

number of sheep and other stock which they own, and not in accordance with the number of acres which they held on lease from the Crown.

MR. RANDELL said, if the hon. gentleman had proposed that the land should be made to contribute to the revenue according to its carrying powers, he would probably have the House with him, but he thought he would not when he proposed that a man should pay according to the number of sheep which he might have on his runs.

MR. BROWN then moved, That Progress be reported.

Agreed to.

AUDIT BILL, 1881.

This Bill was read a third time and passed.

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

LEGISLATIVE COUNCIL,

Thursday, 15th September, 1881.

Grants to Agricultural Societies—Hawkers and Pedlars Act—Appropriation Bill, 1882: third reading—Kimberley Land Regulations: adjourned debate—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

GRANTS TO AGRICULTURAL SOCIETIES.

MR. S. H. PARKER, with leave, without notice, drew the attention of the Colonial Secretary to a paragraph which he had seen in a local newspaper, to the effect that the Beverley Agricultural Society had abandoned the idea of holding its annual show this year. This being the case, he presumed the Government would withhold from the society the amount of the annual grant voted

for the encouragement of these shows. He also believed the Swan Agricultural Society did not intend to hold a show this year, and he therefore assumed that the grant would likewise be withheld in the case of that society. It was absurd voting grants of money for these associations for the purpose of enabling them to hold agricultural shows with the object of improving the breed of cattle and stock, when they ignored the very purpose for which the money was voted. He hoped, unless the grants for this year had already been paid to those two societies, that the Government would withhold it from each of them.

HAWKERS AND PEDLARS ACT.

MR. STONE, in accordance with notice, asked the Colonial Secretary, "Whether it is the intention of the Government to bring in a Bill to revive the Ordinance 16th Victoria, No. 2, intitled 'An Ordinance for licensing Hawkers and Pedlars,' which Ordinance was repealed by the 25th Vict., No. 4, of 1861." There may have existed good reasons at that time for prohibiting hawking and peddling, but those reasons no longer existed, and he thought it was desirable that the Ordinance should be revived.

THE COLONIAL SECRETARY (Lord Gifford) replied as follows:—"The matter was under the consideration of the Government before the meeting of Council, and it is intended at the next Session to bring in a Bill for this purpose."

APPROPRIATION BILL.

This Bill was read a third time and passed.

KIMBERLEY LAND REGULATIONS.

ADJOURNED DEBATE.

MR. BROWN said he understood a proposition was going to be put forward containing very different provisions for dealing with the Kimberley Land Regulations from those submitted for the consideration of the House yesterday, and that there was a desire on the part of hon. members that something should be done in the matter this Session. For his own part, he had seen no proposition

as yet which commended itself to his favorable consideration, and he hoped the House would not hastily commit itself to any resolution dealing with so important a subject.

MR. MARMION said the amendment about to be proposed by his hon. colleague (Mr. Higham) was, in his opinion, preferable to the resolution which he himself had submitted yesterday, and it would have this effect if adopted—that, instead of reducing the number of stock to be placed on the land within a given time, the period within which this was to be done was to be extended for two years from the end of next year, the time now fixed for complying with the stocking conditions. The amendment also provided that, instead of stock having to be placed upon any particular lease or leases, it should be sufficient if such stock were within the district. This was undoubtedly a very considerable concession, and for his own part he was prepared to accept it instead of the resolution which he had brought forward yesterday, and which, with the leave of the Committee, he would now withdraw.

Leave given, and resolution withdrawn.

MR. HIGHAM then moved the following resolution:—"That in lieu of Clause 12 of the Kimberley Land Regulations the following be adopted: The minimum rental of all pastoral lands within the Kimberley District shall be ten shillings per annum for every one thousand acres and fraction of one thousand acres, payable in advance. And every lease granted prior to the first day of January, 1883, shall be subject to the condition, whether expressed in the instrument of lease or not, that before the 31st day of December, 1884, there shall be within the district at the rate of at least 2 head of large stock or 20 sheep, the actual property of the lessee, or in his possession, for every one thousand acres leased by him, and that such proportion of stock shall not be diminished during the term of such lease, and that in default the said lease shall be thereby absolutely forfeited to the Crown, and such forfeiture shall be forthwith notified in the *Government Gazette*, whereupon the land comprised in such lease shall be open for selection. Provided

"that any lease approved subsequently to the 1st of January, 1883, shall be subject to the condition that before the expiration of the second year of the term the number of stock in proportion to the acreage of his lease or leases hereinbefore specified shall be placed within the district by the lessee."

