

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 9 OCTOBER 1902

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The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*) replied—

1. It has been considered desirable up to the present, but the question of reducing the strength at this station has been under consideration.
2. An extra constable was stationed at Mount Usher owing to certain outrages perpetrated at the mines last year.
3. Full particulars now being obtained.
4. No serious crime beyond that stated above.

TANK ENGINES.

Mr. WOODS (*Woothakata*) asked the Premier, in the absence of the Secretary for Railways—

1. How many of the tank engines are now undergoing alterations and repairs?
2. What is the anticipated cost of such alterations and repairs?
3. Have the boilers and firebox stays of those engines been examined by the boiler inspector?
4. If so, will the hon. gentleman lay a copy of such inspector's report upon the table of the House for the information of members?

The PREMIER (Hon. R. Philp, *Townsville*), for the Secretary for Railways, replied—

1. Three.
2. £90 each.
3. Yes.
4. Yes.

I lay upon the table the report referred to.

CONCESSIONS TO INTENDING PURCHASERS OF DURUNDUR AND MOUNT KILCOY.

Mr. PLUNKETT (*Albert*), without notice, asked the Secretary for Public Lands—

Will he grant free return passes from Brisbane to Caboolture to enable intending purchasers of the repurchased estates of Durundur and Mount Kilcoy to visit and select on the said estates before the 21st of this month?

The SECRETARY FOR PUBLIC LANDS (Hon. W. B. H. O'Connell, *Musgrave*) replied—

Any intending selectors or purchasers on Durundur and Mount Kilcoy can get the usual selectors' tickets, which allow them to get the money refunded if they select afterwards. No other concession is granted.

REPURCHASE OF BALANCE OF CLIFTON ESTATE.

On the motion of Mr. KATES (*Cunningham*), it was formally resolved—

That there be laid upon the table of this House copies of the offer in connection with the balance of the Clifton Estate, comprising about 7,000 acres, by the owners, under the Agricultural Lands Purchase Act, and also all reports relating thereto.

THURSDAY, 9TH OCTOBER, 1902.

The SPEAKER (Hon. Arthur Morgan, *Warwick*) took the chair at half-past 3 o'clock.

MEMBER SWORN.

Mr. William Henry Browne, who on entering the Chamber was received with cheers, took the oath and subscribed the roll as member for the electoral district of Croydon.

QUESTIONS.

POLICE AT MOUNT USHER.

Mr. COWAP (*Fitzroy*) asked the Home Secretary—

1. Considering the retrenchment policy of the Government, is there any reason for two constables being stationed at Mount Usher?
2. If so, what are the reasons?
3. What number of cases, if any, needing police intervention have there been at Mount Usher during the last three years?
4. What was the nature of such cases, if any?

SALE OF CROWN LANDS.

Mr. FOX (*Normanby*), in moving—

That, in view of the known deficit in the finances of Queensland and of the further deficiency likely to be caused by recent action of the "Commonwealth Parliament," it is expedient that a Bill be introduced authorising the sale by auction of Crown lands not exceeding in the aggregate ten million (10,000,000) acres.

That the upset price be determined by a member of the Land Court, acting in unison with two persons having local knowledge in each district: such persons to be appointed by the Governor in Council.

That payments with or without interest, be spread over such period as may be prescribed.

These provisions to be in addition to other conditions of sale in any other Act—

said: Before dealing with the motion, I have much pleasure in congratulating the leader of the Opposition on taking his seat. The Government

have already power to sell a certain area of land by auction every year, but in view of the fact that we have lands of every description, and a semi-tropical as well as a tropical climate within our boundaries, I think it was a mistake to fix the minimum price at 10s. an acre. Of course, there are some lands worth that amount; but we have second and third rate land, and ever since I have been a member of this House I have maintained that, in order to fix the value of our public lands, we should obtain the best possible information, and that information can only be obtained from people resident in the district concerned. In this motion I propose that two local persons appointed by the Governor in Council, presided over by a member of the Land Court, shall form a court in the district to class lands and put a value on them. There are lots of lands in Queensland that could be sold at a valuation of such a character, and those lands are situated within a reasonable distance of a market. There is a large map in the Lands Office on which anyone can see the small amount of land that has been alienated and settled, and if anyone will study that map he will see the necessity for taking some steps towards settling population on the land. It is generally admitted that even in the Western country 20,000 acres is not sufficient to enable a man to make a success of a grazing farm; and I have no doubt that will be admitted in the Bill about to be introduced. I have had no information as to what that Bill will contain, but I have no doubt that the area of grazing farms will be increased. In taking up grazing farms we all know that the best part of the land is taken up, and I think that if some amendment is made in the Act it will be a great deal more successful in increasing settlement, and a great deal more land would be taken up and occupied as grazing farms if it could be purchased at a reasonable price. The only way to arrive at a reasonable price is to have the land classed and valued by men with local knowledge, assisted by a member of the Land Court. The Government cannot go on borrowing under present conditions; and while I am at this point I would like to say that I commend the action of the Government, and particularly the Minister for Works, in so carrying out public works as to give as much employment as possible to our population. I think that is a statesmanlike and proper thing to do. Notwithstanding that, however, it is very clear that we are getting to the end of our tether, and it would be unwise to go on—I doubt if we could go on—borrowing unless we can make both ends meet; and I think the only way we can do that is by selling a portion of the large estate we have at our disposal. That is a business-like transaction. It is usual when a man gets into difficulties, and has a superabundance of a particular article, to endeavour to sell that article. Up to the year 1899-1900 we had alienated less than 3½ per cent. of our land; Victoria had alienated about 41½ per cent.; and New South Wales had alienated about 23½ per cent. When we know we have that splendid asset, and when we know that members on the other side are decidedly opposed to immigration of any kind, I think any man who studies political economy must know that if we are to progress we must increase our population; and my object is twofold—to put Queensland into a position to meet her expenses, and to settle people on the land. A lot of our lands would be of more use to us if they were given away, because at present they are only a harbour for pests and other objectionable things, which do injury to other land which has been alienated alongside it; and therefore it would, I think, be a good thing to give away our Crown lands rather than let them remain idle. My object is that our population should be increased,

and thereby reduce our indebtedness *per quota*, and find funds for carrying on, without borrowing, the public works of the colony. It has been said, and repeated over and over again, that we cannot sell our lands at present. Of course, I admit that this will be very difficult to do, although we have heard the leader of the House say he believes that we can sell our Crown lands even now. Under the old existing circumstances, I believe lands were sold at a very much higher price than would otherwise have been brought, but for the uncertainty of tenure. To a large extent they were forced sales, and in the Western portions of the colony many persons were compelled to buy land to save their stations. With regard to the second part of the motion, I may say that this is somewhat of an innovation; but I firmly believe that if the right men are chosen the business will work out all right. There is far too much centralisation. No matter how energetic men may be—in any part of the colony away from large centres—in spite of all their efforts, and in spite of the Government itself, expenditure will always drift towards the seat of government. If this suggestion is practical, it will lead to splendid results. Lands in the coastal districts would be fenced in, ring-barked, and improved, if they could be obtained at their value. £1 an acre has been paid for land which is not worth half that, or even 5s. an acre, or even lower than that. Under the Unconditional Selection Act, I have known land to be taken up which was not worth 5s. an acre, and I am quite sure that persons could not make a living on it; and yet they paid £1 an acre for it. The end of this will be that the same thing will happen here as happened in New South Wales a few years ago when I was there. The Government will have to appoint a commission to revalue all these unconditional purchases. There is a Land Court in New South Wales, which consists of two local members, as well as a member of the Government, the private members being appointed there by the Governor in Council. In some cases they reduced the value of the land, and in other cases where it was proved to be of greater value than was first put on it, they increased it. There is another matter. It has been asserted by legal members in the House—although, of course, the Government will not admit it—that at the end of the present leases the State will have to pay the value of the improvements made on these leases. That is the opinion of the best legal authorities in England, and it was the opinion of the late Attorney-General on the opposite side of the House. [Mr. ARMSTRONG: That is for land held under the 1884 Act?] Yes. I think by judicious sales of land this difficulty might be got over, and the country might be saved hundreds of thousands of pounds. [Mr. KIDSTON: Save us from paying for the improvements by giving the land away for nothing?] Oh, no! Of course the hon. member opposite opposes this motion from party principles, but I have very little doubt that if I had a chat with him outside he would agree with me. Party ties bind him hand and foot, and I cannot expect very much assistance from hon. members opposite, but it may be some consolation for them to know that at one time I was as much against selling our lands as they are now; but after studying the subject in all its bearings, and seeing the number of pests there are in the State and the quantity of money that it is proposed to spend in getting rid of prickly pear and the rabbits, I begin to think that it would be a good thing if the whole of our Crown lands were alienated, and then they could be taxed. Notwithstanding the smile of the late leader of the Opposition, there is not the slightest doubt that heavy claims will be made on the State for the improvements which already exist on leases, if

some liberal land law is not brought in to induce these people to retain their lands, and improve them and stock them. Here is a splendid opportunity to make the most of our assets and the most of our position. If we introduce liberal land laws we may induce a very large population to come from other places and settle in Queensland. Unless we do that I don't see how we are to progress at all. At present there are no more persons in Queensland than there are in the Arctic regions—in fact, less per square mile—and considering this, and the needs of the State, it must be admitted that the very thing we want to make this State prosperous is population. It is all very well to say that we have no room for more, but there is always room for energetic men—for the man who will put his shoulder to the wheel. He may have to start at the lowest rung, and on a weekly wage of even 5s., but he will get to the top and become a prosperous colonist if he is energetic and works properly. There are some men who will not help themselves, and hon. members opposite are bringing that about and intensifying it. They are pandering to such men in the colony; so much so that men are saying: "Oh, I don't care. I will spend my money as I please; the Government will have to keep me. Seven shillings a day, eight hours, and the Government stroke will suit me." It is just like a man

bringing up his family. If he allows [4 p.m.] his boys to be idle, they will grow up idle and improvident men. The best thing to improve a man is to have to contend with difficulties, and to overcome them by his own industry. But if a man is indifferent and careless, and is allowed to rely on others, that man becomes ruined, instead of being made an industrious and prosperous man. Men and boys who have had the hardest life, and have had to live, perhaps, on two meals a day, have turned out able men, and when such persons have come to this State they have made progress and proved themselves some of our best colonists. With regard to payment for the land to be sold, I propose that the payments, with or without interest, should be spread over such period as may be prescribed, my idea being that the payments should be made much in the same way as loans are repaid to the Agricultural Bank, and that the payments should extend over twenty years. My reason for inserting the provision was that these conditions shall not interfere with other conditions of sale in any other Act. I do not want to interfere with anything that has been passed by this House in regard to the sale of land. [Mr. KIDSTON: This is just a little extra sale. Not the ordinary sale of land?] I do not wish to interfere with the ordinary sales of land; it would be presumptuous for me to suggest interference with any measure which has been passed by this House. Some portion of the proceeds from these proposed sales should certainly go to clear off Treasury bills, but I do not desire that the money received should go into the consolidated revenue, and to prevent that I propose to amend the motion. I do not think I need say anything further in support of the motion, except to emphasise the object I have in view, which is to provide a means of raising funds in the present low state of the Treasury, and to settle people on the land. I beg to move the motion standing in my name, and with the permission of the House I will add the following paragraph:—

That the various sums thus obtained from time to time be set aside for the purpose of improving and developing the public estate.

