had also selected a grazing farm. He did not know that there was anything in the Act to prevent the son of a dividing commissioner selecting a farm. That was all the information he could give the Committee at present—that one dividing commissioner

personally and the son of another, whether for himself or his father he would not say, had certainly selected grazing farms. He would have inquiries made to see whether there were any suspicious circumstances connected with the matter, and he would not express any opinion upon it until he had full information. He was quite prepared to give the fullest information to the House as soon as he ascertained what the real facts of the case were. He would have no objection to any hon. member moving that the papers in connection with the matter should be laid on the table of the House, or if any member gave notice of a question to be put to him on the subject, he would get the information and give it to the House in that way, without going to the expense of having the papers printed.

Mr. STEVENSON said he was satisfied with what the Hon. the Minister for Lands had said, but he hoped that if it was found that his information as to Mr. Palmer being still in the service of the Government as a dividing commissioner was true, and that he had selected a grazing area on a run he had himself divided, that gentleman would be relieved of his office.

Mr. PAUL said that as the question had been brought up by the hon. member for Clermont, he wished to say a few words upon it. He should certainly never have brought it forward himself, as having been a dividing commissioner he should not have been desirous of calling in question the action of any of his late colleagues. The question having been brought up, it gave him, he thought, an opportunity of speaking in his own defence as a dividing commissioner.

An HONOURABLE MEMBER: No one has accused you.

Mr. PAUL said he was not going to say anything personal, but it was in reference to the action of the Minister for Lands of the previous Government, and it was only fair the Committee should know exactly what it was.

Mr. JORDAN: What Minister for Lands do you refer to?

Mr. PAUL said he referred to the Hon. C. B. Dutton. It was a curious thing, and he would not have brought it forward himself, as he did not wish to thrust himself forward. He had been instructed to divide the runs in the Warrego district, and amongst others Tinnenburra Run, belonging to Mr. Tyson. That run, and all the southern portion of that district was taken away from him, and he was sent up North to the coast districts, of which he had no knowledge whatever. Those were facts, and he wished them known to show how the late Minister for Lands, who was the pet Minister of the leader of the Opposition, acted in his capacity as a Minister of the Crown. He had been appointed to the Warrego district, and had divided Nive Downs, Lansdowne, Minnie Downs, and Burenda.

Mr. MORGAN said he rose to a point of order. He wished to know whether the hon. gentleman's remarks in reference to his treatment by the late Minister for Lands had anything to do with the question before the Committee.

The CHAIRMAN: I think the hon. member is out of order in referring to a matter not connected with the question before the Committee.

The PREMIER said that with regard to what had fallen from the hon. member for Clermont, he saw that under the 125th clause of the principal Act, if a commissioner acted in the way indicated by the hon. member—who he knew had not spoken without knowledge—there was only one course open to the Minister, and that was to dismiss those men. The clause was very clear, and it said:—

"If any commissioner, land agent, or licensed surveyor, or any district surveyor, directly or indirectly acquires any interest in any land declared open for selection under this Act, in respect of which he acts as commissioner, land agent, or in the survey of which lands he has been or is concerned, he shall forfeit his office or license, as the case may be, and shall also forfeit the sum of one hundred pounds, with full costs of suit, which may be recovered by any person who may sue for the same in the Supreme Court, or in the nearest district court.

So long as he had anything to do with the Government any attempt to obtain land in the way in which it was said those gentlemen had obtained it, would meet with condign punishment. If any commissioners were guilty of any act which would render them liable under that 125th clause, they would be treated to a short, sharp, and severe sentence by the Government; and he could assure the Committee that if the statement was substantiated, that the gentleman mentioned by the hon. member for Clermont had been guilty of those malpractices, as he called them, they would be dealt with in the way that clause provided.

Mr. ARCHER said that one of those gentlemen had not been accused of any malpractice at all, as it was stated that the son of Mr. Rule had taken up a selection. Now, probably a dividing commissioner might be of such an age as to have a grandson old enough to take up a selection, and would that grandson be debarred from taking up a selection upon such grounds? He did not know whether Mr. Rule was an old man or a young man. Of course, the Premier would suspend his judgment until all the facts were before him.

The PREMIER: Unquestionably.

Mr. ARCHER said that he hoped the Minister for Lands would not have any feelings against Mr. Rule until he had ascertained whether the son had taken up the selection conjointly with his father or not.

The PREMIER: Supposing the father divided the run?

Mr. ARCHER said that if he were a commissioner and had divided a run, he did not think he would be doing wrong to tell his son that it was a first-rate place to take up land. The matter depended upon whether the father and son were connected in the case or not. If the son were perfectly independent, and in business on his own hook, it was all right. The Minister for Lands might know Mr. Rule, and might know whether he was a young man having children of tender years; but he (Mr. Archer) was anxious to see that no one lost his good name without deserving it.

The HON. SIR S. W. GRIFFITH said he was sorry to hear the Premier speak as though he had prejudged the case. He certainly saw no legal objection to the son of a commissioner taking up a selection, though it would be better for his father's reputation if he took it up somewhere else than on a run which had been divided by his father. Still it was no violation of the law, and the father could not be considered responsible for it. It was unfortunate that condemnation should have been given before they knew all the facts of the case. With respect to the other case, he doubted very much whether the 125th section was applicable to the case of a dividing commissioner, though he certainly would not have a word to say in favour of retaining the services of a man who violated his duty. As to a son taking up a selection, his father being indirectly concerned in it, that of course was a different matter. He deprecated anything like pre-judgment or

hasty judgment in the matter. He did not know either of those gentlemen, but he believed they were men of reputation. They must be that or they would not have remained so long in the service as dividing commissioners when the services of so many others had been dispensed with.

The PREMIER said that he did not think he was at all likely to be accused of unfairly condemning those gentlemen; but the matter which had been alluded to by the hon. member for Clermont must receive the most searching investigation at the hands of the Government. As far as could be seen at present the aspect was not pleasant, but he did not intend to prejudge the case. If he did want to do so, so far as Mr. Rule was concerned, he was more likely to prejudge it in his favour, having regard to the fact that Mr. Rule's brother was a partner of his own, and of the hon. member for Clermont. He had no reason to make an attack upon that gentleman; but in a matter of that sort the most rigid justice should be served out, and that the Government intended to do. The facts stated by the hon. member for Clermont were certainly of sufficient importance to lead the Government to make very searching inquiries. When they found one dividing commissioner dividing a run, and afterwards selecting an area upon the resumed half of the run; and when, in the other case, they found another commissioner—who was now Commissioner for Crown Lands in the Moreton district—dividing a run upon which his son took up a selection, it was necessary that it should receive serious consideration at the hands of the Government. He confessed that, on the face of it, it looked as if they had been actuated by personal motives in the division of those runs.

Mr. NORTON said that with regard to the selection taken up by Mr. Rule's son he could say something, as he happened to be an executor under the will of the lessee of the run upon which that selection had been taken up. He had not for one moment thought that Mr. Rule had divided the run with any personal object; but he did object that the son of the dividing commissioner should take up a selection on the run which had been divided by his father. Of course, there was nothing in the Act to prevent it. In the course of conversation with the members of the Land Board, he (Mr. Norton) had referred to that subject, and had pointed out that the effect of Mr. Rule's son selecting on that run was to induce others who wished to select in that neighbourhood to go immediately to that run. They would naturally say that as Rule's son had selected on the run which had been divided by his father, that was the country to go upon, and the result was that almost the whole of the resumed portion had been taken up as soon as it was thrown open for selection, while all the other runs in the neighbourhood were left alone. That was a very hard case, and he had felt it very hard.

The HON. SIR S. W. GRIFFITH: Hard upon whom?

Mr. NORTON said it was hard upon the lessee of the run, because it had the effect of throwing all the selection upon that one run. He was not quite prepared to say whether the selection had been taken up at the time Mr. Rule was dividing commissioner, or after he had ceased to hold that appointment, but he knew that Mr. Rule's son was the first to take up a selection on the run, and that it was taken up as soon as the run was thrown open for selection. He believed there was no objection to the lad taking up the selection. The members of the Land Board had told him that it was perfectly legal, and he did not raise that question at all; but it would naturally occur to anyone that the effect of that selection being taken up would be to induce people—rightly or wrongly—to go and take up the country on that run.