MR. STEERE could quite understand that the hon. member (Mr. Marmion) should prefer the amended resolution to his own, for it gave gentlemen like himself great advantages—much greater than they originally anticipated, for it would absolutely enable them to take up any quantity of land in the district, and put no stock upon it at all. That was the effect of the resolution now before the Committee, and, if that would not lead to land-jobbing, he did not know what would. A man might make arrangements for leasing his stock to any one else in the district, and have none for himself. He (Mr. Steere) would have been prepared to have accepted the amendment put forward by the hon. member for Perth (Mr. Parker) yesterday, which he thought would have been a very great concession indeed to the lessees in this district; but he certainly was opposed to this resolution, and he must say it was with extreme surprise that he understood the Government were inclined to support it, especially after what had fallen from the Commissioner of Crown Lands last night,—namely, that he quite agreed that the present regulations had not been in operation long enough to enable us to judge whether they were likely to prove a failure or not. Yet he understood the hon. gentleman was now prepared to give his support to the resolution now before the Committee. This was certainly a most extraordinary change of front in a wonderfully short space of time. As he (Mr. Steere) was not prepared to support the amendment, and as he considered it preposterous that the House should be asked to express an opinion upon such an important subject on the very last day of the Session, he begged to move, That Progress be reported.

MR. MARMION was sorry to think that the hon. member for Swan was so utterly ignorant of a subject upon which he had already expressed an opinion. The hon. member said this resolution

would enable the mere land-jobber to take up a large extent of country without placing any stock upon it. Did the hon. member suppose for a moment that anybody would comply with the conditions here imposed as to stocking—namely, that there shall be so many head of stock, or so many sheep, the property of the lessee, within the district—simply with the object of taking up land for the purposes of speculation, pure and simple? The hon. member surely must have forgotten that the southern boundary of this territory was in the 19th parallel of latitude, and that the country was very difficult of access with stock of any description; otherwise the hon. member would never imagine that any man, be he a land-jobber or a *bonâ fide* settler, would go to the trouble and expense of driving stock or sheep all this distance for purposes of speculation, rather than to place them upon some part of the land which he had himself leased.

MR. STEERE said he might be ignorant of the subject under discussion, but as for the hon. member himself, it was evident he did not know what he was talking about. What on earth the 19th parallel of latitude had got to do with this question, he failed to imagine. What he stated was, that if this amendment were carried, a man could, without placing any stock at all upon his lease, still hold his land. If all that was necessary was to have the required number of stock anywhere in the district, he failed to see what was to prevent a man taking up millions of acres, here and there, for mere speculative purposes, and making the same stock answer for all of them.

MR. RANDELL said there were speculators and speculators. The class of speculators which they wanted to encourage were the men who took up land with an honest intention of making some use of it, and thereby benefit themselves and the country. These *bonâ fide* pioneers, who embarked their capital, and who exercised their skill and their industry in the development of the resources of the country, were public benefactors, and as such were entitled to every legitimate encouragement which the Legislature could give them. These were the speculators which the Colony wanted. But there was another class of speculators, altogether distinct from these, and

this was the class which, if possible, ought to be discouraged in every way, provided it could be done without sacrificing the interests of the *bonâ fide* speculator. The amendment now before the Committee, so far as he could gather from hearing it read, was one that he could not agree with, though he was not opposed to an extension of the period within which the stocking conditions must be complied with. Beyond this, he did not think they would be justified in going at present. Those who had taken up land in this district had done so with their eyes wide open. They knew under what regulations they were taking it up, and had every reason to suppose that all the conditions attached to those regulations would be enforced. But now they found the shoe pinching, and the hon. member came forward on their behalf to have the shoe stretched, so that it might not pinch so hard. And he thought the hon. member had made out a case so far as this—that the period for stocking should be extended, but not to four years, as here proposed, especially if the number of stock was to be reduced. He was altogether opposed to the entirely new feature introduced in the present resolution, namely, that so long as the stock should be placed anywhere within the district, no matter whether on a man's lease or not, that should be regarded as a sufficient compliance with the requirements of the law as regards stocking. This, it appeared to him, would open wide the door to downright jobbery, and afford opportunities for indulging in purely speculative investments, much to the injury of the *bonâ fide* settler, to the detriment of the revenue, and to the retrogression rather than the advancement of the district at large.

