The engineer-in-chief, who is regarded by every one in this country as a man of integrity and of high professional qualifications, shows that the cost of colonial iron rails as compared with the cost of steel rails imported would be in excess to this very large amount. I do not think it is necessary for me to say one word more in order to draw the attention of the Government and those interested in the welfare of the country to such a state of things as this. I do not want to cast any imputation on the commissioner; no one can deny that he is an able and active officer, thoroughly to be trusted. I do not say that these anomalies and inconsistencies have been originated by him, although he has stoutly defended them, and they still exist notwithstanding the protest of the engineer-in-chief.

That is all that I said about the commissioner. I did not even absolve the late Government, of which I was a member, from their responsibility. I know that the present Government are anxious to put matters right; but whether they can or not is another question. I have made no reflections whatever upon either of the two gentlemen concerned. I have been long enough in Parliament to know that the heads of the departments are the right arm of the public service. They are the men who govern the country. During the twenty-one years that I have been in Parliament I have never been led away so far from the path of duty as to cast reflections upon those gentlemen. I know their value, and I know that they are too often attacked when they do not deserve it. I have been particularly careful not to show any partiality for either the commissioner or the engineer-in-chief. I do not think that any great amount of good can be done by discussing the merits or the demerits of those gentlemen in this House. It is the duty of the Government to institute some inquiry, which I hope they will do. I hope they will take the advice which I tendered them before, and appoint a royal commission instead of a committee. They ought to appoint a royal commission, consisting of a competent engineer and two members of each house of Parliament, to inquire into the whole management of our railways. I believe that an inquiry carried out by a commission of that kind would be more efficient, and would obtain a larger amount of public confidence than any other. I gave the Government that advice long before that commission was thought of, the names of the members of which were mentioned here the other night. I see that in another place a motion is to be made for a select committee; but I hope that the Government will not agree to that, as I believe that a royal commission would be the most suitable body to make such an investigation as is required. Having gained the object which I had in view by eliciting this debate, I now beg, with the permission of the House, to withdraw the motion.

Motion withdrawn.

SPECIAL ADJOURNMENT.

Motion (by Mr. DALLEY) agreed to:

That the House, at its rising, adjourn until Wednesday next.

House adjourned at 9·18 p.m.

Legislative Assembly.

Wednesday, 16 January, 1884.

Report of Committee of Elections and Qualifications—Three Million Loan—Bankruptcy Jurisdiction Bill—Mining for Coal under Railways and Streets—Leave of Absence to Member—Adjournment (Three Million Loan—Resumption of Land at Circular Quay for Tramway Purposes—Immigration—Mr. Bruce Smith at Gundagai—Water Supply in the Newcastle District—Election of Ministers)—Military School of Instruction—Fire Brigades Bill—Crown Lands Bill—Civil Service Bill—Necropolis Act Amendment Bill—Deceased Persons' Estates Administration Bill.

Mr. SPEAKER took the chair.

REPORT OF COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

Mr. PIGOTT, as chairman of the Committee of Elections and Qualifications, brought up the following report:—

The Committee of Elections and Qualifications, duly appointed on the 16th October, 1883, to whom was referred on the 13th December, 1883, the question whether George Houstoun Reid, Esq., the honorable member for East Sydney, and Francis Bathurst Suttor, Esq., the honorable member for Bathurst, were not each incapable of being elected or of sitting or voting as a member of the Legislative Assembly, no notice to that effect being published in the *Government Gazette* on their respective acceptances of the office of Minister of Public Instruction, have agreed to the following report:—

* That George Houstoun Reid, Esquire, the honorable member for East Sydney, and Francis Bathurst Suttor, Esquire, the honorable member for Bathurst, were each incapable of being elected or of sitting or voting as a member of the Legislative Assembly.

Ordered to be printed.

THREE MILLION LOAN.

Mr. McELHONE asked the COLONIAL TREASURER *(without notice)*,—When will the correspondence between the Government and the manager of the Bank of New South Wales as to the floating of the £3,000,000 loan be laid on the table of the House?

Mr. DIBBS answered,—Probably to-morrow.

BANKRUPTCY JURISDICTION BILL.

Resolved (on motion by Mr. STUART, for Mr. TRICKETT):

That this House will to-morrow resolve itself into a Committee of the Whole to consider the expediency of bringing in a bill to establish a jurisdiction of the Supreme Court in bankruptcy in substitution for the insolvency jurisdiction of the said court, and to provide for the winding-up of matters depending in insolvency.

MINING FOR COAL UNDER RAILWAYS AND STREETS.

Ordered (on motion by Mr. TIGHE):

That there be laid upon the table of this House copies of all reports, minutes, plans, and other documents received by the Mines Department from the Examiner of Coal Fields, and from the Inspector of Collieries, having reference to the working of coal from under the Great Northern Railway at Anvil Creek and Greta; also from under streets and roads at Tighe's Hill and Wickham, and from under streets at Brookstown, in the borough of Wallsend.

LEAVE OF ABSENCE TO MEMBER.

Resolved (on motion by Sir JOHN ROBERTSON):

That leave of absence for the remainder of the present session be granted to Sir Henry Parkes, K.C.M.G., the honorable member for Tenterfield.

ADJOURNMENT.

THREE MILLION LOAN—RESUMPTION OF LAND AT CIRCULAR QUAY FOR TRAMWAY PURPOSES—IMMIGRATION—MR. BRUCE SMITH AT GUNDAGAI—WATER SUPPLY IN THE NEWCASTLE DISTRICT—ELECTION OF MINISTERS.

Mr. McELHONE rose to move:

That this House do now adjourn.

He said that on several occasions he had asked the Treasurer when the correspondence between the Government and the manager of the bank of New South Wales respecting the floating of the £3,000,000 loan would be laid on the table of the House. The return was a very simple one, and if it suited the purposes of the Government it could be produced within forty-eight hours. He wished to have the papers produced, as he had made a statement to the effect that the manager of the bank of New South Wales had absolutely coerced the Government into placing the floating of the loan into the hands of that bank, notwithstanding that arrangements had been made for the floating of the loan by the Bank of England. The statement was absolutely denied by the Treasurer; but he had no hesitation in saying that when the papers were produced it would be found that what he had said was quite true. Another matter to which he wished to refer was the fact that over nine months ago the honorable member for Balmain (Mr. Garrard) moved for the production of papers having reference to the resumption of land at Circular Quay for tramway purposes. Last night he asked when the papers would be produced, and the Secretary for Works replied this evening. This promise had not been kept. What was it that made the Government afraid to produce the papers? Why had they kept them back so long? Because an outrageous swindle on the public had been perpetrated. Mrs. Hicks and her family had received from the Government thousands of pounds more than they agreed to take when the honorable member for East Sydney (Mr. Copeland) was Minister for Works. He was told that when that honorable member was in office Mrs. Hicks agreed to take several thousand pounds less than she claimed for property which had been resumed; but before the agreement was completed the honorable member resigned his position. Subsequently the honorable member for Camden (Mr. Garrett) used his influence with some members of the Government, the result being that Mrs. Hicks had received several thousands of pounds more than she had agreed to take. Were the Government keeping back the papers in the hope that the matter would be forgotten? He ventured to think that this was the reason. After he resigned the position of Secretary for Works the honorable member for East Sydney said that by his action in regard to this resumption he had saved the country £16,500; but it was questionable whether the subsequent conduct of the Government had this result. It was outrageous that papers which could be produced within forty-eight hours, if necessary, for the purposes of the Government should be kept back for nine months. Another matter to which

he wished to refer was the manner in which immigrants were being brought into the colony by the Orient Company. In the past, complaints were made of the length of the voyages by sailing-ships, and the great discomforts to which immigrants were subjected in consequence; and it was thought that there would be a vast improvement if a contract were entered into with a steam-ship company for the conveyance of immigrants. When the contract was entered into with the Orient Company it was understood that immigrants were to be brought out in the ordinary passenger steam-ships of the company. But such was not being done, as the company had chartered cargo boats—the *Warwick* and the *Abergeldie*. From what he had been told he believed that these boats were not adapted for the conveyance of passengers—that they were not sufficiently ventilated between-decks for passengers to live in comfort there. Further, he believed that the Government acted beyond their powers when they entered into the contract with the Orient Company. The late Government were denounced for their action in purchasing a residence for the Governor at Moss Vale without parliamentary sanction, and for entering into an agreement for the construction of a bridge to North Shore; but was there anything worse in these transactions than in the action of this Government in entering into a contract with the Orient Company without asking other steam-boat proprietors whether they were prepared to do the work? He noticed in to-day's *Evening News* a telegram from Gundagai, in which it was stated:

> Mr. Bruce Smith, M.L.A., addressed the electors here yesterday. He opened with the Land Bill, upon which he dwelt lightly.

No doubt, very lightly.

> He referred to the pre-leases and homestead clauses, and declared his intention of strongly supporting the present Ministry, in whose hands, he said, the country is safe.

That was a matter of opinion.

> The members of the Ministry, he declared, are all men of means, and each had an independent business to fall back upon.

He doubted that very much.

> This was not so with the last Ministry, most of the members of which were men of straw, and came under certain provisions of the Vagrant Act. For several years they had no means of obtaining a livelihood except by pursuing politics.

[*Mr. McElhone.*

He wished to take exception to the latter part of this statement. Mr. James Watson and Mr. Alexander Campbell, who were members of the late Ministry, could buy out the whole box and dice of the present Ministry four or five times over, and then would not have to draw more than a quarter of the amount to their credit. The present Minister for Lands, Postmaster-General, and Minister for Works might have means; but it was not a fact that generally the Ministry were men of means. It was a matter of notoriety that Sir Henry Parkes and Sir John Robertson were not wealthy men; but he had no doubt that they were as well to do as most of the members of the present Ministry. Take the Colonial Secretary, for example. We knew that some time since the honorable member was asked to go to England to act as Agent-General. Why the honorable member did not go he would not say. Such a remark as that made by the honorable and learned member for Gundagai was most impertinent, coming as it did from a new-chum to the colony. The honorable and learned member was merely a carpet-bagger when he came here; he tried to secure a seat in the Victorian Assembly, but failed, and when he came here his worldly wealth consisted of a brief bag with nothing in it. The Minister for Works in the late Government was known to be a wealthy man, and the former Minister for Lands (Mr. Hoskins) had independent means. It was notorious that the former Minister for Mines (Dr. Renwick) was very wealthy—perhaps more wealthy than any member of the present Government. The late Minister of Public Instruction (Mr. Suttor) was a wealthy man, and his family had been wealthy for fifty or sixty years past. The late Attorney-General (Mr. Wisdom) had sufficient means to keep him out of want for the rest of his life; he had obtained this by industry in his profession and by speculation in private lands, and not by trying to divert railways and taking up mineral lands as other people had done. He knew certain gentlemen who had found the Insolvency Court a useful institution; they had made false declarations as to their means, and had served a short term in gaol, after which they had to pay their debts. He hoped that for his own

credit, as well as that of the Government, the Secretary for Works would at once produce the papers relating to the resumption of land at Circular Quay.

Question proposed.

Mr. A. G. TAYLOR : Since the adjournment of the House has been moved, I should like to say a few words. I shall not refer to what has been said about the speech of the honorable member for Gundagai. I think we ought not to take much heed of that which members of Parliament say in the course of electioneering addresses. It is very well known that on those occasions the remarks of honorable members are not of that grave and sedate character which they assume when made in this House. The honorable member for Gundagai has his opinions, and is entitled to express them ; but I do not think that the opinions of the honorable member which have been referred to by the last speaker will be indorsed by the colony, and we should be attaching unnecessary importance to them if we discussed them. I rose more particularly for the purpose of pointing out to the Government one or two matters in connection with their constitutional position. I take advantage of this opportunity in order that I may not have to move the adjournment of the House on a special occasion. Honorable members are aware that the Committee of Elections and Qualifications have decided that the seats of Mr. Reid and of Mr. Suttor are invalid, and it follows from that decision, according to my reading of the Constitution Act, that—sitting members having been disqualified—the Speaker may issue new writs for elections. That power is in the hands of the Speaker. I have no doubt that in these cases it will be exercised, and I would point out in all friendliness to the Government the necessity for taking some steps with a view to an immediate alteration of the Constitution Act. Suppose a writ is issued for the election of a member for East Sydney. As a matter of fact Mr. Reid cannot become a candidate. He will be in no better position as regards the validity of his seat after going to the country. I do not wish to persecute the honorable gentleman, but should he be again elected to the House the point which has been decided by the Committee of Elections and Qualifications may be again taken. It is clear that the Governor can declare only five ministers capable of election—the Minister for Lands, the Minister for Mines, the Minister for Works, the Postmaster-General, and the Minister of Justice and Minister of Public Instruction combined. Mr. Reid, therefore, will be in no better position ; the Governor will still be unable to declare him capable of election. The consequence will be that Mr. Reid cannot be a candidate for re-election unless he resigns his seat and is appointed to the office of Solicitor-General, or to some other office in respect to which a declaration is not necessary. There is, therefore, an imperative necessity for an amendment of the Constitution Act, or Mr. Reid will on his return to the House be in the position which he now occupies. If the Governor should gazette him to-morrow as being capable of election, he will be going beyond the terms of the Constitution Act, because his Excellency is *functus officio*. There is a further point in reference to this matter, and in bringing it forward I am glad that I shall be able to do so on some authoritative basis. On the last occasion on which I brought the matter forward the House refused to refer it to the Committee of Elections and Qualifications. On this occasion I bring it forward franked by the opinion of eminent counsel, and I hope that the Government may be induced to take some action, amending the 18th section of the Constitution Act, and removing a restriction which ought not to have been tolerated when the act was passed. I have taken some interest in this section. I have read and re-read it, and I have come to one conclusion. After a great deal of hard study I referred it to eminent counsel, who supported my view. The counsel were Mr. Alexander Gordon, Q.C., and Mr. F. E. Rogers. I do not think any one will deny that these gentlemen are lawyers of considerable eminence. The effect of their decision is that Mr. Farnell, Mr. Wright, Mr. Reid, Mr. J. P. Abbott, Mr. Trickett, and Mr. Cohen have been illegally elected. I am not taking this point upon a motion to refer the seats of these honorable members to the Committee of Elections and Qualifications ; but I think the fact that my reading of the Constitution Act is borne out by eminent counsel shows the necessity for taking steps to alter the Constitution Act, and to

validate the seats of all ministers in this House with the exception of those of the Colonial Secretary and the Colonial Treasurer. The 18th section is to this effect:

> Any person holding any office of profit under the Crown * * * * shall be incapable of being elected, or of sitting or voting as a member of the Legislative Assembly, unless he be one of the following official members of the Government (that is to say, the Colonial Secretary, Colonial Treasurer, Auditor-General, Attorney-General, and Solicitor-General), or one of such *additional* officers, *not being more than five*, as the Governor, with the advice of the Executive Council, may *from time to time*, by a notice in the *Government Gazette*, declare capable of being elected a member of the said Assembly.