The SPEAKER: Is it the pleasure of the House that the motion be submitted in the amended form? [Honourable members: Hear, hear!]

The SECRETARY FOR PUBLIC LANDS:

When I saw this notice of motion on the business-paper, I had no idea that the hon. member was going to advance as one argument in favour of it that his object was to settle people on the land. There is no doubt that in the present state of the finances of Queensland there is very great need that land should be offered for sale by auction if purchasers can be found, but I cannot follow the hon. member when he suggests that selling land is going to induce settlement. Under our Land Acts people can get land on the most favourable terms. They make a certain number of annual payments, and ultimately become the possessors of it. Under our homestead clauses they can get land at 2s. 6d. an acre, with ten years to pay it in. Surely that is an infinitely better way of disposing of the land than if the upset price was reduced and the land sold at auction below what we now get for it! At the present moment we are limited by Act of Parliament to selling 150,000 acres a year; but under the Special Sales of Land Act, passed last year, we were allowed to sell sufficient land to cover the Treasury bills which have been issued, and the Governor in Council may apply in the years ending 30th June, 1902 and 1903, any part of such moneys in payment of any sums appropriated by Parliament for the services of those years respectively. For years past we have not found that we have been able to sell land in anything like the quantity that the law permits us. Our great trouble has been that we could not get people to buy. Of course the hon. gentleman may say, and I believe he intended to say, that the upset price at which we have been offering land is too high. Well, I think there may be portions of the colony for which 10s. an acre is an extreme price. There are portions of the South-western part of the colony out of which the State would make a very good bargain if it could sell at 2s. 6d. an acre, but if the present upset price were reduced the result would be that instead of our selling the poorer land we would have people wanting to buy good land at the minimum price. [Mr. KATES: Some of it is not worth 2s. 6d. an acre.] I quite agree with the hon. member. There is a great deal of our land which would be dear at 2s. 6d. an acre, and it would give us a much better price in the shape of interest on a funded price of 2s. 6d. than the rents we are now getting for it. But that is not the question. The question is, If you reduce the minimum price, what will be the result? I think it would be as I have stated. Some land which was sold at Peak Downs shortly after I became Secretary for Lands the present owners were anxious to get at £1 an acre, but to-day I do not believe they would buy it at 10s. an acre. That shows how the price of land fluctuates. We are in a position now which makes it almost impossible to sell land, because the people who would use it have been almost ruined by the drought. I do not believe it would tend to increase the revenue by the sale of land if the hon. gentleman's motion were carried. We have any number of people in Queensland who persist in saying that the proper course for the Government to adopt is to sell land, but, curiously enough, when we do offer a piece of land for sale the Lands Department is inundated with objections against selling that particular portion of land. People say, "It is not a good thing to sell land there; sell it in some other direction." That has been to a certain extent a bar to selling land in the past, and it has prevented the sale of a lot of land that might have been sold in good seasons, but which, owing to the present bad times, certainly cannot be sold.

I think the only ground upon which land should be sold now is to meet the necessities of the Treasury, and when I was putting the Special Sales of Land Bill through last session, I pointed out to the House that as the sales would to some extent be forced sales, we should have to be content to sell land where we could. We could not dictate to people where they should buy. Objections were raised to selling land in close proximity to railways or rivers, and I pointed out then that if we wanted to get anything worthy of the name of revenue out of the sales of land we must be prepared to sell it where people are prepared to buy. A great deal of opposition was shown to the passing of the Special Sales of Land Act, on the ground that we were selling the people's heritage, but unfortunately for myself and the Treasurer the persons who were supposed to be coming along to snap up these bargains have not come along, and we have not been able to part with the people's heritage. It has not been my fault, I can assure you. I have done my best to get the people to buy, but they have distinctly declined and said, "When we wanted to buy you would not sell, and now that you are prepared to sell we do not want to buy." I am quite certain that there are a great many people in the Western and Central districts of Queensland who would be very glad if they could get their money back for the land which they have bought, because they have found to their cost that buying land for grazing purposes is not such a good thing as they thought. Of course there are still men who are prepared to buy, and I am quite satisfied that there will be others who will buy when good seasons return to us, and when they can see their way to making money out of the land, but with the terrible time they are going through just now, they hesitate about locking up money in acquiring freehold estate. There is no doubt a certain set of people for whom real property estate has a great charm, and when the seasons improve there will be a great inducement to them to offer to buy Crown land in Queensland. But I do not believe that it would be in the interests of the public that the minimum price of land should be reduced below the present sum of 10s. If the House were to empower the Government to sell certain portions of the estate at a reduced price, the effect might be that people would say, "You want to give us rubbish; if you like to sell us the good land at that price, we will buy it." At one time the minimum price was £1; then it was brought down to 10s., and to a certain extent there is an amount of unfairness in that to those who bought at the higher price. Of course they have no actual claim for damage, because they knew what they were doing. They knew it was possible that the House might afterwards see its way to reduce the price of Crown lands to even 2s. 6d. an acre. They knew that the settled policy of the country now is to keep the minimum price at 10s. The hon. member might have raised this question better on an amendment to the Land Act, which I hope to be able to introduce next week. He could then have submitted a definite proposal, and allowed the Committee to say whether in their opinion it is a desirable thing to amend the law in the way he proposes. No doubt the matter is at present one in which there is a certain amount of public interest. I have no hesitation in saying that if I could I would sell a very large amount of the public estate if I could get 10s. an acre for it, but I am afraid the hon. member's motion will not aid in the direction of selling a large quantity of the public estate; nor is the rider he has added to his proposal one which commends itself to me. The development of the public estate must be left to the owners of it;

it would not do to sell a part to improve the balance of it. Whatever money is spent on the portion which is being improved would have to be got back again from the persons who purchase, which would simply lead to the Government becoming the middle-man, for no reasonable cause that I can see. It is, of course, quite a different thing under the Repurchased Estates Act, where the Government acts as agent between the selector and the owner of the land he wants to buy and cannot otherwise buy. The State purchases the land and sells it to the selector on certain terms. That is thoroughly sound business, and it settles people on the land. It is not sold to them by auction; they select it on twenty years' terms. Our existing land laws are sufficiently liberal to allow of any amount of settlement when the seasons become better. We have proof of that in the fact that people have come from Victoria lately and taken up large areas of land in the Dalby district. Only yesterday I had a letter from some of them asking that a further area be set aside for the purpose, as they believe there will be a large influx of their fellow-colonists from Victoria. Those are the kind of settlers we want—men with some capital and who know enough about farming to make a living by it. I wish the hon. member had given us some hint as to how I could induce people to buy land; it would have been most valuable to me and to the country at the present moment. His only suggestion is to reduce the minimum price, and I am afraid that would not cause to happen what he wishes to happen. For that reason, so far as I am concerned, I cannot support the motion.

Mr. KIDSTON (*Rockhampton*): There is nothing very new about this motion; it is just the old quack nostrum which a certain class of people advocate whenever the Treasury is in difficulties. The only remarkable thing about it is that it should be brought forward by an hon. member representing a district in the Central division, where most of the land so far sold in large areas has been alienated. [The PREMIER: All the land in Queensland is not in the Central district. There is some left elsewhere yet.] A little bit up [4.40 p.m.] North, and a little bit down South; but, speaking from memory, I should say that three-fifths of the land that has been sold during the last six or eight years has been sold in Central Queensland. [The PREMIER: That is not very much.] And, for that reason, I am surprised that any man who has to go before a Central Queensland constituency for re-election should come to this House and try to "sool" the Government on to more of this foolish business. It seems to be a great idea, and is as easy as falling off a log. The idea may enable the Treasurer to raise sufficient money to pay his current expenditure, but it does not commend itself to me as being either very original or very catching. I gathered from the hon. member for Normanby that he is posing as a sort of saviour of this country. He recognises that the pernicious principles promulgated by the Labour party are ruining the manhood of this country, and he brings forward this motion, as he assured us, for the purpose of saving the people of Queensland from the pernicious principles of the Labour party by selling the lands of the country. At least, I gathered from the hon. member's remarks that that was one of his leading motives. I confess I do not quite see the connection between saving the people of Queensland from the pernicious teaching of the Labour party and this particular quack nostrum. I do not know how it is going to affect them. I was exceedingly pleased to see the Secretary for Lands point out that if people want to buy

land for *bond fide* settlement, our present land laws give them about as ample and as generous opportunities of acquiring a freehold as it is possible to give them, except you give it to them for nothing. The hon. gentleman pointed out that small people could acquire a freehold at a cost of 2s. 6d. an acre, with deferred payments extending over ten years. Now, apart altogether from any policy of land settlement, if it is a desirable thing to get people to settle on the land, and if it is a desirable thing to give them freeholds to induce them to settle upon the land, those terms are about as likely to achieve that object as any terms that could possibly be devised, short of giving them the land for nothing. [MR. ARMSTRONG: There are some portions of the country where freehold may be a security where freeholds would not be suitable for close settlement.] That is quite true, but that is another aspect of the question. I am dealing now with the aspect presented to us by the hon. member for Normanby in moving the motion—that is to say, the securing of settlement by selling 10,000,000 acres of land. If it is going to secure close settlement, I would like to ask the hon. member if he has any objection to my making it 100,000,000 acres, because, if it is going to secure close settlement, everybody would welcome it. The Secretary for Public Lands very clearly pointed out that our present land laws offer ample facilities for *bond fide* settlement in small areas. The hon. member for Normanby did not show how any terms which he could propose would induce people to settle on the land when the present terms would not tempt them, because it is manifest that there are millions and millions of acres that can be taken up at 2s. 6d. an acre, and which, long years after, have not been taken up. [MR. MACKINTOSH: What areas are they in?] [MR. FORSYTH: 640 acres.] [MR. ARMSTRONG: And what conditions? That is the point.] [MR. HARDACRE: Without any conditions.] I must not be understood as trying to maintain that the last word has been said or that the last device has been resorted to by way of offering generous conditions to those who want to settle on the land. That is not my position at all. If the mover of this motion had come forward with a motion asking us to liberalise the present conditions, and showing what it was in the present conditions that prevented a large amount of settlement, and proposing a method for removing those difficulties, the position would have been altogether different. But he does not propose any better conditions. He does not propose any conditions at all. He simply comes forward with a general loose motion that 10,000,000 acres should be sold. Now, the Secretary for Lands has power to sell 20,000,000 acres of land this year. [THE PREMIER: No.] Is there any limitation to the land that can be taken up? [MR. ARMSTRONG: There is no limitation.] [THE PREMIER: He has no power to sell 20,000,000 acres.] [MR. HARDACRE: By selection.] [THE PREMIER: That is a different thing.] Of course I am referring to the particular form of land tenure which the Minister referred to—land which is taken up at 2s. 6d. an acre, and which becomes freehold after ten annual payments of 3d. an acre. There is no limit to the quantity of land that can be taken up in that way. So far as the desire of the hon. member for Normanby to settle people on the land is concerned, this motion will not further it by one yard or by one foot. The fact of the matter is that all motions of this kind mean no settlement at all. They mean handing over the land to people who have not the remotest intention of settling on it! Those people are simply investing their capita. with the idea of reaping the unearned increment