MR. SHENTON considered the subject in the discussion of which the House was now engaged one of the most important that had been brought under their notice during the Session, and he very much regretted that the hon. member who had introduced it had not brought it forward at an earlier period of the Session, before hon. members had commenced to drop off, one by one. This was hardly the time to propose any radical change in the Land Regulations affecting an important district like Kim-

berley—one from which so much was expected. He thought all they could be fairly asked to do, at present, was to add another year to the period within which stock must be placed upon the land. If they went beyond that, they would open the door to that system of jobbery, which in other parts of the Colony had been the curse of the districts where it had been practised. It was all very well to say that if these large grants of land had not been conceded, the Government would be receiving no revenue from them at all; what they had to consider was this,—if these lands had been taken up by *bonâ fide* settlers and not by mere speculators, the revenue now derived from them would be fourfold what it is, while the number of stock and sheep in the Colony would have increased proportionately.

THE COLONIAL SECRETARY (Lord Gifford) hoped the House was not going to jump at any hasty conclusion with regard to the 12th clause of the existing regulations, which one hon. member had characterised as “obnoxious” and another as “pernicious.” He did not think there were any grounds for applying such harsh terms as these to the clause in question. At any rate, the Government had yet to learn that this was the view entertained of the regulations by the settlers in the district. (MR. MARMION: There are none there.) Several practical men, who had come over from the other side for the purpose of trying their fortunes in this part of our Colony, had interviewed him on the subject of these regulations, and the only objection they raised was, that the condition as to stocking was perhaps rather severe, but they thought they could manage it. It was these very conditions which had prevented that speculation and jobbery which hon. members wished to guard against, and he thought they ought to be very cautious in relaxing them.

MR. GRANT said a great deal had been said in the course of the debate about speculators and land-jobbers, or “sharks” as they were commonly called. But, for his own part, he did not think this class was represented at all in the Kimberley district. The hon. member for Fremantle (MR. MARMION) seemed to be looked upon by some hon. members—and especially by

the hon. member for the Swan—as a most voracious land-shark. But if the Committee would bear in mind the number of other gentlemen who were associated with the hon. member in his land ventures, there was nothing very wonderful or unreasonable in the quantity of land which they held between them. It certainly did not justify the hon. member in being regarded as a land-shark of the first magnitude. What the hon. member contended, with regard to the stocking clauses, was, that those who like himself and his partners combined together for the purposes of pastoral enterprise in a new country like this, should be allowed, for the sake of mutual protection, to have one establishment, or at any rate contiguous establishments, and that so long as the required number of stock was introduced into the district, the Government should be satisfied without having stock placed upon one and all of their leases. The time would come, nor was it far distant, when their sheep and stock would so increase and multiply as to force the parties thus combining, in the earlier days of settlement, to separate, and to break up their flocks, and place them upon their other leases. In this way, the whole district would in time become settled; but at present it would be very unwise, and he might say cruel, to compel these people to go to the expense of setting up separate establishments on each of their leases, which might be 300 or 400 miles apart. He failed to see the necessity for imposing such a condition, and he was sure in his own mind that the district would never become settled so long as such conditions as these were rigorously enforced. They were conditions, at any rate, which would debar our own young men from combining together for the purpose of embarking in pastoral pursuits in this new country. Many fine young fellows would be precluded from complying with the conditions, simply because they had not the pecuniary means, although they possessed, in every other respect, the qualities necessary for successful pioneering.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said that so far as he could understand the meaning of the word land-jobbery, so frequently introduced in the course of the debate, he disliked