I would point out to honorable members that this capability is given distinctly to the individuals and not to the offices. There are only two readings of this clause —one is that immediately the Governor has declared five ministers capable of election he is *functus officio*, and can neither rescind nor substitute a declaration. It may be argued that a premier taking office may say to the Governor, "So-and-so do not need to be gazetted; they are exempt, and you may gazette five others." I contend that this gazetting must take place when each administration comes into office. The Governor cannot say, "I declare the person holding the office of the Minister for Lands capable of election for ever"; but he can say, "I declare James Squire Farnell capable of election," and every person has to be declared by name in the same manner. As each administration comes into office these persons must be declared capable of election. I took a point in reference to the seat of the Minister for Mines, and it only struck me, after reading the first portion of the section, that if it did not bear the interpretation which I then put upon it it bore this other interpretation —that each adminstration on coming into office must gazette such officers as they wanted to be capable of election. Counsel have decided that this *Gazette* notice ——

Mr. J. P. ABBOTT: I rise to order. I should like to have Mr. Speaker's rulingas to whether the honorable member is justified in reading an opinion of counsel bearing upon the privileges of this House.

Mr. A. G. TAYLOR: On the point of order I submit that I am giving the opinion of counsel as to the interpretation of statute law. I am giving my own opinion, and I am about to read the opinion of counsel to show that my opinion is shared by men more eminent than myself.

Mr. SPEAKER: I am not aware of any precedent or decision which makes it out of order for the opinion of counsel in such a case as this to be read. This is an opinion, I understand, which is, or which professes to be, an interpretation of a statute. As a matter of fact, the vacancy, or supposed vacancy, of a seat is a matter of privilege; but I do not think that the reading of the opinion of counsel in such a matter is an inroad upon the functions of the House.

Mr. A. G. TAYLOR: I could understand the objection of the Minister for Mines if I had moved a motion declaring all the seats of ministers vacant; but in friendliness to the Government I am stating their position in order that they may take such steps as they may think fit to rectify it. I do not wish to see them travelling all over the country, and I am not taking steps to send them there. An ex-minister in referring to this subject has said that he always held the opinion that the view which I have put forward is the correct interpretation of the act; but that not being a lawyer he refrained from suggesting the necessity for an amendment. I have discovered that in 1856 the governor of the day gazetted the late Mr. Moriarty, portmaster, as capable of being elected. I lay no stress upon that declaration, because it was evidently *ultra vires*, Mr. Moriarty not having been a member of the Ministry. It was evidently illegal to declare that a person holding the office of portmaster should be capable of election. The case I submitted was:

> So far as can be ascertained, his Excellency has issued *Gazette* notices of such capability as follows:—
>
> 1. Declaring the *Secretary for Works and Lands* to be capable of election.
> 2. A dual proclamation rescinding No. 1, also severing the
> 3. Departments of Lands and Works, and declaring the holders of the offices of *Secretary for Works* and *Secretary for Lands* to be each capable of election.
> 4. Declaring the *Postmaster-General* capable of election.
> 5. Declaring the *Clerk of the Executive Council* capable of election (capability rescinded by his Excellency's *Gazette* notice twelve months afterwards). Constitution Act being an imperial act, Acts Shortening Act does not apply. See section 1 of 16 Vic. No. 1.

6. Declaring the *Minister of Justice and Public Instruction* capable of election.
7. Declaring the *Minister of Mines* capable of election.

Counsel will please advise:

1. After attaching eligibility of election to five officers, was not his Excellency *functus officio?*

2. Had his Excellency power to rescind proclamation 5; and if so, had he power to *substitute* another in the stead of the office cancelled and in excess of the number five?

3. Is the Minister of Mines legally entitled to sit in Parliament, his office being an office of profit and being the *6th* or *7th* additional office gazetted by his Excellency?

4. If section 18 is to be taken implying power to create the extra five offices from time to time as each fresh administration is created, would it not of necessity require the Governor to gazette each specially upon every occasion?

5. Would not the implication of such power enable his Excellency to create a diversity of offices, namely, in one administration—Works, Lands, Education, Postmaster, and Mines—and in the next, Fisheries, Forestry, Agriculture, Railways, and Markets in opposition to the intent of the Constitution Act limiting that five and five only beyond those set forth therein should be created, and evidently with the view of preventing a multiplicity of ministers?

OPINION.

We are of opinion that the power conferred on the Governor by the 18th section of the Constitution Act as to the five additional officers is that in a case of each person who may hold an office of profit under the Crown other than those specially mentioned the Governor shall declare him capable of being elected a member of the Assembly, and that the only limitation to this power is that at the time of the Governor in any case so declaring there shall not then be five persons holding offices of profit under the Crown who have been in a like manner declared capable of being elected. We therefore think:

1. That the Governor is *functus officio* after duly attaching capability of election to five persons then holding office.
2. His Excellency had power to rescind proclamation No. 5 and to substitute another officer in the stead of the one whose office was cancelled.
3. That if at the time of the *Gazette* notice respecting the Minister for Mines there were five additional persons holding office who had been duly declared eligible the notice was of no effect and that consequently the Minister for Mines did not thereby become capable of being elected.
4. That the *Gazette* notice required by the 18th section is necessary on the appointment of each officer whose capability of being elected is to be thereby declared.

The views above expressed render unnecessary any specific answer to the 5th question.

ALEXANDER GORDON.
F. E. ROGERS.

16th January, 1884.

That opinion seemed to me to be plain enough; but I sent it back to counsel in order to obtain an answer to this question: suppose the Governor declared the person holding the office of Minister for Lands to be capable of election, would the next Minister for Lands have to be gazetted? The reply of counsel is to the effect that if there were twenty minsters of lands each individual as he comes into office must be declared to be capable of election. The upshot of the matter is this: that as each administration comes into power the five official members who are not specially mentioned in the 18th section of the Constitution Act must be duly gazetted. This is a question which affects not only the present Government but all preceding governments, from the first responsible government downwards. The proper course has not been pursued. The 18th section of the Constitution Act has never been legally interpreted. The Governor has declared the holders of such and such offices to be capable of being elected, and counsel support me in the opinion that his Excellency has no such power, and that each individual holder of office must be gazetted. The capability is not continuous; it attaches to the person not to the office. What is the effect of this opinion upon the Land Bill if Mr. Farnell is holding an office of profit which he has not been declared capable of holding? It has been introduced by a gentleman who is not a member of Parliament. The Government, therefore, will take some steps to rectify the matter, unless they wish to wreck their Land Bill. Every bill in Parliament since responsible government introduced by a minister who has not been specially gazetted has been introduced by a gentleman who was not a member of Parliament. Various acts say that regulations which have been framed shall not have the force of law until they have lain on the table of the House for a certain length of time. They must be laid on the table by a member of Parliament, and the action of certain ministers in laying these regulations on the table has not been the action of members of Parliament. The regulations might just as well have been smuggled into the House, and laid on the table by the clerk. I repeat that I express this opinion in friendliness to the Government,

and not in a spirit of obstruction. I desire that the matter may be placed in a satisfactory position—that the 18th section of the Constitution Act may be amended or abolished, so that at a future day, when vast interests are concerned, we may not have the legality of various acts impugned by lawyers. I think these remarks should excuse my rising, especially when we remember that the House is about to enter upon the discussion of so important a measure as the Land Bill.

Sir JOHN ROBERTSON said it seemed to him that if there were anything in what his honorable friend behind him had said—and he had no doubt that there was—there could be no immediate remedy, seeing that an amendment of the Constitution Act could not be made without reference to the Queen. He hoped that some other way out of the difficulty would be discovered, because he was sure that no one, whatever opinion they might entertain of the Government, wished to see them placed in an unfair position in regard to their Land Bill. He did not know that we had very much reason to complain of the observations of the honorable member for Gundagai. He did not imagine that that honorable member any more than any other honorable member had been reported with absolute correctness. He gathered from the statement made by the honorable member for Gundagai that he was referring to the honorable member for Tenterfield and himself. He could not imagine that the honorable and learned member for Gundagai could have paid any higher compliment to the honorable member for Tenterfield and himself than by stating that after the long career of power which they had had they were very poor men indeed. He did not know anything about the affairs of his honorable friend the member for Tenterfield, and he did not intend to say a word about them; but this he would say that in landed property he was to-day a poorer man by from £17,000 to £20,000 than he was when he first entered Parliament.

Mr. GARRARD said, with reference to the production of certain papers for which he had moved, that he knew nothing about the case to which they referred. As for some persons getting more than it was intended to give them, he knew nothing about that. His principal reason for moving for the papers was that he understood that some of the persons who had been deprived of their land had not received what they were entitled to. He thought that the valuation made by the late Minister for Works (Mr. Copeland) had been unfair. Some reason why the papers had not been produced might have been given, as he had frequently urged that they should be produced without delay, and it was now eleven months since he moved for them. He had heard that the reason of the delay was that negotiations were still going on; but if the Minister for Works had determined that he would not give more than a certain price for the land, as the late Minister did, matters must be sufficiently advanced to admit of the production of the papers.

Mr. WRIGHT: I will lay them on the table to-morrow night, if possible!

Mr. FLETCHER wished to call the attention of the Minister for Works to the great delay which was taking place in reference to the bringing of the water from Maitland to the mining townships in the vicinity of Newcastle. There were 400 or 500 cases of typhoid fever in the mining district and in the city. When it was considered that the water scheme was sanctioned in 1879, and that the principal reservoirs had been completed for a period of something like two years, it would be seen that there could be no excuse for so long a delay. The pipes had been obtained and were lying at Newcastle rusting, yet hundreds were dying from the want of pure water. In 1879 Dr. Bowker, who was then one of the members for Newcastle, brought the matter under the notice of the House, and it was promised that the work should be carried out without delay. The Government had got a large portion of the work done, but it was allowed to remain unfinished although no one knew better than the Colonial Treasurer the great necessity for a supply of pure water in those mining townships. He hoped that the Minister would stir up his officers, who must be the persons blamable for the non-completion of the scheme. A large number of deaths was taking place every day from typhoid fever, and the danger to the colony from the existing state of things was very great.

Mr. STUART: With regard to the matter brought forward by the honorable member for Mudgee, Mr. A. G. Taylor, of course such a wholesale decimation of the Ministry comes as rather a sudden blow upon one placed in my position. I am obliged to him for having put forward in the frank manner in which he has done the opinions by which his own views on the matter have been fortified. All I can say at the present moment is that it will receive the most anxious and careful consideration of the Government. It certainly cannot be laid to the blame of the present occupants of these offices that they find themselves suddenly undermined in their position, if they are undermined. I do not give any opinion now, although I have the highest respect and a large degree of deference for the views of the honorable and learned gentlemen whose opinion has been read. Every one knows that a great deal depends upon the way in which the matter has been placed before them; and even the very ablest of lawyers are not altogether infallible. Of course, an opinion pronounced in the way in which they have given theirs, a written opinion upon a case submitted to them, is entitled to a very great amount of deference and consideration, and that consideration it will receive at the very earliest possible moment. It is too important a matter to be allowed to be unthought of or uncared for, not as regards the position of the gentlemen who at present occupy the offices but as regards legislation and the administration of the affairs of the country. That lies at the bottom of it. I do not suppose that if the gentlemen who have held these offices during the last twenty years were not properly elected all the legislation which has taken place during that time is invalid in consequence.

Mr. BURNS: It has been condoned by the royal assent!

Mr. STUART: However wrongly initiated, I have no doubt that in the process of manufacture into law the irregularity has been fully condoned. Still if the contention put forward by the honorable member is correct a state of things exists which should not be tolerated any longer. At the same time, however, the matter should not be rushed. It is one of too grave importance to be dealt with suddenly or on the spur of the moment. It will be satisfactory if we can get the report of the Committee of Elections and Qualifications upon the other case submitted to them, so that both matters can be dealt with together. It will be the duty of the Government to have the question thoroughly considered, and if what has been stated to-day is found to be the true position of affairs to propose to the House some mode by which the matter can be rectified, and any wrong-doing which has been unwittingly committed in the past condoned. It is not my intention to refer to any other matter which has been brought forward except to give an unqualified denial to the statement or innuendo put forth as to the unsuitability of the boats which are bringing out immigrants in connection with the Orient line. The first of these ships, the *Abergeldie*, is nearly new.

Mr. MCELHONE: A cargo boat!

Mr. STUART: She is not a cargo boat. The honorable member's statement is utterly opposed to that which has been communicated to me by those who ought to know best. The Orient Company inform me that this steamer is nearly new, and that she is a vessel of a very high class. The company wrote on the subject before she sailed, and the vessel will be here to speak for herself in a few days. She is officered by the Orient Company's own officers, and fitted up in a way that is in every way suitable for the work she has to do, and she is equal to their own boats. The other ship, the *Warwick*, is a new steel steamer of 2,527 tons, and the *Abergeldie* is a vessel of 2,863 tons burthen. Both vessels are on a par with those which have been running for the Orient Company. They will be here very shortly, and the *Abergeldie* has been already reported as having made a very rapid passage. I have no doubt that if on her arrival here the honorable member for The Upper Hunter will go on board and inspect her he will be able to report that a finer steamer never came into the harbour.

Mr. MCELHONE: Is she coming through the canal?

