

conversations on the subject during the interval, outside Parliament, with many shrewd, practical, hard-headed men; and he found that, although there was some little diversity of opinion, the general feeling was that the country lands ought not to be leased. The leasing of such lands on the banks of the Yarra as those upon which Felton, Grimwade and Co.'s establishment, Fitzgerald's brewery, Miller's rope-walk, Ramsden's paper-mill, and other buildings were erected was a very different matter from leasing all the country lands of the colony. Leasing the country lands was no doubt apparently a very taking project, and he was in love with it in the first instance; but he had heard very tangible and cogent reasons for changing his opinion. He would confess that the powerful arguments of the honorable member for St. Kilda (Mr. Smith) had greatly influenced him.

The committee divided on the question that the words "by lease only" be inserted after "alienation of lands"—

Ayes ...	...	...	...	16
Noes ...	...	...	...	39

Majority against Mr. Godfrey's amendment	...	...	23
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AYES.

Mr. Bent,	Mr. Moore,
" Campbell,	" Patterson,
" Dixon,	" Purves,
" Gaunson,	Major Smith,
" Higinbotham,	Mr. Woods.
" James,	
" Johnstone,	<i>Tellers.</i>
" Jones,	Mr. A. T. Clark,
Dr. Madden,	" Godfrey.

NOES.

Mr. Bosisto,	Mr. McLellan,
" Cameron,	" Munro,
" Casey,	" Must,
" Connor,	" O'Grady,
" Curtain,	" Ramsay,
" Duffy,	" R. Richardson,
" Farrell,	" G. V. Smith,
" W. Fraser,	" J. T. Smith,
" Gillies,	" R. M. Smith,
" Hanna,	" Stewart,
" Hunt,	" Sullivan,
" Inglis,	" Thomas,
" Kerferd,	" Tucker,
" Langridge,	" Walker,
" Langton,	" Witt,
" Lock,	" Wrixon,
" MacDermott,	" Young.
" Mackay,	<i>Tellers.</i>
" MacPherson,	Mr. W. Clarke,
" Mason,	" Whiteman.

PAIRS.

Mr. Berry,	Mr. Service,
" Crews,	" Burrowes,
" Grant,	" Riddell,
" Levien,	" Cohen.

Progress was then reported.

2 x 2

The House adjourned at thirty-one minutes past eleven o'clock, until Tuesday, July 13.

LEGISLATIVE COUNCIL.

Tuesday, July 13, 1875.

Cheques and Bills of Exchange Law Amendment Bill—Attorneys, Solicitors, and Proctors Bill.

The PRESIDENT took the chair at a quarter to five o'clock p.m., and read the prayer.

PETITIONS.

Petitions were presented by the Hon. R. S. ANDERSON, from certain articulated clerks to solicitors, praying that no provision should be made in the Attorneys, Solicitors, and Proctors Bill to dispense, in respect to managing clerks to solicitors, with any of the examinations which persons intending to pass as attorneys had to undergo; and by the Hon. G. F. BELCHER, from Roman Catholic residents of Geelong, praying that certain disabilities to which they were subjected under the Education Act might be removed.

CHEQUES AND BILLS OF EXCHANGE LAW AMENDMENT BILL.

The Hon. R. S. ANDERSON moved that the report of the committee on this Bill be adopted.

The Hon. F. T. SARGOOD moved that the Bill be recommitted, with a view to amend clause 6. In its present shape the clause stood as follows:—

"Any cheque or draft upon a banker for a sum of money payable to order on demand which shall, when presented for payment, purport to be endorsed by the person to whom the same shall be drawn payable shall (subject to the provisions hereinbefore contained) be a sufficient authority to such banker to pay the amount of such cheque or draft to the bearer thereof, and it shall not be incumbent on such banker to prove that such endorsement or any subsequent endorsement was made by or under the direction or authority of the person to whom the said cheque or draft was or is made payable either by the drawer or any endorser thereof."

He expressed the opinion that the peculiar effect which would be produced by this portion of the Bill had, to a considerable extent, been overlooked. The law at present rendered bankers responsible for paying cheques made payable to order to other parties than those mentioned in the document, whereas, if the clause passed

in its present form, they would be wholly freed from accountability in that direction.

Mr. ANDERSON said he presumed Mr. Sargood's amendment would consist of the omission of the words "purport to" (lines 3 and 4). (Mr. Sargood—"Hear, hear.") As a matter of fact, the clause was expressly intended to relieve bankers, in respect to cheques and drafts payable on demand, from the responsibility of seeing to the accuracy of the endorsement. It was thought unjustifiable to impose upon them the labour and trouble necessarily attached to that process, and that the drawer should be the person responsible in the matter. Under these circumstances, he objected to the Bill being recommitted.

The Hon. N. FITZGERALD submitted that the clause as it stood was objectionable, and ought to be recommitted, because it contemplated the introduction among recognised commercial documents of what might almost be called a new kind of order for payment. Furthermore, its effect would be that persons living in remote parts of the country would adopt the new form of drawing for money without being aware that the protection in the shape of bank responsibility, upon which they were accustomed to rely, was taken away from them. (Mr. Anderson—"They can protect themselves by crossing their cheques.") Crossing a cheque would only afford an extra clue to the person who forged or obtained an endorsement to a cheque or draft, or whatever the document in question might be called. It would in no way provide for any assurance being given to the bank where it was presented that the endorsement was genuine.

The Hon. J. GRAHAM considered that the responsibility of banks in the matter should not extend beyond the signature of the drawer.

The Hon. W. WILSON thought it quite sufficient for a banker to take, as he undoubtedly would, every precaution to ensure the genuineness of an endorsement, without being overloaded by too much responsibility in the affair. Besides as, under the Bill, bankers gave up the interest on bills at sight heretofore accruing during the three days' grace allowed on them, they were entitled to something in exchange.

The Hon. H. CUTHBERT remarked that he was, in the first instance, disposed to support Mr. Sargood's amendment, because he was under the impression that the clause in question contemplated an

innovation upon the existing law. Such, however, was not the case, as he would show by a reference to the Imperial Act on the subject passed in England in 1853. The Act 16th and 17th Vict. c. 59, sec. 19, was as follows:—

"Provided always, that any draft or order drawn upon a banker for a sum of money payable to order on demand, which shall, when presented for payment, purport to be endorsed by the person to whom the same shall be drawn payable, shall be a sufficient authority to such banker to pay the amount of such draft or order to the bearer thereof; and it shall not be incumbent on such banker to prove that such endorsement, or any subsequent endorsement, was made by or under the direction or authority of the person to whom the said draft or order was or is made payable either by the drawer or any endorser thereof."