The HON. A. RUTLEDGE said he agreed with the conclusions at which the hon. member who had just spoken had arrived, but he did not agree with his reasons. He did not think because the action taken by Rule's son might conduce to a run of selection upon that particular area of resumed country, that therefore it was wrong; but it was to be deprecated that officers in the service of the Government engaged in dividing runs should tolerate, even if they were not parties to such actions, the acquisition of land upon those runs by their sons or other near relatives. There was no doubt that the thing was not illegal, so far as the young man himself was concerned, but there were many things which were not illegal, but which were at the same time highly irregular. The Government might be morally convinced of the father having an interest in the son's selection, but it would be impossible to prove it by legal evidence; all the same it would be a most irregular transaction. The hon. gentleman who brought the matter forward was to be commended for having done so in the face of the fact that the individual concerned was one with whom he was on terms of business friendship. The more jealously the Government watched the administration of the affairs of the different departments, particularly in connection with the public lands of the colony, the better it would be; and he was glad to see that there was a disposition to watch very narrowly the conduct of public officers. It would show that when irregularities and, still more, illegalities, had been committed, punishment would follow. The production of such evidence as the Minister for Lands had to produce upon such subjects would show that the offenders should suffer for their action, though he should be sorry to prejudge the case in any way. There could be no doubt that it was a very suspicious-looking case.

Mr. SALKELD said he would point out that the run must have been divided and thrown open to selection more than three years ago, and he presumed that if Mr. Rule's son had taken up land upon that run, he had no reason to prevent him. If the son was 21 years of age his father could not prevent him taking up land the moment the run was thrown open. He hoped the Committee and the Government would carefully consider the matter and not blame any man for what he could not help. Of course, if it could be shown that Mr. Rule was directly or indirectly interested, he would have to take the consequences of his action; but he was sure the Government would not act without deliberation. It made all the difference how long the run had been subdivided and thrown open, as if it had been thrown open for some years he did not see where the connection came in at all. As the hon. member for Rockhampton had said, it was a very natural thing for the son of a dividing commissioner to do, and he did not think the dividing commissioner would be doing anything wrong in saying where there was good land to be obtained.

The MINISTER FOR LANDS said he wished to ask the opinion of the leader of the Opposition, as a lawyer, whether the passing of the clause with the words in line 43, "and the schedule to the said Act," would really repeal the first schedule of that Act—whether those words had better not be omitted?

The HON. SIR S. W. GRIFFITH said he had read the clause carefully two or three times to see that he quite understood it, and he had not intended to offer any objection to it. He only

called attention to the matter because he thought it was an important alteration in the law which it was important the public should know was being made. Section 2 of the Act of 1885 said:—

"The Governor in Council, on the recommendation of the board, may suspend the operation of the forty-third section of the principal Act with respect to any land situated in any of the districts specified in the schedule hereto, which did not at the commencement of the principal Act, form part of a run, and which had, before the commencement of that Act, been open to selection under the Crown Lands Alienation Act of 1876."

The 43rd section of the principal Act was the section that required that before any land could be thrown open to selection it must be surveyed and divided into lots of convenient area, with proper reserves for roads marked off. By the 2nd section of the Act of 1885, the suspension of that provision requiring survey before selection could only take effect in respect of land in certain specified districts, and in those districts only in respect of land that at the commencement of the principal Act, March 1st, 1885, did not form part of a run, and which had been open to selection under the Act of 1876. It was a very limited choice. In order that the land might be proclaimed open to selection before survey it must, first of all, be in one of the districts specified; secondly, it must have been proclaimed open to selection under the Act of 1876; and, thirdly, it must have been land which did not at the commencement of the principal Act form part of a run. Those three conditions obtained. The Act of 1886 merely extended those provisions to other districts. The two conditions—first, that the land must have been proclaimed open under the Act of 1876, and, secondly, that it did not form part of a run on the 1st March, 1885—were continued. But the present amendment took away those two conditions. All restrictions were removed, and it applied to all land in the colony within the schedule. It meant that the Governor in Council might, on the recommendation of the Land Board, allow selection before survey in any part of the colony.

The MINISTER FOR LANDS said that was certainly not the intention of the Government. It was not intended to be applicable outside the schedule of the 1884 Act.

The HON. SIR S. W. GRIFFITH said the schedule to which he was referring was the schedule of the 1884 Act. The only land that could be proclaimed open for selection was that set forth in the schedule to the Act of 1884, although of course the schedule might be extended from time to time. The meaning of the clause was, that any land which could be previously proclaimed open for selection after survey could now be proclaimed open for selection before survey.

The MINISTER FOR LANDS said he must thank the hon. gentleman for his explanation, because it set a doubt at rest. It was intended that the clause should apply to districts which were at present brought under the operation of the Act of 1884.

The MINISTER FOR MINES AND WORKS said the question was whether the words "the first schedule to that Act" applied to the Act of 1884, of 1885, or of 1886. There were three Acts mentioned in the clause.

The HON. SIR S. W. GRIFFITH said the clause first referred to the Act of 1885, from which there was a quotation, followed by the words "the schedule to the said Act," meaning the Act of 1885. It then went on to mention the Act of 1886, and the words "the first schedule to that Act" referred to the Act of 1886. If the words referred to the schedule of the Act of 1884, it would make the clause, to a great extent, nonsense.

Clause put and passed.

On clause 8, as follows:—

"Section twenty-five of the last-mentioned Act shall be read and construed as if instead of the words 'twelve months' inserted therein the words 'three years' had been therein inserted."

The MINISTER FOR LANDS said the clause must be taken in connection with clause 9. As hon. members would see, clause 8 provided for an extension of the time of payment for auction lands from one year, which was the present law, to three years; and the reason for that was that it was proposed by clause 9 to extend the right to sell auction lands from blocks of 40 acres to blocks of 320 acres. One chief objection to clause 9, if not combined with clause 8, would be that it would enable any Government, at any time they desired, to sell land for the purpose of supplying the Treasury with money. If the terms were made to spread over three years the amount coming into the Treasury would be gradual, and that objection would be to some extent removed. The public had certainly shown their appreciation of the extended terms of payment for auction lands to one year by the readiness with which they had purchased them, and it was more in accordance with the principles of land auction sales by private firms throughout the colony. The reasons for asking for the extension of the area to be sold were pretty clearly stated on the second reading of the Bill. It went without saying, that if clause 9 was not passed, there would be very little necessity for clause 8. The chief reason for clause 8 was that it was not desirable to allow a Government to get large sums of money by the reckless sale of auction lands.

Mr. DRAKE said he would point out the necessity for a verbal amendment in the clause. The clause began by referring to "the last-mentioned Act." The last-mentioned Act was the principal Act, whereas the clause referred to the Act of 1886.

The MINISTER FOR LANDS moved by way of amendment that the words "last-mentioned Act" be omitted, with the view of inserting the words "Crown Lands Act Amendment Act of 1886."

Mr. JORDAN said that before the amendment was put, he wished to make a few remarks on the clause. The object of the clause was to increase the revenue, and it appeared to him that no alteration of the kind was necessary to secure that object. Sales by auction had gradually increased, and last year they amounted to over £119,000. Surely the Government did not want to sell more land than they sold last year. A great deal had been said by hon. members on the other side about the great falling off in the land revenue; but the curious fact was that the land revenue—that was the entire territorial revenue—showed last year an increase of £68,000 on the previous year. And yet they were told the colony was going to be ruined by the failure of its land revenue. The two things were entirely inconsistent. The report of the Lands Department for the year ended 31st December, 1888, showed that the increase of territorial revenue was £61,584 7s. 9d. If they took the Treasurer's figures, which were up to the end of June this year, the amount was £68,000. That was a larger increase than they had had since 1881. According to the figures in Table L, accompanying the Treasurer's Financial Statement, the increase in 1881 over 1880 was £162,256, and there had been nothing like that increase since, until last year, when it was £68,000. But 1881, when the increase was £162,000, was the year in which £195,000 was realised by auction

