have a voice in the land legislation of the colony. Although some hon. members were not at present averse to alienation, a change might come over them some day, and they would be very glad of an opportunity of giving expression to that change. Moreover, the Government were not always so well informed as regards some parts of the colony as the representatives of the district might be, and it might be very desirable that some information on the subject should be had. Some of these special areas which the Government might be asked to proclaim might be the key to every valuable part of a district, and the Government might not be aware of it. It might also be desirable to point out to the Government that the land within these areas was worth more than the upset price proposed to be put upon it. There were many reasons why he thought this provision should be retained.

MR. RANDELL said he did not understand it was intended so much as a concession to the representatives of the people in that House as it was to the Northern settlers. He thought the particular objection to it was to be found in the fact that it invited action as well as discussion on the part of the Legislature, whenever a special area was about to be declared, and that in this way there would be an absence of all finality in their land legislation.

The question was then put—that the words proposed to be struck out stand part of the clause; and, a division being called for by Mr. Venn, the numbers were:—

Ayes	16
Noes	5
Majority	11

AYES.	NOES.
Hon. M. S. Smith	Mr. Brockman
Hon. S. Burt	Mr. Layman
Hon. J. A. Wright	Mr. Randell
Mr. Burges	Mr. Steere
Mr. Crowther	Mr. Venn (*Teller*).
Capt. Fawcett	
Mr. Grant	
Mr. Harper	
Mr. Loton	
Mr. Marmion	
Mr. McRae	
Mr. Parker	
Mr. Pearse	
Mr. Sholl	
Mr. Wittenoom	
Hon. J. Forrest (*Teller*).	

Question—That the clause stand part of the Regulations—put and passed.

MR. VENN moved that progress be reported, and leave asked to sit again on Thursday, 29th July.

Question—put and passed.

Progress reported.

The House adjourned at a quarter to eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Thursday, July 29th, 1886.

Vaccination of Aboriginal Natives in the Northern Districts—Responsible Government: Mr. Venn's notice of motion—Eradication of Scab in Champion Bay and Irwin Districts—Magisterial Districts Bill: first reading—Goldfields Bill: first reading—Land Regulations: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

VACCINATION OF NATIVES IN THE NORTHERN DISTRICTS.

MR. GRANT, in accordance with notice, asked the Acting Colonial Secretary if it was the intention of the Government to carry out the provisions of the Vaccination Act on the aboriginal natives in the Northern Districts of the colony. This matter had been brought under the notice of the Government in that House two or three years ago, but he was not aware that any action had been taken in the matter. He thought it was very desirable indeed that the Government should take action in the matter, and have as many of these natives vaccinated as they could.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) laid on the table a circular issued by the Government to the magistrates, on the subject referred to, and said that it would be seen from the circular that it was the intention of the Government to do all in

their power to carry out the provisions of the Act as regards the native population. The Government medical officers had also been instructed, when travelling through their districts, to do their utmost to carry out the requirements of the Act as regards vaccination.

RESPONSIBLE GOVERNMENT.

MR. VENN moved that his motion on the notice paper, in favor of the adoption of Responsible Government, should be postponed until the following day.

MR. McRAE moved, as an amendment, that the motion be postponed for a fortnight.

MR. VENN said he had no desire to rush the motion through the House, nor to bring it forward before hon. members wished; and, if the mover of the amendment was expressing the general wish of the House, he would cordially endorse it. He had but one desire, and that was to meet the wishes of those hon. members who were in accord with him on the subject.

MR. PARKER: I think this would be an opportune time for me to explain the action, or perhaps I should say the inaction, of the Responsible Government party up to the present time, this session. In fact, I think it is my duty—perhaps not my duty in particular, but a duty we owe to other members of the House—I think it is right that I should explain our position. The hon. member for Wellington has put forward a resolution on the subject, which has appeared on the notice paper for some time; but I think the hon. member will admit that it is not a resolution put forward by the party, but put forward on his own responsibility. Shortly after the assembling of the Council a meeting of those members who are pledged advocates of constitutional change was held, and at that meeting it was resolved by a majority that it would be inadvisable to take any steps with regard to this great and momentous question until the Land Regulations, which we knew were coming before the House, had been finally disposed of and settled. I am not going to say what my personal opinion was, but I felt that unless the party of self-government came before the House unitedly it would be useless our moving in the matter at all, and that it would be absurd, and simply courting defeat, for any individual member of the party to take action in the matter alone. Therefore, as the majority at that meeting decided that it would be inadvisable to take any proceedings until the Land Regulations were disposed of, I myself submitted loyally to the decision of the meeting, and took no proceedings in the matter pending the settlement of the land question. As soon as the Land Regulations are disposed of it is my intention, if the party will join me, to urge this question of the adoption of Responsible Government upon the Legislature. But I must say this: it appears to me that by the time these Land Regulations are disposed of, at our present rate of progress, it will be very late in the day to bring forward such an important question as that of a change in the constitution, which is a matter that will require a great deal of debate and a great deal of consideration; and, to bring it forward at the tail end of the session would, I am of opinion, be somewhat impolitic and unwise. Therefore I cannot help thinking that in the interest of the Responsible Government party itself, in the interest of those who are persuaded that the adoption of self-government would be a good thing for the colony, and in the interests of those constituencies who have sent us here to advocate it—I cannot help thinking that in the interests of all parties it would be hardly as well to bring the matter before the House at all this session.

