

LEGISLATIVE COUNCIL,

Wednesday, 4th August, 1886.

Official ceremony of the opening of the York-Beverley Railway—Bridge over the Avon, between York and Beverley—Masters and Servants Bill: in committee—Land Regulations: further consideration of, in committee—Adjournment.

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

PRAYERS.

OFFICIAL CEREMONY OF THE OPENING OF THE YORK-BEVERLEY RAILWAY.

CAPTAIN FAWCETT asked the Commissioner of Railways whether the expenses of the ceremony of the opening of the York and Beverley railway would be defrayed out of public funds, and, if so, what would be the probable cost; also to lay on the table of the House a list of persons invited to the ceremony. The hon. member said he regretted having to ask the question, and he thought it was regrettable to other members of the House.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) replied that the cost of the luncheon on the occasion of the opening of the York and Beverley line would be defrayed out of public funds, and would not exceed £200. It was not considered expedient to lay on the table a list of persons invited, but the Government would offer no opposition to the discussion of any motion on the subject which the hon. member might wish to bring forward.

BRIDGE ACROSS THE AVON.

MR. HARPER asked the Engineer-in-Chief whether it was the intention of the Government to proceed with the construction of a bridge across the Avon river, at some point between York and Beverley, as suggested last year; if not, why not?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said he had made inquiry on the subject throughout the district, and from what he could learn it was not generally considered that a bridge was required for the present.

MASTERS AND SERVANTS BILL.

This bill passed through committee, *sub silentio*.

THE NEW LAND REGULATIONS.

The House went into committee for the further consideration of the proposed new land regulations.

Clause 47—Conditional purchase by direct payment, without residence, within the South-West division:

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved that this clause in the draft regulations be struck out, with a view of inserting the following:

"Any Crown land within the South-West Division, not being land reserved or required to be reserved for any public purpose, may be applied for, and on approval by the Commissioner may be sold on the following conditions:—

- "(a.) Not less than one hundred acres, except in special cases approved by the Commissioner, nor more than 1,000 acres within an agricultural area, nor less than 100 acres except as aforesaid, nor more than five thousand acres outside an agricultural area in not more than three blocks shall be applied for by one person, who shall not be under 18 years of age.
- "(b.) The price per acre shall be fixed by the Governor in Council, but shall not be less than ten shillings an acre—ten per cent. of the purchase money shall be paid on application (which shall be returned if the application is not approved), and the balance within one month of the date of approval by the Commissioner.
- "(c.) Within three years from the date of survey, the land shall be fenced on the surveyed boundary lines, or in special cases as near thereto as the Commissioner shall decide, and within seven years from such date five shillings an acre shall be expended on the land in prescribed im-

"provements, whereupon the
 "Crown grant shall issue.
 "(d.) Failing of payment of the
 "balance of purchase money
 "within one month of the
 "date of approval, or if the
 "fencing is not performed
 "within three years from the
 "date of the survey, or the
 "further prescribed improve-
 "ments within seven years
 "from such last mentioned
 "date, the land shall be for-
 "feited and revert to the
 "Crown with any improve-
 "ments that may be upon it,
 "and any purchase money
 "paid shall be forfeited to
 "the Crown."

MR. VENN—who had given notice of several amendments in the clause—said that the amended clause which the Government proposed to introduce went a great way to remove the objections which he had to the clause as it originally stood, and, therefore, he begged to withdraw his own amendments.