the genus as much as his hon. friend Mr. Burges did. He understood the word in this sense: he looked upon the land-jobber, properly so called, as a man who took up land purely upon speculation, and without any intention to spend upon that land, in the way of improvements, any money whatever. In order to prevent land being taken up by men of this stamp, regulations were framed so as to ensure that, in return for the privilege of taking up the land, a certain amount of money must be expended thereon, in the shape of placing stock upon it, which the State regarded as a sufficient precaution against the land being taken up for the mere purpose of jobbery or speculation. And what did the present amendment propose to do? It did not lessen in any way the amount of money to be expended upon improvements in the shape of stock, but that, instead of distributing the stock, as under the original regulation, the lessee should be allowed to place it on one particular block. He saw no reason whatever to suppose that, under this amended regulation, the land-jobber would have any exceptional facilities given to him. Exactly the same amount of money would have to be expended on improvements as under the existing regulations—

MR. BROWN: Oh, no.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Oh, yes.

MR. BROWN: Oh, no.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Then I am not able to understand plain English. The only difference which the amended regulation would make would be to give him an extension of time to bring his stock up. It is not proposed to reduce his rent, nor yet to reduce the quantity of stock which he will be required to introduce, and the only privilege proposed to be given is, that he shall have a little more time to provide the stock, and that he shall not be required to distribute it all over the district, wherever he may happen to have a lease, but that he shall prove the bona fides of his intention to settle upon the land, by bringing a certain number of stock into the district. If a man did that, nobody could say he was a mere land-jobber, in the sense which he, at any rate, understood the word.

MR. BROWN said the difference between the amendment and the existing regulations, in one particular, was this—that under the present regulations a lessee was bound not only to have the required number of stock upon his lease, but upon all his leases, while the amendment would enable him to have that stock anywhere in the district, in any other person's occupation, rented to another lessee if he liked, and not upon any of the owner's own leases. It was evidently not the intention of the Commission that such a thing should be allowed, their object being to distribute, so far as possible, the acreage of land which should be held under stock. The hon. the Attorney General said it would make no difference, as regards the amount of money which a man would have to invest, whether he had to place his stock upon all his leases or merely bring it into the district; that it would be precisely the same thing to the speculator or land-jobber whether he was compelled to have his stock on each particular block, or anywhere else within the district; and that, under the proposed amendment of the regulations, he would have to expend quite as much money as he would have under the existing regulations, in carrying out the stocking conditions. He thought any gentleman who knew anything at all about stocking lands—the hon. the Attorney General, of course, knew as much about it as anybody in that House—must know that, under the present regulations, separate establishments would have to be kept up by the owner of the leases, and it would cost him vastly more than if he had to keep up but one establishment, with the same number of sheep upon it as, under the existing regulations, he would have to scatter about the district, wherever his leases happened to be located. He did not mean to say that the amendment would not be better for the district itself than the regulations now in force, but he thought it was incontrovertible that the speculator or land-jobber would have a very much better chance under the proposed amended regulations than he would now, for the reason he had named—that it would cost him vastly less than if he had to keep up a separate establishment upon each of his leases.

Of course the Attorney General did not agree with him—the hon. gentleman never did. (The ATTORNEY GENERAL: Oh, very often, indeed.) Such, at any rate, were his views upon this part of the question. Another great objection to the amendment was, that in reality it did not do what the hon. member for Fremantle (Mr. Marmion) stated it would do, namely, extend the stocking period by two years. It did nothing of the sort. It certainly gave those who were the fortunate possessors of leases at present two years extra within which to stock their runs, but it did not extend the same privilege to any one else. And why should not those who might wish to take up land now, or within the next two or three years, have the same advantage offered to them as those who did so a few months ago? He did not think four years would be too long to allow anybody to stock their runs, if it was intended to require that the present excessive number of stock should be placed there to entitle people to hold their lands. This extension of time would be a very valuable concession, so long as it was made general in its application, as regards people taking up land during the next two or three years at any rate. It was obvious that having four years instead of two within which to stock your lease would not necessitate your putting your hand in your pocket as soon as you would have to do under the existing regulations. But it was scarcely fair—as was contemplated in the amendment—to give to those persons who had already taken up land in the district greater privileges and advantages in this respect than other applicants, and, for this reason, and also in order to afford an opportunity for framing a further amendment, to carry out this object, he would move, That Progress be reported, with a view to test the feeling of the House on the subject. He would not give applicants, for all time, four years within which to comply with the stocking conditions; but, for the next three or four years, he thought all *bonâ fide* applicants should be placed on the same footing in this respect as those now in possession. But what did this amendment propose to do? It enabled those who had already taken up land in the