Mr. STUART: She is not. I did not think it desirable that the immigrants coming by the Orient steamers should be subjected to the heat of the canal and of the Red Sea. I therefore made a stipulation with the company that they should send their steamers with immigrants by

the Cape of Good Hope, so that every care might be taken for the benefit of the immigrants and every precaution for landing them here as speedily as possible, and in good health. There seems to me to be some risk to health and very little advantage in point of time gained by sending the immigrants by the Red Sea, and for that reason I preferred that they should come by the Cape of Good Hope.

Mr. MELVILLE could corroborate the statements made by the honorable member for Newcastle, Mr. Fletcher, in reference to the non-completion of the works for the supply of water to the mining townships in the vicinity of that city. He hoped that the Minister would do his utmost to expedite the completion of those works. There was now plenty of labour in the market, so that the works might be pushed on rapidly. There was no water supply whatever in those mining townships, and if the present state of things existed much longer we should have an epidemic which would probably spread throughout the whole colony.

Mr. WRIGHT: I wish to say a few words in answer to the honorable member for Newcastle and the honorable member for Northumberland. I think that the honorable member for Newcastle scarcely stated the matter fairly when he said that all the reservoirs were completed. That near Maitland is not completed, and it is the principal one. Until it is completed the water cannot be delivered. Furthermore, the engines required for pumping the water are not yet in the colony. The pipes are on the spot, and every exertion is being made by the Harbours and Rivers Department to expedite the work. I am as keenly alive to the importance of it as the honorable member for Newcastle himself, and nothing would give me greater pleasure than to be able to deliver the water in the mining townships to-morrow morning. The reservoir which has to supply all the others, however, is not completed. The reservoir at Campbell's Hill is the one from which the water is to be pumped, and I have called the attention of the engineer-in-chief to the necessity of every exertion being made to have it completed as quickly as possible.

Mr. McELHONE said that the Colonial Secretary had pointed out that the *Abergeldie* was a new steamer of a very high class. She might be a vessel of a high class; but notwithstanding that, she might be totally unfit to carry immigrants. New steamers of a high class, but totally unfit to carry immigrants, came to this colony every week.

Mr. STUART: She was specially built to carry passengers!

Mr. McELHONE said that Money Wigram's steamer the *Kent*, of 1,700 tons burthen, landed between three and four thousand tons of cargo at Circular Quay, besides carrying coal for her engines; yet that ship was totally unfit to carry immigrants, because in heavy weather her decks were under water. He should make it his duty to see whether the *Albergeldie* was a ship which had been built to carry passengers. Nearly all the steamers which had been built of late were of a very high class, but in heavy weather their decks were under water. The *Abergeldie* was not built as a passenger boat but as a fast cargo boat. Ships of her class came out to Australia, took coal and cargo to China, and returned home by the canal with tea. They had not the height between decks that was requisite to make them suitable for carrying passengers. He thought it would be found that he was correct in stating that the *Warwick* and the *Abergeldie* were merely cargo boats. The Government had done wrong in giving to the Orient Company this contract for the carriage of immigrants without calling for tenders from the numerous other steam-ship companies of Great Britain. Had this been done the Government might have saved many thousands of pounds. The Messrs. Green and Company and Money Wigram and Company would probably have carried immigrants at a much lower rate than the Orient Company. The matter which had been referred to by the honorable member for Newcastle was one of very great importance, and one which the Minister for Works had treated much too lightly. There were thousands of people in the Waratah, Wallsend, and Minmi districts, who were dependent for a drink of water on such supplies as they could obtain from the locomotive engines. A good drink of water could not be obtained in that mineral district. The coal formation made the water unfit for even strong men to drink. What, then, must be the con-

dition of the women and children who were compelled to use it for daily consumption? Each family probably required at least 10 or 20 gallons a day; but they could not get a gallon. The people in the mining townships were worse off than the people on board some of the immigrant ships which came to the colony. Dr. Bowker some three or four years ago brought the case of those mining townships under the notice of the House, and said that every year hundreds of the inhabitants died through drinking impure water. At that time the people were absolutely without water, and the Government took steps to bring water by railway-trucks from Maitland. While on the one hand we spent hundreds of thousands of pounds in bringing immigrants to the colony, on the other we allowed hundreds of valuable human lives to be destroyed because the Engineer-in-Chief for Harbours and Rivers had neglected to complete the main reservoir at Campbell's Hill. The pumps, we were told, had not yet arrived in the colony. Why could they not have been made here? Surely the colony was not so destitute of engineering talent that such pumps as were necessary could not be made by some of our engineering firms! He had no doubt that a couple of pumping engines like those used at Botany could be made in the colony in five or six months.

Mr. FLETCHER: Three months!

Mr. McELHONE: The House had a right to some better explanation of the delay than had been given by the Minister for Works. Why could not the Government order the Engineer-in-Chief for Harbours and Rivers to call for tenders for laying the pipes so that the water could be laid on as soon as the pumps arrived and the reservoir was completed? Twelve months hence, if some one inquired the cause of the delay, the answer would be that the reservoir was completed and the pumps were ready, but that the pipes had not been laid. If the municipalities interested had been allowed to borrow the money and construct the works themselves, they would have had them completed before now; or if the Engineer-in-Chief for Harbours and Rivers and some of the other highly-paid officials of the Government lived in the locality, and if their wives and children as well as themselves had their lives at stake for the want of pure water, the work would have been done long ago. It was a disgrace to the Government to say that the lives of thousands of men, women, and children in the richest and most prosperous district in the colony should be in jeopardy because notwithstanding all the time that had elapsed, the pumps were not yet in the colony. For the sake of humanity and the credit of the Government he hoped the Minister for Works would at once give instructions to the engineer-in-chief to call for tenders for laying the pipes, and also, if the pumps did not arrive within a reasonable time, to have them made in the colony.

Question resolved in the negative.

MILITARY SCHOOL OF INSTRUCTION.

Mr. O'CONNOR wished to ask the Colonial Secretary, without notice, a question which had been suggested to him by a leader which appeared in the previous day's *Daily Telegraph*, namely, whether any officer in the army here had ever suggested the establishment of a school to train soldiers; and if so, whether the Government were taking any steps to carry out the suggestion?

Mr. STUART: I hardly understand the honorable member's question. Does the honorable member mean to ask me whether any imperial officer ever made such a suggestion to the Government?

Mr. O'CONNOR: Any one commanding, such as the commandant or Colonel Roberts!

Mr. STUART: I am not aware; but I will make inquiry on the subject, and inform the honorable member to-morrow.

FIRE BRIGADES BILL.

Amendments of the Legislative Council agreed to.

CROWN LANDS BILL.

In Committee (consideration resumed from 13th December, 1883):

Clause 2 (Repeal of acts).

Mr. LYNE asked that this clause might be postponed because of sub-clause 11, which provided that the repeal of the acts enumerated should not

affect any grant lease license reservation dedication proclamation appointment or notification lawfully made before the commencement of this act save in so far as the same is inconsistent with the provisions of this act.

We did not know what the provisions of the act would be until the bill had passed through Committee, and therefore it would be as well to postpone the clause until the provisions of the bill had been dealt with.

Mr. FARNELL: There is no reason whatever for postponing the clause. If the bill should be so amended as to require an alteration in this clause, the clause can be recommitted and made conformable to the amended provisions of the bill.

Mr. LYNE asked if it was to be understood that the clause would be recommitted if necessary.

Mr. FARNELL: Certainly; if amendments are made in the body of the bill, so as to make it necessary to amend this clause, the clause must be recommitted.

Clause agreed to.

Clause 3. Notwithstanding anything contained in the last preceding section:

(I.) No holder of any conditional purchase made under the thirteenth and nineteenth sections of the Crown Lands Alienation Act of 1861 and commonly known as a mineral conditional purchase shall be entitled to make any additional conditional purchase or to obtain any conditional lease by virtue thereof.

(II.) All land now held under pre-emptive lease shall on the thirtieth day of June one thousand eight hundred and eighty-four be deemed to be Crown land freed and discharged from such lease and every holder of any such lease shall be entitled to receive a refund of rent paid thereon proportionate to the unexpired term of the lease Provided always that this sub-section shall be read subject to the provisions of the forty-sixth section.

Mr. FARNELL: I beg to move:

That the clause be amended by the omission of sub-clauses I and II, and the insertion in eu thereof of the following:—

(I.) No application to make any additional conditional purchase of Crown lands whatever by virtue of any holding under any of the said repealed acts shall be entertained or dealt with otherwise than in accordance with the provisions of this act.

(II.) No application to make any purchase of Crown lands in virtue of improvements under the said acts lodged subsequently to the twenty-third day of January one thousand eight hundred and eighty-three shall unless made for land held under a miner's right or business license be complied with.

The first of these new sub-clauses is simply intended to make the provision clearer than it is in the bill, and the second refers to improvement purchases. Honorable members will see that by sub-clause I as it stands it is proposed to prevent any additional conditional purchase being taken up in virtue of a mineral conditional purchase. It is unnecessary to use the words mineral conditional purchase, as if the bill be passed in its present form no mineral conditional purchases can be taken up.

Amendment proposed.

Mr. W. J. FERGUSSON understood that the Secretary for Lands intended to propose several important amendments in the bill, and he thought that it was only fair that these proposed amendments should be printed and circulated among honorable members, so that they might have a reasonable opportunity to consider them.

Mr. LYNE was rather taken aback by the proposal of the Secretary for Lands. The question involved in the amendment was one of the most important with which we had to deal. It was a question which was replied to in two different ways by the Secretary for Lands last year. The honorable member for Mudgee (Sir John Robertson) asked a question of the Secretary for Lands—in consequence of some remark which he made—in reference to improvement purchases, and he replied in such a way as to satisfy the honorable member.

Sir JOHN ROBERTSON: He did not satisfy me!

Mr. LYNE understood the amendment proposed to be that all applications for improvement purchases not lodged before a certain day last year should be invalid.

Sir JOHN ROBERTSON: That is repudiation!

Mr. LYNE said that whatever it might be it was not contained in the bill, and was now submitted for the first time. The question was a most important one, and the way in which it was settled might influence his vote on the bill. He hoped that the Secretary for Lands would cause the amendments which he intended to propose to be printed and circulated among honorable members, and that ample time would be given for their consideration. He supposed that honorable members understood the bill as it now stood; but amendments might be proposed without notice which would have the effect of entirely altering the intention of some of the clauses. Honorable members who wished to propose amendments had given notice of them, and he hoped that the Government would adopt the same course.

Mr. R. B. SMITH hoped that the Secretary for Lands would comply with the reasonable request which had been made. Honorable members would be placed at a great disadvantage if amendments were proposed in a wholesale way without notice being given of them. The amendment which had been proposed appeared to be most complicated. No doubt the Secretary for Lands was entitled to some consideration, because he had not had an opportunity to put the amendments before honorable members.

Sir JOHN ROBERTSON: Yes, he has!

Mr. R. B. SMITH complained about the disorderly interruptions of honorable members on the Opposition benches.

The CHAIRMAN appealed to honorable members to do all they could to assist him in preventing interruptions. He was sure that the disorder in Committee was very often attributable to the practice of interrupting in which honorable members indulged.

Mr. R. B. SMITH said that the amendment under consideration was a most important one, as it affected all improvement purchases to which persons were entitled under the Mining Act. Personally it did not affect him, as he had no mining interests. We could not tell what rights would be invaded by the amendment. The same remark would apply to improvement purchases and pre-leases. He was entirely opposed to the abolition of pre-leases, and at the proper time he would advance reasons why they ought not to be abolished.

Mr. FARNELL: I am surprised at the honorable member for The Hume (Mr. Lyne) asking for time to consider the amendment; he has shown that he thoroughly understands it. I admit that the proposal is not contained in the bill. The object of it is to test the opinion of the Committee as to whether improvement purchase applications lodged since the 23rd of January last shall be dealt with in the ordinary way under the existing law. If the Committee says that they shall not be dealt with in that way, there will be an end to the matter; if the amendment be rejected, of course improvement purchase applications will be dealt with under the present law. As the honorable member for The Hume said, I answered some questions on the subject. I think that all the applicants have been informed that applications for improvement purchases would be dealt with in the usual way, and up to a certain point they have been dealt with in the usual way. It must be borne in mind that sometimes it takes two or three years to deal with these applications. I wish to take the opinion of the Committee now as to whether these applications shall be dealt with under the existing law. In agreeing to the second reading of the bill we have affirmed the principle that no further alienation of land shall take place in virtue of improvements, and what I ask the Committee to determine now is the way in which applications for improvement purchases made since the 23rd January shall be treated.

Sir JOHN ROBERTSON: As I understand my honorable friend, the few words of the amendment, which no one heard and with the nature of which no one is acquainted, are intended to take away what some people consider to be their rights. The law of 1861 is as much in force now as it was within a year after it was passed. My honorable friend is now by a side-wind trying to do something which may be right or wrong for all I know. He is drawing a line at a certain date; I do not know why, as he has not given us the reason; he fixes a certain date, after which he proposes people are not to have their rights under the law. Let us know what we are doing. I will take this opportunity of saying that I do not intend to vote on the bill in Committee; I look upon the bill as being utterly incapable of being amended so as to be made of any value, and I will not have my name in any division which may be taken on any proposed amendment of it. It is an utterly rotten bill; one incapable of being amended. It is dishonest all around; it means repudiation, and if it be agreed to it will be injurious to the country in every way. The only vote which I shall give on the bill will be to kick it out on the third reading, or on a motion that the Chairman leave the chair. Most certainly I shall not attempt to amend the bill.

Mr. COPELAND thought that the Secretary for Lands was treating honorable members rather unfairly. He could not find an honorable member who knew what the amendment was. He under-

stood that the amendments which the Secretary for Lands intended to propose were in print, and he could not understand why they had not been circulated among honorable members. The usual practice was to give notice of amendments, so that honorable members might have time to consider them. As far as he could gather, the amendment related to business and residence areas on gold-fields. Being an old miner, having represented a mining constituency, and having been one of those who framed the regulations which gave miners the right to take up land for business and for residence purposes, he should like to know the exact effect of the amendment. It was unfair to call upon honorable members to legislate in the dark. He should object to any amendment which interfered with the rights of miners.

Mr. FARNELL: This amendment does not interfere with them!