MR. BURGESS said he also would withdraw the amendment of which he had given notice (to reduce the price of land to 10s.), as the Government had anticipated his wish in that respect.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest), in moving the new clause, said the House had already affirmed the principle of free selection throughout the South-West division, and there was a strong feeling he thought throughout the country that free selection should be allowed. The regulations as originally drafted permitted free selection outside certain areas, but did not allow it, in any wide sense, within those areas,—though a person could do so by residing on the land. But it had occurred to him that, if purchasers other than those who would reside on the land were to be altogether debarred from entering these agricultural areas, this principle of free selection would be a great deal interfered with; and therefore the Government now proposed that there should be free selection everywhere, but that there should be certain conditions attached, and that the land should be sold in three different ways. First of all that it should be sold on the deferred payment system, with compulsory residence;

secondly, on the deferred payment system without residence, but on exactly the same terms as to the mode of payment, and that the purchaser should expend upon the land a sum equal to the full amount of the purchase money, paying double the price for the land which he would have to do under the residential clause, and making double the amount of improvements; thirdly, that as an alternative, the purchaser who did not intend to reside on the land should be required to pay his money down, and have a shorter time within which to carry out the stipulated improvements, namely seven years, and be compelled to fence his land within three years. Whenever he did this, and spent 5s. an acre in other improvements, he would obtain the fee simple of the land. He thought if they confirmed this principle of free selection they would be making the regulations more simple and more easily worked than they would otherwise be. They were getting wiser every day upon this subject, and, the more they considered it, the more light seemed to be thrown upon it. Under the amended regulations now proposed, any person requiring to purchase land, in blocks of 100 acres to 1,000 acres, already surveyed, could do so within an agricultural area; or, up to 5,000 acres outside an agricultural area. He could please himself whether he bought his land within or without these areas, and whether he would pay the money down for it (10s. an acre) and undertake to do the fencing in three years and other improvements within seven years,—but without having to reside on the land; or whether he would reside on the land for five years, paying 6d. an acre for twenty years, and expend upon it the full amount of the purchase money; or he might, if he chose, in the alternative, take up the land on this long deferred-payment system, without residing on it, but paying double the purchase money (1s. an acre for twenty years) and make double the improvements. In short, the proposition of the Government now resolved itself into this: that there should be no difference made between land within the areas and land without the areas—no difference whatever, except this, that the maximum quantity within an area should be 1,000 acres, and outside an area 5,000 acres;

that land within an area should be surveyed before it was selected, but that as regards land outside these areas free selection should precede and not follow survey. He thought if hon. members would consider this matter carefully, and see exactly the way in which it was now proposed to apply the clause, they would agree with the Government in thinking that they were simplifying the regulations and making the acquisition of land more easy altogether.

MR. MARMION presumed it was the intention of the Government to make some provision in addition to this clause to prevent persons from acquiring a large quantity of land, by having it transferred to them.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that would be provided for in the transfer clauses.

MR. VENN said he was still desirous of testing the feeling of the House as to the desirability, or otherwise, of limiting the maximum to be applied for by one person to 1,000 acres. The hon. member for Fremantle seemed to look upon the possibility of any man holding within a special area more than 1,000 acres with great fear—with fear and trembling he might say. But he (Mr. Venn) did not see any ground for it. The hon. member for Fremantle, when dealing with leasehold land would not object to the whole colony being taken up by one man, but, when he came to deal with freehold land, the hon. member changed his tune altogether, and was seized with a great fear lest any man should get more than 1,000 acres. They were told over and over again that the land of this colony, compared with the land of the other colonies, was not good land nor so productive—why then should they seek to limit a man to 1,000 acres? The principle was a wrong one altogether. He could see the force of the argument against the acquisition of large areas of land, at this stage of our history, if we imposed no conditions of improvement. But, imposing such conditions of compulsory improvement as these regulations proposed to impose, he contended that the State got all it required, whether one man took up the land or a dozen. Therefore he failed to see why some few

hon. members should be so dreadfully apprehensive on the subject. Nor did he see why there should be this distinction made between land within areas and land outside areas, as regards the size of the blocks. The only difference, it appeared to him, between land outside and land inside was that the latter would be surveyed before selection and the other wouldn't. That was an advantage no doubt, a great advantage; but, otherwise, he saw no ground for limiting the maximum size of a block within an area to 1,000 acres any more than outside an area. His contention all through had been—and he had heard no arguments whatever to shake his conviction—he was open to conviction, and possibly the hon. member for Fremantle might yet succeed in convincing him—but he had heard no arguments so far to persuade him that the mere fact of a man holding more than 1,000 acres would do the colony any harm, so long as the conditions of improvement attached to each block of land were insisted upon. He had no objection to limiting the size of the blocks, but he could not, for the life of him, see why a man, if he was prepared and able to carry out the conditions imposed as regards each particular block, should not be allowed to have half a dozen blocks. Why, in the name of fortune, should he not have them? Or why should he not take up half the country if he liked, so long as he did all that the State asked him to do. It made no difference whether he did it himself or employed somebody else to do it for him.