at a later date. Take the case of some of the lands repurchased on the Darling Downs. Some of them were sold originally at a few shillings an acre, and they were bought back by the Government at £2 or £3 an acre. [MR. ARMSTRONG: And they were cheaper at £2 or £3 an acre when the Government bought them back than they were at 10s. an acre to the original owners.] The point is not whether the land was cheap at £3 an acre when the Government bought it back; the point is that people bought it for a few shillings an acre thirty years ago, and that did not cause any settlement at all commensurate with the large area of land sold; and it was exactly because that was proved that the Government adopted the policy of buying back land in order to secure settlement. Yet the hon. member comes forward with the same old nostrum to tempt us to secure settlement by the means which so egregiously failed in the past. To say that that policy did not fail in the past is to condemn the Government for buying back estates, because the only reason for buying them back was to promote settlement. [MR. KATES: There was no population in the colony at the time those lands were bought originally. Population has increased.] Not only did the sale of those large areas not promote settlement, but it actually prevented settlement in the young days of the colony when there was not much chance of settlement; and thirty years afterwards, when there was a chance of getting close settlement, the Government found themselves compelled to give those people their own price to get the land back in order to promote settlement. Yet an hon. member now comes forward and says, "If you want settlement, sell the land." What are we to believe? Should we buy the land, or should we sell the land, if we want settlement? So far as *bond fide* settlement is concerned, more particularly in the coast districts, I think the Minister for Lands has shown us that our present land laws—though they might perhaps be made more liberal—on the whole offer ample inducement to people to settle on the land, and I am not aware that the mover of the motion has attempted to show that he could better the position in that respect if the House were to agree to pass the motion. The Minister also pointed out that the Government have already power to sell large areas for the purpose of raising revenue. The Government have power to sell more land now than they are at all likely to be able to sell within the next year, at any rate; and to put a resolution of this kind through this House would simply be equivalent to pouring water on a drowned mouse. As to the tempting bait which the hon. gentleman holds out to induce us to pass this motion—that a portion of the money is to be set aside for the purpose of improving the public estate—I think this renders the whole thing ridiculous. It reminds me of the motion of the hon. member for Toowoong to sell a lot of land for the purpose of paying back to the civil servants the retrenched part of their salaries. Everybody knows that this little saving clause is simply electioneering, and that when once the Treasurer gets hold of the money, if he wants it for current expenditure, he will spend it. I think the hon. member for Normanby might have done good service if he had brought in a short Bill giving the Government power to catch purchasers. There is plenty of land to sell, and the Government have plenty of power to sell land, but they cannot get hold of the over-cautious purchaser, and I commend it to the hon. member whether he could not introduce a short Bill giving the Government power, in some way or other, to catch them. I am not very sure whether the House will take this motion seriously or not; but if it is inclined to do so, and there is

any danger of it passing, I would like to amend it. The motion begins in this way: "That, in view of the known deficit in the finances of Queensland, and the further deficiency likely to be caused by recent action of the Commonwealth Parliament." Apart altogether from the land question, this seems to be more electioneering, and I have an objection to voting for a motion with such an expression of opinion, which is so much at variance with the facts of the case; and I suggest that some hon. member should move that the words "recent action of the Commonwealth Parliament" be left out, with a view of inserting "the extravagance of our Government." That would be more in accordance with the facts of the case. I will not move that myself, for it might lead to confusion, and perhaps this House does not intend to adopt the motion; but if there is any danger of the House adopting it, I hope some other hon. member will give us an opportunity of expressing our opinions on that. The motion would then read, "That, with a view of finding money for the extravagance of the present Government, it is expedient," and so on. If that is the purpose of the hon. member, I hope he will have the frankness and courage to say so in so many words, and that he is prepared, in any case, to sacrifice the future prospects of Queensland in order to keep the Government in their present extravagance. This notion of selling land, as I have before said—inside this House and outside it—to meet current expenditure, is not only very foolish, but pernicious in the highest degree. If our current revenue is insufficient to meet our current expenditure, we should either cut down the cost of government to such a figure that both ends will meet, or else increase the taxation. We have no business to sell the public estate. The people of this colony, and of every colony and country, have the right to meet the normal annual cost of government by annual imposts laid upon themselves, and not give away what does not belong to them—the future value of the land. We have no more right to pay for the postage stamp used in the Treasury, by sacrificing the interests of the people of Queensland twenty years hence, than we have to sell an estate, which we have only life-rented. I think that the sooner the legislators of Queensland and the people of Queensland understand this and act upon it, the sooner will we get normal and healthy conditions in the Queensland Treasury.

Mr. COOPER (*Mitchell*): I have a few words to say on the subject before the House. One thing that astonishes me more than any other is that the hon. member who moved this motion represents a Central district constituency, and practically he has moved for the sale of Western lands, because we all know that the land to be sold will be Western land. He has admitted that in the past most of the lands sold were bought for peacocking purposes; because no man in his senses would buy Western land at 10s. an acre unless he had some ulterior motive, such as waterholes or particular sites, so as to prevent other people from selecting. That has been done over and over again. I should not have been surprised at such a motion coming from a Southern member, because the differences between the Southern and Western portions of the colony are as great as the difference between France and Russia. Hon. members who represent the South have not the remotest idea of the conditions under which we labour out West. Another objection that I have to this motion—and it is a very strong one—is that if the Government know they can sell land and get buyers for it, they will squeeze the present tenants and not give them the liberal tenure they require. Then the hon. member for

Normanby said that when these leases ran out the improvements would have to be paid for; but it is a well-known fact to anyone who has studied our land laws—and I know it as a selector myself—that every year after five years 5 per cent. is charged for improvements. That means that at the end of thirty years they can be taken over, without a penny being paid for improvements, and yet 5 per cent. is deducted every year for improvements. At the end of a twenty-one years' lease they can take the price of those improvements now, and knock off the 5 per cent. afterwards. That is to say, ten or fifteen years ago the cost of putting down a bore was £2 a foot, and water and cartage, say £1 a foot, while these works are all done now for £1 a foot. If a man takes up a leasehold he has to pay for the improvements, but only £1 per foot will be allowed for what cost probably three times that amount, and they knock 5 per cent. off the balance. As to the 10,000,000 acres, I really don't know why the hon. member proposed that limitation. I shall vote against the motion.

Mr. FOGARTY (*Drayton and Toowoomba*): Although the ostensible object of this motion is to enable the Government to sell 10,000,000 acres of land, I believe that the real reason

[5 p.m.] is to reduce the minimum price of land to be sold below 10s. per acre.

The hon. member for Rockhampton, Mr. Kidston, said that the reason why land was sold in the early days was that there were no people here to settle on it. It is a well-known fact that in the early days people were compelled to go on waterless ridges for land, owing to the action of Governments in the past in allowing large run-holders to secure lands which Nature intended should be devoted to agricultural settlement. Hence the Government in 1894 introduced that excellent measure known as the Agricultural Lands Purchase Act, and we are now buying back land at a very large price compared with that which was given for it by those who secured the fee-simple from the Crown. I know of one case, which I am certain is not an isolated one, where a pastoral lessee exchanged land on the Main Range for plain country. The mountainous land was thickly studded with timber that would cost £7 or £8 per acre to clear; it was waterless, and almost inaccessible; and for every acre of that land the lessee received 3 acres of beautiful plain country. [Mr. KATES: That was bad administration.] Well, that bad administration—if it was bad administration—has been in existence for the last forty years, and the hon. member for Cunningham, who is a very old member of this House, assisted in that bad administration. Last year the Government received permission from Parliament to sell sufficient land to retire the Treasury bills which were issued for the purpose of meeting the deficit of that year, and I understand that, from the time that permission was given up to the present, there has been no demand for land. If land were sold at the minimum price of 10s. an acre, 1,000,000 acres would have to be disposed of before the Treasury bills could be retired. But, in addition to this permission, the Government have power to sell £150,000 worth of land per annum. I think that is ample power. If a panic is created, and the price of our lands is reduced by 50 per cent. below their actual value, that will be of immense benefit to those who have money to invest, but it will be a bad thing for the State. If that is done, how will those people fare who have settled on the land and spent their all, and borrowed money from financial institutions for the purpose of improving their holdings? Matters of this kind should be considered when making a proposal of the nature of that before the House. The mover of this motion referred to the coastal lands, and said they were within easy access of the local

markets, and that if it was necessary to go further afield they were within easy access of water carriage. That is a very good reason why those lands should not be disposed of. I agree with the hon. member that a country can never become great or prosperous without population, and I think we should have a considerable increase in our population every year, because that is the true basis of sound prosperity. The hon. member also suggested that a member of the Land Court and two local residents should confer together in order to ascertain and fix the value of the land to be sold. The two local residents would probably be interested people, and, with the view of becoming purchasers themselves and of assisting their friends to secure land which is the heritage of the people, they would perhaps fix the price below the actual value of the land. The hon. member pointed out that considerably more land has been sold in Victoria and New South Wales than has been sold in Queensland, but he forgot to say that the Governments of Victoria and New South Wales got fair value for their lands. It is a notorious fact that in Queensland we are selling at 10s. an acre land which is much superior to land for which the parent State received £1 an acre. I do not think this motion will be carried, and for the honesty of the House I hope it will receive very scant support. It is quite possible that half-a-dozen members may be prepared to support it, but I do not think there will be that many. As to the opinion of the hon. member for Port Curtis that land should be sold for less than 10s. an acre, for even 2s. 6d. an acre, all I can say is that the land I saw on my trip to Gladstone is worth £1 an acre. There may be isolated spots where the land is not worth 2s. 6d. an acre, but if that land were offered at 1s. an acre it would be difficult to find purchasers for it. What is wanted is good land, and I believe that the only land of that class available is in the Western country. The hon. member for Mitchell entered a protest against selling land in the Western country, and said that Southern members did not care if that land was sold. I may tell the hon. member that Southern members are as much interested in the prosperity of the Central and Northern districts as the direct representatives of those portions of the State. I am opposed to sales of land, because I am certain that they are detrimental to the best interests of the State. In the case of the debentures which were issued by the Treasury there were exceptional circumstances. We were in a tight place, and that was the only source available for the purpose of meeting a lawful debt. But we should stop there. A million acres of land sacrificed is a very great loss to the State. The hon. member for Normanby said that 20,000-acre blocks were not sufficiently large for grazing farms, and evidently it was in his mind that the purchasing price should be reduced to 2s. 6d. an acre. That would be a very good thing for the grazing farmers, but it would be a very bad thing for the State, and I hope that no such action will be taken by the Government. I desire to compliment the Secretary for Lands upon the concise and able speech which he made on this motion. He gave the hon. member for Normanby to understand, in no uncertain way, that, as far as he was concerned—and I presume he spoke for the Government—he would be no party to passing this motion. We are told that only 3½ per cent. of our territory has been disposed of, 14 per cent. of New South Wales, and 25 per cent. of Victoria. That is perfectly true; but to show what a demand exists for coastal lands, I may mention that the Durundur Estate, purchased at considerably over £1 an acre, will in all probability be in very active demand notwithstanding the