Mr. McELHONE was sure that the Secretary for Lands did not wish to do anything which was unfair. The Committee were now asked to say whether improvement purchasers ought to be abolished. The House had already decided that.

Mr. COPELAND: Not on gold-fields!

Mr. McELHONE said that the honorable member, as well as the honorable members for The Hume (Mr. Lyne) and Glen Innes, had voted for the abolition of improvement purchases.

Mr. COPELAND: Not on a gold-field!

Mr. McELHONE said that the moment the Secretary for Lands made a proposal which would touch the pockets of some honorable members a war of self was commenced. What were honorable members going to do? Having got the ship of state sailing through the breakers they were now going in for the plunder—it was every one for himself. The Government had been saved from being defeated, and now honorable members were playing their own little games—they all wanted something for themselves.

Mr. W. J. FERGUSSON wished to know whether the honorable member was in order in imputing motives as he was doing.

The CHAIRMAN said that there could be no doubt that the honorable member was out of order.

[*Mr. Copeland.*

Mr. McELHONE asked whether the honorable member for Glen Innes would assure the House that he had no interest in mineral conditional purchases—that he was not one of a gang who went in for plundering the public not very long ago by taking up a mineral reserve which had been declared to be invalid?

Mr. PURVES wished to know whether the honorable member was in order in referring to the honorable member for Glen Innes as one of a gang of plunderers. He should also like to know whether it was necessary for the Chairman's attention to be directed to an infringement of the rules before the honorable member guilty of the infringement was called to order.

Mr. McELHONE said that the honorable member's point of order was like himself—there was nothing in it. He did not say that the honorable member for Glen Innes was one of a gang. He asked the honorable member to say whether such was or was not the case?

The CHAIRMAN said that it was much to be regretted that language should be indulged in which would give offence to honorable members. There were certain rules of debate by which he was bound to be guided. The honorable member for The Clarence need be under no apprehension as to his action with regard to infringement of the rules. It had always been his practice to call honorable members to order immediately he noticed that they had been guilty of any infraction of rule. There were certain ways by which honorable members evaded the rules. He listened carefully to the remarks of the honorable member for The Upper Hunter, and he could not say that the honorable member had made any charges; he simply asked the honorable member for Glen Innes to deny a certain assertion. If he had thought that the honorable member intended to convey an insinuation against the character of the honorable member for Glen Innes, he should have called him to order at once. Again he appealed to the good sense of honorable members to refrain from making remarks which were offensive to other honorable members.

Mr. McELHONE said that the amendment which had been proposed would not operate unfairly towards to the *bonâ fide* miner; it was not proposed to interfere with business or residence areas on gold-

fields, as the honorable member for East Sydney (Mr. Copeland) seemed to think. He should certainly vote for the abolition of improvement purchases. A more monstrous principle was never included in any law. It had given the pastoral lessees the power to pick out the eyes of the country. They had secured the land in virtue of unnecessary and valueless improvements —such as constructing tanks close to running streams and erecting portable huts, which were removed from one place to another as required. The whole of the frontages to the Murray and other rivers had been secured by the grossest fraud, perjury, bribery, and corruption. Government inspectors were bribed to say that improvements of the value of £1 had been made where not a shilling had been spent. There would be no repudiation in abolishing improvement purchases. If the House had the power in 1861 and 1875 to affirm the principle of giving people the right to take up land in virtue of improvements, there was no repudiation in our now affirming that that right should no longer exist. None knew better than Sir John Robertson how grossly the act of 1861 had been abused; no one was better acquainted than the honorable member with the extensive frauds which had been perpetrated by the squatters in picking out the eyes of the country by means of improvement purchases. Crown lessees had claimed to purchase in virtue of improvements land upon which they had not expended a shilling. All who were acquainted with the operation of the law must affirm with him that the principle of purchase in virtue of improvements should be abolished. The honorable member for The Hume (Mr. Levin) was very well acquainted with what had been done on the Murray and on the Murrumbidgee. Tank after tank had been sunk by the side of streams which never ran dry, in order to entitle the lessees to purchase in virtue of improvements. On the occasion of the opening of the railway to Hay he pointed out to the honorable member for West Sydney (Mr. Abigail) and to the Minister for Works many of these tanks, which were supposed to be worth £640, but which did not cost the lessees more than £20; but the inspectors were induced to say that £640 had been expended, and upon this supposition the country had been defrauded of millions of acres. Would any man attempt to say that these tanks by the side of a running stream were required for the beneficial working of the runs? In other cases iron houses were dotted over runs, and the inspectors having reported them to be improvements, they were removed to other land, and made to do similar service there. The present Minister for Lands, to his credit be it said, put an end to that state of things, and by a stroke of the pen abolished the right of the Crown lessees to purchase in virtue of these iron houses, which were moved about in such a scandalous manner. In this way unscrupulous lessees and black-mailers had done all that lay in their power to defeat the intentions of the act of 1861, and to undermine its spirit. In abolishing improvement purchases we should do away with an immense amount of fraud, perjury, and corruption. No one knew this better than the honorable member for The Hume (Mr. Lyne). Why, then, did he oppose this amendment?

Mr. LYNE: I am not opposing it!

Mr. McELHONE said the honorable member had affirmed the principle of the amendment, and afterwards persisted in saying that the matter had not been hinted at in the bill. He fully approved, also, of the proposal to abolish mineral conditional purchases. No one knew better than the honorable member for Newcastle (Mr. Fletcher) what enormous profits were made by conditional purchasers who had expended upon mineral lands £2 per acre. In some cases the land yielded £7,000 an acre. In regard to pre-leases, he would not be a party to their total abolition. If the law of Sir John Robertson had been fairly administered, it would not be possible to ride through 50 miles of consolidated prelease belonging to the Messrs. White. These men had purchased blocks running back from the river frontage. They obtained pre-leases of three times this area, and having improved them they were allowed to purchase those pre-leases, and to acquire what were known as consolidated pre-leases to the extent of three times the total area purchased. They had thus got possession of all the land 16 miles back from the Hunter. This practice was not contemplated by Sir John Robertson in passing the act of 1861. While he

intended to help the Government to get their bill through Committee, he should not hesitate to oppose them when he believed their proposals to be wrong. He had no personal interest in the measure; all that he desired to do was to protect the public estate from robbery and spoliation, whether at the hands of squatters or of so-called free selectors.

Mr. LOUGHNAN thought the Minister for Lands would do well to postpone the clause. He did not understand the effect of the proposed amendment, and he was sure that he was in company with many other honorable gentlemen who were equally ill-informed. There could be no doubt that a great deal of consideration should be given to pre-leaseholders; the interests involved were of great importance, and he hoped that honorable members before passing the proposed amendment would have an opportunity of seeing it in print.

Mr. R. B. SMITH said that the honorable member for The Upper Hunter (Mr. McElhone), in his usual strain of vituperation, had accused honorable members who supported the postponement of this clause of being actuated by motives of personal interest. There were honorable members here who were quite as anxious as the honorable member himself to do justice to all classes of the community. He disclaimed any personal interest in the amendment. He had no interest in mineral conditional purchases or in purchases in virtue of improvements, save those purchases which he claimed in respect of *bonâ fide* homestead improvements. In regard to these improvements, he intended to claim that to which the law entitled him, and if he could not obtain justice from the Minister for Lands he could obtain it in the Supreme Court. He would not support an act of injustice or of repudiation on the part of this or of any other government. He supported the second reading of the bill subject to certain reservations. He reserved to himself the right to assist in amending the bill in Committee upon the understanding that if the amendments did not accord with his views he would vote against the third reading of the bill. It would be a reasonable concession on the part of the Minister for Lands to postpone the clause, and to give to honorable members a fair opportunity to judge of the nature of the amendments.

[*Mr. McElhone.*

Mr. COPELAND thought it was to be regretted that the honorable member for The Upper Hunter (Mr. McElhone) so constantly asserted his own honesty and purity while maligning the characters of others. One felt inclined to apply to the honorable member the French proverb, "He who excuseth accuseth." The honorable member was possessed of quite as much mineral land as he possessed; and if the honorable member could say that he had no personal interest in the clause he was in a position to make the same statement. He was not interested in residence or business areas under the Mining Act, and the remarks which he had made arose from a desire to see the bill made as perfect as possible in Committee. The drift of the honorable member's arguments was clearly inapplicable to the proposed amendments. The 1st sub-section said:

> No holder of any conditional purchase made under the thirteenth and nineteenth sections of the Crown Lands Alienation Act of 1861 and commonly known as a mineral conditional purchase shall be entitled to make any additional conditional purchase or to obtain any conditional lease by virtue thereof.

That provision, as it stood, was as good as gold, but the Minister proposed to say:

> (1.) No application to make any additional conditional purchase of Crown lands whatever by virtue of any holding under any of the said repealed acts shall be entertained or dealt with otherwise than in accordance with the provisions of this act.

The present law was that in the case of mineral conditional purchases £2 per acre should be expended in five years instead of in three years, as formerly. He had always been opposed to the squatter making use of mineral conditional purchases with a view to secure land, but the Minister proposed to eliminate the sub-section, which would cut the ground from under the feet of the squatters. It was well known that thousands of acres upon which it was impossible to find even a pebble had been taken up under mineral conditional purchase. By paying 10s. per acre lessees became possessed of this land against all comers for a period of three years, and the delay in forfeiture would probably give them possession for one or two years longer. The first sub-section ought not to be omitted, because its omission meant the elimination of all reference to mineral conditional purchases.

There was no reason why the Minister for Lands should not have had these amendments printed and circulated among honorable members last night; it was quite as important that honorable members should have notice of these radical amendments as that they should have notice of the bill itself. His views were not quite in accord with the 2nd sub-section of the amendment, and he was sure that not more than half-a-dozen honorable members were acquainted with its effect.

Mr. BARBOUR thought the Minister would save time by postponing the clause. It was quite possible that honorable members would agree to the proposed amendments; but it was highly desirable that they should have an opportunity to judge of their effect upon the bill as now worded. No one was more desirous than he to get the bill passed; but it was very important that we should fully understand what we were doing; and it would save time if all the Minister's proposed amendments were printed and circulated.

Mr. FARNELL: Honorable members complain that these amendments have not been printed. I can assure the Committee that I received the revised copy only five minutes before the Chairman took the chair. The amendments now proposed are in themselves so simple that I think any person should be able to understand them. The honorable member for East Sydney (Mr. Copeland) will perceive that as regards mineral conditional purchases the amendment has the same meaning as the original sub-section. The only difference is that the language of the amendment is more concise. We do not propose to alienate mineral lands in the future. If no person can make a mineral conditional purchase, it is quite clear that no additional mineral conditional purchases can be made. Why I am anxious that the clause should be dealt with now is that if it be postponed it will necessitate the postponement of other important provisions which follow it. Honorable members seem to me to lose sight of what we are doing. The 2nd sub-clause deals with the whole question of pre-emptive leases, and it is my intention to propose another amendment having reference to pre-emptive leases; but I wish to deal with the two things separately and distinctly. I have dealt with the first part, and have shown that the amendment effects the same object as the clause itself but in better language. We propose in the bill that there shall in future be no sales in virtue of improvements, and the provision now before the Committee, which was not in the bill originally, has been proposed in order to obtain from Parliament an expression of opinion as to whether applications to purchase land in virtue of improvements since the 23rd of January, 1883, shall be entertained. We fix that date because it was then that the present Government announced it as their policy that no more land should be sold by auction or in virtue of improvements. I may explain that since the date mentioned, notwithstanding our notification, hundreds of applications have been made to purchase in virtue of sham improvements, which applications have had to be dealt with up to a certain stage, and we wish the House to say whether they shall be dealt with under the present law or whether the provisions of the bill shall apply to them, in which case they will, of course, lapse. The 2nd sub-clause is with regard to pre-emptive leases. Honorable members will see by the phraseology of the clause that we propose to do away with pre-emptive leases altogether, and the bill contains no provision to enable the holders of pre-emptive leases to acquire land in any other way in lieu of the pre-emptive leaseholds. Well, we propose to amend that by a provision which while doing away with pre-emptive leaseholds will allow every *bonâ fide* conditional purchaser to obtain a conditional lease for five years of an area equal to his pre-lease, because in many cases to abolish the pre-leases without putting anything in their place would be ruinous to conditional purchasers, whose selections are not large enough to enable them to make a living on them. I hope that after this explanation honorable members will consent to deal with the clause at once.

Mr. W. J. FERGUSSON thought the explanation of the Minister for Lands was an additional reason for postponing the clause so that honorable members might have an opportunity to consider the effect of the proposed amendments and their bearing upon other portions of the bill. The Minister for Lands had said that no more mineral land was to be sold. He

quite agreed with that, and he would not mind if they would propose the repeal of every mineral conditional purchase within the last ten or twelve years. He had no interest directly or indirectly in any mineral conditional purchase except one which was taken up seven or eight years ago. Remarks had been made this evening about his having been one of a gang of robbers who took up land on a reserve which was known to be an illegal one; but the Minister for Lands would bear out the statement that he did his utmost both with the late and the present Minister for Lands to prevent the reserve from being alienated. The Minister for Lands had explained that he intended to omit the 1st sub-clause and provide instead that all lands should be taken up under the provisions of the act; but he would call the honorable gentleman's attention to the 45th clause, which provided that the holder of a conditional purchase not exceeding in the eastern division 600 acres, or in the central division 2,520 acres, might make additional conditional purchases of Crown lands adjoining the original or any prior additional conditional purchase or each other, provided that the original and such additional conditional purchases did not exceed in the whole 640 acres in the eastern division and in the central division 2,560 acres, and that for the purposes of the section it should be immaterial whether the original or prior additional conditional purchases were made under any of the acts repealed or under this bill, or partly under one and partly under the other. Well, a mineral conditional purchaser was neither more nor less than an ordinary conditional purchaser with the exception that he had not to fulfil the condition of residence. He was aware that there was no such thing as an additional mineral conditional purchase; but the bill would enable a mineral conditional purchaser to add to his selection under the 45th clause, because he had been held to be and was treated as a conditional purchaser. This showed the importance of taking time to consider the bearing of the contemplated amendments. He wished to judge of the matter for himself. The Minister for Lands no doubt understood the bearing and effect of the amendments from his own point of view; but honorable members had a right to consider them independently, without being compelled to accept the Minister's explanation blindly. They were called upon to deal with important proposals of which they heard now for the first time. In the eastern and central divisions, as well as in the back blocks, lessees had gone on making *bonâ fide* improvements wherever necessary for the efficient working of their runs, and now they were told, without a moment's warning, that all their improvements were to be swept away from them. Honorable members certainly ought to have time to consider the effect of such an important amendment. Retrospective legislation was always dangerous in its character, and that now proposed amounted to repudiation.