Mr. SARGOOD said the fact just stated by Mr. Cuthbert was entirely new to him. He begged to withdraw his amendment.

The Hon. W. CAMPBELL observed that the information just communicated was to him new and surprising.

The amendment was withdrawn, and the report was adopted.

The Bill was then read a third time and passed.

ATTORNEYS, SOLICITORS, AND PROCTORS BILL.

The House went into committee for the further consideration of the postponed clauses of this Bill.

Discussion on clause 33 and Mr. Cuthbert's amendment thereon (adjourned from June 29) was resumed.

The Hon. R. S. ANDERSON stated that, when this clause was last before the committee, he mentioned that, as he understood from a deputation which waited upon him during the preceding week that Mr. Cuthbert's amendment would meet the wishes of those solicitors' clerks who were interested in the question, he was prepared to support it. He had, however, since been informed that the two gentlemen whom he saw in the matter did not constitute a deputation, and he therefore now declined to hold himself bound by an arrangement which the other parties concerned were free to disregard. Under the circumstances, he would stand by the clause as it appeared in the Bill.

The Hon. H. CUTHBERT said he brought forward the amendment because, in his opinion, the managing clerks in question were entitled to some relaxation of the rules. It was not, however, his

intention to go further than consent to their possible exemption from the matriculation examination, which was imposed in order that persons seeking to become attorneys should show, in the first place, that, in respect to matters of general education, they were fit to become members of the legal profession. Since expressing these views, he had seen the petition from articulated clerks to attorneys which was presented earlier in the evening, and he considered that it made out a very strong case indeed. It showed that whereas quite recently the Imperial Legislature recognised the high standing of Victorian attorneys, that privilege would be endangered if any of the tests to which they were subjected in any instance were foregone. Furthermore, he believed, from the statement just made by the Minister of Public Works, that the concession he contemplated would not be accepted by the managing clerks as satisfactory. Under the circumstances, therefore, he would proceed no further with his amendment.

The Hon. F. S. DOBSON inquired what reason there was to suppose that the managing clerks interested would be dissatisfied with the concession in question, which he had understood was accepted by them on the principle that half a loaf was better than no bread?

Mr. ANDERSON said that when he was informed that the two managing clerks who waited upon him as a deputation were not really entitled to be regarded in that capacity, he was plainly given to understand that nothing short of the abolition of the matriculation examination in their case would be satisfactory to the parties concerned.

Dr. DOBSON stated that he had most clearly understood that the amendment, which was drafted by two official members of the Law Institute and himself, would be accepted as a compromise on both sides. For himself, although strongly in favour of the matriculation examination being insisted upon in all cases, he would have given way, believing that there were many instances of managing clerks of the standing alluded to, in which some relaxation of the rule would be advantageous. However, after the explanation given by the Minister of Public Works, he would not take upon himself to move further in the matter.

The Hon. R. SIMSON remarked that he took managing clerks to be a class corresponding to that of writers in Scotland, who never went through articles at

all; and he did not think the status of the entire legal profession ought to be endangered on their account.

The amendment was then withdrawn, and the clause was agreed to.

On clause 34, providing, *inter alia*, that no attorney should have more than two articulated clerks at any one time,

The Hon. F. T. SARGOOD said he entirely dissented from the principle that however respectable an attorney might be, and however large his business, he ought to be restricted to two articulated clerks. Its effect was, in several cases within his (Mr. Sargood's) experience, to prevent a father from articling his son in the office of his own attorney, and to compel him to have recourse to second class or decidedly inferior offices. It was to be regretted that a liberal profession should copy the example set by trade unions, and aim at restricting the number of persons who should be educated as attorneys.

The Hon. T. T. A'BECKETT contended that the clause was framed in the interests of articulated clerks themselves. It was all very well to article a youth to a member of a legal firm of high repute, but the real object of the parent ought to be that his son should be benefited by the instruction of his principal, and the experience obtainable from practice. That instruction and experience could not, however, be given in any attorney's office beyond a certain point. Articled clerks were in a large measure taught their profession by being called upon to assist the managing clerks of different departments, and if their numbers were many, their individual experience would be necessarily limited. The clause was in accordance with the English law on the subject, and he could bear personal testimony to its value.

Mr. ANDERSON begged to assure Mr. Sargood that the clause was drafted in no spirit resembling the trade union feeling referred to, but in order that articulated clerks should have a fair chance of learning their profession in a thorough way.

The Hon. W. WILSON expressed the opinion that it would be most unwise to allow attorneys to fill their offices with articulated clerks, because the result would be to encourage young men to spend the best five years of their lives in learning a profession which, when they had acquired it, they would find utterly overdone.

The clause was agreed to.

Clause 45 was verbally amended,

Mr. ANDERSON moved an amendment in clause 73 (prohibiting any attorney in gaol from practising during his incarceration), the effect of the alteration being to limit the prohibition to cases in which the prisoner was "under sentence." The honorable member explained that this amendment was in accordance with a suggestion made by Mr. Fitzgerald. (*See* p. 376.) He also proposed the insertion of words so as not to debar an attorney who was a convicted prisoner from prosecuting or defending any action in which he was personally concerned.

Both amendments were adopted, and the clause, as amended, was agreed to.

Discussion took place on clause 77, enabling an attorney to "make an agreement in writing with his client respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges, or disbursements in respect of business done or to be done by such attorney," and providing "that when any such agreement shall be made in respect of business done or to be done in any action at law, or suit in equity, the amount payable under the agreement shall not be received by the attorney until the agreement has been examined and allowed by a taxing officer of a court having power to enforce the agreement," &c.

Mr. ANDERSON moved that, in the proviso, the word "recovered" be substituted for "received"; also that "the court" be substituted for "a court," and that the words "having power to enforce the agreement" be struck out. With reference to the two latter amendments, he explained that the clause was taken from the English Act, and in England there was more than one superior court, but in Victoria there was only one—the Supreme Court—and hence the necessity for the alteration of the phraseology.

The amendments were adopted.