unfortunate seasons through which we have been passing. So far as the coastal lands are concerned, that shows conclusively to any unprejudiced person that the price of the land should be increased rather than reduced. It is well known that in the vicinity of the coast there are many large jungles, portions of which contain the very richest soil for agricultural purposes, and the same thing applies to the Northern jungles, except that the selector there is confined to tropical agriculture. Some of the finest sugar lands in the colony, the Johnstone River lands, were sold at 5s. an acre. [The PREMIER: No, £1. Very little was taken up as homesteads.] At all events, all classes of people speculated in those lands, and they are still held in the majority of cases by those who bought them. Much of it is in the hands of the Chinese, a very undesirable class, who lease it from Europeans, and they get a very fine profit on the purchasing price. Indeed, it is a fact that the banana industry is almost entirely in the hands of the Chinese. Now, the hon. member for Normanby emphasised the fact that when the Crown lessees surrendered their land they should be paid for the improvements. It is perfectly true that an opinion was given by two eminent barristers in the old country to that effect, but I believe we have men quite as learned in the law who do not hold the opinion that the Crown is liable for the value of the improvements. According to this motion, the land is to be sold on extended terms up to twenty years, with or without interest. I am satisfied that the purchasers will much prefer extended terms without interest. That is only human nature. Then, again, the proceeds are to be earmarked. The money is not to be devoted to paying our legitimate debts, but to improving the public estate. If any sound reason can be given for selling land, it is that we may pay our lawful debts. We are told that if we once get rid of the land, we can impose taxation upon it; but I point out that we have the highest land tax that exists in Australia, and why further burdens should be placed on the unfortunate landowners I am at a loss to understand. As far as I am concerned, unless relief is given in some other direction, I shall be no party to the imposition of a land tax. It is quite possible that good seasons will return to us before long, and if we should happen to get rain this month, the face of the country would be so changed within three weeks that those who have known it during this distressing time of drought would hardly recognise it. Good seasons will no doubt make us take a very different view of many things. We are only receiving a small sum of money from the pastoral tenants, and if a change occurred in the seasons, the earth hunger, as far as grazing farms are concerned, would be as great in the future as it has been in the past. We could very well reduce the rental paid by the grazing farmer, and increase that paid by the large pastoral lessee, and if he is not able to pay he will have to make way for someone who is able to make better use of the land. I think the revenue from our public estate could be very much increased in that direction. Then, again, so far as mineral wealth is concerned, we probably have a much greater share than any other portion of the Southern Hemisphere, and we have only touched the mere fringe of that hidden wealth. When it is developed it will be the means of attracting thousands to our shores, who will all require permanent homes. The same desire will grow there that exists now on the Darling Downs, and the Government will be called upon to repurchase lands, perhaps twenty years hence, which they contemplate sacrificing to-day. It would, therefore, be very unwise to agree to the motion, which, if carried out, would be

detrimental to our best interests. Probably to those hon. members who have considerable amounts of money lying idle there could be no better investment, but I trust that when a division takes place upon the motion they will, in the interests of the general community, sacrifice self for the welfare of all. I remember quite well how, in the early days of the colony, many of the Darling Downs estates were acquired. In many cases they were acquired in a very shady manner. The Act required that the land should be fenced and a certain portion cultivated. That beautiful country between Toowoomba and Warwick was selected. A ring fence was put round the land; a team of bullocks was sent on; furrows were ploughed 6 or 8 feet apart; a few pumpkin-seeds were scattered on the ground; and immediately the pumpkin-vine began to spread application was made for a certificate of fulfilment of conditions. That was granted, and the fence was at once removed for use on another area, where the same farce was carried out. Certainly, land sold in large areas does not promote settlement, and that is why the Darling Downs was not settled thirty or forty years ago, and why the Government later on had to repurchase some of those estates. For that change of policy I give the Government every credit, and especially the Secretary for Lands who introduced the measure, the Hon. A. H. Barlow. This is positive proof that selling land in large areas instead of creating settlement has quite an opposite effect, and if this motion is carried, and given effect to by the Government—which I do not think they will—the result will be to create a landlord class, which is the curse of the whole world. There is no need to be alarmed that the State will be called upon to pay for improvements on pastoral holdings. That is a bogey imported here for special occasions. The best legal opinions here dissent entirely from that of the learned gentlemen in England. It is simply a game of bluff played for a specific purpose, and I hope the House will bear that in mind. I hope that for the reputation of the State, in the interests of our children, and in the interests of good government, that this motion will be defeated by a majority so overwhelming that we shall hear no more of it. What is its real object? It is to reduce the price of land. [Mr. Fox: No.] I am compelled to accept the hon. member's disclaimer, but I can only say that I am not alone in that opinion. The selectors of the Downs, who have been a good many years on the land, and have done fairly well, are anxious to increase their holdings; and as it is impossible to do so in the vicinity of their old homes, they are prepared to go further afield and pay considerably more than 10s. for land a long way from the coast, and that is not so suitable for agricultural purposes as the coast lands. Why, then, should we sacrifice the land, especially in the Central district? That district has already been bled quite sufficiently. As a Northern member I will be no party to it, and I believe that if the electors of Southern Queensland were polled on the subject, a great majority would endorse my views. I hope the hon. member for Normanby, seeing that he has no chance of carrying his motion, will withdraw it, and retire to his dinner "a sadder and a wiser man."

Mr. FORSYTH (*Carpentaria*): I cannot see my way to assist the hon. member for Normanby in connection with this motion. If I

[5.30 p.m.] could see that the sale of 10,000,000 acres was likely to secure settlement on the land, perhaps I would be influenced in my opinion; or, even if it was proposed that the proceeds should go to help the Treasurer, a good deal might be said in its favour. But the intention of the hon. member

is not to assist the Treasurer, but to develop the resources of the country. The Secretary for Lands very clearly pointed out that we have got very liberal land laws with regard to selection at the present time. Of course, the argument that was raised with regard to homestead selections at 2s. 6d. an acre was right enough; but we could never sell 20,000,000 acres of land as homestead selections, for the simple reason that we have not got the people who want the land. As far as I can judge, for the last two or three years, the area taken up as homestead selections has been between 100,000 acres and 200,000 acres a year. Taking into consideration the drought we have been passing through for some years, the large area of land that has been taken up is surprising to me. According to the last report of the Secretary for Lands, about 2,000,000 acres were selected during the previous year; so that, in spite of the drought, the people of Queensland have not yet given up taking up land. It has been stated that we have not very much land alienated. That is quite true. The area only represents about 3½ per cent. of the total area of land that we have. I may say that the figures given by the hon. member for Normanby and some other hon. members with regard to the land alienated in the other States are very much out. For instance, the lands alienated in New South Wales represent something like 23½ per cent. of their lands. In New South Wales they have about £1,200,000 a year going into their Treasury from the sale of land. Now, I have always been opposed to the proceeds of land sales going into the consolidated revenue in the usual way, and, although only to a small extent, still we have sinned in this respect, and all the other States have done the same. If we could sell land upon the basis the hon. member wants, there might be something in it; but I do not think that we could sell it, even if we reduced the price. The price in Queensland with regard to auction sales is very small indeed. With the exception of South Australia, I think it is the lowest in Australia. In New South Wales they have to pay £1 5s. an acre for country lands at auction; in Victoria they have to pay £1; and in South Australia they cannot sell it for less than 5s. an acre; while in Queensland we cannot sell it for less than 10s. an acre. It appears to me that the only solution of the trouble would be, instead of asking people to buy land at auction and pay 20 per cent. down, and the balance after a short period, for the Secretary for Lands to allow the price to remain at 10s. as at present, and give longer terms. He might then be able to get more purchasers to come forward, because, if a man has to find the cash in a month or two, he is debarred very often from going into a speculation that he otherwise would go into if he had, say, ten years to pay. [THE SECRETARY FOR PUBLIC LANDS: They get ten years under the Special Sales of Land Act.] Well, if this land was sold in the same way, it would be right enough. But, seeing that they have ten years to pay under the Special Sales of Land Act, and that all the land that was sold under that Act last year only amounted to £9,000 or £10,000 worth, it shows that people do not want land at the present time. If you only sell £10,000 worth of land in one year, and the purchasers have ten years in which to pay, that only means an annual revenue of £1,000. [THE SECRETARY FOR PUBLIC LANDS: We got £44,000 last year.] I know the department sold some land by auction in the usual way, but I think they only got about £10,000 under the Special Sales of Land Act. I do not see any special benefit that is to be derived from discussing this motion. Unless it is being discussed for the

purpose of spending a Thursday afternoon, it is simply a waste of time, because the Secretary for Lands, in a very concise speech, explained the whole position as far as our land laws are concerned. We can get land at 2s. 6d. an acre as homestead selections; we can get it at auction at 10s. an acre; and we can take it up as grazing farms at 1d. per acre. There is no doubt it would have been very much better if the hon. member for Normanby had waited until the Secretary for Lands introduced his Land Bill next week, and then we would have seen exactly what that Bill proposes. It is quite possible that power will be asked to reduce the price below 10s., although, personally, I think we should not reduce it below that price. If we give ten years' or longer terms, I think people will come in upon that basis. With regard to the grazing farmers, my impression is that, if the Government gave them the power to buy land much on the same lines as the agricultural farmers, it might help them. However, that is a matter we can discuss later on. Personally, I cannot see my way to support the motion, and I hope the hon. member for Normanby will withdraw it.

Mr. GRANT (*Rockhampton*): Had this motion come from a Southern member, I could quite understand it; but, coming as it does from a Central member, it is extraordinary. In and around Rockhampton we have been agitating and protesting against the sale of Central lands, and here we are attacked by one of our own friends. A man from Central Queensland—a man who, practically, was returned by the farmers' votes—asks us to agree to a motion such as this. This would prevent farming in our district. Does the hon. member think that selectors would buy 10,000,000 acres if they were available? I do not think so. If this power was given to the Government, they would sell the land in 3,000 or 4,000 acre blocks, or even in 20,000 or 50,000 acre blocks, as they have done already. [Mr. Fox: If you were the agent for the district, would you recommend those large blocks?] I certainly would not; but, as the hon. member for Mitchell pointed out in his very excellent speech, the lands that have been sold in the Central district are Western lands, and they were sold in immense blocks, purely for peacocking purposes—picking out the eyes of the country. [The SECRETARY FOR RAILWAYS: All of it was sold in 320-acre blocks.] That is simply ridiculous.

The SPEAKER: Order!

The SECRETARY FOR RAILWAYS: Every 320-acre block is put up separately.

Mr. GRANT: But what is the use of putting up 320-acre blocks, when it is intended that no one should ever buy them? It is intended that 200 or 300 of these blocks shall be bought by one individual. [The SECRETARY FOR RAILWAYS: Anybody can buy one of them. Each block is knocked down separately.] That would be a farce. The hon. member for Normanby, during his election campaign, was asked the same question at Stanwell, and he said there need be no fear that the Central lands would be sold. He said they would be Southern lands. He also said it would not be a bad idea to sell land, because the prickly pear was spreading, and it might be eradicated if the land was sold. He did not put forward that argument this afternoon. As my colleague pointed out, three-fifths of the land that has been sold has been Central Queensland land. There have been only a few blocks sold in the South, and a few about Hughenden. The consequence will be that in ten or fifteen years the Government will be asked to buy that land back, and for the land they are selling at 10s. an acre they will be required to pay about £3 10s. an acre; and in the meantime settlement

will be retarded. The people of Rockhampton and the Western towns feel very keenly the way the Western lands have been sold. [The SECRETARY FOR RAILWAYS: Does it belong to them?] I should think so. [The SECRETARY FOR RAILWAYS: I don't.] Anyhow, the residents of the district should have a certain say in the disposal of it. That land has been sold simply to put up extensive buildings in Brisbane. The new Lands Office has taken many thousands of acres of Central Queensland to pay for, and will take many more before it is finished. I can understand a few Southern members, especially those representing Darling Downs constituencies, being in favour of selling land in Central Queensland in order to buy back more land on the Darling Downs for settlement. That is a judicious policy on their part; but the hon. member for Toowoomba, Mr. Fogarty, is more broad-minded and unselfish—he desires that settlement should go ahead in the Central district as well as on the Darling Downs. In the Central district some of the land has been sold practically before being put up to auction. [The SECRETARY FOR PUBLIC LANDS: We knew we had a buyer, if you mean that.] Exactly; and the buyer knew he would get the land. [The SECRETARY FOR PUBLIC LANDS: He had his chance at auction the same as anybody else.] He had a better chance. [The SECRETARY FOR PUBLIC LANDS: No better chance.] Hadn't he? [Mr. Kidston: He was the only man who knew where the land was.] [The SECRETARY FOR PUBLIC LANDS: Nonsense!] Some immense blocks have been put up, and practically sold after only a little notice in a Brisbane paper. It was Teleton, Hughenden. The land was practically sold before anyone knew anything about it. I think that the advertising in the case of Lansdowne and Portland Downs also was done in a hole-and-corner sort of way. I don't want to talk this matter out; I would like the motion to go to a division, because I think it will be so disastrously beaten that it will be better than talking it out. I simply enter my protest against a Central Queensland member proposing such a motion, and if it had been proposed by anybody but a Central member I would not have bothered about speaking.