MR. MARMION said, as to the hon. member for Wellington being open to conviction, he would remind the hon. member of the old saying—

“A man convinced against his will
Is of the same opinion still.”

He was afraid it would be so with the hon. member for Wellington. He had understood all along that the great object which they had in view in framing these regulations was to encourage and foster the cultivation and settlement of the land, that they should settle a large population upon the land, and not that a man should be allowed to monopolise an immense area and then put a ring fence round it to shut out the small holders. The hon. member for Wellington argued

that it would be just as beneficial to the State, whether one man held 10,000 acres or one hundred men each held 100 acres. Surely it would be better for the State and better for the colony generally that there should be a hundred families located on the land, improving their hundred holdings, with their hundred smiling homesteads, with their hundred small farms cultivated, all contributing to supply the daily wants of consumers, and themselves consumers too,—surely it would be better to have these one hundred cultivators with their families upon the land than that the land should be held by one individual holder. The State would receive tenfold, a hundred-fold, more benefit. He would remind the committee that they were now dealing with the best land in the colony, or what was considered to be the best land. [Mr. CROWTHER: The best remaining.] Yes; he was aware that the pick of the land had already been alienated; it therefore behoved them to utilise the remainder in the manner most advantageous to the colony, so as to give these small holders a chance.

MR. LOTON said the great bone of contention at the present moment appeared to be this: whether they should agree to sell the public estate in unlimited quantities or in limited quantities, wholesale or retail. He thought it was very probable that most hon. members had made up their minds on the question, and that it would be futile for him to urge his own views upon the committee; at the same time, while they were endeavoring to frame regulations suitable for this South-West division of the colony with a view to induce people to settle upon the land and become producers, it would be well that they should take a somewhat close view of the circumstances of the case, and be guided a little by their past experience. This division of the colony had been open to unrestricted free selection up to the present time, and the land could be purchased in blocks as small as 40 acres, up to any extent, wherever a man liked to purchase it—except within certain railway reserves—without any conditions as to improvements whatsoever, and at the price now proposed to put upon it, 10s. an acre. What had been the result? Had these liberal conditions induced

people to purchase large areas of land wholly for speculative purposes? He said no; it had not. He was not aware that a single instance could be pointed out of one large block of land having been bought for speculative purposes or bought at all. Several had been bought under the deferred payment system, but he was not aware of one solitary block of large extent having been bought under this system of direct purchase. Although he did not pretend to have the same practical knowledge and experience as some hon. members possessed as regards agriculture, still he claimed to possess some little knowledge, and he would say this, and say it without fear of successful contradiction, that in this colony the small agriculturist pure and simple could not live by agriculture alone. He must do something besides cultivating his land. He must be able to keep a little stock on it as well, or his prospects of getting on at all were very small indeed; and the more they attempted to legislate with the view of putting a large number of these men upon small areas of land the more would their legislation fail. That was his own opinion, and he had no hesitation in expressing it. With regard to the advisability of allowing free selection inside special areas, he was not prepared to say that it would not be advisable to preclude the free selector within those areas from taking up large blocks, but he failed to see the advisability of placing the same restriction upon land outside those areas; and even as regards land within these areas, although he had no great objection to limiting the size of the blocks, he failed to see why a man should not be allowed to take up as many of these blocks as he liked, so long as they had stringent conditions of improvements attached to each individual block. Outside these areas he thought it was no use of a man thinking of taking up less than 500 acres, and he would make that the minimum—instead of 100 acres as proposed in the clause now before the committee. [The hon. member moved an amendment to that effect, in sub-section "a."] He said he did this, because, in addition to the reasons he had already given, the clause as it now stood would simply perpetuate the evil which hon. members deprecated so much, whereby the eyes

of the country had been picked out; and the amendment which he proposed would to some extent protect the pastoral leaseholder in that respect.