MR. VENN: I beg to differ entirely from the hon. member who has just spoken. My object in giving notice of this motion at an early period of the session was simply because I was determined that it should come before this House in some form or other, and that those who were pledged to their constituents on the subject should not shirk their responsibilities; and I am still determined —whether I stand alone or not—that the question *shall* come before this House during the present session. I am anxious to co-operate with the hon. member, and to work unanimously, so far as I am concerned; but I wish to say this: in putting forward the motion standing in my name, I have not been moved by party feeling in any way. I take the step altogether

on my own responsibility. I am actuated in no way by any jealous feeling, nor have I had any intention of stealing a march upon the hon. member or anybody else. My sole object is that the question shall come before the Legislature this session, so that those who have expressed their views in favor of it shall have an opportunity, by their votes, of showing that they have the courage of their opinions, and let the country know it. If they do not wish for it, let them block it as much as they like. I am sincere myself; and I postpone it now altogether in deference to the wishes of those hon. members who desire to see it postponed until we make some further progress with these Land Regulations. But with all due deference to the hon. member, and recognising in every way the position which the hon. member has taken up with regard to the question, and the position which he holds, I do feel, from what took place at an early part of the session—I do feel this: that possibly if I did not myself—I did not ask anyone else's opinion about it—that, possibly, if I did not myself bring the question forward this session, it would be shirked for another session; and, being sincerely of opinion that the sooner we adopt it the better for the colony, I cannot agree with the hon. member that it would be well to postpone this motion until next session, and I am determined on my part that it shall be brought forward this session.

The motion was then postponed until August 13th.

ERADICATION OF SCAB IN CHAMPION BAY AND IRWIN DISTRICTS.

Mr. WITTENOOM, in accordance with notice, moved, "That an humble "address be presented to His Excellency "the Governor, praying that he will be "pleased to take such steps as may be "necessary to appoint, temporarily, the "Inspector of Sheep in the Central Dis-"trict to aid in eradicating scab in the "Champion Bay and Irwin Districts, as, "in consequence of the recent outbreak "of scab over a considerable area in "those districts, it will be impossible for "the Inspectors now in those districts "to supervise all the dipping, as recom-"mended by the Scab Act." The hon. member said the reason for his bringing forward the resolution was because of a rather serious outbreak of scab in the Victoria District, and more especially on account of two cases that had come to his own knowledge. In the first of these cases a man of the name of Brand brought a number of sheep to the Greenough Flats, and, he believed, the man had a clean certificate. He drove the sheep about 70 miles through a clean district, and, on his journey, lost several of them, and eventually on reaching his destination they broke out with scab. Several of those that went astray when travelling got mixed up with the clean flocks of the district, and they also became infected. The second case referred to was in connection with sheep taken up to the Irwin district—another clean district—where scab had been unknown for several years; and the result was that several of the flocks became infected through the introduction of the sheep referred to, and he also believed some sheep from the Greenough Flats. He thought the Inspector there had too much to do, or he was incapable of doing what he ought to do—he was inclined to think the former was the case, for what he had heard of him had been in his favor. The fact, however, remained that the district was not a clean district, and many of the sheep that became infected became so from contact with sheep from that district. It was with the view of effectually eradicating the disease that he asked for the assistance of the Central District Inspector (Mr. Craig), who was known to be a very energetic man, and one who had succeeded in getting rid of scab in his own district. He hoped he would be as successful in the Greenough district. The Inspector for the North District (Mr. Mills) also was a very energetic man, and had his district clean; and, if the House agreed to this address, he thought that with the combined action of these inspectors they might look forward to this disease being eradicated in the Champion Bay district.

Mr. BURGES, in supporting the motion, said he fully endorsed what had been said by the hon. member for Geraldton, as regards the recent outbreak of scab in the Victoria District. In the two instances referred to, the infection was communicated as the hon. member

described, and the whole district was endangered thereby. It was a very difficult matter under the existing law to prevent the spread of scab in this way, by sheep travelling through clean districts, because the law permitted sheep to travel from one part to another so long as they had a clean certificate. An inspector was not allowed to detain them, as long as he ought to be, unless scab was apparent to the eye, and the result was they were allowed to travel and spread infection wherever they went. These sheep referred to by the hon. member for Geraldton had no sign of actual infection when they started, and he did not think it was so much the fault of the Inspector as of the Act. He thought it was very desirable that the Act should be amended in this direction, so as to allow an Inspector to prevent the owner of any sheep from moving them from a district where scab was known to exist to another district that was clean, until he had them dipped. He thought, if the Act was amended in this and one or two other respects, it would be a much better Act, and, if the Inspectors did not carry out its provisions, they could be removed, and the blame would rest on the right shoulders.