Mr. QUIN hoped the Minister for Lands would consent to a postponement of his amendments. The honorable member proposed at one fell swoop to take away the rights of men who had made extensive improvements on their runs, many of them in the shape of homesteads and valuable wool-sheds.

Mr. STUART: How many valuable wool-sheds have been put up since January 1883?

Mr. QUIN said he himself had spent £15,000 in improvements with the object of extending his lease, and many others had done the same, as no one ought to know better than the honorable gentleman, who had only to inquire from some of the banks what advances they had made to squatters. He did not advocate that sham improvements should be considered; but when a man had expended a large sum of money on improvements for the *bonâ fide* pastoral occupation of the land the rights he had acquired under the existing law should be considered and dealt with justly, and not swept away in the manner proposed. Such retrospective legislation must be prejudicial to the true interests of the country.

Mr. FLETCHER said that if he rightly understood the provisions of the bill they set out by saying that there should be no more alienations of mineral lands; and if there was one clause which more than another showed the wisdom of the framers of the bill it was that which reserved the mineral lands of the country for the benefit of future generations. If the principle of the bill was against the alienation of

those lands, why should they be parted with in virtue of improvements? The present Minister for Mines had done a great deal to put a stop to the taking up of large areas of Crown land for mineral purposes without working them, by charging a rent of 2s. an acre and a royalty, which would yield £250 an acre on the coal produced in a majority of cases. The honorable member for Glen Innes also had done a great deal towards bringing under the notice of the House and the Government the abuses which took place in connection with mineral conditional purchases, and compelling the Government to affirm the principle that there should be no further alienation of mineral lands. He hoped the Minister for Lands would insist on the amendment being dealt with to-night.

Mr. J. P. ABBOTT said there appeared to be a good deal of misconception as to what his honorable colleague had proposed. There was nothing unusual in private members moving amendments in a clause at a moment's notice, and the practice was never objected to. The Minister for Lands had assured the committee that the object of sub-clause 1 was to insure that no land should be taken up as a mineral conditional purchase. What more was required than that statement? If it was afterwards found that the statement was incorrect, how easy it would be to move the recommittal of the bill for the reconsideration of the clause! As the Minister for Lands explained, the 1st sub-clause was to the effect that no application to make any additional conditional purchase of Crown lands whatever by virtue of any holding under any of the repealed acts should be entertained or dealt with otherwise than in accordance with the provisions of the bill. The bill in no way provided for the mineral conditional purchase of land, so that in saying that all future purchases should be subject to the provisions of the act all possibility of taking up mineral land as additional selections was clearly done away with. The 2nd subclause was to be made to read thus:

> No application to make any purchase of Crown lands in virtue of improvements under the said acts lodged subsequently to the twenty-third day of January one thousand eight hundred and eighty-three shall unless made for land held under a miner's right or business license be complied with.

The Minister for Lands had stated that he was disirous of ascertaining whether the House was of opinion that applications made to purchase land in virtue of improvements since the Government declared their policy twelve months ago should or should not be entertained. Where was the repudiation in that? Twelve months ago the Government notified that it was their policy to put a stop to auction sales, and they had reason to believe that in taking that course they represented the feeling of the country. They announced also, without hesitation, that there should be no more sales in virtue of improvements after the 23rd January, 1883. Would any one say that improvement purchases were of greater value than auction purchases? In the case of land sold by auction people had an opportunity to take it up between the time of survey and the land's being offered for sale; but what opportunity had any one to take up land on which an engine might be placed to-day and a claim made to purchase the land next day? That is no exaggerated statement. He had seen papers showing that applications had been made to purchase land in virtue of improvements consisting of an engine and saw-mill machinery which, after serving its purpose in one place, was removed in order to do similar duty in another. The honorable member for Wentworth had stated that he had spent £15,000 in improving his holding. It was no doubt to his credit that the honorable member had displayed such energy and shown such confidence in right being done to him; but he would ask the honorable member to show him under what provision of the law he could compel the Government to sell any land to him in virtue of improvements. The Minister could not be compelled to sell the land, so that it was not taking any one by surprise for the Government to ask the House to affirm the principle that no sales should take place in virtue of improvements subsequently to the 23rd of January, 1883, because notice was then given that no more applications would be entertained. Improvement purchases were the greatest curse that had ever been invented. He had seen in his own electorate portable houses doing duty in several different places as improvements to enable lessees to purchase land. No harm was done to the

pastoral tenants. They got a lease for five years, and they were told that if during the currency of the lease they improved the carrying capacity of their runs so as to make them carry 50 per cent. more sheep than they would carry in their natural condition they should be entitled to an extension of their lease for five years. What other rights had they? They had no right to purchase the land because they could not compel the Government to sell it.

Mr. QUIN: The Government has never refused to sell before!

Sir JOHN ROBERTSON: The Minister for Mines has entirely misunderstood the matter, for it is not a question of leasing or renewal of leases that we are discussing. What my honorable friend, the Minister for Lands, proposes is that land which has hitherto been alienated as improvement purchases shall be leased from the time the present Government came into office. I should like to know what their coming into office has to do with the legislation of the country. The law is the law whatever government may be in office. That is a point which my honorable friend seems to have overlooked. No doubt it may be said that the Government are not bound to sell the land; but I suppose the present Government are not going to remain in office for ever, yet the alteration they are now proposing will take from future governments the power to do what the law now allows to be done. Why is the amendment proposed in this way? Why has it not been printed and circulated so that we might understand it? It was by the merest accident that we got an idea of what the amendment was about. The Secretary for Lands mumbled something which no one heard, and we did not know what the amendment was until the honorable member for The Hume rose. If it had not been for the action of that honorable member, I believe that this important amendment would have been carried without a word of discussion. It is only right that we should know what we are doing, and all that the Secretary for Lands has been asked to do is to tell us what the amendment means. Let us know how far the repudiation is going. If we are to repudiate, let us know what is proposed to be done in the way of compensation, or if we are going to do anything.

Mr. FARNELL: I have read the amendment!

Sir JOHN ROBERTSON: It was evident that the Secretary for Mines did not understand the amendment, or if he did he threw dust in the eyes of honorable members when he talked about the renewal of leases. What has this question to do with the renewal of leases? Nothing. The Secretary for Lands knows that very well. It would be infinitely better if the honorable member's colleagues left him alone; we should have confidence in the honorable member's integrity. The Committee ought to insist on having a fair opportunity to consider the amendment, which unquestionably interferes with the rights of individuals—whether rightly or wrongly is not now the question until we know if there is to be a postponement.

Mr. R. B. SMITH said that if the honorable member for The Hume had not objected to the amendment being passed without debate he should have done so. He could not understand why the Secretary for Lands was so stubborn in his opposition to the wish of a large majority of the Committee. The action of the Government to-night was on a par with their action in forcing the division on the second reading of the bill as they did. The only honorable member who had spoken in favour of the discussion on the amendment being proceeded with was the honorable member for Newcastle. Considering how liberal the honorable member generally was, he was surprised at the speech which he had made. If this dogged determination not to accede to the reasonable wishes of honorable members was to be the spirit in which the Government intended to proceed with the bill, its progress would be impeded rather than facilitated. In one sense the proposal meant repudiation. It was *ex post facto* legislation, which was most objectionable under any circumstances. We had no precedent for such objectionable legislation. If we allowed this to pass now, the order of things in future would be that all legislation would be of a retrospective character. The whole parliamentary practice would be revolutionised if honorable members permitted this sort of thing to be done now. He was glad to see that honorable members were alive to their interests and rights.

Mr. SLATTERY thought that we might well pass the sub-clauses relating to additional mineral conditional purchases and pre-leases. It appeared to him that the Secretary for Lands would do what was right in the interest of the majority of the conditional purchasers of the colony if he proposed, as he had stated his intention to do, that every *bonâ fide* conditional purchaser should have his pre-lease secured to him for five years by conditional lease. He was sure that the effect of this statement would be to prevent a great deal of opposition which otherwise would have been shown towards the bill. With respect to improvement purchases, it appeared to him, more especially after hearing the speech of the honorable member for Wentworth, which showed that large interests were involved in improvement purchases, that it was not fair to honorable members or to those personally interested for the Secretary for Lands to move an amendment of such a sweeping character without giving notice of it. The statement of the honorable member for Wentworth, that during the last twelve months he had spent £15,000 on improvements, afforded a sufficient reason for the request that this particular part of the amendment should be postponed. Surely honorable members were not prepared to blindly take away the rights of persons who were interested to the extent that the honorable member for Wentworth was! The question of improvement purchases did not affect any other part of the bill. He hoped that the Secretary for Lands would agree to the postponement which had been asked for. On general principles he was opposed to improvement purchases. They had been the curse of the country; by means of these purchases the best land in the country had been taken from the public with the connivance, or rather the full concurrence, of ministers whose duty it was to protect the public interests, but who, instead of protecting those interests, had allowed the best land to be secured in this way, making surrounding land almost valueless. We knew that individuals had secured 30 or 40 miles of water frontage in the most extraordinary way in virtue of improvements. We knew that the land had been secured by the construction of dams alongside running streams, where dams were not required. Perhaps it was scarcely fair to put all the blame on the shoulders of ministers; they had to be guided to a certain extent by the papers put before them; there had been gross neglect of duty on the part of officers who had to report on the improvements. But this was not the point which we were now discussing. It was whether from the 23rd January last certain rights should cease. This was a question which ought not to be decided to-night; it would be unjust and unwise to do so.

Sir JOHN ROBERTSON: What intolerable nonsense the honorable member has been talking! He says that improvement purchases have been the curse of the country. These purchases have been the means of improving the western country so that 15,000,000 sheep are now depastured where a single sheep never ran before.

HONORABLE MEMBERS: No!

Sir JOHN ROBERTSON: I say "Yes." I have more knowledge than the honorable member, who resides in Sydney, and who represents a small constituency not very far away.

Mr. SLATTERY: I did not say "No"!

Sir JOHN ROBERTSON: With the very limited knowledge which he has, the honorable member has said that ministers have been guilty of wrong-doing. The honorable member wishes to do away with improvement purchases. Does the bill do away with them? If it does, where is the necessity for the amendment? This is a new phase in connection with the bill.

Mr. STUART: No!

Sir JOHN ROBERTSON: Will the Colonial Secretary explain why the amendment is necessary if it is not a new phase? What is it for? I repeat, with a thorough knowledge of the matter, that 15,000,000 sheep are now depastured on land where a few years ago not a single sheep was run, and this result has been brought about by improvement purchases—by the inducement which they have offered for people to make provision for the conservation of water in that arid region. In the early days—more than thirty years ago—I travelled over the country from Fort Bourke to Wamba Lagoon, 80 or 90 miles distant from that point on the Queensland border. At that time I should have been almost willing to give half-a-million acres to any man who would have gone there and made the place inhabitable by

making provision for the conservation of water. Because some rascality has been done in the district represented by the honorable member for Boorowa, is that any reason why he should condemn a principle which has produced such a grand result in the western district? The honorable member for Wentworth has told us that he has spent a lot of money on improvements within the last twelve months. He was a lucky man to have the money to spend. My sympathies are not with such people; they are with the poor man who goes into that arid country, where there is not a drop of water, and by hard labour, and after enduring all manner of privations, makes land valuable which before was utterly valueless. This man deserves more consideration than the class spoken of by the honorable member for Boorowa, who knows so little about the land question. It appears to me that the people who know the least about the land question have the most to say about it. There is a good reason why. The men who understand it are limited by their knowledge, while those who know nothing about it have no limit whatever, and, therefore, they can flare away to all eternity. The honorable member for Boorowa was never in the Albert district.

Mr. SLATTERY: I beg the honorable member's pardon!

Sir JOHN ROBERTSON: I cannot believe that the honorable member was ever there. If the honorable member says that he was I shall, of course, accept his statement, although I may believe that he was not all the same. There are large areas of this territory which are incapable of being occupied by human beings without vast improvements being made. Aboriginals were not to be found in the western country when I travelled over it, but all this country is now occupied, and is very productive. It is the finest sheep pasture in the whole of Australia. Neither Queensland nor South Australia have any sheep country like it. We have better country at Liverpool Plains. That western country would not carry a sheep to a million acres when I first went over it; but by energy and enterprise, aided by inducements which the law held out to them, men have gone out and reclaimed the wilderness. They have complied with the law, and now it is proposed to take from them the rights which they have under the law. This was not proposed in the bill as introduced, but an attempt was being made to smuggle it in by an amendment of which notice has not been given. However little my sympathies may be with the rich squatters, I desire to see justice done to them as to all men.

Mr. SLATTERY said that the charge which he had made was that there had been maladministration of the land law, and this charge the honorable member had failed to answer. It was no reply to it to say that there were now 15,000,000 sheep where there was not a sheep before. The question of improvement purchases had no relation to the back blocks. He pointed out just now, and if he did not say so in exact words the honorable member knew what he meant, that in the eastern and central divisions the best land had been filched from the public owing to the maladministration of the law. The honorable member had better not try to heap ridicule on him when he was stating facts. The records of Parliament would show that what he had said was quite true. The honorable member was very fond of saying that no one but himself and two or three others knew anything about the land question.

Sir JOHN ROBERTSON: When did I say that?

Mr. SLATTERY said that the honorable member frequently said that the only persons who understood the question were himself, the Secretary for Lands, and the honorable member for Camden (Mr. Garrett). The use of such language was an insult to the intelligence of the House. If members of Parliament who helped to frame the laws did not understand them, how could it be expected that the people could understand them? If this were the case, we should soon be compelled to amend the laws so that they might be readily understood. It was unreasonable for the honorable member to assume that he possessed the whole of the collective wisdom of the country on the land question. The lands acts of 1861, 1875, and 1880 had been riddled not only in the law courts but by the public; but, as he had stated over and over again, if these acts had been properly administered there would not have been such a pressing necessity for an amendment of the law.