sales, the increase from that source over 1880, when the proceeds of auction sales was £77,898, being about £117,000. That accounted for the fact that the increase in territorial revenue that year was £162,000. During the intervening years the increases had been very small until last year, when it was, as he had stated, £68,000. Last year the amount of auction sales was £119,485. It had been stated that when Mr. Dutton introduced the Land Bill of 1884, he intended to do away with auction sales altogether, but that was not correct. The proposal in the Bill was that the town and surburban lands should be sold by auction, but the principle was affirmed of not selling any other land by that means. But when the Act of 1884 was altered in 1886 it was provided that land in areas not larger than forty acres could be sold by auction, and the object of that was then very clearly stated. It was pointed out that there were odds and ends of land in various parts of the colony which were not fit for agricultural purposes, and which in many cases were a harbour for vermin, and it was contended very fairly and rightly that they should be turned into money by being sold by auction in areas not larger than forty acres. That was a fair and legitimate thing, and one quite consistent with the other parts of the Act. But the object now was to go in for encouraging the aggregation of large estates, and that was most objectionable. It was to be made easy for capitalists to speculate in country lands. They were to have three years credit, and be thus induced to buy. At present the price was fixed by the board, in whom they all had great confidence, but they might have gentleman in that position who would take a very different view of things, and be disposed to fall into the hands of the present Government, as it were, by encouraging the purchase of large areas of lands by capitalists for mere purposes of speculation. He objected to the selling of land by auction, except on the principle affirmed in the Act of 1886, that was, selling odd pieces here and there, not otherwise. He objected to giving long credit on the terms proposed to speculators who wished to obtain large estates, and who would be able to do so under the two clauses now proposed. He objected to placing land simply in the hands of the board as to price; and even with the amendment to be proposed by the hon. member for Burrum—that the land should first be submitted to auction with conditions of improvement—he would still object to it. Even if amended, as proposed by the hon. member for Warwick—that the board should have the power to fix the price at not less than £1 per acre—he would still object, on the same ground that they did not want to encourage the buying of large areas by capitalists, and that there was no necessity for anything of the kind from a revenue point of view, seeing that the territorial revenue last year showed an increase of £68,000.

The MINISTER FOR LANDS said he was rather amused at the arguments of the hon. gentleman, who said he saw no reason why the principle in question should be enlarged, because there was an increase in the land revenue last year of £68,000. But what was the cause of that increase? The hon. gentleman did not object to the increase; in fact, he seemed rather proud of it. He said in effect, "See how well the Act is working; it actually produced an increase of £68,000 last year." But that increase consisted of what: The increase on auction sales last year amounted to £66,000, so that actually the auction sales caused the increase in the land revenue last year. If they had not had that means of acquiring some additional revenue, he did not know how the hon. gentleman would have got over the difficulty, except by some calculations as to what the revenue would be ten or fifteen years hence. But if they had to wait ten years for the financial results of the Act of 1884, that Act would break down financially, and it was because he was desirous of giving the good principles in that Act a further trial that he asked that the lands revenue might be supplemented in the way now proposed. The land revenue last year was £627,901, actually less than when the present Land Act came into force. How long was that sort of thing to go on? How long were they to be buoyed up with hope that they were going to get an enormous revenue from that Act? They might get a slight increase from it, but the rents were so small that the areas disposed of must be very large to get even a comparatively small revenue. He admitted that settlement might result from it, and in that way the Customs revenue would be increased, and so the country would be benefited indirectly; but if they had to get the money necessary to pay the interest on the loans already contracted, and on those which were likely to be contracted, they must have additional land revenue. Hon. members might say, "Put on a land tax," but the people had already got a land tax under their divisional boards and municipal councils; and now that there was a possibility of the endowment to those boards being reduced, the people would have to be still further taxed by the boards. It was far better that they should pay a land tax to the divisional boards than into the general revenue, and only get part of it back. He contended that for the safety of the country the land revenue must be a little more elastic than it had been since the Act of 1884 was passed, and if the hon. gentleman wished the good principles of that Act to have a fair trial he must allow that some such clause was necessary in order to enable the Government to get additional revenue.

Mr. GROOM said he very much regretted that there was such a thin Committee present to discuss such an important question. The information published yesterday with regard to the Treasury returns threw some light on what might possibly happen under the clause. According to those returns, the revenue for August, notwithstanding the additional taxation, was only £2,000 in excess of the revenue for the corresponding month of last year. It was £117,000 in August, 1888, and £119,000 in August, 1889. The railway receipts were £12,000 less than in August, 1888; the stamp duty was £9,000 in August, 1889, as compared with £24,000 in August, 1888; but there was an increase of £11,000 in the land revenue for the month. If it had not been for the increase in the land revenue, the deficiency, as compared with the corresponding month of last year, would have amounted to nearly £30,000. That threw some light on the clause now under consideration; and from what the Minister for Lands had said it was very probable that there would have to be wholesale sales of land to raise the revenue to the amount estimated; so that it was a very serious question whether the Committee should agree to the clause. On the second reading of the Bill he expressed himself strongly against auction sales of land, and he saw no reason for altering that opinion. As for the tax put on land by divisional boards, in some instances it was a farce. He knew of large estates; over 100,000 acres in extent, not paying as much to the divisional boards as the rates paid by an ordinary hotel in Brisbane.

Mr. LUYA: It is not a farce in Brisbane.

Mr. GROOM said he admitted that. That was shown by the fact that Woolloongabba swallowed up something like £20,000, and Booroodabin something like £10,000 in endowment. That showed where the money was raised;

but, it was different in the outside districts. He knew, and the Chairman also knew, of homestead selections 640 acres in extent, paying a rate of 7s. 6d.; so that there was nothing like the pressure of taxation by divisional boards in the country districts which the Minister for Lands would lead the Committee to suppose. It was quite clear, judging from the Treasury returns for August, that there was no sign yet of any change in the unfortunate depression which existed in the colony. At the same time, that was no reason why the Committee should place in the hands of the Government the power to sell blocks of land of large areas. They all knew the reason for the small attendance of members that evening, and he thought it would have been as well to have adjourned the discussion on account of the absence of members who were taking part in a very important meeting. The clause was a very important one, and he hoped the Minister for Lands would not take advantage of the state of the Committee and press the matter to a division, but would give hon. members an opportunity to discuss it very carefully.

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) said that if the remarks of the hon. member were allowed to go uncontradicted they might have a prejudicial effect on the minds of the people of the colony as to the state of the revenue. The revenue returns were published for the information of hon. members and the public generally; but it must be assumed that the persons who read those returns would read them intelligently and devote a little time to analysing them.

Mr. GROOM: I have done so.

The MINISTER FOR RAILWAYS said he would refer to one fact the hon. gentleman had not discovered, which would explain the matter. The returns, with regard to the Customs and railway receipts, were made up from weekly returns. Supposing they were made up on Monday in every week, it would occur one month of every quarter that there were five Mondays in that particular month, and there would be five weekly returns included in the month in which those five Mondays occurred—taking Monday as an example of the day of the week on which the returns were made up. The fact was that the returns for the month of August, 1888, included five weekly returns, whereas those for the month of August, 1889, included only four weekly returns. When the Treasurer showed him that the railway receipts were below the receipts of last year, he asked whether it was not the case that the returns for August, 1888, included the receipts for five weeks, while the returns for August, 1889, only included the receipts for four weeks, and the Treasurer told him that such was the case. Then with regard to stamp duties, last year duty was paid on one very large estate.

The HON. SIR S. W. GRIFFITH: There were more transactions in shares last year.

The MINISTER FOR RAILWAYS said a very large sum of money was paid in the month of August last year upon one estate alone, an amount which nearly made up the whole of the difference. He simply mentioned those matters that there might be no alarm in the minds of hon. members with regard to the public accounts. If they took into consideration that the returns for the month of August were for four weeks, whereas last year they represented five weeks, they would find there was no great fault to be found with the receipts.

The HON. SIR S. W. GRIFFITH said it might be a very comfortable thing to be told that the returns were misleading, but it was very disquieting. It was most unfortunate if those returns were so inaccurate, and conveyed so misleading an impression. But the hon. gentleman was mistaken. Last year August ended on Friday. This year on Saturday. Either Saturday or Monday must be the day for making up the returns. Last year and this year there were exactly the same number of Mondays and Fridays in the month of August. What the hon. gentleman said about there being so many weekly returns was quite new to him. Last year there were only four Saturdays in the month of August, and this year five. In both years the number of Mondays was the same, so that last year ought to have had four weeks, and this year five.

The MINISTER FOR RAILWAYS said there were thirteen weeks in a quarter, and three would not go into thirteen.

Mr. GROOM said: What was the value of the return? It was supposed to be a comparative statement of the consolidated revenue of Queensland paid into the Treasury at Brisbane during the months ended 31st August, 1888, and 31st August, 1889. If the hon. gentleman said the return was inaccurate, and that there was a week longer in one month than in another, the statement was misleading. If the return was only up to the 24th August why did it not say so?