Mr. W. WILSON remarked that, in order that the public might reap the advantage which this clause was intended to give them, he thought it was necessary to strike out the latter portion of the proviso, which was as follows:—

"And if it shall appear to such taxing officer that the agreement is not fair and reasonable, he may require the opinion of a court or a judge to be taken thereon by motion or petition, and such court or judge shall have power either to reduce the amount payable under the agreement or to order the agreement to be cancelled and the costs, fees, charges, and disbursements in respect

of the business done to be taxed in the same manner as if no such agreement had been made."

The clause enabled a person to enter into an agreement with an attorney for the transaction of any legal business for a lump sum; but, if the proviso were retained, the attorney, after making such an agreement in reference to an action at law or a suit in equity, might get the contract set aside and be allowed to charge for the work in the ordinary way. The consequence would be that, after a person had engaged in litigation on the faith of an agreement that his attorney's costs would not exceed a certain amount, he might find himself involved in much greater and ruinous costs. He moved that the latter portion of the proviso be struck out.

Mr. FITZGERALD submitted that the proviso was altogether for the protection of the client. Cases might happen in which a person, through ignorance, agreed to pay a much larger sum for the transaction of certain legal business than the attorney would be entitled to charge by the ordinary scale of costs; and the proviso would enable the client, under such circumstances, to take steps with the view to set aside the agreement.

Mr. T. T. A'BECKETT suggested that if the words "on behalf of the suitor" were inserted after "fair and reasonable," the protection which Mr. W. Wilson desired that clients should have would be fully secured.

Mr. ANDERSON said the amendment suggested by Mr. T. T. A'Beckett would not do at all. There would be no reciprocity in it. An attorney might enter an agreement on certain representations made by his client as to the nature of the business to be transacted, which might turn out to be very erroneous; or in the course of the progress of a suit there might be some unforeseen developments, entailing great additional cost. For instance, in an equity suit the court might direct an issue to be tried before a jury; or in a common law cause an expensive demurrer might arise. Other circumstances might occur in which it would be most unfair to hold an attorney to his bargain.

Mr. T. T. A'BECKETT admitted the force of Mr. Anderson's argument.

Mr. CUTHBERT stated that an attorney might in some cases agree to transact legal business for a fixed sum in order to save himself the trouble of keeping any memoranda as to costs, but,

if the agreement were afterwards cancelled, he would be unable to make out a bill of costs.

Mr. ANDERSON observed that, when an agreement was made, either the attorney or the client could apply to a taxing officer to approve of it before the business to which it referred was commenced; and if it related to an action at law or a suit in equity, in the event of new developments arising in the cause, the attorney could commence to keep memoranda as to costs from that time.

The Hon. W. CAMPBELL recommended that the clause should remain as it stood. He thought that it was sufficiently comprehensive.

After some further discussion, Mr. W. Wilson's amendment was withdrawn, and the clause, as previously amended, was agreed to.

Clauses 83 and 84 were agreed to.

Progress was then reported.

The House adjourned at twenty-six minutes past six o'clock, until Tuesday, July 20.

LEGISLATIVE ASSEMBLY.

Tuesday, July 13, 1875.

Auriferous Land—Dandenong-road—Sly Grog-selling at the Yan Yean Works, near Morang—Judge Dunne—Melbourne Gaol—Lunatic Asylum Officials: Dr. Robertson's Allegations re Members of Parliament—Cheques and Bills of Exchange Law Amendment Bill—Public Instruction: Schools in Country Districts: Administration of the Education Act: The Compulsory Clauses: Training Schools—Mechanics' Institutes—Land Act Amendment Bill.

The SPEAKER took the chair at half-past four o'clock p.m.

AURIFEROUS LAND.

Mr. W. CLARKE called the attention of the Minister of Mines to the large tract of auriferous, or supposed auriferous, Crown lands now being shepherded in the Ballarat district; and asked him what steps he intended to take to throw such lands open to the miner? The honorable member remarked that, in the Ballarat district, a large quantity of land held under mining leases had been shepherded for years, and the result of this system of shepherding was that a considerable number of miners were leaving Victoria and going to New South Wales. A few days ago he himself saw 14 miners take their departure from Napoleon's, a small place in the Ballarat district, for Newcastle. He

held in his hand a list of leaseholds in that district, ranging in extent from 9 acres to more than 1,000 acres, which had been shepherded for upwards of two years. At one claim, covering an area of 719 acres, which was held by a bank, there were only a few miners at work, instead of some hundreds. If this system of shepherding were put an end to, employment would be afforded for a large number of miners.

Mr. MACKAY said that, under the 44th clause of the mining regulations, any holder of a miner's right could apply to a gold-fields warden for a court of inquiry as to whether the conditions of a lease were being carried out, and if the warden, after a fair inquiry in open court, found that the labour covenants had not been fulfilled, he would report the result to the Minister of Mines. He hardly knew an instance in which the warden's recommendation had not been carried out. In some cases it had been necessary to forfeit the lease, and hand the ground over to the applicant; in point of fact, miners could practically jump ground held under mining leases if it was not worked according to the labour conditions. He was aware that a large number of leases were granted under the old system, in which there was no provision for an inquiry; but if breaches of the regulations were brought under his notice, and he found them to be of a grave and serious character, he would do his best to carry out the law. He thought, however, that the honorable member for Grenville (Mr. Clarke) would agree with him that in cases in which lessees had expended a large amount of money in working their ground, but were not able to go on further until they got fresh capital, it would be most unwise for the department to forfeit the leases.

DANDENONG ROAD.

Mr. CREWS called the attention of the Minister of Roads to the condition of the Dandenong-road at Spring Vale; and asked what steps he intended to take to place the road in a safe state? The honorable member said that some time ago an arrangement was made for the Government to put the whole of this road in a state of repair before it was handed over to the control of the local bodies, but that arrangement had not been carried into effect as far as the portion of the road at Spring Vale was concerned, which was at present in a dangerous and almost impassable state.

Mr. GILLIES stated that the Government had already expended upwards of £3,000 on this road ; and the portion of the road in question was in the jurisdiction of the Oakleigh Shire Council, who received £200 last year on account of it.

Mr. CREWS remarked that the Minister was in error if he supposed that the £200 was given for the repair of the road at Spring Vale.