MR. CROWTHER failed to see why a man should be restricted to 1,000 acres, so long as we surrounded him with such conditions as would compel him to utilise the land, and reside upon it, either himself, or by his son, or his overseer, or any other representative who would carry out the prescribed improvements. The great curse of our land legislation in the past had been the attempt, the quixotic attempt he might say, of getting a class of men to settle and call them our yeomanry—our yeomanry—when they hadn't a shilling in the world to bless themselves with, and then sending them into the bush to starve. The hon. the Commissioner talked of small men, 100-acre men, doing well in this colony. He was sorry to say he had not visited that part of the colony himself. The great difficulty in the way of successfully legislating about land was that those who did the legislating could not put themselves in the position of those who had to make their living, or to eke an existence, out of the land. Land viewed from a comfortable arm-chair in that Council chamber was a very different thing from the genuine article viewed from a bush hut. Moreover, the best of the land in this part of the colony was gone,—seventeen or eighteen million acres of it to syndicates, and the rest to people who we might depend upon it had not had their eyes shut throughout the past fifty years. Yet, although all this superior land was gone, it was proposed to ask people the same price for a very inferior article.

MR. MARMION: But we have given them railways, and other increased facilities.

MR. CROWTHER: Increased facilities for starving—nothing else.

MR. HARPER said a great deal of stress had been laid on the fact that our land legislation in the past had not resulted in the realisation of our expectations; but he would remind the committee that they were now legislating for the future, and legislating to meet different conditions and different circumstances, and, to meet the requirements of, he hoped, a much larger population than we had in the past. What was it

after all that gave value to land? The foot of man; and the more men we put upon our land the more valuable would we make it. If the State did not take care to prevent the land slipping out of their grasp altogether at present, they might find, hereafter, when the value of the land had increased, that the State derived no benefit whatever by that increment. As to limiting the quantity to be held by individual holders, he would point out that the class of people everyone wished to see on the land was the class who would utilise the land to the utmost of its capabilities, by their own industry, and that this class of men had not hitherto taken up land, or attempted to take up land, even to the extent of 1,000 acres, under much easier conditions than now proposed. This appeared to him one of the strongest arguments they could have that 1,000 acres was a sufficient maximum. As to the argument about capitalists taking up land and making good use of it, he thought it would be found throughout all these colonies that where a capitalist took up land for purposes of running stock upon it, and the same land afterwards came into the hands of the agriculturist—the man who depended upon his own industry for a living out of the land, that land would be found to keep quite as much stock as it did when the capitalists had it, and, in addition to the stock, be made to yield rich crops as well. What we wanted was the strong muscle and the willing hand of the agriculturist, so applied as to benefit himself, and not to benefit other people, who happened to be capitalists. The hon. member for Wellington talked a great deal in favor of the introduction of capital into the colony. That was very desirable, no doubt; but he had not yet heard an argument worth listening to in favor of the capitalist alone, the capitalist by himself. He was somewhat surprised that an hon. member, whose proclivities in favor of democratic institutions were so pronounced as those of the hon. member for Wellington, should turn his back upon the teachings of democracy elsewhere, and upon the principle which had guided democratic government all over the world in dealing with this land question, which was to limit as far as possible the quantity of land held by

individual owners. That was a principle that was now almost universally recognised in all the Australian colonies.

MR. VENN said, as to his having brought forward no argument worth listening to in favor of his own contention, he thought he might very fairly retort upon the hon. member for York by saying that nothing which the hon. member himself had said contained the shadow of an argument to the contrary. These capitalists if they took up land would have to comply with precisely the same conditions as the smaller holders; they would have to fence the land, they would have to improve the land, and they would have to put as many people on the land. If they took up ten blocks they would have to put ten families on those blocks.