The MINISTER FOR RAILWAYS said simply because the returns were made up from weekly returns. There were thirteen weeks in a quarter, and thirteen could not be divided by three. There must be five weeks in some returns. Last year there were five weeks in August, and this year only four.

The HON. SIR S. W. GRIFFITH: How do you make out five weeks last year?

The MINISTER FOR RAILWAYS said the weekly returns for July might have finished on the 28th July. Then there would be two or three days which would be included in August. Everyone accustomed to making up weekly returns must know what he meant. They were not made up as of so many days, but as of weekly returns; and it could not be done otherwise.

The HON. SIR S. W. GRIFFITH: On what day of the week is the return made up?

The MINISTER FOR RAILWAYS said he did not know.

The HON. SIR S. W. GRIFFITH said it must be either Saturday or Monday, and neither would bring about the results stated by the hon. gentleman. There were in the present year five Saturdays in August, and, according to the hon. gentleman, there ought to be five weeks in the year's return and four weeks in last year's. Taking Monday, there were four Mondays in each year in August. The explanation was a plausible one, but he was afraid it was not correct.

The MINISTER FOR RAILWAYS said it did not matter whether it was plausible; it was correct, and had been verified. The leader of the Opposition's objection might be plausible, but it was not verified. Anyone accustomed to returns must see that such a thing as he spoke of must happen, and unless they took those facts into consideration, they could never get a true comparison. If they took one quarter as against another, they got a much better comparison, but to compare one month with another when the returns were composed of weekly returns, it must be evident that they could not get an exact comparison.

Mr. UNMACK said he could really not understand the Minister for Railways. He said the figures had been verified and were correct. He (Mr. Unmack) would like to know whether

the month of August did not always contain thirty-one days? If the return was not correct, and they were to have it made up on weeks, the sooner they knew it the better. The month of August contained thirty-one days, and, therefore, the returns under discussion ought to contain thirty-one days, and not four weeks.

The MINISTER FOR RAILWAYS said the returns were made up now as they always had been. The only difference was that hon. members had not taken notice of them before. The returns were not made up by days, but by weekly returns.

The HON. SIR S. W. GRIFFITH: On what day are the railway returns made up?

The MINISTER FOR RAILWAYS said they generally reached his table by about Wednesday, and were always published on the Saturday following.

Mr. UNMACK said the hon. gentleman did not adhere to the point. His point was that the return was supposed to be for the month; but if it was only for four weeks they should know it. So long as it bore its present heading they must take it for what they were told it was.

Mr. BARLOW said it was difficult to verify the statement if they did not know the day of the week on which the returns closed, and he might quote what appeared in that evening's *Telegraph*:—

"That monthly Treasury statement is not a boom; it is a sort of echo. Deficit £16,837. Hulloo.

"But for the crack in extra land sales it would have been £11,000 more. Total, nearly £30,000 on the month.

"That is at the rate of £360,000 a year. How, at this rate, is the deficit to be sponged out? Eh?"

It was no wonder such queries were put, owing to the want of preciseness in the Treasurer's statement.

The MINISTER FOR RAILWAYS said he could not make the matter any plainer. It was evident that hon. gentlemen were not accustomed to pay-sheets. If they were, they would know that all returns were framed on the same basis. The system was in use in railway contracts, and in everything else that he was acquainted with. If they reduced weekly returns to monthly returns, one month in every quarter must contain five weeks. The whole thing arose out of an attempt to generalise without sufficient data. To generalise by comparing one month with the same month in the previous year was not sufficiently good generalisation to arrive at a sound conclusion. To arrive at a conclusion worth having, they must have more facts than that before them. They must have, at least, three months, and the greater the number of months they dealt with, the greater accuracy they would have in their calculations. They were all accustomed to see the most extravagant conclusions drawn from insufficient data, and that was what had happened in the present instance.

Mr. BARLOW said he had not the slightest desire to press or annoy in that matter, but as the Colonial Treasurer was present, he would, perhaps, be able to tell them on what day of the week the returns were made up, and they could then figure the matter out for themselves. For the hon. member's information, he might say the question was as to the apparent falling-off in the Treasury returns for the month of August, and the Minister for Railways had favoured the Committee with the explanation that whereas in the month of August, 1888, there had been five weeks included, there had only been four weeks included in the statement to the 31st August of the present year. If the Colonial Treasurer would kindly tell them on what day of the week the returns were made up they could figure it out for themselves.

The COLONIAL TREASURER (Hon. W. Pattison) said the Treasury returns were made out as set forth at the end of the month. They made up the returns from the amounts sent them from the different departments. As to the falling off in the revenue, there was none. The Minister for Railways had explained the railway returns, and that in August last year five weeks had been included, and only four weeks this year. The falling off in the stamp duty was brought about simply by the fact that last year, during last August, a very considerable amount had been received in stamp duty from one particular estate. There had been substantially an increase in the revenue for the month of August as compared with the same month last year, with those exceptions.

The HON. SIR S. W. GRIFFITH said that everyone knew that in August there were thirty-one days, and during the first twenty-eight days of the month, the same day of the week occurred four times; and that left three days, which occurred five times in the course of the month. The 31st was a Saturday this year, so that there had been five Thursdays, five Fridays, and five Saturdays in the month, and last year there must have been five Wednesdays, five Thursdays, and five Fridays. The only way they could make five weeks last year, and four weeks this year, was by taking Wednesday to be the day on which the weekly returns were made up. That was the only possible way in which they could give effect to the theory of the Minister for Railways. The returns could not, however, have been made up on Wednesday, because the account was published on the previous day (Wednesday), so that it must have been made up the day before; so that that theory would not do, and was entirely erroneous.

Mr. SALKELD said he would point out that the returns were published up to August 25th, which was a Sunday. Then, he presumed that five days of August were counted in September last year, and six days in the present year—that was from the 26th to the 31st.

Mr. POWERS said he thought they could accept the explanation of the Minister for Railways and the Colonial Treasurer. They said, as a matter of fact, that in last August five weeks' revenue was received, and this year only four weeks was received. There was no theory about it; it was an actual fact.

The HON. SIR S. W. GRIFFITH: It is impossible.

Mr. POWERS said he believed the Committee could accept the statement, as Ministers had given their word on the subject, and there was no theory at all about it. It could be easily understood, because the Railway Department, although they might get money on the Saturday, did not pay it into the Treasury on the Saturday The Colonial Treasurer said there had been four weeks' revenue paid in this year, and five weeks' revenue were included in the Treasury returns of the month for last year. He had made inquiries himself directly he saw it, because it looked to him as if they were not going right; and he had an explanation, and took the Minister's word as true, and he thought the Committee and the country ought to accept it.

Mr. BARLOW said he had no particular desire to dispute the veracity of the Minister for Railways; but he respectfully asked the Colonial Treasurer to say whether the revenue of the colony was made up on any particular day, and what that day was? If the thing was done higgledy-piggledy, and one department paid in the full amount of money received, while

another held it back, he could understand the return. He presumed, for instance, that the revenue received in the Northern ports was telegraphed down.

The HON. SIR S. W. GRIFFITH: It is made up on Saturday and telegraphed down on Monday morning.

Mr. BARLOW said he would only ask whether a particular day of the week was fixed to make up the returns, and if it was, and the hon. gentleman would tell them what day it was, they could easily form their own calculations?

The COLONIAL TREASURER said he did not know that it was a part of his duty to find out those details. It was not his duty to say whether all the cash was received; the department had auditors for that purpose. The departments paid in the cash, as it might accumulate.

Mr. BARLOW said that the revenue, then, was not made up on any particular day, and that statement, which set forth the revenue after the 31st August, was misleading.