Mr. GILLIES said he was aware that the residents in the district were very much disgusted, and naturally so, at the disgraceful state of this portion of the road ; but the report which he had received from the engineer clearly showed it was not the fault of the Government. The report was as follows :—

“The portion of road referred to is within the shire of Oakleigh, upon the council of which its maintenance devolves. A grant of £200 was given that council last year towards the maintenance of the main road ; but this portion of it has been suffered to fall into total disrepair. The past reconstruction and repair of portions of the road were carried out by this department, and the shire council advised, as far back as February last year, that the care of the road at that time, except a quarter of a mile then in contractor's hands, devolved upon it ; and the shire council subsequently delivered metal beside the portion now in such bad repair, but does not appear to have used it there, or indeed effected repairs of any description to it.”

In the face of the very large sum of money which the Government had expended on this road, he did not think that they would be justified in incurring any further expenditure in connexion with it.

PETITIONS.

Petitions were presented as follows :—By Mr. JOHNSTONE, from 1,600 residents of Geelong, setting forth that the Roman Catholics of Victoria constituted one-quarter of the population of the colony, that they had grave and conscientious objections to the Education Act, and asking that Roman Catholic schools should be officially inspected like the State schools, and payment made to them upon the system and certificate usually adopted by the Education department ; by Mr. MOORE, from residents in the midland bailiwick, stating that a large number of persons had selected land under the Land Act of 1869, under the full impression and belief that the residence condition would be waived or not strictly enforced, and praying the House to do justice to such selectors ; by Mr. HIGINBOTHAM, from 73 adult employes in one mercantile and manufacturing establishment in the city of

Melbourne, in favour of the State retaining the fee simple of the remaining Crown lands, and leasing the lands ; and by Mr. CASEY, from certain residents of Bridgewater-on-Loddon and its vicinity, praying that provision for non-residence should be made in the Land Bill.

MUNICIPAL ENDOWMENT.

Mr. SERVICE, pursuant to order of the House (dated June 29), presented a return relative to the distribution of the vote for the endowment of municipalities under the Local Government Act.

RAILWAY DEPARTMENT.

Mr. GILLIES, in compliance with an order of the House (dated July 6), laid on the table a return relative to piloting and shunting at the Spencer-street railway station.

SCHOOLS OF MINES.

Mr. MACKAY, pursuant to order of the House (dated July 8), laid on the table copies of the report of the Secretary for Mines, and of reports of the various masters of the school of mines at Sandhurst.

LARGE ESTATES.

Mr. KERFERD, in accordance with an order of the House (dated June 9), presented a return showing the number of estates in excess of 20,000 acres each held by one individual.

SLY GROG-SELLING AT THE YAN YEAN WORKS.

Mr. GODFREY called the attention of the Premier to the sly-grog selling that was carried on at the Yan Yean works, near Morang ; and asked if the Government would take steps to put a stop to it ? He said that last session he brought this matter under the notice of the Premier, who then stated that it was the duty of the local bodies to take the necessary steps to prevent sly grog-selling. The shire council of Whittlesea had since endeavoured, as far as they could, to put down the practice. Several persons had been summoned at their instance for sly grog-selling, but, in every case, the defendants had, in lieu of paying the fine imposed upon them, gone to gaol, and the consequence was that the cost of these prosecutions was becoming a heavy tax upon the ratepayers of the shire. Within the last few months the shire council had expended something like £40 in getting convictions, and yet sly grog-selling was

still rampant. It was, in fact, carried on in the most open and unblushing way, and the scenes enacted, especially on Sundays, were most disgraceful. He believed that some of the men who had obtained money which the shire council offered as a reward for securing convictions had, in their turn, been convicted of sly grog-selling, and would no doubt renew the practice after serving a short term in gaol. The shire council having done what they could to check the evil, but unsuccessfully, he thought that the Government ought to endeavour to put a stop to it.

Mr. KERFERD remarked that the councils of the various municipalities received the fees for the publicans' licences issued in their respective localities, and, therefore, they ought to take upon themselves the obligation of enforcing the law. After the honorable member for East Bourke (Mr. Godfrey) called attention to this matter, last session, the police were instructed to render the local body every assistance in endeavouring to put a stop to sly grog-selling at the Yan Yean works, and he (Mr. Kerferd) held in his hand a report from the local sergeant of police, stating that such assistance had been given whenever it had been requested. The sergeant went on to say that what the shire council desired was that the Government should relieve them of the expense which was incurred in securing convictions for sly grog-selling. There was no intention on the part of the Government to assist the local body in that direction.

JUDGE DUNNE.

Mr. KERFERD.—Mr. Speaker, I desire to ask the permission of the House to lay on the table two reports in reference to the charge against His Honour Judge Dunne, which have been received since the memoranda laid on the table on Thursday last. I wish also to make a statement with regard to one or two matters which I should have referred to then, but being, as honorable members will recollect, incapacitated from making myself heard, I did not allude to them on that occasion. What I desire to say is that the charge against Judge Dunne first appeared in the Melbourne journals of the 11th of last month. That was the first intimation the Government had of anything of the kind. On that day, I telegraphed to Maryborough, and obtained substantially the information which is

contained in the documents I am now going to lay on the table. The other point I wish to refer to is that a statement was made by the honorable member for West Melbourne (Mr. Langton), with regard to the Minister of Lands.

Mr. LANGTON.—I beg the honorable member's pardon. I asked the honorable member whether it was a fact that, before this matter was dealt with by the Government, Judge Dunne was travelling in one part of the country with one of the Ministers. I made no statement; I simply asked a question.

Mr. KERFERD.—At all events, a statement has been promulgated that the Government, in dealing with the matter, were influenced by the views of the Minister of Lands with regard to this particular gentleman. I can assure the House that, so far from that being the case, there is not a shadow of foundation for the statement. It so happened that on every occasion when this matter was before the Cabinet my honorable colleague, the Minister of Lands, was not present; and on the particular occasion when the report of the judge was considered, he was laid up and incapacitated from attending the Cabinet. The matter was decided by the Cabinet without any expression of opinion upon it by my honorable colleague. It is merely justice to him that I should make this statement. With regard to the case itself, the Government are fully alive to the very painful character of the charge which has been preferred against Judge Dunne. It was one which they could not delegate any other persons to inquire into. They felt it was their duty to make every investigation they could with the view of ascertaining the truth in regard to the matter. The facts which will be placed before honorable members in the correspondence which I am about to lay on the table were in the possession of the Government on the 11th June, in reply to telegrams, so that before we had Judge Dunne's report at all, or the medical certificates, we knew positively from the information we had received, and which is contained in these communications, the whole of the circumstances in regard to the case. I will point out that all the persons who have made any statements in respect to the conduct of the judge agree that his conduct whilst on the bench seemed to show that he was intoxicated. There is no doubt about that. The only question which the investigation