MR. McRAE said that before agreeing to this motion he thought they ought to consider whether the Inspector for the Central District was prepared to go up to Champion Bay. It would be rather hard to send him up there, and necessitate the breaking up of his establishment, without giving him some compensation.

MR. SHOLL said he agreed with the hon. member for the North that it would be a very hard thing indeed, because an officer had done his work well in his own district, that he should be sent away to another part of the colony to do the work for which another man was paid, and which he had probably neglected. There was another thing to be considered—who was going to do Mr. Craig's work when he was absent at Champion Bay? There was also the question of whether they had a right to remove an Inspector from one district to another.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said the Government were as anxious as anyone to see scab eradicated wherever it existed, and, so far as the present proposal was concerned, they would inquire whether it would be possible to remove the York inspector to Champion Bay. If it should be found that it could be done, the Government would do what they could in the matter. As to compensating Mr. Craig, the hon. member who had brought forward the motion had better, perhaps, amend it so as to provide for such expenditure should it be necessary.

MR. WITTENOOM said he was quite prepared to do that, if necessary.

MR. CROWTHER said he did not think that the Inspector of the district complained of was to blame for any neglect of duty. Mr. Craig told him (Mr. Crowther) that if he had been there himself he could not have done more than the Northern Inspectors had done. The fault, if any, lay with the Act, and it was a very peculiar district to deal with, scab having existed there for years in some of the paddocks, which were so thick with scrub as to make it almost impossible to get rid of it.

MR. WITTENOOM suggested that the resolution might be amended by the addition of the words "financial or otherwise," after the word "necessary."

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said that would be broad and comprehensive enough for anything.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) failed to see what great expense would be entailed in carrying out the proposed arrangement, beyond Mr. Craig's passage money.

THE SPEAKER: It appears to me that the additional words are not needed. If the Governor is asked to take such steps as may be necessary to carry out what the resolution contemplates it is obvious that it cannot be done without incurring some expense.

The resolution was then put as printed, and agreed to.

MAGISTERIAL DISTRICTS BILL.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) moved the first reading of a bill to provide for the constitution of Magisterial Districts.

Motion agreed to.

Bill read a first time.

GOLDFIELDS BILL.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) moved the first reading of a bill for the management of Goldfields.

Motion agreed to.

Bill read a first time.

LAND REGULATIONS.

The House went into committee for the further consideration of the proposed new Land Regulations.

Clause 41—Conditions as to alienation, within special areas, in the Kimberley, North-West, Gascoyne, Eastern, and Eucla Divisions:

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved that this clause be struck out, and that the following new clause be inserted in lieu of it:

"No alienation of Crown land shall "take place in the Kimberley, North-"West, Gascoyne, Eastern, and Eucla "Divisions, except for reserves for cities, "towns, villages, with suburban land "attached, for mining purposes, or for "any of the objects and purposes speci-"fied by clause 32 of these Regulations, "or except within a specially-declared "area as aforesaid. Land within such "specially-declared areas may be sold, "under the following conditions:—

"(*a.*) The land within an area shall "only be disposed of after "survey, under conditions of "improvement as prescribed "by these Regulations.

"(*b.*) The price of land within areas "shall be fixed by the Governor "in Council, but shall not be "less than ten shillings an "acre, payable in ten yearly "instalments or sooner, as "prescribed by these Regula-"tions.

"(*c.*) No person under the age of "eighteen years shall be eli-"gible to apply for land "within an area.

"(*d.*) The total quantity held by "one person under this clause "of the Regulations, within "any division, shall not ex-"ceed five thousand acres, "and the minimum area, ex-"cept in special cases ap-"proved by the Commissioner, "shall be one hundred acres. "Provided that not more "than five applications shall "be entertained from one "person.

"(*e.*) Every applicant for land with-"in an area shall make his "application in one block, on "the prescribed form, and "pay on application the first "year's instalment, as pre-"scribed by clause 77 of these "Regulations.

"(*f.*) Upon the approval of the ap-"plication by the Commis-"sioner, a lease shall be issued "for ten years.

"(*g.*) Within two years of the ap-"proval by the Commissioner, "the lessee shall fence in the "whole of the land on the sur-"veyed boundaries, or, in "special cases, as near thereto "as shall be approved of by "the Commissioner; the fence "to be of the description pre-"scribed by the interpreta-"tion clause of these Regula-"tions. Provided that the "Commissioner, on the appli-"cation of the lessee, may "grant an exception from "fencing any part of the land "which has frontage to a per-"manent river, creek, or other "natural boundary held by "the Commissioner to be "sufficient.

"(*h.*) In the event of the required "fencing not being completed "at the end of two years, the "land shall be forfeited to "the Crown, together with "any improvements existing "upon it.

"(*i.*) At the expiration of the lease, "or at any time after the "issue of the lease, provided "that the required fencing is "in good order, and that an "amount equal to the full "purchase money has been "expended on the land in "prescribed improvements, in "addition to the cost of such "fencing, and further pro-"vided the full purchase

"money has been paid, a "Crown grant shall issue.