district not to stock their runs until the end of 1884; but, those persons who had held back, feeling that the existing conditions were such that they could not comply with successfully, would, if they took up land now, or a year or two hence, get no longer time within which to stock their runs than those already in the district, who knew what the land was like, and where would be the most suitable spot to place their stock on. A great deal had been said in the course of this debate about land-jobbers and land speculators. It was a very popular cry to take up in some quarters. People generally looked with envious eyes upon those who had taken up large quantities of land. But his experience of the so-called land-jobber in this Colony was, that his “jobbery” was generally directed towards promoting the interests of settlement rather than otherwise. Had it not been for this spirit of enterprise, which some people called speculation, a great many thousands of acres of country which are now utilised would be lying idle to this day, and particularly in the Northern territory; and if they attempted to put an end to it, he was afraid they could only do it at the sacrifice of the *bonâ fide* pioneer, who must almost necessarily be a man of small means, in a country such as this. He should like to know what man of means, what wealthy capitalist, with all the world before him where to choose, was going voluntarily to endure all the privations of a pioneer’s life in an Australian wilderness—to bury himself alive, amid sand, mud, and mosquitoes, running the risk of losing his life in going there, and a still greater risk of losing it when he got there. For this reason—because it was only men of limited means who were likely to embark in pastoral enterprises within the district in question—he was in favor of the provisions contained in the amendment, namely, that instead of compelling each lessee, as at present, to place stock upon one and all of his leases, it should be considered sufficient if he had his stock within the district. Young men with small means, but with plenty of pluck and energy, would then be induced to combine in taking up land, and to face the privations of a pioneer’s life, and the old parable of the bundle of sticks would

be further exemplified. In course of years, the small band of pioneers would, with good luck and God's blessing, be able to hold their own; and, their stock having increased and multiplied to a sufficient extent, they would break up their flocks, and start separate establishments of their own. By this means, he believed, the district would in time become numerously settled with a prosperous and contented body of colonists. There were other questions connected with these Land Regulations which ought to be dealt with, as, for instance, what should be done with the land in the event of the stocking clauses not being fulfilled? He had stated before that, in his opinion, the key to these regulations—which provided, in the event of default being made as regards the stocking conditions, that the rent should be doubled—had been struck out by the Secretary of State, and that functionary having refused to assent to it once, it was not likely that he would agree to a similar proposal now. The next best thing he (Mr. Brown) could think of was, that the land thus forfeited should be put up by public auction at an upset price, and sold to the highest bidder, upon similar conditions, as regards stocking, as those upon which the land was originally taken up.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said that for many reasons he was adverse to any change being made in an untried law, but there were reasons in this instance—reasons which had been brought under his notice since he spoke on the subject last night—which, to his mind, would justify a slight alteration in the existing regulations as regards the leasing of land in the Kimberley District. He said a slight alteration, because no departure from the principle underlying the existing regulations was contemplated, but an alteration in a question of detail—an alteration which was justified by circumstances over which the Government had no control, and which could not have been foreseen. Some hon. members had been indirectly accused of being actuated by interested motives in this matter, and this had aroused in others a feeling of antagonism to the proposed amendments which possibly would not otherwise have been entertained or har-