The SECRETARY FOR RAILWAYS (Hon. J. Leahy, *Bullo*): There is a great deal to be said on a subject of this kind, particularly when hon. members do not confine themselves to the subject-matter of the resolution, but attempt to make political capital out of it. Whether this motion is carried or not, it does not matter in the least as far as the policy of selling land is concerned. The Government have a great deal more power to sell land now than they are able to put into force, and a great deal more than they will be able to put into force during the life of this Parliament, at all events. It may be well to discuss a question of this kind, because it is a question which is largely agitating the public mind just now. I am entirely opposed at the present time to what I may call a slaughtering sale of our lands. If we were to sell them in large quantities at the present time, we would not get anything like value for them. If we do decide to sell land, it is our duty to sell it in such a way as to bring the best value to the country. A question may arise between the different parties as to whether land should be sold or not, but there is one point on which both parties are agreed, and that is, that if land is to be sold, we should get the best possible value. I say the Government would not be justified in sacrificing land just now at any price those lands will fetch. It would be better to go into debt than to give away our estate for anything persons like to give just now. Not only would there be a combination

if large areas were thrown in the market at the present time, but the buyers would be absolutely restricted, because the purchasing power of those who would buy land is very largely restricted just now. So that there would be two reasons operating against getting fair value for the land—there would be a large quantity placed in the market, and buyers would be less numerous than under ordinary circumstances. There is no reason, however, why the motion of the hon. member for Normanby should not be discussed on its merits. It does not say that it shall come into force immediately; it may apply to the future, when we can get full value for the land we may desire to sell. It has been stated over and over again that the Government have been selling land in the past and buying it back. This Government is called a "continuous Government," but nothing of that kind has been done by this Government or by the Government that preceded it, or by the Government that preceded that again. I have been twenty-seven years in the country, and I do not know of any land sold during that time that has been bought back by the Government. All the Darling Downs land was taken up long before that. Any land bought back by the Government was sold in the early days. I believe a great portion of it was taken up by selectors who fulfilled the conditions of settlement, got their deeds, and sold out to persons who formed large estates, so that really those lands were to a large extent sold for the purpose of settlement. It will always be the same in this country or in any other where conditions are made and people get their freehold after a certain time unless you put in something like a homestead clause—the condition of continuous residence. [Mr. HARDACRE: That has been done in New South Wales.] It has been done there and in other places, but such a condition was not insisted upon by this Chamber. It may or may not be a wise thing, but there is a great deal to be said in favour of it. We know that in the past land has been bought for 6d. and 2s. 6d. an acre; but in many cases the State was cheated, because the selectors did not reside there—there was no *bonâ fide* residence. What is the use of saying that the Government have reversed their policy of the past? Look at the price the land on the Darling Downs fetched thirty or forty years ago, and calculate compound interest on that, and the land would cost those persons more than the Government paid for it. [Opposition members: No, no!] Yes. [Mr. HARDACRE: I have made specific calculations, and I find it would come to less.] How long does it take money to double itself at 3 per cent. or 6 per cent. compound interest? At 6 per cent. it takes eleven and two-third years. [Mr. HARDACRE: I calculated with compound interest.] I have made a calculation, too, and I say that in most cases it cost a great deal more than the land fetches now, and a great deal more than the land fetched two years ago, because land on the Darling Downs and other places has almost doubled itself in the past two or three years. In the first place, there was a drought in the West, which caused farmers to get phenomenal prices for their produce. There was the war in South Africa, and the prices of horses and fodder rose considerably; and, in addition, there was one reason that enabled farmers to get a bigger price for their land, and that was that persons, owing to the drought, could buy as many sheep for 2s. or 3s. per head as they liked, and send them to the Downs, where they were sold for 10s. or 12s. each. The consequence was that lands that had never paid before for sheepraising paid handsomely, and the persons who owned them raised the price of them. They would not take less

than a sum equal to the interest they were making out of the land at the time. If you take the price given the last year or so, there may be cases in which it would come to compound interest, but it would be a great deal more than land on the Darling Downs will fetch in two or three years' time from now, because if the drought continues there will be no stock requiring produce, and there will be no war in South Africa, and there will be intercolonial freetrade, and there will not be the same market for the consumer—not the same market and not the same prices that have been given during the last two or three years. [Mr. BROWNE: A bad lookout for the new selectors.] It is not too good a lookout. There is, however, this to be said: That there is no doubt that the dairying industry has come to the fore very much lately, and I hope it will turn out very successful. But no man can make dairying pay unless he has a pretty large family. This industry will occupy a man's whole family, if he wants to make a success of it; and his family will grow up useful citizens by assisting in this occupation. I believe that estates suitable for dairying will be taken up by large numbers of that class of people. The conditions of lands on the Darling Downs cannot be compared with the conditions out West, because from time immemorial—or within the memory of man—there has always been a splendid rainfall on the Darling Downs up till this year; and there has even been a rainfall there this year which the Western people would be very proud of. There would be no drought out West if there was such a rainfall there. We know what the rainfall is—[Mr. HARDACRE: You don't know what irrigation will do yet.] I know what irrigation will do, and I say that it will not pay for irrigating Western lands, if the cost of labour is 7s. a day, or even 2s. 6d. a day. It may supply the little produce required for the local market, but that is all. There is no comparison between the two things—the class of country there and here. With regard to grazing farmers, even if good seasons returned, we are not going to have anything like the number of grazing farms in the future as we have had in the past. Nine out of ten of the grazing farmers started with almost nothing. They were financed by banks and other financial institutions, which had fallen in over the business. [Mr. KIDSTON: The mantle of prophecy has fallen on you.] The mantle of prophecy is on me—[laughter]—for I know all about this particular line, and I can assure hon. members that there are going to be no more of these advances by financial institutions for the establishment of grazing farms in the West. Anyone who knows the conditions out West as well as I do would not attempt to put a small settler there, unless he was an enemy of his.

Mr. MACARTNEY (*Toowong*): I beg to move the adjournment of the debate.

Question put and passed.

The resumption of the debate was made an order for the 13th November.

At 7 o'clock the House, in accordance with Sessional Order, proceeded with Government business.

BILLS OF SALE ACTS AMENDMENT BILL.

RESUMPTION OF COMMITTEE.

Mr. LAMONT (*Brisbane South*) moved that the following new clause be inserted after clause 3:—

Section seventeen of the principal Act is repealed, and the following provision is inserted in lieu thereof:—
17. A judge of the Supreme Court, on being satisfied that the omission to file or register any document

under this Act within the time hereby prescribed, or the omission or misstatement of any particular with respect to any such document, was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors, or that on other grounds it is just and equitable to grant relief, may, on the application of any person interested, and on such terms and conditions as seem to the judge just and expedient, order that the time for filing or registration be extended, or, as the case may be, that the omission or misstatement be rectified.

The new clause included the provisions of section 17 of the principal Act, which it was proposed to repeal; it also embraced sections taken from the English Bills of Sale Act, and incorporated some provisions of the English Companies Act of 1900. The object of the clause was to meet cases where technical objections had been raised which had tended to defeat what were otherwise *bond fide* transactions. Judges had on more than one occasion stated that the transactions were perfectly honest, but still, owing to technical objections and slight inaccuracies, such as dates and other formal matters, they had been void. Ample protection would be afforded to creditors by the provision in the clause that it should not be operative except at the discretion of a judge of the Supreme Court.

The ATTORNEY-GENERAL (Hon. Sir Arthur Rutledge, *Maranoa*): As the hon. member for South Brisbane had pointed out, a good deal of what was contained in the clause was enacted in section 17 of the principal Act, but the hon. member desired to extend the provision, and at present he (the Attorney-General) did not see any reason why the new clause should not be accepted.

HON. E. B. FORREST (*Brisbane North*) thought the clause cast a good deal upon the judge, but he did not see any particular objection to it, provided there was no legal difficulty in the way.

Mr. P. J. LEAHY (*Warrego*) thought the clause would work all right. There was a somewhat similar provision in the principal Act with regard to the time of registration, and he knew that on certain occasions when the time for registration had expired, and a bill of sale through some inadvertence had not been registered, an extension of time was allowed, and no person suffered any injustice.

Mr. HAWTHORN (*Enoggera*): The clause was practically law at the present time. He had known cases where a judge had been applied to to grant an extension of time and where he had found that non-registration had occurred through inadvertence, or an omission had been made through accident, there had been no difficulty in getting an extension of time, or in getting the omission rectified, so long as the judge was satisfied that the rights of the public would not be prejudiced. He was very glad to see that that was laid down now as absolute law. It would simplify matters, and he did not think it would be in any way objectionable.

Mr. KIDSTON thought the clause was a very wise one, and was likely to act in a just and equitable way.

Clause put and passed.

On clause 4—"When chattels taken by grantee landlord may claim certain rent in arrear"⁵—

Mr. SUMMERVILLE (*Stanley*) moved on line 43 the omission of the words "notice in writing signed," with the view of inserting "statutory declaration." That touched the principle of the Bill as concerned the landlord. He had the right of saying what was due to him, and he had power of distress. That power was preserved to him by the Bill, but, to say the least of it, he might be required to state on oath the amount due to him. If he claimed too much, the fact that he had a

right of action against the tenant was not sufficient. Men who were in such a position as to be compelled to mortgage their personal chattels would not go the length of bringing an action against a man who imposed upon them to the extent of a few pounds.

The ATTORNEY-GENERAL did not know whether there was any particular reason why a statutory declaration should be furnished as to the amount of rent due, but he did not know that there was any objection to the amendment unless some other hon. member saw an objection. He did not see that there was any difficulty in the landlord making a statutory declaration.

Mr. HAWTHORN felt inclined to support the amendment because he did not see that any hardship could accrue to the landlord in the matter, and it was just as well at the start of proceedings like that to have the actual case laid down so that the grantee of a bill of sale would know exactly what he had to prepare for. If the landlord was bound by a statutory declaration it would make him more particular to state the true amount which was due.

Mr. P. J. LEAHY failed to see in what way the amendment bettered the position. If the landlord claimed a larger amount than was due, the tenant had a remedy. If the landlord claimed too large an amount, or distrained when he had no right to, the tenant could recover very substantial damages. He doubted if the amendment was an improvement to the clause.