"(*j.*) If the required improvements "and conditions have not "been fulfilled at the end of "the lease, or if at any time "the annual instalment is not "paid as required by these "Regulations, the lease shall "be forfeited, and shall there- "upon revert to the Crown.

"(*k.*) At any time after the issue of "a lease the lessee may trans- "fer all his right, title, and "interest in his lease, pro- "vided the Commissioner's "approval is obtained; and "further provided that the "person to whom the land is "transferred does not hold, "together with the portion "to be transferred, more than "five thousand acres, under "conditional terms under this "clause, within the Division, "under these Regulations.

"(*l.*) If any lessee shall die or be "declared a lunatic before "the fulfilment of the pre- "scribed conditions of fenc- "ing and improvement, his "land may, with the approval "of the Commissioner, be "held by his representatives "or their assigns, subject to "the fulfilment by them of "all unfulfilled conditions; "but in trust for, and for the "benefit of the persons right- "fully entitled."

MR. VENN said it was clear that if this clause were passed the principle of free selection, so far as the Northern portions of the colony and the other divisions named were concerned, would be entirely ignored. He had strongly advocated that principle hitherto, and he should continue to do so. His contention was that we had no right to lock up the land, and prevent free selection upon it, in any part of the colony, so long as those who liked to purchase it were prepared to accept our own terms and conditions. He was not an advocate for the adoption of this principle in any particular part of the colony to the exclusion of other parts; he would apply it to the South as well as to the North. He was quite willing to go with the opponents of free selection in these Northern districts to this extent, — he would surround it with such restrictions and such safeguards as would make it impossible for any imposition to be practised upon lessees by these free selectors. But the principle he was fighting for was this: that, under certain conditions, and providing ample protection for the pastoral leaseholder were secured, we had no right to keep this land from those who wanted it for other purposes than running sheep upon it. If we insisted upon improvements we did all that was necessary. The great blot upon free selection hitherto had been that it had not been surrounded with sufficient safeguards for the protection of the lessee. Given those safeguards, and the blot would be removed. He was now talking of free selection under the system of direct purchase. As to the S.O.L. regulations, he contended that the existing regulations were the best we could have, and that none which that House was likely to pass this session would be equal to them. Rightly or wrongly, his opinion was that free selection should be granted, and he was convinced in his own mind that such was the opinion of seven-eighths of the people of this colony. [Several hon. members: Question.] There was no question about it. He expected he should meet with opposition, and that he should find himself in a minority in that House; but, although he might be in a minority, he was in no way ashamed. He had the courage of his convictions at any rate; and, although the hon. member for Fremantle might regard it as the "height of folly," he did not see where the folly came in. The folly he thought was with the hon. member himself. As to the argument that the land had not been utilised hitherto, although free selection was permitted, that was simply because the land was in the hands of the wrong class of people—people whose sole idea was taken up with sheep-rearing. There was no telling what population we might yet have in this colony, and there might be great scope for agricultural improvements and other improvements on our North-West coast. They were not totally destitute of water there, even for purposes of irrigation. He could point out places,

reserved spots, where there was an abundance of water, which during the driest season afforded practically an inexhaustible supply. Before a quarter of a century passed away—before these new leases expired—this part of the colony might make such progressive strides and might be so energetically developed, and be so numerously populated, that it might be desirable to try and see what could be done in the way of settling and cultivating our Northern Territory. With water supply provided, artificially or otherwise, anything on the face of the earth would grow up there. A few years ago it was thought that vegetables would not grow there, but he was told that some of the finest vegetables in the colony had been grown near Mardie: he had seen splendid vegetables himself growing at Roebourne; which showed what could be done with this Northern land. He thought it was quite possible that portions of the DeGrey at any rate might be utilised for purposes of cultivation, and be settled with a large population. Therefore he contended that they were abusing the trust that was reposed in them as the representatives of the colony and the guardians of the public estate if they were to shut up this land from free selection. That was his own honest conviction, and he had the courage of his convictions. He was not ashamed of the faith that was in him, nor of the principles which he was advocating, and which he intended to advocate, consistently, throughout these regulations.

MR. LOTON could not go with the views expressed by the hon. member for Wellington as to this clause. The House had now decided to deal with alienation on certain conditions within these five divisions, and he thought that under those conditions ample scope was given for those who desired it to take up land with an honest intention of going in for pursuits other than pastoral pursuits. There was ample scope here for free selection. It would virtually be competent for the Governor under this clause to declare a whole district—say the Kimberley district—a special area, and throw it open for selection; while, on the other hand, provision was made so that the lessee should not be unnecessarily or vexatiously harassed. If he went with the hon. member at all as regards free selection in these Northern districts it would be in favor of having it in very large blocks only—say 20,000 or 30,000 acres.

MR. SHENTON said he was in favor of free selection in those parts of the colony where agricultural operations could be successfully carried on; but, in no other portion of the colony could the principle, in his opinion, if adopted, prove of any permanent benefit to the colony.