The honorable gentleman also talked contemptuously about those who lived in the city. Was it necessary that a man should go into the waterless Albert district, or that he should see country on which 15,000,000 of sheep were depastured in order to enable him to make or interpret a land law? The honorable member imagined that with a very few exceptions none save himself knew anything about these laws. He did not so much object to the honorable member's pretentions to a knowledge of the question as to his endeavour to put before the Committee a side issue.

Sir JOHN ROBERTSON said that if the honorable member had been in the Chamber he would have known that the Minister was requested three or four hours ago to have these amendments printed. By some means the honorable member had made himself acquainted with the effect of two-thirds of the amendment before the Committee, and he was consequently willing that that portion should be considered; but there were honorable members who desired to know the effect of the amendment as a whole, and he repeated that the best course would be to allow honorable members to have it before them in print.

Mr. YOUNG said the honorable member for Boorowa ought to know that the Committee could not deal with a clause in the manner he proposed; we were obliged to consider the clause as a whole or to postpone it. It must be admitted that the question as to whether improvement purchases were to be limited to improvements made prior to the 23rd January, 1883, was one of great importance, and ought not to be decided without notice. There was nothing in the clause as it now stood which gave to honorable members who were absent any hint as to the intentions of the Government as embodied in their amendment. In justice to itself the Committee should demand an opportunity to consider how the amendment would affect every class of the community, and with this view honorable members should insist upon a postponement of the clause until the amendment had been printed and circulated. If the Government had amendments of similar importance to propose in respect to other clauses of the bill, those amendments should also be printed. The Minister for Mines had said that it was customary for honorable members to move amendments of great importance—without giving any notice—when bills were under consideration in Committee; but he was very certain that if a private member were at any time to propose without notice an amendment equal in importance with that now before the Committee he would be requested to postpone it. It must be evident to the common-sense of a large majority of the Committee that we should be afforded an opportunity to consider the effect of this important amendment.

Mr. GARRARD thought the discussion plainly indicated that the Committee would not move a step in the consideration of the bill until honorable members had an opportunity to thoroughly understand the proposals of the Government. The Minister for Lands might feel persuaded that the language of the amendment would give effect to the intentions of himself and his colleagues; but honorable members had frequently pointed out defective phraseology in the bills which these honorable gentlemen had introduced. Private members had given notice of the amendments they intended to move in the bill, and it was not too much to expect that ministers would pursue the same course. No good could result from prolonging this discussion; probably a majority of honorable members would vote for the proposition of the Minister, but it was unfair even to those honorable members to force upon them the consideration of an amendment with the phraseology of which they were unacquainted. Speaking for himself, he could only say that he should insist upon knowing the effect of every vote which he gave upon the bill.

Mr. COPELAND said that since a copy of the amendment had been placed in his hands it had occurred to him that the proposition contained a principle to which no reference had yet been made. The amendment involved a distinct act of repudiation, quite different from that which had been already referred to. It provided that no additional conditional purchases should be taken up except in accordance with the provisions of the bill. One of the provisions was that there should be no selection in the western division. He submitted, therefore, that in cases in which persons had taken up in the western division, 40, 80, or 160 acres,

the House would be acting dishonorably if it deprived these persons of the advantages in regard to the extent of their selection which were given by the existing law. These persons had selected under a law which enabled them to extend their selections from 40 to 640 acres; and we should be repudiating that right if we adopted the amendment. The bill also contained provision for selection in special areas in the eastern division; and it was proposed that in these areas not more than 160 acres should be selected. Suppose a person had selected in one of these areas under the existing law 140 acres, the bill, if this amendment were carried, would give him the power to increase his selection by only 20 acres instead of by 500. That was a kind of repudiation which we ought not to sanction.

Mr. McELHONE: It is nothing but an amendment of the existing law. There is no repudiation!

Mr. COPELAND said it was the bounden duty of the House to see that the rights and privileges of those who had selected under the existing law were not interfered with.

Mr. STUART: Then we cannot alter the law at all!

Mr. COPELAND: Certainly we could; but we must legislate for the future and not for the past.

Mr. STUART: We are repealing existing acts.

Mr. COPELAND: But you ought not to interfere with a right which selectors have acquired under the existing law. Take a case in which a man selected twenty years ago, taking up 40 acres under a law which permitted him to increase the area to 640 acres. He maintained that we had no right to deprive that selector of his privilege.

Mr. STUART: The principle just enunciated by my honorable friend would, if carried to its legitimate conclusion, utterly prohibit us from making any amendment of the land law, because, according to the theory held by him, we should be committing an act of repudiation if we were to make any new law with respect to lands not yet selected, inasmuch as those who have already selected may, at some future date, desire to avail themselves of what they consider rights under their purchases. Such an argument is tantamount to saying that an amendment of the law can never take place. Those whose rights the honorable member now advocates could start up at any time and say, "You have no right to make a law to quicken the alienation of land in the vicinity of my selection, or to prevent that land from being alienated, because I may at some future time require to exercise the rights which I have obtained." What is the position of a man who purchases land under the existing law? In purchasing he acquires certain rights which continue only so long as the law under which he purchases continues. He purchases and obtains rights subject to any amendment of the law which may hereafter be made. If he has exercised those rights before the law is amended, they are then secured; but if he does not choose to exercise those rights up to a particular time when the legislature deem it necessary to alter the law he no longer has them. He had an opportunity to exercise them only so long as the law remained as it was. In the case instanced by the honorable member a person having purchased 140 acres has had during the currency of the existing law the right to extend his purchase to 640 acres; but, if at a time when he has not exercised that right the legislature deem it desirable to limit his future right of purchase to 160 acres, then in common with every other person in the community the purchaser can have no right beyond that conferred by the new maximum. If a person who has bought 140 acres has an absolute right in spite of all amendments of the law to increase his purchase to 640 acres, has not the man who has not bought any Crown lands as much right to purchase 640 acres?

Mr. COPELAND: No!

Mr. STUART: Certainly he has. It was equally at his option to purchase 640 acres. He has only to say, "I was an inhabitant of the country when you passed this law; I have a perfect right at any moment to make a selection to the extent of 640 acres. You are not justified in prohibiting me from exercising that right. It is repudiation." Such a state of things could not be permitted. And it is precisely the same principle which will restrict without the slightest degree of repudiation the exercise of rights under the existing law by certain holders of land

when that law has been altered and the maximum area of purchase has been reduced. In 1875 the maximum area was extended. It would have been quite competent for Parliament in 1876 to restrict the area. Any person who had in the interval purchased 640 acres would have secured his right. Suppose Parliament had in 1876 discovered that it had made a great mistake in extending the maximum area to 640 acres and had reduced the area to 240 acres, does the honorable member mean to say that all selectors who held less than 640 acres at the time of the amendment of the law in 1876 could have claimed a right to increase their area to 640 acres? Certainly not. They had the right for a certain period; but the moment the amending law restricting the area was passed they would forfeit the right which they had not exercised. That principle is at the foundation of all legislation Whether we do or do not postpone the consideration of this clause there is a portion of the remarks of the honorable member for Mudgee (Sir John Robertson) which I cannot allow to pass without reply. The honorable gentleman drew a most pathetic picture of the enormous rights acquired by pastoral lessees in virtue of their improvements. This bill does not repudiate the rights acquired by the squatters in virtue of their improvements. If any lessee has expended such a large sum of money as that referred to by the honorable member for Wentworth, who says that he has expended £15,000, no one would, under those circumstances, grudge the land, to which the lessee would be entitled.

Mr. McELHONE: But the act only says "may"!

Mr. STUART: Precisely. What is the right which the lessee has acquired by the expenditure of this money? It is the right to call upon the Minister to exercise his judgment as to whether the land shall or shall not be given. The lessee, under the present law, has no absolute right to the land. He expends his money at the risk of winning the favour of the Minister to give him the land. This bill will secure to the lessee the right to hold his improvements. Take the case of the £15,000 expended by the honorable member for Wentworth; suppose the expenditure was made for the protection of the run. I say that this bill secures the lessee in a better position to protect the run than does the existing law which allows him to purchase the land.

Mr. QUIN: Suppose the expenditure is made upon water and wool sheds!

Mr. STUART: For the purpose of working the run. Under the 24th clause the lessee will be secured for his whole tenure, whether it be for sixteen or for sixty years, in possession of those improvements. What more does he want? Let us test the case in this way: under the law the lessee will have the right to occupy the land for twenty years; the probability is that he will acquire the right for a still longer period. By that time the progress of the country will be so far advanced that it will be desirable to put a stop to the lease in order that the land may be obtained for other purposes. What special right has the lessee to hold the key of the land against the will and interest of the whole people, merely in order that he may be entitled to obtain some large sum for the re-purchase of the right over land which is no longer of any value to him? Is the lessee not much better off in being absolutely secure for the whole period of his lease in the possession of all his improvements than in having his lease at the will and caprice of a minister who may enable him to purchase a particular piece of land upon which the improvements stand? The effect of the bill—if it is not its effect it is certainly its intention—is to benefit the lessee instead of to repudiate his rights as far as his improvements are concerned. If the bill fails to make this clear, let us make the necessary amendments. The very principle upon which the bill is founded is that of giving the pastoral tenants a long occupation upon a secure basis, and, above all things, of securing their extensive water rights which they have gone to great expense in acquiring. But while we wish to do that we wish also to put a stop to the alienation of the land, which we consider belongs to the people, and which will be of enormous value to future generations. That is what I call the other side of the picture to that which was pourtrayed in such pathetic characters by the honorable member for Mudgee. I care not whether the 3rd subsection be carried to-night or whether it be postponed to a future time. The incon-

venience of postponing it, I wish to point out, is very great, because we cannot reach it again until every other clause in the bill has been disposed of, and we shall find ourselves in the very awkward position of having to discuss many clauses which depend upon the adoption or rejection of the principle embodied in this clause. It seems to me that the principle being clear it may easily be adopted or rejected. If the Committee thinks it better that all these lands should be left to the operation of the law as it exists—that is, all the lands which have been improved since January, 1883,—let them say so. The mere phraseology can be altered on the recommital of the bill. The question is: shall we date the abnegation of sales of land from January, 1883, or from the commencement of the operation of this new act? If the contention of the honorable member for Mudgee, Sir John Robertson, be right, we cannot stop, it appears to me, at the period of the commencement of the act; but we must admit the right to purchase in virtue of improvements during the remainder of each pastoral lessee's lease and in some cases during the extension of the lease. Take the case of a pastoral lessee whose original lease has yet three years to run and who is entitled under the present law to an extension of his lease for five years; he would be enabled during the next eight years to go on year after year making improvements and securing land in direct opposition to the policy of the country which has been declared by the carrying of the second reading of the bill. The country has stated as clearly and unmistakably as it can, "We will not allow in the pastoral districts any further alienation of land," yet if we carry out the views of the honorable member for Mudgee we must allow pastoral lessees during the whole currency of their leases and of their renewed or extended leases to go on purchasing land, and purchasing it free from any fear of anybody molesting them. We shall actually be handing over—without hesitation I say it—the whole of our pastoral country to the present lessees, with no limitation but their ability either by spending money of their own or that of others to acquire the land. That is what I want the Committee to understand in considering this question—that it is not a question merely as to the particular improvements which have been made during the past year but that it involves the question of all the possible improvements which may be made during the whole of the remainder of the pastoral leases. And if we permit the lessees to go on acquiring the land the result will be that by the time the leases expire every bit of land worth anything at all will be gone for ever from the people of this country. I understand that the amendments have been printed and are now in the hands of honorable members, and I hope the Committee will come to a decision upon them one way or the other to-night.

Mr. McELHONE said this was not the first time that an attempt had been made to abolish pre-leases. In 1879 the Government of Sir Henry Parkes carried a bill abolishing all pre-leases; but it was rejected by the Upper House. If he understood the Minister for Lands aright, what he proposed to do—a proposal of which he entirely approved—was to abolish the present system of pre-leases; that was the consolidated pre-leases, such as those which he had before referred to as being in the hands of the Messrs. White, but to allow *bonâ fide* men to hold their pre-leases. Improvement purchases had been the greatest curse of our land law, and he could not understand how any member of the House could uphold such an abominable system, which had brought ruin upon hundreds of deserving men who had tried to make homes for themselves on the soil. There was the case of the widow Clyne, whose husband took up a selection on a run belonging to the late Francis Lord, a member of the Legislative Council, and immediately the land was claimed in virtue of improvements, which a scoundrel of a surveyor named Simpson valued at £90. The unfortunate man fought his case to the bitter end. It was sworn in the Supreme Court, and admitted, that the improvements were not worth more than £16, yet, because a promise had been made by the Minister for Lands—either the honorable member for Mudgee, Sir John Robertson, or his *confrère*, Mr. Thomas Garrett—that Mr. Lord should be allowed to purchase, a verdict was given against Clyne, who accordingly lost his selection, and afterwards his life, and whose widow was now left penniless. He hoped