Mr. SUMMERVILLE: Why should the landlord not be required to furnish a simple declaration when every other member of the community had to prove his claim in a court of law?

Mr. P. J. LEAHY had no wish to safeguard the rights of the landlord. Where a man had not a bill of sale over him, the landlord could distrain at the present time, and was not called upon to make a statutory declaration. That had not acted very harshly, and he did not see any particular reason why they should compel the landlord to do a thing simply because a bill of sale was in existence, when they did not compel him to do the same thing when a bill of sale was not in existence.

Mr. KIDSTON: The landlord had power to distrain already, and he did not know whether the amendment would take that power from him. If it did not, he did not see what effect it would have. Nevertheless, he entirely agreed with the amendment. It was time that a creditor for rent was placed on the same footing as other creditors. The amendment was a step in the right direction. A statutory declaration would at least make the landlord careful as to the claim he made.

Mr. MARTIN (*Burrum*) said the amendment was intended for the dishonest landlord, in whose case it was very necessary.

Mr. PAGET (*Mackay*): One effect of the amendment, which induced him to support it, would be that it would prevent fraud between landlord and tenant. It was quite possible that where the grantee of a bill of sale took possession of chattels the landlord might arrange with the tenant to put in a claim for a greater amount of rent than was due to him. If the landlord had to make a statutory declaration, that would be impossible.

HON. E. B. FORREST: There could not be the slightest objection to giving the declaration required. If anybody owed him £50 he was prepared to swear to it, and everybody else should do the same thing.

Amendment (*Mr. Summerville's*) agreed to.

Mr. BLAIR (*Ipswich*) moved that after "landlord," on page 5, line 6, the following words be inserted:—

Not exceeding the rent for four weeks when the premises are let by the week, the rent for two months when the premises are let by the month, or the rent for three months in any other case.

A similar provision existed in section 169 of the District Courts Act of 1891, and people were perfectly familiar with it. While affording the landlord ample protection, it secured to the tenant a consideration of which he was deserving by providing a sliding scale which adjusted the amount claimed by the landlord in proportion to the length of the tenancy.

The ATTORNEY-GENERAL said that while he was averse to giving undue privileges to landlords, it must be remembered, however, that but for the landlord the tenant would not have the facilities required for carrying on his business, and if they unduly limited the right of the landlord to recover his rent, it might lead him to take steps which would be very harassing to the tenant immediately upon his rent becoming due, and which might militate against the value of the security. The District Courts Act made special provision for persons of comparatively small means, who rented houses for a few shillings a week. Most business places were held under a yearly tenancy, or for a fixed term of years. There was something to be said in favour of not furnishing an inducement to a landlord to be harsh in his dealings with a tenant engaged in business. It was a case of landlord *versus* bill

of sale holder, and he thought that [7:30 p.m.] the landlord, who offered facilities to the business man who was the grantor of a bill of sale by abstaining from pressing his rights in a summary way, was deserving of some consideration. His hon. friend had not made out a strong case for depriving the landlord of the rights which he possessed under the insolvency law in favour of the grantee of a bill of sale. If the amendment were carried it would have a tendency to make a landlord insist upon prompt payment of the rent in cases where his tenant was the grantor of a bill of sale. It was quite right to make a provision of that kind in the case of tenants who took a house by the week. He could see the propriety of not allowing the landlord to permit the rent to run for months, and that when an execution was put in upon a judgment obtained, he could claim three months' rent. The amendment was rather sweeping, and he would like to hear some arguments before he could see his way to accept it.

Mr. P. J. LEAHY: As the Attorney-General had pointed out, this was a case of landlord *versus* bill of sale holder, but it seemed to him that the amendment was an improvement. It was quite true that, if the amendment was agreed to, the landlord might be inclined to put in a bailiff at the end of the month; but that could be got over very easily, because it was quite open to the landlord and tenant to make a three months' agreement, and in that case the landlord would not lose his rights.

Mr. MACARTNEY: If the amendment was adopted, the clause would lead to a certain amount of confusion. The clause was applicable only to a judgment obtained against the grantor of a registered bill of sale. It would, therefore, not operate against any other judgment debtor. He recognised that the amount would assimilate the practice under the Bill with that under the District Court Act and the Small Debts Court Act, but it did not affect an execution issued after a Supreme Court judgment under the provisions of the Distress, Replevin, and Ejectment Act. Under that Act, a landlord had a right

against a judgment creditor on a Supreme Court execution to a year's rent. The amendment would lead to confusion, as they would have different rules applicable to different executions. It would be better if the amendment were withdrawn, with a view to putting in something of this sort: "The claim of any landlord under any law applicable to the execution of such judgment." That would have the effect of bringing it into line with the District Court Act, with the Small Debts Court Act, and with the Distress, Replevin, and Ejectment Act. It was owing to the confusion between those Acts that mistakes in connection with executions were so frequent, which led very often to unnecessary litigation.

Mr. SUMMERVILLE failed to see how the amendment could lead to confusion. It would simply assimilate the practice of the court with the practice under the Bill. The fact that people were already accustomed to the practice under the District Court Act would lead them to fall into the practice under the Bill more quickly. With regard to the objection raised by the Attorney-General, that it would make the landlord more careful not to allow the rent to run too long, that was an argument entirely in favour of the amendment, and in favour of the tenant. It was not well that tenants should run too far with their rent. If they ran themselves into debt, it meant that they would lose all they had.

Mr. MACARTNEY failed to see how the hon. member arrived at the conclusion that there would be no confusion. The amendment would assimilate the practice under the Bill with the practice in the District Court and the small debts court, but in the Supreme Court a different rule applied. That would certainly lead to confusion in some cases.

Mr. HAWTHORN had given notice of an amendment, but he would support the amendment of the hon. member for Ipswich in preference. He considered that it would be better than allowing the landlord to let a weekly tenant run into three months' arrears, which would lead to collusion between the tenant and the landlord, to the detriment of the holder of the bill of sale. Though personally he was not in favour of money-lenders, or their rights under bills of sale being made too large, still there were many cases in which poor men required to borrow, and could only do so by giving a bill of sale, and the person who lent the money should be protected as far as was reasonable.

Mr. KIDSTON had never been able to see the equity of a preferential right being given to a landlord's claim for rent; and if it were possible to do so under the Bill, he would like to do away with that preferential claim. [The SECRETARY FOR RAILWAYS: It would be worse for the tenant.] It might; but it would not be worse for the other creditors, which was the point at issue. It seemed to him that the landlord might be put on the same footing as other creditors. He might have the same right to lodge a caveat when it was proposed to grant a bill of sale for goods in his premises, and he could come forward and arrange with the grantees of the bill of sale for so much of his debt to accrue due if the bill of sale was to be effective.

The ATTORNEY-GENERAL pointed out that this was as much in the interests of the grantor of the bill of sale as of the landlord. Suppose a man owed £30 or £40—say two months' rent—and found it highly inconvenient to meet the landlord's claim although there might be debts owing to him which he expected to collect very soon. The landlord knew that the man had a bill of sale over his goods, and though it was in the interests of the grantor of the bill of sale that the landlord should not be forced to put in his bailiff merely because two months'

rent was due, yet the landlord, in order to make sure of getting his rent, would be compelled to do so, and then the bill of sale holder and the other creditors would come down at once. In that view he did not think they should allow themselves to be frightened by the bogey of a landlord.

* The TREASURER (Hon. T. B. Cribb, *Ipswich*) pointed out that a landlord was not in the same position as an ordinary creditor. An ordinary creditor could claim payment the very day the goods were supplied; but when a tenant entered into possession of premises the landlord had no power or control over anything in the place till the rent became due and was claimed. Only when there was a failure to pay the rent, could he have his remedy by putting in a bailiff or in any other way which the law permitted. He represented a district of which the farmers were the backbone. The position of farmers was very different from the position of householders in cities. The latter people generally paid their rent every week or every month; but farmers, as a rule, only paid their rent once in twelve months. In many cases when a landlord gave a lease of a farm he also leased with the farm horses, cattle, and implements at a certain fixed rent, and yet the holder of a bill of sale might step in long before the landlord's rent became due, and he would lose his remedy. He did not think the Bill would do very much harm as it stood. A landlord could protect himself by inserting in the lease a clause, under which if the tenant gave a bill of sale or any other security which the landlord might think prejudiced his claim, he could declare the lease void. He thought the landlord should do that with regard to future contracts.

Mr. MACARTNEY withdrew the objection he had raised to the amendment moved by the hon. member for Ipswich, as the matter would be dealt with under the next clause.

Mr. PAGET thought the amendment did not go far enough. He would like to test the feeling of the Committee with regard to the portion of the clause which said—

or the rent for three months in any other case.

Where premises were let by the week, the landlord had a right against the grantee of a bill of sale to recover four weeks' rent; where the premises were let by the month, the right to two months' rent; and in all other cases he had the right to only three months' rent. He maintained that if the landlord had the right to recover three months' rent only against the holder of a bill of sale, that would entail a hardship on the farmer, because the farmer would be compelled by the landlord to pay his rent every three months instead of once a year, as they did at present, and, if the farmer had not the money to pay the rent, would have to borrow money, probably at 8 per cent., for nine months; and on the 30th June he would have to borrow another three months' rent, on which he would have to pay interest for six months. He moved that the word "three" in the amendment be omitted, with a view of inserting "six."

Mr. HAWTHORN thought six months was too long altogether. He agreed with the amendment as proposed by the hon. member for Ipswich, and considered that a sliding

[8 p.m.] scale was far more equitable and just. If a man held a bill of sale for £20, a very big hole would be made in that amount if the landlord could come in before him and claim six months' rent.

Mr. LESTNA (*Clermont*) was strongly opposed to the amendment moved by the hon. member for Mackay. The sliding scale had proved a

complete success under the District Courts Act, and he thought the amendment of the hon. member for Ipswich should be accepted.

Mr. DUNSFORD (*Charters Towers*): This discussion appeared to be a quarrel between the landlord and the grantor of a bill of sale. They had their victim down, and were like a couple of crows over a dying animal. The unfairness of the thing was that both those creditors were secured against other persons who sold the debtor the necessaries of life. He protested against a landlord or the grantor of a bill of sale having a prior claim over other creditors, and held that they should all stand on an equal footing and divide the spoil fairly. The amendment of the hon. member for Ipswich was a step in the right direction, as it limited the privileges of the landlord, and for that reason he should support the amendment.

Mr. TOLMIE (*Drayton and Toowoomba*) was disposed to support the amendment of the hon. member for Ipswich. The landlord could protect himself in many ways, and, that being so, the amendment was a fair and just one. The landlord might allow the rent of a tenant to run on for a considerable time, and then as soon as the other creditors endeavoured to secure payment of their claims he would step in and enforce his demand for rent. Everything was in favour of the landlord. The amendment of the hon. member for Ipswich gave the landlord ample opportunity to secure himself against possible loss, and also showed some consideration for other creditors; and he hoped it would be accepted by the Committee.

Mr. FORSYTH was opposed to the amendment of the hon. member for Mackay, because if that were adopted and a man who leased a farm for £100 a year did not pay his rent for six months, the landlord could come in and claim £50, and might leave very little for the other creditors of the tenant.