Mr. MORGAN said that they must get a starting point, if they wished to make up the revenue returns. No doubt certain days in July were included in the statement for August, and certain days in August included in the statement for September; so that the statement published, as for August, was really misleading. He thought that they had discussed the question sufficiently long, as it did not very much matter whether the money was earned in July or in August, so long as it was four weeks' revenue. If no other member desired to discuss that question, he would like to say a few words upon the clause of the Land Bill before them. He understood the Minister, in introducing it, to say that it would be as well to discuss the whole question of land sales on that clause. He had given notice of amendments in clause 9, and presuming that the Minister for Lands wished the discussion upon the general question of sales of land by auction to take place now, he would address himself to the amendments he was going to move. The digression which had taken place had been brought about by the reference of the hon. member for Toowoomba to the revenue returns, in which it was sought to be shown that there had been a falling off from the revenue returns for August of last year. He had no doubt that the apparent falling off in revenue was intended as an argument in favour of giving extended powers to the Government for selling land by auction; but it appeared from the explanations of the Minister for Railways and of the Colonial Treasurer that there had been no falling off in the revenue, and that, as a matter of fact, there had been a slight increase, so that that could not be used as an argument in favour of getting an increased income from sales by auction. When the Bill was being debated on its second reading he had expressed his opinion that additional powers should be given to the Government to obtain a larger contribution to the cost of Government from sales by auction. He thought that in recent years they had been getting too little revenue—less than they had a fair right to expect—from sales by auction; but, on the other hand, he held equally strongly that no Parliament should give unrestricted powers to any Government to sell land by auction at any price, and in any areas. He thought Parliament should fix the maximum area to be sold by auction in any one year, and also the minimum price at which that land was to be sold, and that was the direction taken by his proposed amendment in clause 9. Under the existing land laws the Government had power to sell town lands, suburban lands, and country lands. Under section 81 of the principal Act the Government had power to sell town land. at a minimum price of £8 per acre, and suburban lands at a minimum of £2 per acre, while, under section 26 of the amending Act of 1886, country lands might be sold in blocks not exceeding forty acres at a price not less than £1 per acre. The Bill before them proposed that country lands might be sold in blocks not exceeding 320 acres, and it also provided that the upset price, which was now fixed by Act of Parliament at not less than £1 per acre, should be determined by the Land Board. Although members of the Government might contend that the interests of the country were sufficiently safeguarded by the provision that the upset price should be determined by the board, it could be shown that there were ways by which the safeguard, that did exist to a certain extent, might be got over, and by which the interests of the country might be jeopardised. Not many years ago the Government of the day, of which the present Vice-President of the Executive Council was Premier, had found themselves in need of revenue, and instead of going to the ordinary sources of revenue to balance accounts they had gone to the lands. They had alienated very large areas of very fine country, at a very small rate per acre. In that year there were sold by auction no less than 267,000 acres of land, and the bulk of it had been sold at 10s. an acre under circumstances which had almost forbidden competition. He maintained that, if the clause was passed in the form in which it had been introduced by the Government, there was no sufficient safeguard against the same kind of thing occurring in the very near future, and that ought to be guarded against. He would give the areas of land sold by auction during the last eight or nine years. In 1879 they had sold 12,000 acres; 1880, 82,000 acres; in 1881—the year to which he had previously referred—267,000 acres; in 1882, 84,000 acres; and in 1883, 47,000 acres. During that period of five years the average had been about 100,000 acres per annum. In the year 1884 they sold 13,000 acres; in 1885, 3,000 acres; and in 1886, 1,500 acres, the average during those three years being about 6,000 acres per annum. Since then, during the years 1886-7 and 1887-8 the area had been slightly larger, but not appreciably so; whereas in 1889 the area had shown a very large increase, due to the altered policy consequent upon a change of Government. The late Government had gone to the extreme of non-alienation of land by auction sales.

The POSTMASTER-GENERAL (Hon. J. Donaldson): They sold every town allotment they could lay their hands on.

Mr. MORGAN said the present Government made no secret of the fact that they would go to the other extreme, and sell as much land as they could find purchasers for. They had already done so, and he had no doubt they would do so again. It had been agreed quite recently in regard to loan expenditure that that expenditure should not, as in the past, be allowed to pass out of the control of Parliament, and he entirely agreed with that view. Parliament should exercise a strict control over the annual expenditure from loan which was capital. Then how much more should they exercise strict control over their landed estate. In support of that, he would quote a few passages from the evidence taken before a select committee appointed five or six years ago to make inquiries into sales of land by auction in the Clermont district. With the object of that committee he had nothing whatever to do; but evidence had been given by the Premier and Minister for Lands of that day, and by the present Surveyor-General, who had been Surveyor-General at that time also. It would be seen from that that the sales of land

in large areas at low prices which then took place, was alleged to be due to the extravagance of other departments of the Public Service. If the necessity for practically giving away lands then arose from extravagance in administering the different departments of the State, there was no sufficient guarantee that the same thing would not occur in future, and that Ministers, having the knowledge that they could rush to the public estate to make good their extravagance, would not be very much less likely to be economical in their administration than they would be had they not that means at their disposal. The land then sold, was sold chiefly at the instance of the run-holders in the Clermont district. In some cases the land was submitted at the upset price of 15s. per acre in pretty large areas. At that price there was no bid, and he dared say the fair inference was that the land was not worth the price. Then the squatter appeared upon the scene, and had it communicated to the head of the Lands Department that he would give 10s. an acre for the land, and it was re-submitted to auction, the only condition imposed being that the purchasers should buy large areas. The then Minister for Lands stated that his object in imposing that condition was to prevent the eyes of the country being picked out. It might have had that effect, but it certainly had the effect of building up large estates in that district, and preventing anything like close settlement taking place for many years to come. The then Premier, Sir Thomas McIlwraith, was examined before the select committee, and he gave as his reason for consenting to the land being sold at the low price for which it sold, that the Treasury wanted money. At question 651 he gave the following evidence :—

"Was the Treasurer bound to have a certain sum paid in from some source by a particular time? Well, about the time when I made my Financial Statement there was a deficit of between £200,000 and £300,000. That, of course, we had, as soon as we possibly could, to make up. I calculated upon certain amounts to come from our railways and our Customs. Very little of the year had passed by before I saw plainly that there was reason to expect that my calculations would be falsified. I was bound, as Treasurer, to see that those items over which I had control brought into the Treasury the amount I had calculated.

"As there was a diminution in Customs receipts and railway receipts, as Treasurer did you feel called upon to make up the deficiency from some other sources of revenue? As far as I possibly could. I would not consider it a matter of good policy to make up the whole deficiency out of auction sales; but I was bound to get as much as I could by auction, and as much as I had promised I would. When I made my Financial Statement I stated that I would raise £175,000 by auction sales. This was before an acre was sold. I defended my policy, and the House approved."

He quoted that evidence to support his argument, that if they gave the Government power to sell land in large quantities without restriction, extravagance would result from the knowledge that they could go to the public estate and make good extravagance on the part of Ministers, and it might be possible that they would find the Premier himself extravagant, making the Minister for Lands bear the brunt of his want of economy, and provide the money to meet the deficit that would otherwise accrue. The country generally was bound to suffer from such a policy, as it had suffered in the past. The safeguard proposed was that the Land Board should fix the upset price at which the land should be sold, but though he believed the members of the board were inspired with a desire to do nothing but what was right, yet he thought that obstacle could be overcome in the same manner as the prejudices or wish of the Minister for Lands was overcome in the case of the lands in the Clermont district. The land would be submitted to auction at what the board considered a very fair price for it, but it might be submitted repeatedly at that price and no offer be made for it. The only conclusion that could be drawn from that would be that the land was not worth the money, and probably at that time it would not be worth the money to anybody who would buy it in large quantities. Then if the land had to be sold the board would be pressed by the Minister, and would no doubt do the only thing that could be done in the circumstances—namely, reduce the price. The run-holder who wanted to purchase the land in large areas would reason that if he held off and made no offer a reduction would take place sooner or later; he would get the land on more favourable terms, and would make no bid; then when the price was reduced he would come in. The safeguard which he (Mr. Morgan) wished to impose on auction sales was that they should fix by law the maximum area that might be sold in any one year, and the minimum price at which it should be sold. There was nothing in the nature of an experiment in the amendment. Section 61 of the New South Wales Land Act of 1884 fixed the maximum area of country lands to be sold by auction in that colony in one year, and the price at which it should be sold, and that provision had been found to work so satisfactorily that it was, he was informed, included in the Land Bill introduced a few months ago into the New South Wales Parliament by the Minister for Lands, Mr. Brunker.

The MINISTER FOR LANDS: What is the maximum area in New South Wales?

Mr. MORGAN said the aggregate area for the whole colony was 200,000 acres.

The MINISTER FOR LANDS: And it is the same in Victoria.