to God that if the men who had robbed that unfortunate woman—robbery was the proper name for it—did not get their punishment in this world they would get it in hell. Honorable members laughed, but if he had the power he would send them all to hell in a batch. He challenged the honorable member for The Murrumbidgee (Mr. Loughnan); he challenged the honorable member for Balranald; he challenged every squatter in the House to say whether they did not know hundreds of cases where selectors had been robbed and driven from their homes through that iniquitous system. Hundreds of poor men had come over from Victoria and selected land which was immediately claimed in virtue of improvements, though no improvements were there; but of course as soon as the claim was made the selectors got notice from the Lands Department not to go on with their improvements, and the consequence was that for one, two, or three years they were kept waiting for the claim to be decided, and dragging on a miserable existence until the little stock of money they had saved was gone, and they were compelled to go elsewhere. Hundreds, he might say thousands, of unfortunate men had appealed to him to get justice for them. Did honorable members forget the case of the brothers Gibson, who took up two selections which the lessee of the run immediately claimed to purchase in virtue of improvements, and employed a scoundrel named Lee to draw plans showing a fine cottage on one selection and a garden and sheep-yard on the other? The brothers Gibson wrote to him that the land was in the condition in which God created it. He demanded an inquiry, which was granted, and the inspector who was sent to see and value the improvements reported that the plans were a fraud, that the improvements shown in them did not exist. The scoundrel Lee, who was allowed to resign, was now employed by the city corporation, and he hoped any aldermen who were present would see to him. A man in the Murrumbidgee electorate wrote to him complaining that when he took up a selection on one side of a creek the land was claimed in virtue of improvements; and that when he went 10 miles lower down, and on the other side of the creek, the land was still claimed in virtue of improvements, although there were no improvements at all. An old man took up a selection on Mr. Andrew Loder's run in the Liverpool Plains district. Mr. Loder claimed 80 acres of the land in virtue of improvements, and obtained it, and the old man was left with 40 acres of barren land on the side of a mountain. These were examples of the maladministration and robbery which had been going on under the improvement purchase section of the present law. If he had the power to deal with some of the ex-ministers for lands, he would flog them as soundly as the larrikins were flogged in the Woolloomooloo lock-up a few days ago. Another case he would refer to was that of a ruffian named Morris Asher, who reported that a certain squatter had improved a reserve by burning the timber on it and sowing English grasses, whereas the grass had been brought down by the floods. It was said that this Mr. Asher rode a very old and useless horse to the squatter's homestead, but was seen next day driving away in a fine new buggy with a valuable horse and handsome set of harness. There was another case in which Mr. Morris Asher went to value certain alleged improvements which had no existence. The lessee put a £10 note into his hand; but Mr. Asher demanded £50, and got it. There were others of the same class, such as Mr. Rebello and Mr. Franks, appointed by the honorable member for Camden, Mr. Thomas Garrett. Any man who could afford to buy a billet in the Lands Office was appointed. A greater lot of scoundrels were not to be found on God's earth than some of the men who had to carry out the land law of this colony—inspectors, commissioners, and others, many of whom would sell themselves for a bellyful and a drink of brandy. Many of the district surveyors were as bad; they were mere subservient tools of the squatters, who fed them well. The *bonâ fide* poor man, for whom the land was intended, could not get fair-play from the officials of the Lands Department, while the rich man could do as he liked. The land law of 1861 had been a sham, a fraud, and a delusion so far as honest settlement was concerned. The Government had got the second reading of the bill through no assistance of his; but as they had got it he would give them fair play and assist them

to pass all that he thought good in the bill, though he would strongly oppose all that he thought bad; and one of the best features in it was the proposal to do away with improvement purchases. There were many squatters who had not abused the law—many, in fact, who had assisted selectors, and they had been all the better off for so doing. The proposed amendment would pinch the corns of the honorable member for Glen Innes, because he was deeply interested in mining speculations. It would also pinch the corns of the honorable member for The Hume, Mr. Lyne.

Mr. LYNE: It is not true!

Mr. McELHONE: Perhaps the honorable member had no corns. He believed that the amendment embodied a right principle. He would give every *bonâ fide* selector the right to hold one pre-lease, but no more. He asked the Secretary for Mines how many cases he knew of in which rich squatters had taken up under mineral conditional purchases thousands of acres on the Liverpool Plains where there was not an indication of the existence of minerals?

Mr. SLATTERY pointed out that the promise made by the Secretary for Lands that he would propose an amendment to preserve the rights of *bonâ fide* selectors to hold pre-leases was not consistent with the 52nd clause of the bill.

Mr. FARNELL: I am going to do as I stated I would do!

Mr. LEVIN was glad to find that the Government had had the courage to bring forward amendments such as had been distributed to-night. These amendments would provide all the alterations of the bill which were required to make it perfect. A great deal had been said about mineral conditional purchases. He advised honorable members to look at the maps furnished in connection with the report of Messrs. Morris and Ranken, and they would see to what a serious extent this principle of the law had been abused. There had been a great deal of talk about the hardship which would be inflicted on people if we took away the assumed right to take up land in virtue of improvements; but nothing had been said about the hardship inflicted on selectors by the principle. In the district in which he resided the principle had been used to the fullest extent. He had seen three tanks constructed on a block of 320 acres for the sole purpose of blocking selection. He had seen a tank constructed on a sand-hill for the same purpose. It could not be said that a tank on a sand-hill, which could not possibly hold water, was made for the improvement of the run. He had seen an old gravel pit deepened and converted into a tank for the purpose of securing 640 acres of land. The sooner we repealed the law which allowed such a state of things the better would it be for the country. He had known honest industrious men to come from Victoria with the intention to settle here. As soon as they took up a section of land the pastoral lessees threatened them with legal proceedings. He could point to cases in which, when land was taken up by selectors, the pastoral lessee had not £20 worth of improvements on it; but what had been done? The surveyor was kept back, and in the meantime gangs of men were employed in ring-barking and clearing; then when the surveyor came the lessee claimed the land in virtue of improvements. The Government would earn the gratitude of the country if they succeeded in abolishing this pernicious principle. If the Government were to go to the country on the amendments which had been distributed to-night, he was sure that they would be returned with a greater number of supporters than they had as the result of the last election.

Mr. LOUGHNAN thought that time was being taken up unnecessarily in discussing the amendment. The honorable member for The Upper Hunter (Mr. McElhone) was very much mistaken in assuming that squatters were opposed to the amendment. He intended to support it. He had heard a great deal about the iniquities of the past, in consequence of what had been called the maladministration of the law, and all manner of charges had been hurled at the heads of ministers who had presided over the Lands Department; but he contended that, no matter what kind of administration we might have had, the law itself would have been chargeable with all the wrongs which had been inflicted on the community. If the honorable member for Mudgee (Sir John Robertson) had in 1861 taken advantage of the grand opportunity which he had to limit selection to particular areas,

we should not have heard so much about the evils produced by the land law of which he was the author. It was a singular thing that such serious charges as were made were confined to ministers who had been in charge of the Lands Department. In other departments those gentlemen were reverenced and respected by the community, but no charge was bad enough to make against them in connection with their administration of the Lands Department. Similar charges were not made against ministers at the head of other departments. He was sure that the representatives of squatters' and free selectors' constituencies would be only too pleased to support the amendment. If existing rights were to be maintained, the rights of those who had made applications before the passing of the new law for purchases in virtue of improvements ought to be protected. He had no personal interest in the matter, but he did not approve of the proposed retrospective legislation. He hoped that the date would be omitted from the amendment, as if this were not done great wrong would be done to those people who had made improvements in the belief that their rights would be maintained until the existing law was repealed.

Mr. COONAN rose for the purpose of defending a gentleman who was not in a position to defend himself. It came with very bad grace from the honorable member for The Upper Hunter to attack Mr. Surveyor Simpson as he had done. As he had acted as the agent for Mrs. Clyne's attorney, he presumed that it would be considered that he knew something about the case, in which Mrs. Clyne and Mr. Lord were parties. If ever a man entered into a lawsuit with defeat staring him in the face, it was the unfortunate man Clyne; he was warned times out of number that the land which he had taken up had been applied for in virtue of improvements; he saw the improvements on the land, but he took no heed of the many warnings which he received, and went on making improvements himself without first of all taking steps to ascertain whether Mr. Lord had any claim to the land. It was not true that Mr. Surveyor Simpson made a wrong report about the improvements.

Dr. Ross: He did!

Mr. COONAN knew more about the case than the honorable and learned member knew. Mr. Simpson had been grossly maligned by the honorable member for The Upper Hunter. No doubt Mr. Simpson made a mistake, but there was no justification for the suspicion that it was made intentionally. Clyne had legal advice that he had not a leg to stand upon, yet, in spite of this, he would go to the Supreme Court. He complained of the unfair conduct of the Government in bringing forward amendments of which they had not given notice. He understood that it was now proposed that no application for the purchase of land in virtue of improvements, lodged since the 23rd January last, should be entertained. In the face of the statement that it was optional with the Minister whether he granted such applications or not, what necessity was there for such an amendment? We knew that within the last twelve months thousands of pounds had been spent on improvements in the western districts. Was it fair to tell the people who had made these improvements that they should not be allowed the privilege which had been extended to other people who made applications before the 23rd January last? It was all very well for the honorable member for The Upper Hunter to denounce squatters, but there was another view of their position. Take the case of a man who paid £30,000 for a station on Wednesday and who was ruined the next day by black-mailers picking the eyes out of the run. The honorable member knew that such things happened, but he did not say a word about them; he confined himself to the poor man's cry. He claimed to be as much a friend of the free selector as the honorable member was; but, at the same time, he wished to see justice done to other people. The statement of the Secretary for Lands that if the clause was postponed twenty or thirty other clauses would have to be postponed showed the importance of the question and the necessity there was to give honorable members ample time to consider it. He was anxious to assist the Government to pass the bill; but he was not going to swallow everything which they proposed. The principle of the amendment was not contained in the bill as it was introduced, and it was not right to try to pass it in

this way. The proposal meant repudiation, and he was glad to find that there were honorable members who objected to it. The Licensing Act contained principles which involved gross repudiation, and now another attempt was being made to provide by law for unwarrantable repudiation. Would any one say that the honorable member for Wentworth had not spent money on his land for the purpose of improving it? He felt strongly on the question of pre-leases. He had always been of opinion that fixity of tenure ought to be given for pre-leases. He thought that the Secretary for Lands would be consulting the convenience of honorable members by giving notice of the amendments which he intended to propose, and then they could be printed and circulated to-morrow morning. By to-morrow evening the Committee would have fairly digested the proposed amendments. It appeared that the Minister had an amendment to propose in the clause in respect to which the Committee were entirely in the dark. It had been hinted that the Minister proposed to convert pre-leases into conditional leaseholds for a term of five years; but as to the effect of this amendment and the amendments before the Committee honorable members were still groping in the dark. The argument of the Minister that the postponement of this clause would involve the postponement of twenty succeeding clauses would not justify a hasty decision on so important a matter. He would not offer any factious opposition to the progress of the measure. If the Minister pressed the amendment to a division to-night, he should record his vote against it, deeming it best to err on the side of maintaining the existing law rather than vote for any proposition which smelt of repudiation.

Mr. BURNS said it was strange that honorable members who were well disposed towards the Government upon the second reading of the bill would not allow them to proceed with it in Committee. The honorable member for Forbes (Mr. Coonan), who complained that he was groping in the dark, held in his hand a copy of an amendment which was in very simple and clear terms, and he could not see that any good would be obtained by postponing the consideration of the clause. If we continued postponing clauses at the instance of supporters of the Government, when could we expect to get through the bill? He should have much pleasure on this as on all other occasions when he believed them to be right in voting with the Government. The Minister for Lands, however, should not enter into private compacts with honorable members as to what amendments should be proposed. It would appear that the honorable member for The Upper Hunter (Mr. McElhone) had been made privately acquainted with the intention of the Minister to make a certain proposal reserving to conditional purchasers their grass rights; he strongly disapproved of these compacts. The honorable member for Forbes made some statements in reference to the case of Mrs. Clyne's conditional purchase which were in a large measure incorrect. It was quite true that the conduct of Mr. Lord, of North Shore, was not impugned; but when the honorable member told us that Mr. W. B. Simpson was entirely free from blame he was mistaken, and would do well to consult the report of the select committee, in which he would find the following paragraph:—

> That Mr. Lord obtained the 87 acres through the fictitious valuation of his improvements by Mr. Surveyor W. B. Simpson, as the evidence and papers clearly show that the said improvements could not have been worth, at the outside, more than £20, whereas Mr. Simpson valued them at £87.

The evidence showed that Mr. Simpson reported upon the improvements without inspection. He stated in a general way that he had been through the district, but he presented no special report, and it was a gross exaggeration to say that the land contained improvements sufficient to bar selection. If any motion were made to postpone the consideration of the clause, he should vote against it.

Mr. LYNE could not help thinking that the conduct of the Government to-night, if persisted in throughout the progress of the bill, would jeopardise not only the measure itself but the existence of the Ministry. That a proposition of such vital importance to more than one section of the community should be smuggled into a bill without any notice did not say much for the tact of the Minister for Lands. He had been accused by the honorable member for The Upper Hunter (Mr. McElhone) of being opposed to the amendment. The honorable member had

hurled unfounded accusations all round the House to such an extent that he felt it to be a degradation to have to refer to anything which the honorable member had said affecting himself or his private character. The honorable member had accused him of being opposed to these amendments because they were against his interest. That was entirely untrue. To whatever extent the bill before the House might affect his interests he was prepared to thrust private feeling aside. No one could justly say that since he had had the honor of a seat in the House he had used his position in the slightest degree to further his private ends. When he condescended to such conduct he should consider himself unworthy to hold a seat here. A considerable amount of suspicion attached to persons who like the member for The Upper Hunter (Mr. McElhone) were always prating about their own honesty. Whatever he might do he was not sufficiently a hypocrite to proclaim himself so much better in regard to honesty than other honorable members. He should do that which was fair and just to himself and his family, and no one would be able to accuse him of a dishonest transaction. The honorable member for The Upper Hunter (Mr. McElhone) had more interest in pastoral property in New South Wales than he had. He had heard the honorable member boast of the sums of money which he had lent upon station properties. Although the honorable member might not be possessed of a single leasehold in his own name, he was far more interested in the passing of a bill favourable to the pastoral lessees than honorable members whom he accused of acting in their private interests. He admitted that he owned part of a station in this colony. Surely it was not a sin to be an owner of property! But coming to the question before the Committee, he had not intended to discuss the proposed amendments to-night, believing as he did not only that honorable members who were here should have an opportunity to digest them but that honorable members who were not here should be informed when proposals of such great importance would be considered. With respect to the disposition of pre-leases, he observed that the proposal of the Minister was in accordance with the terms of an amendment of which he had given notice. Let honorable members refer to what took place last session in regard to improvement purchases. He was fully alive to the extent to which improvement purchases were being claimed with a view to stop settlement. We were assembled here to consider not the effect of exceptional cases, but the welfare of the whole of the community. Last year on this memorable 23rd January his honorable colleague asked the following question:—

> Is it the intention of the Government, in view of the promised Land Bill, to stop the alienation of Crown lands by auction sales, by improvement purchases, and by after-auction sales, until the House has had an opportunity of dealing with this question?