Mr. KATES: There was a great deal of difference between a landlord in a town and a landlord in the country. They all knew that farmers paid their rent annually from the proceeds of their crops, and if the landlord was confined to three months' rent the consequence would be that he would demand it in advance. In the interests of the farmer it would be better that the landlord should have six months' rent.

The SECRETARY FOR AGRICULTURE (Hon. D. H. D'Alrymple, *Mackay*): Under the present law everybody understood clearly that the landlord had priority, and the reason for that was perfectly plain. In the first instance it was in the interests of the tenant, and in the second in the interests of the other creditors. To be evicted was a very dreadful occurrence both for the family and the individual, but if people were given shelter by extending, as it were, their credit, a great many poor people would be benefited. The landlord was given preference in order practically that the tenant should not be houseless. Everybody could not build a house to live in, and was it not an advantage to tenants to know that if they were short in their rent they would not be compelled to borrow money to pay off a landlord who might be becoming uneasy? The landlord knew that for the shelter he gave he had got some security, and the result was that a penniless person had the use practically of a certain amount of capital which otherwise he would not have. If there was an alteration in the law, the immediate result would be a loss of credit to those persons who were unable to build houses for themselves. The alteration in the law would be noted and would be immediately acted upon, and the protection of the roof of the house would not be afforded any longer to the goods of the other creditor who might have a bill of sale. If

they altered the law he believed it would injuriously affect the interests of the poorer classes, and a large amount of protection of the goods of other creditors, which was now afforded, would be removed.

Mr. MARTIN: One argument had been overlooked. If the landlord was to be given a preference, then if a man had got any money at all he would become a landlord, and then rents would fall so low that it would not be worth while being a landlord. He thought the amendment a fair and reasonable compromise. In the past the landlord had been too well protected.

Mr. BLAIR disclaimed any intention of favouring either the landlord or the tenant. His sole object was to give effect to what he thought was the fairest compromise of which he was aware. The amendment provided a sliding scale which, though he had heard arguments adduced against it, did not induce confusion. In fact, the hon. member for Toowong had withdrawn his remarks on that point. The idea of the Bill was to give mutual protection to the landlord and the tenant. The idea of the amendment was to carry that to its logical outcome, and to adjust it. All the remarks about the landlord having the power to turn the tenant out and seize his chattels were irrelevant, because, if the clause passed as it stood, he would have that power. The amendment would compel each to observe his covenant with the other.

The SECRETARY FOR RAILWAYS: One object of the Bill was that if a man was going to give credit to another person he should be able to know what the financial position of that person was. If he knew there was a registered bill of sale, or that a tenant was liable to so much rent, and that the landlord was protected equally with the holder of the bill of sale, he went into the business with his eyes open. The amendment would certainly militate against men who, in these hard times, left their families at home while they went away looking for work. If a landlord could only recover four weeks' rent he might turn the family out at the end of that time, whereas if he was protected for a longer period the husband might in the meantime be able to get work and pay all the rent due. The amendment would only tend to make conditions harsher than they were now.

Mr. KIDSTON: The hon. gentleman was arguing entirely in the interests of the landlords, who had no more right to be specially secured than any other tradesman who supplied a household with goods. All alike gave just as much credit as they could do with safety. The

man who needed credit needed it [8:30 p.m.] just as much from the grocer or the butcher as from the landlord, and if he did not get it he would starve. The amendment would prevent the landlord giving too long credit.

The ATTORNEY-GENERAL: They were not dealing with the whole question of landlord and tenant in connection with the amendment, but only with cases in which the tenant was the grantor of a bill of sale. In nine cases out of ten such persons were engaged in business; and, if a man's affairs had gone utterly to rack and ruin, it was a question whether the landlord should get a certain proportion, or whether the holder of the bill of sale should get a larger proportion. They were not dealing with the "poor landlord," but with the question of what was likely to work out most fairly. There was everything in the argument of the Secretary for Railways that the landlord did as much to conserve the interests of the tenant as the grocer, the butcher, or the baker, because shelter was absolutely necessary for him. The landlord got the preference to a certain extent, but there would

be a strong inducement to act mercilessly or harshly if his claim for rent was limited in the case in which his tenant was the grantor of a bill of sale, and that would do an injury to the tenant. They were amending the law in order to prevent men getting priority by means of bills of sale that were given without due publicity. Let them confine themselves to the question in hand, and not discuss the whole broad question of landlord and tenant, and make use of the term "landlord" as a term of opprobrium. They were dealing with things in Queensland and not with things in other parts of the world.

Mr. GRANT: The amendment was not introducing any new principle. It was the practice in the District Court, and had not been objected to when it was introduced there. [The ATTORNEY-GENERAL: That is dealing with the case of an ordinary execution creditor.] That might be; but the principle was just the same. [The ATTORNEY-GENERAL: The bill of sale holder might come in and scoop the lot.] The present rights of landlords were a relic of feudal times. It would be a much greater inconvenience to the tenant in Queensland to be deprived of his groceries, bread, and meat, than to be deprived of his shelter. Even under the amendment the landlord would have greater privileges than other creditors, but it was in the nature of a compromise.

Mr. CAMPBELL (*Morcton*) intended to support the amendment, because a landlord, knowing the provisions of the Bill, would take care to have a lease for a sufficiently long period to enable him to recover the three months' rent. If he leased premises by the week, the trading public would understand he had a month's protection; and, if he leased them by the month, that he had two months' protection. The amendment limited the power which the landlord was understood to have at present.

Mr. JACKSON (*Kennedy*): The Attorney-General had said that he believed nine-tenths of the bills of sale were granted by business people. He (Mr. Jackson) believed a great many private individuals who were householders were obliged to give bills of sale over their furniture. As a matter of abstract reasoning, it did not seem fair to give the landlord any priority over the butcher, the grocer, or the baker; but this week a case came under his notice which seemed to support the arguments on the other side. A woman whose husband went away to South Africa made application to him as secretary to the patriotic fund for assistance. A bill of sale had been given over the furniture, and there was owing about ten weeks' rent. If this amendment was inserted, he took it for granted that a landlord, under those circumstances, would not allow the tenant to go on more than four weeks, and the woman would either have to raise the money or go out.

Mr. LAMONT: In his opinion it was all in favour of the tenant who gave a bill of sale for the landlord to allow the rent to run on for three months, because he would have all the more chance of carrying on and improving his business, and paying his creditors. If the man's credit was shortened, he did not see how he would be able to pay anybody.

Amendment (*Mr. Paget's*) put and negatived.

Mr. BRIDGES (*Nundah*): It had been repeatedly brought under his notice that when they were legislating on these lines it would be a good thing to try to limit the interest charge. He was not quite sure whether it came within the scope of the Bill, but he would be very glad if something could be done to provide that any person charging above a certain rate of interest should have no protection.

The CHAIRMAN: I think it is obvious that the hon. member's remarks have reference to something which does not come within the scope of the Bill.

Question—That the words proposed to be inserted (*Mr. Blair's amendment*) be so inserted—put; and the Committee divided:—

AYES, 38.	
Mr. Airey	Mr. Kates
„ Barber	„ Kenna
„ Blair	„ Kent
„ Bridges	„ Kerr
„ Burrows	„ Kidston
„ Campbell	„ P. J. Leahy
„ Cooper	„ Lesina
„ Cowap	„ Macartney
„ Dibley	„ Martin
„ Dunsford	„ Maxwell
„ Fogarty	„ McDonnell
„ Fox	„ Norman
„ Grant	„ Paget
„ J. Hamilton	„ Plunkett
„ W. Hamilton	„ Ryland
„ Hardeere	„ Summerville
„ Hawthorn	„ Tolmie
„ Hodge	„ Turner
„ Jackson	„ Woods

Tellers: Mr. Dibley and Mr. Grant.

NOES, 21.	
Mr. Boles	Mr. Lindley
„ Cameron	„ Lyons
„ Cowley	„ Macintosh
„ T. B. Cribb	„ McMaster
„ Dalrymple	„ Moore
„ Forrest	„ O'Connell
„ Forsyth	„ Petrie
„ Foxton	„ Philp
„ Hanran	„ Sir A. Rutledge
„ Lamont	„ Mr. Stodart
„ J. Leahy	

Tellers: Mr. Forsyth and Mr. Moore.

PAIR:

Aye—Mr. Mulcahy. No—Mr. Barnes.

Resolved in the affirmative.

Mr. SUMMERVILLE moved the insertion after the word “shall,” on page 5, line 14, of the following words:—

Unless the grantee of such bill of sale shall, within twenty-four hours after demand made upon him in writing, pay to the said judgment creditor the amount of his said judgment and costs.

Hon. members would see the meaning of the insertion of the words. In the clause, as it stood at present, there was power for the judgment creditor to pay off the holder of the bill of sale, and that might be all right in its way. During the second reading he had referred to the fact that the Bill tended to disturb securities too much, and if the amendment were accepted the judgment creditor would still have this right, subject to the right of the holder of the bill of sale to pay him off. If his amendment were agreed to, the holder of the bill of sale would not disturb the security, and he would not put the grantor of the bill of sale to any further costs, out could pin the amount paid on to the security. It was a fair thing that each should have the opportunity of paying off the other, for by so doing the original security was not disturbed and there would be no further costs.

The ATTORNEY-GENERAL could see no objection to giving the holder of a bill of sale the same rights as a judgment creditor, so he did not propose to raise any objection to the amendment. He suggested that the hon. member should amend his amendment by omitting the word “shall,” on the 2nd line of the amendment, and then the word “pay,” on the next line, would read “pays.” The word “shall” was never used now in cases of this sort, for it meant

that something imperative should be done. He would accept the hon. member's amendment if he altered it in that way.

Amendment, by leave, amended accordingly.

Mr. HAWTHORN thought the hon. member should add to his amendment something providing that the grantee of a bill of sale could add the amount he paid off to the amount in the bill of sale.

Mr. SUMMERVILLE: He intended to provide for that.

Amendment (*Mr. Summerville's*) agreed to.

Mr. MACARTNEY moved that the words “as hereinbefore provided, not exceeding in the whole the amount of three months' [9 p.m.] rent,” lines 27 to 29, be omitted with the view of inserting “under any law applicable to an execution of such judgment.” If the clause was passed as it stood, the practice with regard to an execution under a bill of sale would be different from that which applied to ordinary executions, and that might lead to some confusion. By adopting the amendment executions would be left as they were at present.

The ATTORNEY-GENERAL: There was a good deal to be said in favour of the amendment, and personally he approved of it; but he did not know whether there was any chance of carrying it after the last division, and he left it to the hon. member to decide whether he would press it.

Mr. MACARTNEY would not have proposed the amendment if he did not think it an improvement on the clause, and he should certainly take the opinion of the Committee on the matter. Amendment agreed to.

Mr. SUMMERVILLE moved that the following amendment be inserted between lines 33 and 34:—

In the event of a grantee of a bill of sale paying to the said judgment creditor the amount of his judgment and costs as aforesaid, he shall be entitled to add the amount so paid to the original amount secured under the bill of sale, and the same shall in all respects be regarded as of the original amount.

This amendment followed, as a matter of course, on the one which had been adopted in a previous part of the clause.

The ATTORNEY-GENERAL had no objection to the amendment as a whole, but thought it was necessary to make some amendment in it. He agreed with the first three lines down as far as “amount,” but would suggest to the hon. member that he should substitute the words “consideration for” in lieu of “amount secured under,” and strike out the words “and the same shall in all respects be regarded as of the original amount.”