Mr. MORGAN said he did not know what it was in Victoria. The maximum of 200,000 acres in New South Wales included all classes of lands country, suburban, and town. He was not wedded to the maximum of 50,000 acres specified in his amendment. He believed that if the Minister for Lands would calculate the total area of land they had alienated during the past ten or twelve years, and strike an average, he would find that that area of 50,000 acres, with the area of town and suburban lands he might reasonably expect to dispose of, would bring the total area at his disposal up to the average for that period. He did not see why they should go for some years to come above that average. No doubt the average had been increased by the enormous sales made by the McIlwraith Government at Clermont, in the year 1881, and he did not see why any Government should ask for powers larger than given by the clause in that respect as to area. In regard to the minimum price of £1 per acre, that was a matter upon which opinions might differ. He believed there were some districts in the colony in which settlement might possibly be promoted to some extent if the land were sold at a lower rate. But if they gave the purchaser three years in which to pay without interest, if he recollected aright, he would be in a much better position than the man who paid £1 per acre cash down. He could see no valid reason for refusing to fix the maximum area and the minimum price. That ought to be done in the interests of the colony, and he hoped both would be fixed before the clause was allowed to pass.

The MINISTER FOR LANDS said the hon. member did not seem to be satisfied with the average. For four or five years past the average area of land alienated had been 219,000 acres yearly.

The HON. SIR S. W. GRIFFITH said that average included all the selections that had been taken up, and they were now talking about sales by auction. The hon. gentleman was taking into account all the selections. They knew that the present Government had always made it a prominent point in their policy to squander the public estate as much as possible. They seemed to think there was some virtue in converting the public estate into money, and calling it revenue. What most people called prodigality they called economy, and very likely they held the belief of a gentleman who was once there, that they would never be out of trouble in regard to land until they had sold it all. But when they had sold it all the trouble would be greater than it was at present. The land should bear the burdens of the State, and what was proposed now was that it should not do anything of the kind. They wished to sell land merely for the purpose of replenishing the Treasury, so that when the Treasurer was in trouble he could say to the Lands Department, "I must have £100,000," and the land would have to be put up at forced sales with no minimum price. In fact it would be like a mortgagee realising upon property he held as a security—by a forced sale. That was the scheme the Government actually proposed to re-introduce. That system, of course, existed before; but it had only been put into operation by one Government, and the scandal became so great that the system was put an end to in 1884. Nothing, he believed, but the great scandals of preceding years, would have induced Parliament to put the restriction it did upon sales of land by auction. At that time there was a strong feeling in the minds of many persons in the colony in favour of sales by auction, but the scandals had become so great that Parliament went to the other extreme. Now the same party proposed to take the power to do practically the same thing; that was, to rake in money into the Treasury whenever they were short, and then say, "See what splendid financiers we are; we can always make both ends meet!" And how? By spending capital as income. That was the great method of the Government that preceded the last one. First of all they sold the lands of the colony, and, secondly, they borrowed money and spent it as income, and by that means they acquired in the minds of some people—only a few, and ignorant persons—the reputation of being great financiers. They must all recognise that the financial position of the colony was very serious, and demanded more careful consideration than it had received at the hands of the present Government. He regretted very much to see the revenue returns for last month; they indicated that the most serious attention was required. He did not wish to refer again to the explanation of the Minister for Railways, but he was sure that gentleman must be aware of the inaccuracy of it. But whether those returns were quite correct or not, the only inference that could be drawn from them was, that the financial position required attention, and the only method that the Government seemed to be able to devise to remedy that state of affairs, was the sale of land by auction. That was a most unfortunate thing. But what did the Government care? They would, if they could, imitate the Treasurers of New South Wales before the year 1884, who for several years had a surplus of £2,000,000 or £3,000,000 in the Treasury. But their immense sales of land were followed by a corresponding deficit, and in that colony nobody would propose such a course again, except within narrowly defined limits. There was only one way to stop the mischief that he could see, and that was to fix a fair minimum price. But the Government did not want that; all they wanted was a recommendation from the board. If they told the board they must have so much land sold by auction, the board would have to fix the price, and the price they would fix would be the price which it would realise, which might be only 5s. or 10s. per acre, or less. There would be forced sales for the purpose of enabling the Government to tide over a year or two during their term of office, and enable them also to avoid dealing with the financial position in a proper manner. They would leave that to be dealt with by the succeeding Government. That was not sound statesmanship or fair administration. He could not see what could be the special object of that particular clause, if it was not to encourage sales by auction—to sacrifice the land; and by making the terms easy, to induce people to buy who had not money to buy it outright. The Government would sell the land in the same way as land sales were conducted around Brisbane; the terms being a deposit of 5 per cent. or 10 per cent., the balance being payable in three years or more at a nominal rate with interest. That was the sort of thing the Government were going in for—to induce people who had small sums of money to buy land on the chance of being able to sell it at an increased price in a year or two. But upon that principle, in order to get in £100,000 during the next financial year, they would have to sell some £300,000 worth of land, and so on. If they kept that up, in three years they would be getting £300,000 a year; but if they did not do it, they would not materially benefit the revenue during the present year. If they limited themselves to the sale of £100,000 worth of land, they would only receive £33,000 during the present year, and that was not what they wanted. Hon. members knew why the Bill was brought in. As the Minister for Lands said it was for the immediate relief of the Treasury. To produce immediate relief to the Treasury more land must be sold than was sold last year. Last year the amount sold was £190,000. To make any appreciable addition to that with three years' credit they would have to sell more than £600,000 worth during the present year. Taking off the £65,000 balance from last year, that was over £200,000 the Colonial Treasurer would want to get in during the current year, and that meant that he would have to sell £600,000 worth of land. That was if he was going to get immediate financial relief. Unless three times as much land was sold that year as last year he would not get so much money as he got last year. The immediate effect of the clause would be to work in the opposite direction. The fact was the Government wanted to get money somehow or other, and they did not care what might come afterwards. He believed the greatest mistake possible was about to be made. The acquisition of a freehold ought to be made dependent upon settlement, as far as that condition could be enforced. The hon. gentleman, he knew, took a different view. But he had the satisfaction of thinking that, whatever steps the Government might take to get rid of their territory, because they were afraid to face the proper mode of raising income, it would not be very long before the country would lay down once and for ever that it would not have that mode of raising revenue for current expenditure.

The PREMIER said there was an old proverb, and one that must be familiar to every hon. member, that "Satan sometimes rebukes sin." He had been rather amused to hear the leader of the Opposition administer a castigation to the Minister for Lands and his colleagues for the way in which they proposed to deal with the lands of the colony. Did the hon. gentleman remember what he and his colleagues did with

regard to the finest pastoral and agricultural lands in Queensland—about and surrounding Roma? Did he remember that he alienated hundreds of thousands of acres which might at present have been occupied by small holders, but which were now in the hands of large owners? It was well known that 40,000 acres of that land were held by one company, and that two or three other individuals held from 45,000 to 50,000 acres each, and so on. Those lands were sold under the hon. gentleman's auspices, for although he was not Premier at the time, he was the ruling spirit in the Ministry that did it. And now the hon. gentleman got up and objected to the selling of land. He (the Premier) joined issue with him altogether as to the question of dealing with the lands of the colony. He firmly believed in settling people on the land, and in selling the land to people who would utilise it. Land could not run away, and if it was made freehold it would be put to the best possible advantage. The hon. gentleman said the present Government were desirous to sell land in a reckless way in order to bolster up the revenue; and, "after them, the deluge." Why, after them the deluge? What was the deluge that was to come after a clause such as that was passed? The hon. gentleman, when he advocated the passing of the Act of 1884, was at the time so thoroughly imbued with the Georgean theory, that when the Bill was introduced he did not provide even for homestead selections; he would have no freeholds whatever. And he (the Premier) would state, although it might not please the hon. member for South Brisbane, that the homestead clauses were forced upon the hon. gentleman by the then Opposition.

Mr. JORDAN: No; by his own supporters.

The PREMIER said he said no without fear of contradiction.

The HON. SIR S. W. GRIFFITH: It has been contradicted every time it has been stated.

The PREMIER said that might be so, but the fact remained recorded in *Hansard*. It was absolutely true, as true as that he stood there now.

Mr. JORDAN: Every one on our side advised it.