of the Government could determine was whether, as a matter of fact, the conduct of the judge was due to intoxicating drinks or to chlorodyne. The Government have satisfied themselves beyond doubt that it was due to the large quantity of chlorodyne which the judge took whilst sitting on the bench. No doubt his attempting to perform his judicial functions whilst he was in that condition was in itself a very unwise thing to do; but as the Government were satisfied that his conduct arose from the use of a drug that was taken for the purpose of allaying pain, they thought it was a case in which they were not justified in dealing the same—or indeed any—punishment that they would if his conduct had resulted from the use of intoxicating drinks. With this explanation, I desire to add these papers to those already laid on the table.

Sir J. McCULLOCH.—I understand that the information now supplied to the House was in the possession of the Government at the time that the Premier laid the other papers on the table of the House on a former occasion. I would like to know why the Government did not put honorable members in possession of the whole of the information at that time? I don't know what is in the documents which are about to be submitted to the House, but it appears to me that those documents have induced the Government to come to the decision that the charge against Judge Dunne is without foundation. Of course it is impossible for me to express any opinion as to how far they may justify that conclusion, but, unless there is something very much more decidedly exonerating this gentleman from the charge which has been made against him than we have yet heard, I shall certainly feel it my duty to bring a motion forward, in order to test the feeling of the House upon a matter which I conceive to be of the very greatest importance as affecting the interests of this country. Probably the honorable gentleman at the head of the Government will not object to these papers being read now. If read by the Clerk, honorable members will be able to form some opinion as to whether any further action should be taken at the present time or not.

Mr. KERFERD.—In answer to the question of the honorable member for Warrnambool, I may inform him that I was not in a position to lay these documents on the table at an earlier period. In

the first instance, the information furnished to the Government was asked for confidentially and was so supplied. It was not until we had obtained substantially the same information officially that we could lay the reports on the table of the House. I shall be very glad to have the correspondence read, and if afterwards the honorable member is of opinion that the Government should have taken any other course of action, he may make any motion he thinks proper.

The CLERK read the papers, as under :—

MR. COCKBURN TO MR. HARRIMAN.

"Castlemaine, 11th July, 1875.

"Sir,—I have the honour to state that your telegram *in re* His Honour Judge Dunne was sent after me here on yesterday evening, as I had come here to see Mr. McNiece on some Treasury business, and I now hasten to answer it.

"I have the honour to state, for the information of the Government, that on the day referred to in your telegram (the day of holding the County Court at Maryborough), when the court had been about an hour sitting, His Honour the judge asked me (after he had a most severe fit of coughing) if I could get him a drink of water. I went into the judge's room and found that some lunch had been sent up for the judge, and with it three or four bottles of sodawater, and a sodawater-bottle full of pale brandy. As the judge seemed very ill and weak, I poured out a bottle of sodawater and put certainly not more than a dessertspoonful of brandy into it; there certainly was not enough brandy to colour the water, and I tasted it and could not detect any taste of brandy in it.

"The judge, before drinking, put some chlorodyne into it. Once again I gave him a bottle of sodawater without anything in it, into which he put chlorodyne, and drank it. Once again after the adjournment I gave him either a glass of sodawater or plain water (I am not exactly sure which), into which, as at the first time, I put a teaspoonful of brandy, not enough either to colour or taste it, and into which the judge put what I considered a highly dangerous dose of chlorodyne, and drank it.

"I do not think that the judge knew that I put any brandy in, as he could not have tasted it, and he only asked me for water, and I do not know that the judge was aware that the brandy was there. I can most positively affirm that the judge had no drink of any kind on the bench save what I gave him, as I have before stated. I did not put enough brandy in the two drinks to make an infant under the influence of it; and I only put in what small amount I did on account of the apparent weak state of His Honour.

"I have further the honour to state that on the next morning, when I went up to adjourn the court, Passmore, the court-keeper, called me into the judge's room and showed me the sodawater bottle in which the brandy had been brought up, and asked me what he would do with it, as it was nearly full, and we both examined it and found that there was not a tablespoonful taken out of it.

"This was the next day, when the judge was ill in bed, so that there could have been no liquor taken by the judge during the adjournment.

"I can only say that I do not think that the amount of brandy given by me; and about which I do not think the judge is aware, could have had any effect in the slightest degree upon him.

"I am also certain he took no other drink save what I gave him, and I can only account for the apparent strangeness of his manner by the large dose of chlorodyne.

"I have the honour to be, &c.,

"NESBITT COCKBURN,
"Registrar of the County Court at
Maryborough."

FROM MR. WARBURTON CARR TO MR.
HARRIMAN.

"Avoca, July 12, 1875.

"Sir,—Referring to your telegram of the 10th, informing me that the Government wished me to say what took place during the adjournment of the court at Maryborough, on Tuesday the 8th of June last, Judge Dunne having referred to me in his explanation, I have the honour to state that, hearing from some members of the bar who were in my office on the day in question that Judge Dunne was very ill, I went to see him in his chambers when the court adjourned for refreshment. It was then, I think, about half-past one p.m.

"I thought he looked very unwell and much altered in his appearance since I had last seen him. He coughed violently, and complained of great pain in his chest, and said he was suffering from congestion of the lungs, and that Dr. Gillbee considered he was dangerously ill.

"I remained with him about ten minutes, and saw him resume his seat upon the bench.

"I am quite satisfied Judge Dunne was then perfectly sober, and indeed it never occurred to me that he could have been otherwise, as upon the occasion of his previous visit to Maryborough he was a total abstainer from all intoxicating liquors.

"I may mention that the only time I saw Judge Dunne on the day in question was at the interval of adjournment referred to, and I did not see him again until the 14th of June, when I called at his hotel, and found him still very unwell.

"I have the honour to be, &c.,

"C. WARBURTON CARR, P.M."

Sir J. McCULLOCH.—I desire to ask the honorable gentleman at the head of the Government whether he intends to take any further action in this matter—whether he intends to investigate it further?