MR. MARMION: Where do you get that?

MR. VENN said that was his desire, and that was his intention, if he had his own way with these regulations. He thought there would be a far better chance for a man of means to carry out these conditions than for the man whose means were limited; the probability was that where one might prosper the other might starve. As to democracy, he hoped, when the time came for it, he would be found quite able to successfully maintain his principles against the conservatism of hon. members opposite.

MR. BURGESS thought it was only loss of time arguing the case of the small holder in connection with the clause now before the committee. The clause was not a poor man's clause at all. It dealt with the principle of direct purchase, and, as such, it affected the man of means in a much greater degree than the man of muscle. It was the conditional purchase regulations that affected the small holders; and he thought it would be better if the battle that had been waged over this clause were to be fought upon another ground altogether. Where was the small man in this colony who could find £250 to pay for 500 acres within a month, and spend 5s. an acre in improvements, besides fencing the land? How were we ever likely to get men to settle on the land without the aid of capital? He thought, if hon. members looked at what had been done in some parts of this colony by men of capital

taking up land and putting their own tenants upon the land, they would see what was to be done in that way. Those men thrived upon the land, because they had capital at their back, and, without that capital at their back, they would only have been able to eke out a miserable existence.

MR. MARMION said he was perfectly well aware this was not a "poor man's clause." It certainly would not be a poor man's clause if they allowed capitalists to take up as much land under it as they liked, and afterwards dispose of it to the "poor man" at an enhanced price.

MR. LAYMAN expressed himself in favor of limiting the quantity purchasable inside an area to 100 acres, but he was not so much opposed to increasing the minimum outside these areas. He failed to see why the pastoral leaseholder should not get the benefit of that increased minimum.

MR. VENN moved the following amendment: to strike out sub-section (a), and substitute in lieu thereof the following—"Not less than 100 acres nor more than 1,000 acres shall be applied for in one block." That was the only amendment he intended to propose; the others, of which he had given notice, he was prepared to waive.

The amendment was negatived, on the voices.

MR. LOTON's amendment—making 500 acres the minimum quantity to be taken up, outside special areas—was then put, and, a division being called for, the numbers were,—

Ayes 10

Noes 12

—

Majority against ... 2

AYES.
Mr. Brockman
Mr. Burgess
Mr. Crowther
Mr. Marmion
Mr. Randell
Mr. Scott
Mr. Shenton
Mr. Sholl
Mr. Venn
Mr. Loton (teller.)

NOES.
Hon. M. S. Smith
Hon. S. Burt
Hon. J. A. Wright
Capt. Fawcett
Mr. Grant
Mr. Harper
Mr. Layman
Mr. McKee
Mr. Parker
Mr. Pearce
Hon. J. G. Lee Steere
Hon. J. Forrest (teller.)

The amendment was therefore negatived.

POINT OF ORDER.

MR. RANDELL rose to a point of order. After the division bell had rung and the question had been put, the hon. member for the Vasse was on the same side of the House as the Ayes, and it was only afterwards that the hon. member went to the other side. Could not his vote be claimed by the Ayes?

THE CHAIRMAN: Strictly speaking the vote could have been claimed; but I thought it was scarcely worth while, as another division could take place, if necessary, when I reported the clause to the House.

MR. LAYMAN: I certainly never intended to vote on the other side.

THE CHAIRMAN: It would be as well if hon. members would make up their minds which side they intend to vote, before the tellers begin their work.

DEBATE RESUMED.

MR. LOTON then moved another amendment in the same sub-section (a), namely, to strike out the words "not more than three blocks shall be applied for by one," and insert "one block shall be sold to the same,"—thus giving a purchaser the right to take up as many blocks as he liked, so long as the prescribed conditions attached to each individual block were carried out. He failed to see what objection there could be to any man making whatever use he liked of his capital and his energies, so long as the State derived the same benefits as it would if half a dozen men with smaller means took up the same quantity of land. It would be a very poor investment for any man to take up land under this clause, fence it, and spend money in improving it (as he would have to do), unless he put somebody on the land. Bone and muscle were all very well, but a man must have something besides bone and muscle to be able to carry out the conditions of this clause. He would want the assistance of a little capital as well as bone and muscle.