Mr. SUMMERVILLE: Of course, it must be made clear that the amount which the judgment creditor paid on behalf of the grantor must become part of the original amount, otherwise it would not be secured under the bill of sale. However, he accepted the suggestion of the Minister, and with the permission of the Committee would amend his amendment accordingly.

Amendment, by leave, amended accordingly.

Amendment, as amended, put and passed.

Mr. BLAIR moved the omission of lines 34 to 39, inclusive. If that part of the clause was allowed to stand, it would practically do away with bills of sale altogether. No one would take a bill of sale as security when the maker might any day before making it have given a promissory-note. He could ante-date the promissory-note, and the mischief avoided by the bill of sale and the registration thereof would be amplified,

It would bring into existence a system of secret promissory-notes as a substitute for secret bills of sale. The way to avoid that would be to register promissory-notes, but that would destroy their negotiability. He failed to see why the holder of a bill of exchange or promissory-note could not lodge a caveat. He thought that the Committee would see that a provision of that kind would really revive a system which would be more obnoxious than the system which existed before the Bills of Sales Act was passed at all. He would like to hear an expression of opinion on the subject, and hoped those words would be omitted.

The ATTORNEY-GENERAL had his doubts from the commencement about the utility of the clause, which had been put in at the special request of the Traders' Association. There were certain amendments which he had pledged himself to submit to Parliament, and that was one of them, but his doubts as to its utility had not been removed. He was therefore perfectly willing to agree to the clause being negated.

* Mr. LAMONT agreed with the proposal to negative the clause, but thought a slight alteration was necessary in the clause already dealt with. It would be absolutely necessary to recommit the Bill in order to be sure that they were not overlooking the interests of the holders of promissory notes.

Mr. MACARTNEY moved the addition of the following new clause:—

24. Notwithstanding anything contained in this Act, no time reasonably required for or occupied in the doing of any act or compliance with any matter of form prior to the registration of a bill of sale shall have any effect towards rendering such bill of sale liable to be avoided or set aside under any law avoiding assignments as against creditors.

It would be clear that under the provisions of the Bill a considerable time would elapse between the execution of a bill of sale and its registration in many instances. In the remote parts of the colony four weeks' notice was required to be given, and there would be subsequent delay in registration, which would amount in some cases to three or four months. Under such circumstances, without some provision as that which he moved, the bill of sale might be set aside under the Insolvency Act. The clause had been carefully drafted by the Parliamentary Draftsman, who admitted that it was necessary.

The ATTORNEY-GENERAL: The amendment, which he accepted, was rendered necessary by the alterations made when the Bill was last in committee.

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

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

The ATTORNEY-GENERAL moved that the Bill be re-committed for the purpose of further considering paragraphs 2 and 3 of clause 2.

Question put and passed.

RECOMMITTAL.

The ATTORNEY-GENERAL moved, as a consequential amendment to an amendment made in paragraph 1, the insertion, after the word "days," of the words "as the case may be."

Amendment agreed to.

Mr. LAMONT moved that after the word "unsecured," in line 35, the following words be inserted:—

Or any person who is the holder in good faith and for value of a bill of exchange or promissory-note in

respect of which such grantor has incurred any liability, whether as drawer, maker, endorser, or acceptor.

The ATTORNEY-GENERAL thought it was desirable to insert those words. A question might arise as to whether the [9:30 p.m.] amount represented by a promissory-note came under the words "a debt to accrue due." A creditor in respect of a debt due or to accrue due could lodge a caveat, and the amendment would place it beyond question that the holder of a bill of sale or of a promissory-note was on a similar footing—as he ought to be—with any other creditor.

Amendment agreed to.

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

REGISTRATION OF FIRMS BILL.

COMMITTEE.

Clauses 1 to 8, inclusive, put and passed.

On clause 9—"Fee for registration"—

Mr. GRANT: A fee of £1 might be quite right in the case of a firm doing a big business, but in the case of those in a small way of business it was too heavy. Could there not be a graduated scale of fees—something less than £1, any way?

The ATTORNEY-GENERAL: On the second reading he had pointed out that it might be thought that the amount of £1 was rather large in the case of those engaged in a very small way of business, but he had also pointed out that it was most unlikely that it would press upon such persons at all, because they almost invariably traded in their own names. A firm-name was described in the interpretation clause as a name used by a person who traded other than his own.

Mr. GRANT asked why it should be an annual fee? Would it not be sufficient to be once registered?

The ATTORNEY-GENERAL: There might be different opinions about that. Other fees and licences were paid annually; and at a time when every available source of revenue was of immense advantage to the Treasurer, this seemed a very easy way of assisting his hon. colleague. He had heard gentlemen who professed to know how to put the Treasury in a sound position urge that there ought to be business licenses of £5, £10, £15, and £20 a year. He did not agree with that himself, but he did not see that the payment of this fee of £1 annually would be a hardship.

HON. E. B. FORREST hoped the Attorney-General would not press this fee. When a person registered a fee should be paid, and that should be sufficient. This was not a revenue Bill, and there was no reason to make it more oppressive than it should be.

Mr. P. J. LEAHY supported the clause as it stood. Records would have to be kept, and information would have to be given from time to time; and the annual fee would be required to carry out the provisions of the measure.

Mr. HAWTHORN considered that the annual fee of £1 would be a hardship. The Bill was brought in mainly to enable men engaged in commerce to know with whom they were dealing, and when once a firm was registered the required protection was given to the commercial world.

Mr. KERR (*Barcoo*) endorsed the remarks of the hon. member for Enoggera. He thought it would meet the wish of the Committee if the hon. gentleman in charge of the Bill would not insist upon the annual fee.

Mr. STORY (*Balonne*): At present there were firms that had existed for a number of years, the original founders of which had disappeared altogether, and these firms were carried on still under the same name by other people. He did not think it had been known till now that any one or two people starting business could adopt the name of some well-known firm to establish themselves, and give a certain amount of advertisement to their business, but under this Bill a firm could register under any name at all. Supposing two men started business as solicitors in Charters Towers, there was nothing in the Bill to prevent them registering as "Rutledge and Foxton"; or, if they started in trade, what was to prevent them registering in the name of "Cribb and Foote." When people saw their advertisements in the paper, they would consider it was a branch of a well-known firm, and the name would attract a considerable amount of trade for the time being. If a clause were introduced allowing people to do this, but only with the permission of the particular firm whose name was used, no harm would be done.

The ATTORNEY-GENERAL: The Bill did not propose to alter the existing law with regard to the use of names. If any individuals started at Charters Towers as a firm practising under his name and the name of the Home Secretary in such a way as to lead people to believe that he and his colleague were the identical partners, when the real partners were, say, Smith and Brown, they would find themselves in the Supreme Court to answer an application for an injunction. This Bill did not touch the general law about the use of well-known names, and if persons used the names of well-known firms they must let the public know who the partners really were. That was the object of the Bill.

Mr. PAGET: He believed in the object of the Bill generally, which he understood was to prevent fraud on the part of persons who desired to trade under names other than their own; but the measure should not be looked upon as a revenue-producing one. If it was looked at in that light, they should have a registration fee for firms, with a sliding scale according to the turnover. He would support any amendment which proposed the omission of the word "annual," because the fee paid on the first registration was quite sufficient, especially when it was proposed that a fee should be paid on any alteration in the firm or in their address.

The ATTORNEY-GENERAL explained that a certain amount of expense would have to be incurred in the working of the measure, such as registrars all over the colony, new books to be printed, and probably extra clerical assistance in the principal registrar's office. It was never intended to be a revenue-producing Bill; but it should be a Bill that paid the expenses of the work to be done, and if hon. members objected to the fee being an annual one, it should be raised so that the expenses incurred in carrying out its provisions would be covered.

Mr. HAWTHORN thought that the present staff in the Supreme Court would be quite ample to cope with the administration of the Bill; and it should be revenue-producing to the extent of covering the expense of its administration.

Mr. KIDSTON agreed with the hon. member for Enoggera. The printing might amount to a few pounds, but the general cost of administering the Bill would be nothing practically. He

thought the word "annual" should be omitted, especially as there was a fee of 5s. to be paid when there was any alteration in the firm.

Mr. CAMPBELL thought it was invidious to impose a tax in this way on a certain [10 p.m.] section of the community. He did not know how many firms were supposed to be carrying on business under names other than their own; but if there were 1,000, that would give a revenue of £1,000, and the expense of administration must be very small—simply the expense of printing books, which the original fee of £1 would be ample to cover. He hoped the Minister would see fit to omit the word "annual."

The ATTORNEY-GENERAL: He would not object to eliminate the provision with regard to an annual fee, to which hon. members were so strongly opposed, if the fee were increased to £2 or £2 2s.

Mr. P. J. LEAHY did not think the fee proposed in the clause would operate at all harshly. There would be a certain amount of expense every year in connection with keeping the record, and if the initial fee were raised to £5 or £10 so as to cover the expense for fifteen or twenty years, he would have no objection to such an amendment; but an initial fee of £1, or even £2, would be miserably inadequate.

The ATTORNEY-GENERAL was glad to have the support of the hon. member for Warrego, and if the Committee were largely in accord with his sentiments he should persevere, but he could see that the great majority of hon. members were against the idea of having an annual fee, and to meet their views he would move that the words "an annual fee of one pound" be omitted, with a view of inserting "a fee of two pounds."

Mr. HAWTHORN would have very much liked to have seen the £1 adhered to, but rather than agree to an annual registration he would approve of a fee of £2 being charged.

Hon. E. B. FORREST: If it could be shown that £1 was sufficient, why should £2 be charged? At least 1,500 firms would have to register, and for £1,500 the Government could get a fair amount of stationery. There would be no expense for extra officers, for the clerks of petty sessions would do the work. He ventured to say that at the outside £300 or £400 would purchase all the books and stationery required, and even then there would be a big margin to work upon.

Mr. KIDSTON: If they merely wanted to make the Bill pay its own way, a registration fee of £1 would be quite sufficient. The small annual cost of administration would be met by the fees paid by the few firms who would always be registering.

The SECRETARY FOR AGRICULTURE could understand the contention of the hon. member for Rockhampton if all firms who registered were accommodating enough to die out of existence every twelve months, but the £1 fee would in many instances have to cover the whole cost of administration for perhaps twenty or thirty years in the case of some firms. In addition to the initial cost of books and stationery, a considerable amount of correspondence was sure to arise about one thing and another, and that would mean considerable expense.

The ATTORNEY-GENERAL hoped the Committee would not make the fee less than £2. The initial cost would be very heavy, and there would be a small expenditure constantly going on in connection with sending monthly returns from all parts of the colony to the principal registrar.

Mr. CAMERON (*Brisbane North*) said he thought £1 was ample, but as £2 was better than an annual fee he should offer no opposition to it.

Amendment agreed to; and clause passed with a consequential amendment.

Clauses 10 to 13, inclusive, put and passed.

On clause 14—"Monthly returns by registrar"—

HON. E. B. FORREST said he did not see why the fee for search should be 2s. 6d. while in the Supreme Court it was only 1s.

Mr. HAWTHORN said he thought a fee of 1s. would be quite sufficient, and he therefore moved that in lines 41 and 42 the words "two shillings and sixpence" be omitted with the view of inserting the words "one shilling."

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

Clauses 15 to 21, inclusive, put and passed.

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

The third reading was made an Order of the Day for Tuesday next.

The House adjourned at twenty-nine minutes to 11 o'clock.