The Minister for Lands replied:

> All sales of country land at auction, and by selection after auction, under the provisions of the 25th clause of the Lands Acts further Amendment Act of 1880, have been suspended. Applications to purchase in virtue of improvements already made, and in course of action with a view to sale, will be further dealt with, subject to the limitations provided by the 13th clause of the act before-mentioned. Where the Government has contracted to alienate the contract will be fulfilled. Applications hereafter made will remain in abeyance pending the disposal of the proposed Land Bill.

A few days afterwards the honorable member for Mudgee (Sir John Robertson) moved the adjournment of the House in order to ascertain whether the Minister for Lands had said that which he was reported to have said, and the Minister replied:

> The honorable member says the Government have stopped improvements on leased lands. I should like to know what evidence he has that they have done so. We have not interfered with these people at all in the matter of improvements; they can improve the whole of their leaseholds if they like.

Mr. FARNELL: Hear, hear!

Mr. LYNE: The honorable gentleman also said:

> As far as the working of the department is concerned, there is no difference in regard to improvement purchase from the course pursued when the honorable member for Mudgee was at the head of the department. Pastoral tenants are at perfect liberty to make any improvements they please; there is no one to interfere with them.

Mr. FARNELL: Hear, hear!

Mr. LYNE: The proposition now made by the Minister should have been contained in the Land Bill, and it could have been

discussed in the country. If we were going to amend the law, do not let us do so in a hole-and-corner way; but let the country have a full knowledge of that which we were doing.

Sir JOHN ROBERTSON: If they had put this proposal in the bill, we should not have seen sixteen squatters' voting with them!

Mr. LYNE said that in order to show the vital importance of the amendment he would put a supposititious case. Suppose a selector put up a woolshed upon a pre-lease last December twelve months and neglected to apply for his purchase in respect to that improvement until the 24th of the following month. He would then be one day behind the arbitrary date which had been fixed by the Minister, and would consequently lose his right to purchase. Such an amendment of the law involved repudiation in its worst form. He was strongly against allowing improvement purchases in the future; but in amending the law we must be careful to avoid repudiation. If we were going to do away with the right to purchase in virtue of improvements, let us do away with it altogether instead of fixing an arbitrary date beyond which no application could be entertained. Why not acknowledge all *bonâ fide* improvements made up to the present time? If purchases in respect of bogus improvements were allowed, the administration of the law was at fault. The question as to pre-leases was one of the most important in the whole bill, yet the Committee were asked to deal with it in a slip-shod, hap-hazard manner without understanding properly what they were doing. He hoped the Minister for Lands, to allow time for further consideration, would consent to postpone the clause at least until to-morrow.

Mr. R. B. SMITH said the honorable member for The Hunter in the speech he made on the subject showed that he had an ulterior object in view, which was to have the clause passed in order that the third reading of the bill might be jeopardised. He was quite sure that the honorable member did not sincerely approve of the clause as the Minister proposed to amend it. He would again appeal to the honorable member in charge of the bill to allow the clause to be postponed. He was surprised at the Government bringing forward amendments totally inconsistent with the provisions of the bill, and which were apt to mislead honorable members. He for one complained of having been misled, and he said advisedly that if the clause had appeared in the original bill in the form in which it was proposed to amend it he would have voted against the second reading. If the clause should be passed in its amended form; he would most certainly vote against the third reading of the bill in spite of any consequences which might follow. He considered it repudiation of the grossest kind possible. Not even a squatter's homestead improvements were protected. He was opposed to the abolition of pre-leases. In the district he had the honor to represent, large numbers of farmers had improved their pre-leases, without which it was impossible far them to carry on their farming operations; and it would be an act of great injustice to abolish them, more especially as the area of free selection was restricted in the eastern division to 640 acres.

Mr. MCLAUGHLIN said the Government would soon have occasion to cry, "Save us from our friends!" He would ask the honorable member for The Macleay to forget for the time that he was a squatter and regard himself simply as a lawyer; he would then be more likely to take a just view of the proposals of the Government. He thought a division ought now to be taken so that the Minister for Lands might be enabled to proceed with the bill. Honorable members who had condemned the amendment had not fully considered its meaning. What repudiation was there in fixing the 23rd of January, 1883, as the date when improvement purchases should cease? That was the date on which the Government announced it to be their policy to put a stop to auction sales and to the sale of land in virtue of improvements. What business had any tenant to go on improving land after such a notification from his landlord? Instead of the amendment being a surprise to the House, it was perfectly consistent with the policy of the Government as announced in January, 1883, namely, that auction sales were to be modified but that improvement purchases were to be done away with altogether.

Sir JOHN ROBERTSON: They never said so!

Mr. McLAUGHLIN said his memory served him very badly if the honorable gentleman at the head of the Government did not announce that.

Sir JOHN ROBERTSON: The honorable member who has just resumed his seat has treated us to a disgraceful exhibition of stone-walling. He seems to know very little about the matter. He claims to be a lawyer, yet he takes up our time by telling us that because ministers said certain things before they came into office the law must be changed.

Mr. McLAUGHLIN: I said that the policy of the Government was distinctly notified!

Sir JOHN ROBERTSON: But their policy is not law. The law is that people have certain rights. The squatters are not worthy of any advocacy of their interests by me; but if they were devils I should defend them, and see that they had fair play. I have no sympathy with the squatters. They thought that they did a very good thing when they threw out the bill which I introduced; but now, it seems, they think that they were sold. They now come to me for sympathy. How can they expect that I can have anything other than the utmost contempt for them. I shall not vote on the question; but I think that it is only right that the country should know all about this entire change in the Land Bill. Let the squatters look out for themselves; let them look after their own interests. I am not going to fight their battles for them. What sympathy can they expect from me? Why, one of them who is here now came into my bedroom before daylight to consult with me upon the land question! He implored me not to give up the policy of the land law, and promised me his support, and then went away and voted against me the very same day. What can I treat such men with except contempt?

Mr. W. J. FERGUSSON said that it had been insinuated that honorable members who were asking for the postponement of the amendment were influenced by personal considerations. It was not true that he had an interest in large mineral conditional purchases. He had not as much interest in mineral conditional purchases as the honorable member for The Upper Hunter had.

Mr. McELHONE: I have none at all; my interest is in freehold land!

Mr. W. J. FERGUSSON said that the only mineral conditional purchase in which he was interested was one of 40 acres which was taken up four or five years ago, and for an eighth share in which he paid £50. The selection had been converted into a freehold long since. His only object in asking for the postponement of the amendment was to prevent the sacrifice, without due consideration, of the interests of the people. There were many clauses in the bill dealing with improvement purchases and additional conditional purchases, and honorable members ought to be allowed to see how the amendment would affect these before being asked to vote on it.

Dr. ROSS could not sit quietly by and hear himself accused of making random statements which were not founded on fact. It had been said by the honorable member for Forbes (Mr. Coonan) that he did not understand the case of Mrs. Clyne. He knew the history of the case from its origin, and it would be a strange thing if he did not understand it thoroughly. It was his fixed determination to get substantial compensation awarded to Mrs. Clyne, who had been unjustly and shamefully treated. A greater wrong than that to which she had been subjected had never been perpetrated. He asked for nothing except justice, and as long as he was a member he would fight for it on behalf of Mrs. Clyne. The advice on which Clyne acted was that of the present Minister for Lands. What better authority could he have? The jury who tried the case in the Supreme Court gave a verdict in favour of Mrs. Clyne. Would it be said that they perjured themselves? No, their verdict was founded on the equity of the case. He was sorry that he was not able to lodge £200 for an appeal to the Privy Council against the decision of the full court, by which the verdict of the jury was reversed. As to the question before the Committee, he was proud to be able to give his vote in support of the Government. A more iniquitous principle than that of improvement purchases was not included in the statute book, and the sooner the principle was abolished the better would it be for the country. In his district he knew that land had been acquired in a most scandalous way in virtue of so-called improvements. He could take up hours in narrating the

history of the many cases of iniquity which had come under his notice. There was a case which was now under the consideration of the Secretary for Lands—that of Millgate—in which he believed that the selector had been grossly wronged. The improvement in virtue of which the squatter claimed the land was an accumulation of sheep manure on the spot, which had been used as a sheep-yard. As to pre-leases, he could say that if they were abolished great hardship would be inflicted on many industrious people in his electorate. If pre-leases were abolished indiscriminately, a large number of selectors in the interior would be absolutely ruined. He knew that many selectors had fenced in their pre-leases, and honorable members could imagine the loss which they would sustain if they were compelled to give up the land and the improvements which they had made on it.

Mr. FARNELL: As it is now rather late, and as honorable members do not seem in the humour to discuss the matter. I beg to move:

That the Chairman do now leave the chair, report progress, and ask leave to sit again to-morrow.

Mr. McELHONE thought that after the lengthy discussion which had taken place a division ought to be taken without further delay. He pointed out that if the bill would take away certain rights it gave the people greater rights by providing for fixity of tenure over part of their holdings.

Motion agreed to; progress reported.

CIVIL SERVICE BILL.

In Committee:

Mr. STUART: The expediency of introducing a bill for the regulation of the civil service has been under the consideration of the House and of the country for a great many years, and it is hardly necessary that I should now enter into any of the reasons justifying the introduction of such a measure. It has been generally acknowledged that the plan which has existed in this colony for a number of years of entrance into and promotion in the civil service ought to be placed on a sounder footing. I think there is scarcely a member of the House who has not at one time or other given his adherence in a general way to the desirableness of a change in these matters, and I think I need now do no more than move:

That it is expedient to bring in a bill to regulate the civil service, and for other purposes.

The other purposes being chiefly the provisions necessary for an effective civil service, placing the servants in a position of independence when they are no longer able to discharge their duties in a manner satisfactory to the state, and providing for cases of accident.

Question resolved in the affirmative.

Resolution reported, and agreed to.

NECROPOLIS ACT AMENDMENT BILL.

In Committee:

Mr. STUART: The bill, the expediency of which I now ask the Committee to consider, is to amend the Necropolis Act of 1867. It has been long felt by the trustees of various denominations who hold pieces of land in the necropolis in which to bury their dead that they are placed under great disabilities in regard to some sections of the act. It is proposed to give relief to the trustees by providing that each denomination shall be able to manage its own affairs instead of their being in any way subject to the management of the Government. The object of the bill will, I am sure, commend itself to every member of the House. I move:

That it is expedient to bring in a bill to amend the Necropolis Act of 1867.

Question resolved in the affirmative.

Resolution reported, and agreed to.

DECEASED PERSONS' ESTATES ADMINISTRATION BILL.

In Committee:

Mr. STUART: The provisions of this bill, I understand, will meet that which has been long considered to be a great want. I am quite sure that my legal friends in the Assembly will bear me out when I say that it is desirable that the Curator of Intestate Estates should be placed in a position in which he will be better able to provide for the administration of the estates of deceased persons. It is a matter more of professional than of general interest; but as we may all be regarded as candidates for the position of deceased persons whether or not we have

estates which must sooner or later be wound up, the bill can be said to affect to that extent every person in the community. I move:

That it is expedient to bring in a bill to provide for the better administration of the estates of deceased persons.

Question resolved in the affirmative.

Resolution reported, and agreed to.

House adjourned at 12·12 a.m. (Thursday).

Legislative Assembly.

Thursday, 17 January, 1884.

Election of Ministers — Deceased Persons' Estates Bill—Pension List and Superannuation Bills—The Port Macquarie and Walcha Road—Crown Lands Bill—Adjournment (Order of Business).

Mr. SPEAKER took the chair.

ELECTION OF MINISTERS.

Mr. STUART: Perhaps the House will grant me its indulgence while I make a short explanation with regard to the view which the Government take of the steps which may be requisite or desirable, in consequence of the important matter brought forward by the honorable member for Mudgee (Mr. A. G. Taylor) last night, affecting or purporting to affect the position of many honorable members—both ministers and ex-ministers of the Crown. While not admitting that the opinion of counsel, however eminent they may be, can be taken as an authoritative exposition or interpretation of a specific statute—which can only be authoritatively decided in a court of law,—the Government consider that sufficient doubt has been raised by the statements made by the honorable member last night, and the opinion by which those statements were backed up, to render it necessary for us to take certain steps in order that a stop may be put to the continuance of proceedings which, if these opinions be correct, are at all events of an irregular character; and also to take such steps as this House may deem expedient with respect to the position and the actions of such honorable members as are affected. I therefore intend to-day to give notice that I will to-morrow ask leave to bring in a bill for the purpose of rendering nugatory the doubts or the effect of the doubts which have been thrown on the matter, and I will also ask the House to-morrow to suspend the standing orders so that such bill, if it meets with the approval of the House, may be passed through all its stages in one day. The practice has grown up for so long a period that it is somewhat difficult to see when the first departure from the constitutional view, if departure there has been, did occur. The matter is of sufficient importance to justify the Government in taking the steps which I have indicated. I will place the bill in the hands of honorable members to-morrow if leave be granted to introduce it. Pending the introduction of the bill, I trust that it may appear to Mr. Speaker of sufficient gravity not to take any proceedings upon the report brought up by the Committee of Elections and Qualifications upon the position of certain members on one side of the House and on the other.

Mr. SPEAKER: It was my intention at the beginning of the proceedings to state the position in which the House stands with regard to the issue of new writs for the seats which, according to the report of the Committee of Elections and Qualifications, have been occupied by honorable members who have been declared not capable of being elected. The 62nd section of the Electoral Act, which refers to the decisions of the committee, says, among other things:

If they shall determine and report any party to have been duly elected who was not returned by the returning officer the person so declared shall be sworn a member of the Assembly and take his seat accordingly and if the said committee shall declare any election to have been wholly void or shall declare any sitting member to be unqualified or disqualified the Speaker may issue a new writ for the holding of another election.

In my opinion the report of the Elections and Qualifications Committee, so far as I am empowered by the scope of my office to interpret that opinion, means that two certain members are declared to have been "unqualified" for election. In that case the act provides that the Speaker may issue a new writ. There have been cases in which a new writ has been issued by the Speaker without any determination of the House on the subject; there have been other cases in which the Speaker has