MR. MARMION said the amendment, if adopted, would facilitate land monopoly on a gigantic scale. He would not object so much to it if it applied simply to land outside the declared areas, but it was intended to apply inside these areas as well, and was a direct departure from the

principle which they had been acting upon in dealing with these regulations up to the present. The Government would in the first place have to pick out the best part of the land for these agricultural areas, and go to the expense of having it surveyed and cut up into small blocks for the convenience of what he might call peasant proprietors, in order to concentrate an agricultural population within a defined area, so as to be able to grant them facilities of transport, and other conveniences of civilisation, and cheapen the cost of government,—for these were the main objects they had in view; and were they now going to upset that altogether, and to let in the monopolist, against whom they had been legislating and directing their arguments all along, now to be cast to the wind.

MR. CROWTHER: Does the hon. member mean the land or the arguments?

MR. MARMION: Both. It was an entire departure from the principle they had started upon, and going off at a tangent after another principle altogether. Why should they go to the trouble and expense of selecting this agricultural land, declaring areas, surveying the land, and dividing it into compact blocks, and then allow one man to come in and say, "Thank you: don't trouble yourself; I'll take the lot myself."

MR. VENN said he was beginning to regret now that—in a moment of weakness he might say—he had withdrawn the amendments of which he had given notice, for he was strongly impressed with the belief that they would have been preferable and more acceptable to the House than some of the amendments now before them. As for departing from the principle which they had started upon, they had already done that, for the original intention was to confine free selection to agricultural areas; but now it was proposed to have free selection anywhere and everywhere.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he was unable to agree with the amendment to give an unlimited area to one person—for that was what it amounted to. He altogether agreed with the hon. member for Fremantle, who, he thought, had looked at the matter from every point.

As the hon. member said, what was the object of our going to all this trouble and expense of selecting and surveying if there was to be no limit to free selection, after all? He thought that in this matter we would do well to be guided by the experience of the other colonies. We must not look upon what had happened under these regulations in the past, but look to the future. He thought that what little land we had left in this part of the colony should be taken care of, and made the most of.

The question was then put—that the words proposed to be struck out stand part of the sub-section: when, upon a division, the numbers were—

Ayes ...	13
Noes ..	7

Majority ... 6

AYES.
 Hon. M. S. Smith
 Hon. S. Burt
 Hon. J. A. Wright
 Capt. Fawcett
 Mr. Grant
 Mr. Harper
 Mr. Layman
 Mr. Marmon
 Mr. McRae
 Mr. Pearce
 Mr. Randell
 Hon. J. G. Lee Steere
 Hon. J. Forrest (Teller).

NOES.
 Mr. Brockman
 Mr. Burges
 Mr. Crowther
 Mr. Scott
 Mr. Shenton
 Mr. Venn
 Mr. Loton (Teller.)

The amendment was therefore negatived.

MR. VENN moved, as a further amendment, to add the following proviso to the forfeiture clause (sub-section "d"): "Provided that if any good cause be shown to the satisfaction of the Commissioner why such conditions have not been complied with, the applicant shall, on payment of one shilling per acre, be granted a further term of one year for the completion of such conditions." Some unforeseen and unavoidable event might cause a man with the best intention in the world to be unable to fulfil the conditions, and it would be very hard that a man, perhaps through no fault of his own, should lose the whole of his land and the improvements he had effected. The amendment which he proposed would give a man some "get out," and he hoped he should carry the committee with him in this instance.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought it was unwise to anticipate the failure of

people to comply with the conditions upon which they took up their land. He should like to see the regulations get a fair trial, and in the event of its being found that they operated harshly or unjustly in any way some other Legislature might hereafter amend them. If a man took up land he did so with his eyes open, and he knew what the State expected of him, and what the result would be if he did not carry out his agreement with the State. He should prefer extending the time within which the improvements had to be made rather than giving a man an additional year by a side wind like this. To meet any exceptionally hard case they had already provided that the Governor-in-Council might waive the penalties imposed under the regulations. They must have some finality and definitiveness about the regulations.