MR. WITTENOOM was glad to hear the hon. member Mr. Loton express the views which he had, and he was somewhat surprised that those views had not emanated from the hon. member for Wellington, with his great practical experience, rather than from an hon. member who he was sure would not be offended if he said dealt with this land question from a theoretical rather than a practical point of view. The hon. member's views, however, were sound views, whereas the views expressed by the other hon. member, with all his experience, almost showed him destitute of ordinary intelligence. He felt sure the hon. member could hardly be sincere in advocating the principle of free selection all over the colony, and in persistently and consistently—for the hon. member prided himself on his consistency—declaring himself in favor of applying the same conditions to every part of the country. He was afraid the hon. member's consistency would lead him to grief. The hon. member seemed, as regards this land question, to have established himself as the champion of the people. He did not know whether the hon. member's appointment had been confirmed outside that House. He believed the hon. member based his title upon the ground that some people had at one or two public meetings agreed with the position which the hon. member had taken up on this subject last session. No doubt it was a very good thing for the people to have a champion in that House, and no doubt the hon. member would gain for himself a certain amount of *kudos*. The hon. member somewhat reminded him of another great man,—that "grand old man"—the "people's William." He did not know whether the hon. member aspired to have his name go down to posterity, linked with Mr. Gladstone's, not as the people's "William," but as

the people's "Harry." At any rate, he could not agree with the hon. member in his doctrine of universal free selection. That was a policy that had been tried in some of the other colonies, and the result had been rather disastrous—the attempt to make one class of regulations and one set of conditions apply to every part of the colony. It had led to strife and contention in the other colonies, and it had led to more than that in some of them—it had led the way to separation. And it would do so here eventually. What was it that led to the separation of Queensland from New South Wales? The simple fact that the Legislature of the mother colony wished to deal "consistently" with all the lands of the colony, no matter where they were situated, or what their capabilities might be. But the settlers of one portion of the colony found this consistency in land legislation did not suit their requirements at all, and the result was—separation. That would be the case here, too, if the hon. member's policy were to be carried out to its logical conclusion. From his (Mr. Wittenoom's) own point of view he would not allow any free selection whatever in these Northern districts, but would give absolute security of tenure to those who were making that use of the land which the land was intended for. He considered that all land should be put to such uses as it was naturally adapted for. At the same time, in order to meet the views of the Government and of many hon. members in that House, he was prepared to allow any man who thought he could comply with the conditions prescribed, and make anything out of it, to take up land for other purposes than pastoral occupation within these special areas. But in doing so, he was not following his own predilections, and he felt sure that the time would come when the Government would have to admit, at the expiration of the leases shortly to be renewed, that the regulations applying to them had, like the regulations in the past, proved a failure.

MR. GRANT thought that after his long experience he ought to know something about the capabilities of these Northern districts. As to the country being fit for cultivation, it could hardly be said to be fit for cultivation looking at the serious droughts which it suffered from. The country referred to by the hon. member for Wellington had suffered the most severe droughts on two or three occasions during the past twenty years, resulting in great losses to sheep owners, enough to dishearten them. The hon. member himself tried a little agriculture on the Maitland, but without much encouragement. The hon. member accomplished one thing, however,—he left his mark behind him, for the patch of country which the hon. member ploughed had never since grown even a blade of grass. The hon. member recommended a policy which he himself took care not to follow. The hon. member had a fine estate of his own, but had he sub-divided it, and placed a numerous population on it? Yet the hon. member posed in that House as the poor man's friend. When the hon. member lived at the North his views were altogether opposed to his present views. He held in his hand a petition signed by the hon. member when he was a Northern resident, pointing out the serious drawbacks which the settlers up there had to put up with, in consequence of droughts, which decimated their flocks and disheartened the settlers themselves. What a change had come over the hon. member since then. What a change had come over the spirit of his dream since then. Now, instead of concessions to pastoralists, his cry was "Down with the pastoralists, give us free selectors." He had no hesitation in saying that free selection would be the death-blow of the district. He himself expected to lose no less than 20,000 or 30,000 sheep this season in consequence of the drought; but the hon. member thought that the natural drawbacks of the district were not sufficient; he thought these free selectors should be turned loose on the pastoralists.

THE CHAIRMAN OF COMMITTEES: I would point out that there is no question of free selection involved in the clause before the committee: it is a question of special areas.

MR. BURGES said that our past experience had shown that we had made a mistake in allowing alienation even to the extent that it had been allowed, and he thought that ought to be a lesson to us. He thought it was our duty to look upon the public estate as we would upon our

own private estate, and see what system was best to pursue with regard to it. He did not think hon. members would be inclined to let other people come and pick out the best portions of their property and so render the whole property useless to themselves and to their descendants. What had been said about the hon. member for Wellington and his own estate showed that the hon. member was advocating a policy for the country which he did not believe in himself, or which, if he believed in, he did not practise, as regards his own property.

THE CHAIRMAN: The question before the committee is not the action of the hon. member for Wellington in the management of his own property. The question before the committee is Clause 41 of these Land Regulations.