The PREMIER said that with all due deference to the hon. member for South Brisbane those homestead freeholds were forced upon the Government by the then Opposition. He said that distinctly, and he would not withdraw one inch from the position he had taken up. Since then the party which the hon. gentleman led had gone further, and by the amending Act of 1886 had allowed land to be sold by auction in forty-acre blocks. That, he thought, would not be denied even by the hon. member for South Brisbane. What was proposed now was simply to further develop the action then taken by the hon. gentleman. And, after all, the hon. gentleman had not shown that any harm would come to the country by blocks of 320 acres being allowed to be sold to any individual. He had not shown that any great aggregation of estates would take place by increasing the area. The hon. gentleman fought shy of that question altogether. All he said was that the Government were desirous to pass the clause for the purpose of filling an empty Treasury. He had not attempted to show why the area should not be 320 acres, instead of 40 acres. All the hon. gentleman had said was that the Government desired to pass the clause to enable them to fill a depleted Treasury. Admitting for the sake of argument that that statement was true, and supposing the Government were desirous to fill a depleted Treasury by the sale of land, it was only reasonable to ask how was that depletion brought about? That depletion of the Treasury was brought about by the Ministry of which the hon. gentleman was the leader. He and his colleagues were left a Treasury filled to overflowing, with a large surplus, which dwindled away year by year until at last the present administration were left to face an enormous deficit, he believed through the mal-administration of the previous Government. Therefore, if even the worst construction possible were put upon the action of the Ministry in regard to that clause, it could only be attributable to the conduct of the hon. gentleman himself when in office. But that was not the reason why the Government had introduced that provision. It was because they were desirous of allowing any individual the right to purchase a little more than forty acres of land at one time. It had been suggested that a much smaller area than that proposed by the Government should be the maximum, but he thought the Committee would agree with him that 320 acres was none too much for any man who wished to settle upon the soil, more particularly as the upset price was to be not less than £1 per acre.

The HON. SIR S. W. GRIFFITH: Do you agree to that?

The PREMIER: There is the clause.

The HON. SIR S. W. GRIFFITH: That is to be repealed.

The PREMIER said there were plenty of areas in the country that were not worth £1 per acre, and the hon. gentleman knew it as well as he did.

The HON. SIR S. W. GRIFFITH: Not yet worth £1 an acre.

The PREMIER: Then, when was there to be any finality? When were they to decide at what period land would be worth £1 an acre?

The HON. SIR S. W. GRIFFITH: Keep it until it is.

The PREMIER said he would ask if they were to keep the people off the soil? Were they to have no opportunity of securing a freehold until the land was worth £1 an acre? Surely they were not to lock up all the lands of the colony for that period. The hon. gentleman must in all common sense know that there were hundreds of thousands of acres in the colony that were not worth anything approaching £1 an acre, but which, if sold at their actual value at the present time, would settle a very large population. The hon. gentleman would no doubt tell him that the country had lost those lands, sold them at less than their value; but they must get population, and he would ask the hon. gentleman why his land at Townsville, and why the few acres he (the Premier) owned here, were sold? Why were they not held back for the benefit of the State? If they wanted population they must settle that population on the land on a secure and permanent tenure. They could not settle people on the land unless they gave them that tenure. He thought the clause as it stood, giving power to the board to fix the price of the land, should be quite sufficient for the Committee and the country. They were alienating land every day under the board, in the way of leaseholds, from twenty-one to fifty years, and giving them a much more dangerous power than anything contained in that clause. They were parting with land, under what was practically freehold tenure, in a very reckless way; but under the clause now proposed, they would get full value for the land in every way, because freehold land throughout the colony was taxed in every direction, by divisional boards, by municipalities, and probably before many years were over it would have

still further burdens imposed upon it by that House. Therefore they were not in any way parting with the birthright of the people. They were simply parting with something that was always taxable, and that would be duly taxed when the time came for it. Therefore he could not, for the life of him, see how the hon. gentleman could object to increasing the area from 40 to 320 acres. If the hon. gentleman said, "We will not alienate one acre of land, we will have nothing but leasehold tenure," he could quite understand that as an arguable and a tenable position, although he did not agree with it. But having admitted into the Land Act the principle of alienation—permitting the acquisition of freeholds by individuals to the extent of forty acres—he could not understand why there should be any objection to extending that principle to the extent proposed by the clause, more especially as they were dealing with land not nearly as valuable as land that had been alienated and was being alienated every day. The hon. gentleman had spoken of the present Government as doing all they could to alienate the lands of the colony; but he would point out that the late Government seized upon every portion of land that they could possibly sell, and sold it, and not only sold it, but sold it with disastrous results to the colonists of Queensland. They had even sold land at the railway station in Brisbane, which had had to be re-bought for public purposes from the previous purchasers at a largely increased price. Every bit of land they could get hold of they sold.

The HON. SIR S. W. GRIFFITH: You managed to sell £119,000 worth immediately on taking office—within twelve months.

The PREMIER said he was dealing with actual facts, and he condemned the action of the late Government in selling town lands, reserves, and so forth, as a grievous mistake. But the policy, indicated to a certain extent by the present Government, in the Bill before the Committee was a good one. How could they expect any man to settle on forty acres of land in this colony and make a living out of? The idea was too absurd to his mind. Some hon. members appeared to think that the clause was intended to benefit capitalists, but he could not see it in that light at all. He could assure the hon. the leader of the Opposition that there were men who had bought land for pastoral purposes at 10s. an acre—and there were some out West who had paid as much as 30s.—who were almost compelled to buy it under the circumstances, and who would be perfectly willing to hand back that land to-morrow at its original cost.

The HON. SIR S. W. GRIFFITH: I admit that.

The PREMIER said he could not see that the hon. member was in earnest when he said the clause would lead to the aggregation of great estates. He would assume, for the sake of argument, that land was put up at £1 per acre, and the pastoral tenant bought it at that price. The best grazing land in the colony that he knew would not carry more than one sheep to two and a-half acres through all seasons, and that was £2 10s. for the first cost of the land required for each sheep without any improvement whatever. That was 2s. 6d. per sheep per annum for the cost of the grazing right, and sheep farming on that land would not pay. Even if the land were sold at 10s. per acre, that would make the cost of the grazing right 1s. 3d. per each sheep per annum, so that there would be no danger of the aggregation of large blocks of country for purely pastoral purposes. If, on the other hand, the result was the purchase of land for agricultural purposes that would be a desirable change. He thought he had shown clearly that the danger apprehended—perhaps honestly apprehended—that the clause might lead to the formation of great freehold pastoral holdings was a danger that would not exist; and if the leader of the Opposition, with his mathematical knowledge, would only put together the facts and the figures, he would see that it would not pay to buy freehold land for grazing either sheep or cattle. If, on the other hand, the clause led to what was considered a better form of settlement—though he still held that for many years to come a great portion of the colony must be devoted to grazing sheep and cattle—no one could object to passing it as it stood, because it would encourage a class of settlers who were at present few and far between—namely, men who combined agriculture with pastoral pursuits to a certain extent; it would give an opportunity to those people to settle on some of the superior lands of the colony; but to say that the clause would lead to the aggregation of great estates, was to assert what was an utter impossibility.

The HON. SIR S. W. GRIFFITH said he had been reminded by the hon. gentleman's remarks of an omission he made when speaking before, as to how the present and the following clause were likely to lead to the aggregation of large estates. But before dealing with that matter, he wished to say a word or two with regard to three accusations made against the late Government. He did not think the sins of the late Government ought to have much to do with the policy of the present Government.

An HONOURABLE MEMBER: They are beacons of warning.

The HON. SIR S. W. GRIFFITH said they might be beacons of warning; but the fact that a previous Government had made mistakes was no reason why their successors should follow them. The hon. gentleman first referred to a Bill, to which he (Sir S. W. Griffith) was a party twelve years ago. He hoped he had learned a good deal during the last twelve years; he certainly had learned a good deal about the land question. And a good deal had been learned throughout the world since twelve years ago, with regard to the question of land tenure; and if opinions had not changed during that time, they had become very much modified.

The MINISTER FOR MINES AND WORKS: We are always changing.