MR. VENN said he was quite aware of the old argument that people were aware of the conditions upon which they took up their land. But they could not provide against all contingencies, and he thought they might fairly concede this much to the unfortunate man who might, through no remissness on his own part perhaps, be unable to carry out the improvement conditions to a day.

The amendment upon being put was negatived, and the new clause agreed to.

Clause 48—"For the encouragement of "planting vineyards, orchards, and gardens, the Commissioner may dispose of "land in the South-West division, in "blocks of not less than 10 acres nor "more than 20 acres, at not less than "twenty shillings per acre: provided "that not more than one block be granted "to one person."

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved that the words "in the South-West division" be struck out, thus making the clause applicable to all parts of the colony. The reason, he said, why the Government proposed to do that was because it was considered it would be a useful clause everywhere, to allow small pieces of land to be taken up for gardening purposes. There could be no objection to it, so far as he could see, if it were surrounded with sufficiently restrictive conditions to prevent anyone making himself a nuisance to leaseholders. He had some further

amendments to make in the same clause, with the same object in view.

MR. BURGESS said he was very willing that every encouragement should be given to people who might wish to take up bits of ground for a garden or a vineyard; at the same time he would point out that if this right of free selection were to be granted in every part of the colony, and more particularly in the Northern District, it might very seriously injure the pastoral leaseholders.

MR. VENN: Why?

MR. BURGESS: I will tell the hon. member why. A leaseholder may have any amount of applications for little blocks of land for garden purposes within his lease, and, we may depend upon it, that the blocks selected would be those where water was available; and, in this way, a leaseholder might have all the springs and water holes on his runs taken up, and his runs by that means rendered valueless to him.

MR. VENN submitted an amendment to strike out the clause altogether, and substitute another one, reducing the size of the blocks to five acres, but imposing conditions of improvement in the shape of fencing and planting. (The amendment, however, was negatived.)

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he wished to withdraw the amendment he had proposed, as to striking out the words "in the South-West division," as, upon further consideration, he saw there would be some difficulty about it, as it would be contrary to the provisions of a former clause which prohibited alienation, except within certain areas, in other parts of the colony.

MR. VENN: I am rather startled at the hon. gentleman's intention to withdraw his amendment, at a moment's notice. It is rather awkward.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I simply say I am not prepared to go on with it now.

MR. VENN: I think it is scarcely right that the hon. gentleman after moving an amendment, which virtually extended the application of the clause to all parts of the colony, should at a moment's notice withdraw it.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I merely say that at the present moment I am unable to

proceed with the amendment. When we have had further time to consider the subject, there is no reason why we should not consider it again on the recomittal of the regulations.

MR. PARKER: May I ask then if it is intended to recommit the regulations?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): It seems to me we shall have to do so.

MR. PARKER: It appears to me there would be no difficulty now in altering the provisions of the other clause so as to make it consistent with the proposed amendment in this clause.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I think it would be better to report progress. I do not know that it is in accordance with parliamentary practice to force a member to go on with his amendment contrary to his own wish.

MR. CROWTHER moved that progress be reported, and leave given to sit again another day.

Agreed to.

Progress reported.

The House adjourned at a quarter past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 6th August, 1886.

Proposal for the construction of a Railway on the Land Grant System from Derby or Wyndham to the Goldfields—Customs Return, Derby and Wyndham, for the year ending 30th June, 1886—Survey of Railway route from Derby to the Goldfields—Subsidy for Chaplain at Roebourne—Goldfields Bill: in committee—Magisterial Districts Bill: third reading—Adjournment.

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

PRAYERS.