Mr. KERFERD.—As I pointed out to the House last week, so far as the Government know, not a single word on this subject has been said by any individual. We have had nothing beyond a newspaper statement. If there were any reliable testimony at all to warrant further action, the Government would feel called upon to prosecute a searching inquiry into the matter; but they feel that

until some one comes forward and makes a statement contradictory of the evidence which they have received, they are bound, as a matter of fair play and justice to the judge himself, to accept his explanation.

Sir J. McCULLOCH.—I don't think it lies with the Government to ask this House to bring forward contradictory evidence.

Mr. KERFERD.—I did not ask it.

Sir J. McCULLOCH.—I must say that I think the Government ought to take upon themselves the responsibility of deciding whether the evidence they have brought forward is a sufficient answer to charges which have been so circumstantially made in a public newspaper. If they refuse to investigate the matter further, it will be my duty to submit to the House a motion calling for further inquiry.

Mr. SERVICE.—Perhaps the House will permit me to call attention to the actual facts of the case. My honorable colleague, the Attorney-General, has pointed out that the only allegation made with respect to the conduct of Judge Dunne is that the judge, from his excited manner on the 8th June, in open court, showed all the appearance of being intoxicated. That is admitted; the judge does not deny it; there is no difference of opinion upon that head; but no one has come forward and said, no other paper has come forward and said, that the intoxication arose from the use of alcoholic liquors. Therein lies the whole question. All the testimony up to the present time goes to show—and it has not been disputed—that the appearance of intoxication arose from the use of a stimulant well known to produce that effect, especially if the system be enfeebled by illness. The Government have investigated the matter, and are satisfied that the appearance of intoxication arose from the use of the drug chlorodyne; but, if any individual of respectability will come forward and state that he is prepared to show that the appearance of intoxication arose from the use of alcoholic liquors, the Government will at once institute further inquiries. Up to the present time no person has made any such allegation, and, in the absence of any representation of the kind, for the Government to make further inquiries after public officers of well-known standing have furnished evidence on the subject, would be not only an insult to Judge Dunne, but an insult to those officers also.

Sir J. McCULLOCH.—I beg to give notice that, on an early day, I will move for an inquiry into the conduct of Judge Dunne. I will not fix the day until the papers, laid on the table this evening, have been printed and circulated among honorable members.

MELBOURNE GAOL.

Mr. CURTAIN called the attention of the Premier to the recommendation contained in the report of the Inspector-General of Penal Establishments, for 1874–5, that accommodation should be provided at Pentridge for the females, about 200 in number, now confined in Melbourne Gaol. He believed it had been found impossible, under present arrangements, to adopt a proper classification in the Melbourne Gaol, and he was under the impression that, even with the female prisoners removed—which would be a most desirable step, seeing how communication could be carried on between the male and female prisoners—classification would still be difficult, because able-bodied prisoners would continue to be herded with decrepit prisoners, with the result of robbing the State, to a large extent, of the work which ought to be performed by criminals. He said this from personal knowledge of the inadequate accommodation which the gaol afforded. Moreover, the situation of the gaol was calculated to prevent incarceration there having any salutary influence on the prisoners. By means of written communications tied to pieces of bluestone and tossed over the walls, correspondence could be carried on between the prisoners inside and members of the criminal class outside. In that way tobacco and other luxuries found their way to the prisoners. It was true that the prisoners, when in the yard, were overlooked by a warder, who patrolled a platform on the outside wall, but that officer could be seen from outside, and, whenever he turned his back, the signal could be given from a distance to a person immediately outside the wall to throw over what he wanted, and, even if the warder saw the “swag,” with from 150 to 200 prisoners in the yard, it would be as much as his life was worth to attempt to wrest it from them. About 40 or 50 prisoners were discharged from the gaol weekly, and, owing to the accessibility of the establishment, no sooner were they discharged than they were met by their old associates, and led back to their old

haunts. That would not happen if the prisoners were confined at Pentridge, because the criminal classes were naturally lazy, and they would not care for a walk to Pentridge to await a prisoner's discharge. In that aspect of the case it would be a very advantageous proceeding if the male prisoners were sent to Pentridge, or distributed among the country gaols, or sent to the penal establishment at Williamstown, which had been specially complimented by the Inspector-General as being a branch of his department in which the prisoners pretty well earned their keep. Such a course would be in accordance with the recommendations of the Penal Commission that sat a few years ago; and the removal from the centre of a vast population of a huge monument of crime would be a great advantage, not only in a moral, but also in a sanitary point of view. The confinement of 500 or 600 prisoners in such a building, particularly under arrangements which required five or six to occupy one cell, was calculated to beget disease; and disease, when it did break out in such a place, was not confined to the inside of the walls. Moreover, it was the fact that the sanitary conditions of the Melbourne Gaol were most dangerous. Only a few months ago there was a severe case of typhoid fever in the prison. Fortunately it was successfully dealt with by Dr. McCrea; but, had that not been the case, the result might have been most disastrous. Moreover, as regularly as day came round, all kinds of matter was allowed to flow from the gaol into the gutters of the city between seven and nine o'clock in the morning. In fact, what with gaols, hospitals, and cemeteries, all of which establishments he would have in country places, the sanitary requirements of the metropolis were very much interfered with. So great was the preference of the criminal classes for Melbourne Gaol to Pentridge that, in the prosecution of their nefarious proceedings, they confined themselves to offences which were punishable by short sentences, and therefore ensured their detention in the gaol; they avoided, as much as possible, doing anything which would lead to an incarceration at Pentridge. He believed that, if the male prisoners were removed to Pentridge, there would be not only proper classification, under which prisoners would have allotted to them work for which they were suited—under which men who had never done manual work in their lives

might be put to some other employment than that of stonebreaking—but the prisoners would be isolated from their confrères outside. A further advantage would be that the salaries, amounting to some £5,000 or £6,000, connected with the maintenance of the Melbourne Gaol, would be saved, because with the present staff of warders at Pentridge, and the line of pickets which they were enabled to furnish around that establishment, the prisoners there could be increased without the cost of supervision being augmented. He understood that a new bakery was being provided at Pentridge, so that the wants of the prisoners in connexion with one important article of food could be supplied by themselves. But this could not be done at Melbourne Gaol owing to the limited space, whereas at Pentridge there was room enough for the prosecution of industries by which all the prisoners might be made to earn their living. Lastly, he might mention that, by abolishing Melbourne Gaol, facilities would be afforded for carrying out the idea of the Engineer-in-Chief of Railways for the creation of a railway terminus in the centre of the city. Certainly, if the buildings were cleared away, there would be a valuable site available for any public purpose that the Government might think proper to put it to. With these remarks, he begged to ask the Premier if the Government would consider the wisdom of removing the male prisoners by distributing them between Pentridge and the country prisons, and by placing those whose time had nearly expired at harbour, river, or other useful public works, thereby rendering the gaol site available as a central railway passenger station for the whole of the Government lines, placing the saleable building material now composing the gaol buildings (and worth some £40,000 or £50,000) at the disposal of the Government, for sale or use, and removing an ever growing and, in a sanitary sense, fearful nuisance from the centre of the metropolis?