MR. VENN was afraid some hon. members were sacrificing their wisdom to their flippancy. He thought it was grossly impertinent on the part of any hon. member to talk about what he (Mr. Venn) chose to do in the management of his own property. If the hon. member would only visit his property and see for himself, and if the hon. member knew what his plans were, the hon. member would see that he was carrying out the principles which he advocated. He could tell the hon. member that he was perfectly able to control his own property without any gratuitous interference or advice from anybody in that House. Let the hon. member confine himself to the resolution before the House, and come back to the principle for which he was contending, and leave his (Mr. Venn's) private affairs alone. It would be more interesting to the country and a great deal more edifying to the members of that House. He never said that the North was fitted for agriculture—perhaps some hon. members were afraid of its being found out that it was an agricultural country; what he said was that so far as the experiment went it had turned out a failure in some parts. But that did not prove that the country was altogether unfitted for agriculture. His own experiment was confined to about six acres at Nicol Bay: he had thought it possible that the land would carry a crop of barley, and the result was that it grew so well that he couldn't put a fence round it.

MR. WITTENOOM: For how many seasons?

MR. VENN: I cannot say that; but it was not a failure then. If the natural grass of the country grows so mighty high that you can cut it for hay, it would be strange if it were impossible to cultivate artificial grasses. What I want is that the country may have a trial, that portions of it may be tried to see whether it is fitted for agriculture or not.

The question was then put—that the clause proposed to be struck out stand part of the Regulations; whereupon the committee divided—

Ayes	5
Noes	15
Majority against ...	10

AYES.	NOES.
Mr. Brockman	Hon. M. S. Smith
Capt. Fawcett	Hon. J. A. Wright
Mr. Layman	Mr. Burges
Mr. Randell	Mr. Crowther
Mr. Venn (*Teller*).	Mr. Grant
	Mr. Harper
	Mr. Loton
	Mr. Marmion
	Mr. McRae
	Mr. Pearse
	Mr. Scott
	Mr. Shenton
	Mr. Sholl
	Mr. Wittenoom
	Hon. J. Forrest (*Teller*).

Question—That the clause proposed to be inserted be inserted—put.

MR. LOTON moved to strike out the words "only be disposed of after survey," in the second line of sub-section (*a*), and insert the following, "be surveyed and marked out in lots of not less than 100 acres, nor more than 1,000 acres, and sold." His object was to make the intention more clear, that the land should be surveyed before it was selected.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the amendment was altogether unnecessary. It was clear that survey was to precede selection. If the intention was to make it compulsory upon the Survey Department to have all the areas surveyed, whether the land was wanted or not, he would ask the hon. member where the money was to come from?

MR. LOTON: It will have to be found somewhere, that is very certain. It is admitted that the land will have to be surveyed, and why not say so in so many words? I have no desire myself, as I

have already said, to cripple the energies or the enterprise of any man. I don't care if he takes up twenty of these blocks, so long as he carries out the necessary improvements upon each block.

MR. MARMION said the Government might declare these areas at once, but it did not follow that the land would be applied for, and, until it was applied for, there would be no pressing necessity to have it surveyed, which he understood was the object of the amendment.

The amendment was negatived.

MR. McRAE moved that the word "ten," in the fourth line of sub-section (*b*), be struck out, and "twenty" inserted in lieu thereof,—thus increasing the price from 10s. an acre to 20s. an acre. The hon. member pointed out that there was no residential clause in the conditions dealing with the acquirement of land in these Northern and other districts, and he thought, under the circumstances, that 10s. was a very small price indeed for land within these special areas, which, as regards the Kimberley district, would probably be taken up for sugar cultivation. He thought such land would be well worth 20s. an acre. If this amendment were adopted he intended hereafter to move a further amendment, that one-half the purchase money shall be expended on the land within ten years.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the Government could not support the amendment, for this reason: hon. members would observe that the price which the Government placed upon the land was only the minimum price, and there was no reason at all why—should it be thought desirable — the Governor-in-Council should not increase it to 50s. within any of these areas; and, considering that twelve months notice had to be given in the *Gazette* before setting apart these areas, and that a description of the land had to be laid on the table of the House for thirty days, hon. members would have plenty of opportunity of advising the Government as to the price which in their opinion should be charged for the land, in any particular area. The hon. member who had brought forward the amendment said it would probably be land in the far North that would be taken up under these special area clauses, and that such land was well worth 20s. an acre; but they must bear in mind that the price here mentioned would apply to all districts of the colony, except the South-West division.

MR. MARMION thought there were reasons why the amendment should at any rate be considered, if not accepted; and, in his opinion, he was inclined to think that it ought to be accepted. As regards the regulations for the South-West division, they had two different conditions, one being residential and the other non-residential, and under the former condition the price charged for the land was lessened, and properly lessened, and there were other advantages also secured under the residential clause. Under the non-residential clause the price was doubled, making it 1s. an acre, payable within twenty years, as was proposed in this amendment as regards lands in these other divisions, where also there was no residence clause. There was another thing to be considered. There was a possibility—and he might say a probability—of the Northern portion of the colony being cut off from this part of the colony, and, when we came to lose this large portion of our landed estate, would it not be a good thing for us, in this Southern section of the colony, if we had a lien over this Northern territory for twenty years rather than for ten years? That was a consideration that should not be lost sight of in discussing the price of these Northern lands. If the land ever proved to be worth anything except for grazing purposes we should get 20s. an acre for it just as easy as 10s. an acre, and the revenue would benefit accordingly; while at the same time we should be doing no harm to the pastoralists, but, on the contrary, giving them still greater security that the land would not be taken up simply for speculative purposes.