bored. He wished to disassociate himself from any such feeling, and to regard the question from a purely public point of view. Hon. members were aware that, when the present regulations were framed, very glowing anticipations were formed as to the prospects of this part of our territory—anticipations which he yet hoped to see realised; and among other expectations raised was, that a good and convenient port of shipment would be found to admit of the landing of stock for the purposes of settlement in the new district. In this, however, so far as was at present known, they had been doomed to disappointment, and regard being also had to the exceptionally unfavorable season for pastoral purposes, and to other drawbacks which had operated against the successful settlement of the district hitherto, he thought that in justice to those who had braved every difficulty and surmounted all dangers, in taking up land in this remote territory, and in justice to the district itself, they should allow some extension of the time originally fixed for complying with the stocking regulations. It was found impossible, in many instances, for settlers to place their stock on their leases because of the natives in the neighborhood, and the absence of provisions for obtaining a water supply; and, under these circumstances, he thought they might fairly and consistently allow the proposed modification as regards the stocking conditions. In our eagerness to prevent "land-jobbing," we must take care that we do not interpose such checks, and frame such stringent regulations, as will preclude the intending *bonâ fide* settler from entering upon pastoral pursuits, or as will act as a barrier to the success of those who had already taken up land in the district.

The motion to report Progress was then put.

MR. BURT said if the motion was put forward as a deliberate attempt to burke the main question, he felt it his duty to stand in the way of that attempt. So far as he could gauge the opinions of those who were in a position to know anything about this district and its Land Regulations, there could be no doubt that a modification of the existing regulations was absolutely necessary, if they ever hoped to make the district

a prosperous settlement. There was a general opinion among those practically acquainted with the subject, that it was impossible to stock and settle this part of our territory under the regulations now in force, and the question was—were they, by postponing the consideration of this matter until next Session, prepared to shut up the district for the next eighteen months,—until, in fact, the present stocking period expired—for that would virtually be the result of deferring this question for another year. He failed to see the necessity or the expediency of putting it off, if the sense of the House was, as it appeared to be, in favor of some modification or other in the existing regulations. If this district was anything like the magnificent territory they were led to believe it was, by the glowing accounts given of it when it was discovered, and if it was found that the present regulations were inimical to its settlement, it was their bounden duty—a duty which they ought not to shrink from discharging because of the late period of the Session,—to provide some remedy for the existing state of affairs, and if this motion to report Progress was intended as a deliberate attempt to burke the question for another year, he for one was not prepared to lend himself to any such course.

MR. BROWN said he merely wished Progress reported until the following day.

Cries of "Divide, divide."

The question was again put—that Progress be reported, and leave given to sit again for the further consideration of the subject next day; whereupon a division took place with the following result:—

Ayes	8
Noes	7
<hr/>			
Majority for	...		1

AYES.
Mr. Brown
Mr. Burges
Mr. Hamersley
Mr. Higham
Mr. Randell
Mr. Shenton
Mr. Stone
Mr. Steere (Teller.)

NOES.
Lord Gifford
The Hon. A. C. Onslow
The Hon. M. Fraser
Mr. Burt
Mr. Grant
Mr. S. S. Parker
Mr. Marmion (Teller.)

Progress to be reported.

The Speaker took the Chair.

The Chairman of Committees reported Progress, and asked leave to sit again on Friday, 16th September.

Ordered.

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

LEGISLATIVE COUNCIL,

Friday, 16th September, 1881.

Losses sustained by Contracts with Messrs. Beaver & Co.—Closure of Street in Busselton Bill: second reading: in committee: third reading—Message (No. 30): Assenting to Bills: Bills reserved—Kimberley Land Regulations: Adjourned Debate—Prorogation.

THE SPEAKER took the Chair at eleven o'clock, a.m.

PRAYERS.

LOSSES SUSTAINED BY CONTRACTS WITH MESSRS. BEAVER & CO.

MR. STEERE brought up the report of the Select Committee, appointed on August 18th, to inquire into and report upon the losses *re* guano contract with Beaver and Co., and moved that it be printed.

Agreed to (*vide* Sessional Paper, A13).

CLOSURE OF STREET IN BUSSELTON.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser), in moving the second reading of a Bill to make it lawful to close up a certain street in the township of Busselton—being that portion of Vines Street which lies between Church Street and the Vasse river—said the Bill was introduced in order to enable the Municipality to exchange this piece of land for another piece to be surrendered to them by the owner.

The Bill was read a second time, and passed through Committee without discussion, and, the Standing Orders being suspended, it was read a third time, and forwarded to the Governor for his assent.