Mr. KERFERD said the honorable member for North Melbourne (Mr. Curtain) appeared to be under the impression that there was a great deal more accommodation available for prisoners at Pentridge and in the country gaols than was absolutely the fact. According to information furnished by the Inspector-General, Pentridge was full, and so were the gaols at Geelong, Castlemaine, and Sandhurst;

but there was room for prisoners at Beechworth, Portland, and Ararat. Melbourne Gaol afforded accommodation for 500, and as a rule no more than that number were confined there at a time. According to a return furnished by Mr. Hayter, 5,000 prisoners—or rather more than one half the entire number under detention in the colony—passed through Melbourne Gaol last year. On account of its central position, a number of prisoners were sent from the various metropolitan suburbs and many country towns to Melbourne Gaol. Some were sent to await their trial, and others were sent for short periods of detention. The Government admitted that it would be a most desirable thing to abolish Melbourne Gaol if it could be done, but the Inspector-General reported that, before it could be done, it would be necessary to erect a house of correction at Pentridge or elsewhere, and a gaol in Melbourne, capable of accommodating from 100 to 150 persons, for the detention of untried and short sentence prisoners. The erection of those buildings would involve an expenditure of from £40,000 to £50,000. One reason why the accommodation at Portland, Beechworth, and Ararat was not fully occupied was that extra cost attended the maintenance of prisoners at those places. He might state, however, that wherever the labour of prisoners, sentenced for any lengthened period, could be made available, there they would be sent. There was no desire on the part of the Government to keep prisoners in Melbourne Gaol, if they could be accommodated elsewhere; but, until other accommodation was provided, it would be impossible to draft off any large number of prisoners from that establishment. He might add that the whole question was under the consideration of the Government.

DR. ROBERTSON.

Mr. MASON called the attention of the Acting Chief Secretary to the statements by Dr. Robertson, the superintendent of the Kew Lunatic Asylum, to the effect that political influence was being injuriously exercised in connexion with the management of that institution; and that two persons whose dismissal had been approved by the Minister were, in consequence of the undue exercise of political influence, allowed to remain in the public service. He brought this matter before the House about a fortnight ago. He then brought it forward as a question of

privilege, because it was impossible for him, without notice, to bring it forward in any other way. However, the House did not consider it a question of privilege, and therefore he did not think it his duty, on that occasion, to press the matter further. A week afterwards he mentioned the matter again, and the Acting Chief Secretary then stated that Dr. Robertson had been called upon for a report. Since then another week had elapsed, and he hoped the Acting Chief Secretary would now state whether he had received any communications from Dr. Robertson, and, if so, what was their nature. It appeared that Dr. Robertson stated to a public board that Members of Parliament were in the habit of using political influence to such an extent in connexion with the affairs of the Kew Lunatic Asylum that it was impossible for him to carry out his duties properly and efficiently. The cases cited by Dr. Robertson were those of John Angleton, a warder, and Ellen McKee, a female attendant, and he alleged that they were retained in the public service against his will, simply because of the undue influence exercised by members of this House. He would very much regret, for the sake of the Minister at the head of the department, if it could be proved that honorable members used their influence with the Minister to keep in the service persons who were totally incompetent for the positions which they occupied. Unfortunately the feeling out-of-doors was that honorable members did not use their influence for nothing; and the public seemed to regard it as a very singular thing—as looking suspicious—that, whenever a warder or any other officer in the public service got into trouble, there were half-a-dozen Members of Parliament ready to see the Minister on his behalf. He admitted that it did look suspicious; and therefore he thought it incumbent on the House not to allow cases of this sort to pass by unnoticed. If honorable members felt they were innocent, in justice to them the cases should be investigated; and, if Dr. Robertson was not able to prove his statements, he would deserve the reprobation and censure of his chief.

Mr. RAMSAY stated that the correspondence with Dr. Robertson was in progress; and, when he was in a position to lay it before the House, he would do so. At present it would be premature to make any statement in reference to the correspondence.

Mr. MASON asked whether the Acting Chief Secretary could give an idea when the correspondence would be ready? It was rumoured in the press and out-of-doors that Dr. Robertson had resigned. Whether he had resigned or not, of course, the Acting Chief Secretary would see that a full inquiry was made into the matter.

Mr. RAMSAY said he apprehended nothing would be gained by any premature announcement; and he hoped honorable members would be satisfied with the assurance that they would be informed, at the earliest possible opportunity, of what had transpired in reference to the case.

CHEQUES AND BILLS OF EXCHANGE LAW AMENDMENT BILL.

This Bill was received from the Legislative Council, and, on the motion of Mr. RAMSAY, was read a first time.

PUBLIC INSTRUCTION.

Mr. McKEAN asked the Minister of Lands when he would reserve a site on Mr. Garvey's selection, at Glenmaggie, for a State school?

Mr. CASEY said he had received a telegram from the district surveyor, stating that the plans had been posted that day. He hoped the site would be reserved in a week or so.

Mr. WITT called the attention of the Minister of Public Instruction to the necessity for establishing a school at Burramine. It would appear, he said, that while the Education department was erecting large schools in centres of population, at which he greatly rejoiced, it was slow to recognise the wants of country districts. He had received many complaints from the district which he represented about the tardiness of the department in establishing schools in that part of the country. With reference to Burramine, he had received a letter which stated—

"I have to appeal to you, as the representative of this district in Parliament, as to the great want of a school at Burramine. Several heads of families have been urging upon the Education department the necessity which has existed for a State school here for a long time past; but they seem to turn a deaf ear to appeals, and our children are left to grow up to maturity in as great a state of ignorance as the aborigines who used to inhabit the parish we now reside in. The numbers of children have more than doubled during the past year in this quarter."