MR. VENN said the amendment was only another way of preventing alienation. The hon. member who had just spoken had admitted as much. A little while ago they had been told that the land in this Northern territory was worthless, except for pastoral purposes, but now they were told it was worth double the price proposed to be placed upon it by the Government. Some hon. members might call that consistency. He didn't.

Question put—that the word proposed to be struck out stand part of the sub-section; whereupon, a division being called for, the numbers were—

Ayes	... ...	14
Noes	... ...	7
Majority against	...	7

Ayes.	Noes.
Hon. M. S. Smith	Mr. Burges
Hon. J. A. Wright	Mr. Grant
Mr. Brockman	Mr. Marmion
Mr. Crowther	Mr. Pearse
Mr. Harper	Mr. Sholl
Mr. Layman	Mr. Wittenoom
Mr. Loton	Mr. McRae (*Teller*).
Mr. Parker	
Mr. Randell	
Mr. Scott	
Mr. Shenton	
Mr. Steere	
Mr. Venn	
Hon. J. Forrest (*Teller*).	

Mr. VENN moved to strike out all the words after "The," in the first line of sub-section (*d*), down to the word "minimum," in the sixth line, and to insert after the word "acres," in the fifth line, the words "maximum area in any one block shall be one thousand acres." Hon. members would observe that the sub-section in which he proposed this amendment provided that the total quantity of land held by one person under this clause, within any division, shall not exceed 5,000 acres, and the minimum area 100 acres; and that not more than five applications shall be entertained from one person. The amendment proposed that the maximum size of any block should be 1,000 acres (the minimum remaining at 100 acres), but without any limit as to the number of blocks that might be taken up by one person; each block, however, to carry its own conditions of improvement. This, the hon. member said, would have the effect to some extent of preventing the land within these areas being taken up without a prospect of their being improved. It would be a protection to the leaseholder and a protection to the colony.

Mr. MARMION said he would have no objection to the amendment if the proviso at the end of the clause were retained (limiting the number of blocks to be held by one person to five). He could see there was something in the hon. member's amendment in favor of reducing the maximum size of these blocks, and of having a number of small convenient-sized blocks rather than a few very large ones. The avowed object of these land regulations was to settle people upon the land,—not that one man should take up a whole district and be "monarch of all he surveyed;" and this amendment would certainly have a tendency to bring about the desired object. There was no residential clause under these regulations, and the probability was that if the land were taken up in large blocks by one or two persons no one would reside on the land, whereas, if these areas were cut up into smaller blocks, the probability was that in the majority of cases the holder of each of them would put up some sort of residence on his block, although not compelled to do so; and in this way they would be settling a population upon the land.

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he could not support the amendment. It would be observed that the section introduced by the Government did not fix any arbitrary limit as to the size of these selections, but that they should not "exceed" 5,000 acres. As a rule it was not likely that these areas would be laid out in very large blocks; for provision would have to be made for roads and reserves within them. It seemed to him that the hon. member who submitted the amendment wanted to surround this land question with so many restrictions and stipulations as to leave no discretionary power whatever in the hands of anybody.

The amendment upon being put was negatived.

Mr. VENN moved an amendment in sub-section (*g*), which sub-section provided that within two years of a selection being taken up, the lessee shall fence in the whole of the land on the surveyed boundaries. The amendment provided that instead of fencing in the whole of the land within two years, one-fourth of it should be fenced. The hon. member thought that, considering the difficulty in the way of obtaining the material for fencing in these Northern districts, such a clause as this was virtually tantamount to a forfeiture clause. With one hand they professed to make things as easy as possible for these selectors, and with the other hand they sought to crush them.

The amendment was negatived.

Mr. LAYMAN suggested that, instead of reducing the quantity of fencing to be

done, they should extend the time from two years to five.

MR. SHENTON thought that was too long. There was regular steam communication to these Northern districts now, and not the delay there used to be in getting up fencing material. He thought two years, however, was rather short, and he would suggest that the time be extended to three years,—the whole of the land to be fenced. He would move, as an amendment, that the word "two" in the first line of the sub-section be struck out, and the word "three" inserted in lieu thereof.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the only objection to extending the time allowed for fencing or other improvements was that the land was locked up for a longer period, and there was no guarantee that any improvements would be made upon it, the holder of the land at the same time being master of the situation.

MR. McRAE pointed out that, as they did not insist upon residence upon this land, it was not a very stringent condition to make that a man should simply fence it within two years. They might as well give the land away altogether as to do away with residence, and at the same time to give a man two years to fence only one-fourth of his land.

MR. MARMION thought the great blot upon the present S.O.L. regulations had been the long time given for carrying out improvements. He thought we ought to be liberal in our regulations, but it was bad policy to be too easy and too yielding with some people. It would be doing no good turn even to the holders of the land themselves.