The HON. SIR S. W. GRIFFITH said he hoped he had learned a great deal during that time, and he hoped he always would learn. But he did not see what interest it was to the country whether he had changed his opinions or not. The Premier said he had no right to object to the aggregation of large estates under the system proposed, because he was a party to the Railway Reserves Act. That was not an Act to squander capital by employing it in daily expenditure, but a project for converting capital in the form of land into capital in the form of railways, and thus avoiding the burden of loans. That was the project, but it was not as successful as its originators desired. It was a very different thing from disposing of capital to pay annual expenditure. Then the hon. gentleman said the late Government came into office with a surplus of £300,000 at their disposal, which they immediately squandered. The fact was that they found a surplus of £300,000 derived from excessive sales of land—which was capital—and they appropriated it to permanent works, as their predecessors had intended to do. Then they had been told that the late Government sold every bit of land they could well lay hold of, and in particular that they had sold a most valuable piece

of land in Brisbane. He believed they did sell that piece of land. He was not in the colony at the time, though he was technically responsible; but if he had been in the colony he thought that land would not have been sold. But with all that wicked extravagance, including that dreadful sale of land in Brisbane, they only sold £60,000 worth of land that year; and their successor were able to sell £190,000 worth in one year after they got into office. That was an excellent comment on the statement that the late Government sold all the land they could lay hold of.

The PREMIER: All that people would buy.

The HON. SIR S. W. GRIFFITH said the present Government were able to sell more than three times as much in twelve months.

The PREMIER: Because the people had confidence in us.

The HON. SIR S. W. GRIFFITH said those things had been repeated so often that people might think there was something in them unless they were contradicted. The hon. gentleman said that he had not shown how large estates would be aggregated under the system proposed. If the price had been made £1 per acre he did not think that large estates would be formed in many places; but bearing in mind that it was a revenue scheme, the Government would sell land wherever purchasers could be found; and purchasers would only buy the best land. Therefore the best land would be offered at auction; and it was well known that the quantity of good land available for selection within reasonable distance of a market was not very great in many parts of the colony. Yet, if that scheme were to come into operation, it must be by selling the best country land. Let anyone go to the Darling Downs, or to West Moreton, and see the effect of selling land by auction or analogous modes. There they had had warning enough. The Government intended to get money somehow; and as to forming large estates, there was no difficulty in that. The land would be sold in blocks of 320 acres. There would be some blocks side by side; and there must be a road round the whole block. They might easily have blocks containing four square miles, or might make them even bigger by elongating them.

The MINISTER FOR MINES AND WORKS: The Land Board can fix the area.

The HON. SIR S. W. GRIFFITH said he did not think so. The words of the Act were "The Governor in Council may cause country lands to be offered for sale by public auction." There was nothing about the recommendation of the Land Board, nor was it intended by the Government that it should be on the recommendation of the Land Board. The Government could put up any land they pleased by auction, and under the Act of 1886 the board had nothing to do with land offered at auction. It was only proposed that they should come in to the extent of fixing the price, and they would have to fix the price at what it would sell for. They would be told by the Government, "We must sell land by auction, fix its value." Its value would be the same as land of the same quality in the neighbourhood. The hon. gentleman said nobody would give 10s. an acre for pastoral land. Probably the price would then be 5s. or 2s. 6d., so long as it could be sold and the money obtained. It was quite easy to arrange the blocks so as to get a considerable block of five or six square miles in one area without being divided by a road. But the roads would not make much difference. He would give an illustration, within his own recollection, of what happened on the Darling Downs. He would show the hon. gentleman how to aggregate a large area in blocks of 320 acres, and with roads all round. He remembered a selection taken up under the Act of 1868 on the Darling Downs. That Act provided that the land should as far as practicable be in one block, with a frontage of not more than half its depth. About twenty or thirty blocks of 320 acres had been surveyed, separated very often by roads, but joining in some places, perhaps two pieces joining on one side, then a road between, other pieces only joining at the corners, and that was scattered over the whole of some thousands of acres. They were blocks of 320 acres all pinned together at the corners, making several thousand acres. That was actually passed by the commissioner as a single selection under the Act of 1868. The result was that the purchaser was able to take the benefit of all the odd blocks in between, and he got possession of, he (Sir S. W. Griffith) did not know how many thousand acres.

The PREMIER: Was it all connected?

The HON. SIR S. W. GRIFFITH said it was in the way he had stated.

Mr. ARCHER: It could only have been second-class pastoral country.

The HON. SIR S. W. GRIFFITH said it was called that. But it was on the Darling Downs, and had been surveyed in 320-acre blocks. Of course that was only done by a disgraceful breach of the land law. The next step was to put up the intervening blocks at auction, and then close the roads. That had been done on many occasions. He remembered that case particularly, because an information was filed by him, when Attorney-General, in the Supreme Court, to set aside the transaction, and the action did not go on because the defendant said on oath he could not give any information, because it would subject him to penalties and forfeitures.

The MINISTER FOR RAILWAYS: That could not happen now.

The HON. SIR S. W. GRIFFITH said it could in the simplest of all possible ways. All that had to be done was to acquire the 320-acre blocks. Then would follow the closure of the roads. That was a well known method of getting together large estates, and had been frequently practised. The law was that a road going through a property, and leading nowhere in particular, might be closed, so that there was not the slightest difficulty in the way of a man aggregating an estate of fifty, sixty, or a hundred thousand acres, and doing that comfortably within the space of a couple of years, if he had the money to do it. The hon. member for Warwick would remember another case in which that had been done.

The MINISTER FOR MINES AND WORKS: Was that ever done by a Minister of the Crown?

The HON. SIR S. W. GRIFFITH said not to his knowledge.

The MINISTER FOR MINES AND WORKS said he heard of a case in which a Minister of the Crown got roads closed in that way.

The HON. SIR S. W. GRIFFITH said he was not referring to any such case, and had no knowledge of it. The case he now particularly referred to was at the southern end of the Darling Downs.

Mr. GROOM: The Minister for Mines and Works is quite right.

The HON. SIR S. W. GRIFFITH said, however, that was the law. Roads could be closed in that way. He had mentioned the circumstance, as experience had shown that a man could accumulate an estate of ten, fifty, or one hundred thousand acres in blocks of 320 acres.

The MINISTER FOR MINES AND WORKS: It could not be done now.

The HON. SIR S. W. GRIFFITH said the law allowed it to be done, and the Government who wanted to sell land and encourage people to aggregate large areas would have no difficulty in doing so. If the law would allow them to get only 320 acres and pay full value for it he would not feel deeply aggrieved about that, because he had no doubt about a land tax coming in the near future. But the people in favour of the clause did not believe in a land tax, and they wanted to strengthen the opponents of that tax. They wanted first to increase the power of those who opposed it saying, "You know you can always have a land tax." They wished first to weaken their opponents but said, "When you are strong enough you can get what you want." He had shown that experience had proved that by selling land in 320-acre blocks it did tend to the aggregation of large estates. He had, in speaking before, assumed that hon. members were familiar with that. He was familiar with it from a knowledge of many transactions which had come under his notice.

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

WESTERN AUSTRALIAN CONSTITUTION.

The SPEAKER said: I have to announce that I have received the following letter from the Speaker of the Legislative Council of Western Australia:—

"Western Australia,
"Legislative Council,
"Perth, 14th August, 1889.

"SIR,

"I have the honour to transmit to you the accompanying resolution, unanimously adopted by the Legislative Council of this colony, on the 13th instant.

"I have the honour to be, Sir,
"Your obedient servant,
"JAS. G. LEE STEERE,
"Speaker.

"The Legislative Council of Western Australia, in Council assembled, desires to express to the Governments and Parliaments of New South Wales, Victoria, South Australia, Queensland, Tasmania, and New Zealand, its hearty appreciation of and grateful thanks for the sympathy exhibited towards this colony in its efforts to obtain from the Imperial Parliament responsible government, with the full rights and privileges attaching to that form of constitution enjoyed by all the other colonies of Australasia. The Council believes that these able and well-directed efforts will prove of the greatest possible assistance to Western Australia; will tend to hasten the introduction of responsible government to this the last remaining portion of Australasia not possessing the full benefits of autonomous institutions; and will expedite the advent of that period so ardently hoped for—which cannot be much longer delayed—when all these colonies shall be united in one great, free, and prosperous federation."

HONOURABLE MEMBERS: Hear, hear!

The PREMIER said: Mr. Speaker,—I beg to move that the letter be printed and entered on the records of this House.

HONOURABLE MEMBERS: Hear, hear!

Question put and passed.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I beg to move that this House do now adjourn. The Government business for to-morrow will be the consideration of the Estimates.

Question put and passed.

The House adjourned at twenty-five minutes past 10 o'clock.