The amendment was negatived.

MR. VENN moved that the following words be added to the sub-section (*h*):—"Provided that if any good cause be "shown to the satisfaction of the Com- "missioner why such conditions have not "been complied with, the applicant shall, "on payment of an amount equal to one "quarter of the purchase money, be "granted a further term of one year for "the completion of such conditions." The sub-section provided that if the required fencing be not completed at the end of three years, the land should be forfeited to the Crown, together with any improvements existing upon it. He thought this a most stringent condition; and he thought he would have the sympathy of the committee with him in this, at any rate. Although he thought that when a man took up land he should be prepared to carry out the conditions attached to his lease, still there might be exceptional cases where it would be very hard to insist upon a fulfilment of those conditions upon pain of forfeiture. He thought they might modify this regulation to this extent: that in the event of the Commissioner being satisfied that the non-fulfilment of the condition as to fencing arose from some exceptional circumstances calling for exceptional consideration, the defaulter should be allowed another year to complete his fencing, upon payment of one-fourth of the purchase money. He was aware there was a clause giving the Governor power to waive any penalty or forfeiture incurred under these regulations; but he thought it would be better to provide for it specifically in this case.

MR. MARMION thought the amendment would be a reasonable one to adopt, under exceptional circumstances.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) did not think it would be a good amendment to introduce, for they would have to follow it as regards all the other forfeiture clauses, further on; and he thought it would be better to adhere to the rule which had always been in force in this colony—that the only penalty for non-fulfilment of the prescribed conditions should be forfeiture. The clause which gave the Governor-in-Council power to waive any penalty or forfeiture might perhaps be amended so as to meet exceptional cases like this, upon payment of a certain penalty; and he would submit the matter for the consideration of the Government.

MR. RANDELL did not think the amendment was liberal enough, and he preferred leaving it to the Government to waive any forfeiture absolutely, under exceptional circumstances calling for such clemency. He might be allowed to say here, that, in his opinion, with all the restrictions with which it was proposed to surround the selection of land within these special areas, our Northern lessees might go to sleep very contentedly, without much fear of being disturbed.

The amendment was negatived.

MR. LOTON thought that all the words after the word "obtained," in the sixth line of sub-section (*k*), should be omitted. The sub-section in question provided that no lessee shall transfer his right, title, and interest in a lease, except with the approval of the Commissioner, and provided that the person to whom the transfer is made does not hold (together with the portion to be transferred) more than 5,000 acres under conditional terms, within the division in which such lease is situated. The hon. member pointed out that this would debar everybody except men with a considerable amount of capital from taking up land, as they would be unable to obtain any financial assistance. There might be half-a-dozen lessees within an area, each holding 5,000 acres, and if a bank or anybody else advanced any money to one of these lessees upon the security of his lease, none of the other five would be able to obtain any financial assistance from the same bank, as the bank would already be holding the maximum quantity of land which a transferee was allowed to hold under this regulation. The hon. member for the Greenough told them the other day that when a man mortgaged his land all the steel was gone out of him; but he would ask the hon. members what some of the settlers of the North-West district would have been at the present day if somebody had not put the "steel" into them, by assisting them to tide over their difficulities. [MR. VENN: They have got too much in them now.] It would be a good thing if some of them had more "steel" put in them. Hon. members who sat round these benches knew as well as he did that it would be futile passing these regulations unless some means were provided to enable lessees to obtain accommodation and assistance on the strength of some tangible security.

MR. MARMION thought it was necessary that some provision should be made to meet this difficulty, but they would have to be very careful. If they were to allow indiscriminate transfer all a man would have to do would be to get a whole lot of people to take up land and then get them to transfer it to himself—thus leading to all the evils of dummyism. A man in this way might become possessed of all the land in any area. He understood the Commissioner had no objection to introduce a mortgage clause to enable conditional holders to mortgage their leases simply for purposes of security; and that appeared to him the only way to meet the objection.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said if it was the general wish of the committee he would see whether it would not be possible to introduce into these regulations a mortgage clause similar to that in the Queensland Act, for purposes of security only, and not to have the effect of an assigned lease.

THE HON. J. G. LEE-STEERE thought they were all unanimous as to what it was desirable should be done, but the clause would evidently require to be recast, and he thought it would be necessary that it should be drafted by a legal gentleman.

THE COMMISSIONER said he could not promise to bring in a mortgage clause, but he would look into the matter.

MR. SHENTON moved that progress be reported.

Agreed to.

Progress reported.

The House adjourned at half-past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 30th July, 1886.

Telegraph, Roebourne to Derby: When to be commenced—Report on Kimberley Goldfields by Hall and Slattery—Weir across the River Swan—Appropriation Bill (Supplementary): third reading—Criminal Law Procedure Amendment Bill: in committee—Magisterial Districts Bill: second reading—Land Regulations: further considered in committee—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

TELEGRAPH FROM ROEBOURNE TO DERBY.

MR. MARMION asked the Director of Public Works whether he had received