That was a sample of the letters which had been forwarded to him from different places in the Murray district. He begged to ask whether the Minister would take steps to have a school opened at Burramine?

Mr. MACKAY said no doubt this was one of those cases in which a school was wanted urgently. As soon as the site was gazetted, he would call for tenders for the building.

Mr. McKEAN directed the attention of the Minister of Public Instruction to the contemplated closing of the State school at the township of Newry, Gippsland. There had been a large amount of correspondence on this subject, during the last six months, between the Education department and gentlemen residing in the district. It appeared to be the intention of the department to remove the school from the township to some spot distant two or three miles from it. He had been at Newry, and his opinion was that it would be a great evil if the school were removed from the township, merely because of some little local jealousy. He might be told that the local board of advice desired the removal of the school, but it was a fact that, at a recent election to supply a vacancy in that body, the candidate who was in favour of the school remaining at Newry was returned by a large majority. He hoped the Minister would not deprive the people in and around the township of the advantages of a State school.

Mr. MACKAY observed that the House could hardly have any idea of the warfare which prevailed in every locality where it was proposed to establish a State school as to the particular site on which it should be placed. In point of fact, nearly half his time was taken up in trying to decide between the partisans of rival situations. As a rule, when he found the inspector for the district and the board of advice agreeing as to the locality, he came to the conclusion that the locality was the proper one. He admitted that, at first sight, it seemed contrary to common sense for a school not to be in a township where the largest number of people were congregated; but, when the department had to provide for the children of a certain area, it was necessary to take the school away from where there might be a nucleus of population, in order that the children of the more sparsely populated portion of the district should not suffer. This was

one of a score of cases in which there had been a regular struggle in reference to the question of school site. The matter was under his consideration, and he hoped he would be able to settle it without further delay, which he admitted had already been too great.

Major SMITH stated that, as the questions on the notice-paper had been asked and answered, he would act upon the suggestion which the Speaker made the previous Thursday, and move the adjournment of the House, to enable him to submit the statement he had already attempted to make in reference to the administration of the Education Act. It appeared that, in several important particulars, the Act was not efficiently administered. In the first place, in several districts where there was ample school accommodation, the compulsory clauses were not enforced. The Minister of Public Instruction did not disavow this. On the contrary, at a recent Ministerial celebration, he stated that, so far as one particular class of children were concerned, he did not think it desirable that the compulsory clauses should be carried into operation. But if he (Major Smith) knew anything whatever of the Act, and the intentions of those who assisted in passing it into law, one great object of the measure was that the attendance at school of what were known as gutter children—the children of the poor—should be enforced as far as practicable. And yet that very vital portion of the Act was not being carried out. The Minister was constantly excusing himself for not enforcing the Act. If the honorable gentleman were to say that the police, constituted as they were, were an undesirable body to enforce the provisions of the Act, that objection could be understood. No doubt it was one of the most disagreeable duties that could be delegated to the police, and the chances were that they would not perform it in the most efficient manner. But there was no doubt that this portion of the Act should be enforced, under the direction of the Minister, by proper persons—by persons, not the police, who would not do it in an offensive way, who would have before them the school rolls showing the name of every child of school age in a district, and who would be able to ascertain the reasons why those who did not attend school absented themselves. The Minister stated, the other evening, that in some instances

where it was thought desirable the police were instructed to carry out the Act; but he (Major Smith) was perfectly persuaded that the police were, in many respects, a most objectionable class of persons to see to the enforcement of the compulsory clauses. With regard to the training of teachers, he desired to say that, if the educational system of the country was to be a success, sufficient inducements should be offered to the youths and young men of the country to dedicate themselves to the work of public instruction. But, as far as he could see, no inducements had been offered in this direction. According to the most recent regulations issued by the Education department, the candidates for training were divided into three classes, namely, 1, first-class pupil-teachers; 2, matriculated students at the University; 3, persons who had passed the literary examination for licences to teach; and every one who became a trainee or training student had to submit to this condition:—

“Every student will be required to enter into an agreement by himself and an approved surety not to relinquish his course of training without the permission of the Minister, and for four years after the termination of his studentship to teach in any school to which he may be appointed.”

Why under such a regulation a young man, afterwards becoming duly qualified to teach might be sent to the malie scrub or some other outlandish place. Conditions of that kind were not calculated to tempt young men to undergo training for the position of teacher. And, as a matter of fact, there had not been, from the beginning of the year, to the present time, in the central training institution, one single male teacher—although that institution cost the country something like £2,000 per year in salaries alone—and the number of female teachers did not exceed 9 or 10. That was all the training that was going on so far as the central institution was concerned. But how under such a state of things was anything like efficient instruction to be secured? Why under the old system new teachers were required at the rate of 180 per annum. A report from the late Inspector-General of Schools appended to the 10th report of the late Board of Education, contained this statement—

“I have ascertained that the number of teachers who took situations for the first time in common schools, omitting rural schools, during 1870 was 140; including rural schools, the number was 188. And these numbers, I apprehend,

Major Smith.

fairly represent the annual demand for teachers caused by the establishment of new schools, by the increase of the staffs of old ones, and by vacancies occasioned by death, and the relinquishment of the profession by some teachers; chiefly females on the occasion of their marriage.”

It was naturally to be expected that under the new system a great many more teachers would be required. Another matter to which he desired to call attention related to the boards of advice. A number of the boards elected under the Act had resigned. Why? He would mention what had taken place in his own district. An excellent board of advice was elected, and that board constantly advised the Education department in reference to school sites and other matters, but it found that the bulk, if not the whole, of its recommendations were ignored; letter after letter which it sent to the department remained unanswered; and finding their remonstrances and representations treated in this manner, the whole of the members resigned in a body. As Mayor of Ballarat, he had been requested by the Minister to act as returning officer in the election of a new board of advice. (Mr. Mackay—“To which you never replied.”) For which he could give a good reason. As he had not time to perform the duties, he had asked some 20 persons to do so, and they had all hesitated. In the first place the expenses connected with the first election, amounting to some few paltry pounds, the returning officer had to pay out of his own pocket, and was not reimbursed by the department for months and months afterwards. Again, it was asked, what use was there in electing a board of advice whose advice was uniformly ignored. He was in communication with some of these gentlemen when the Minister opened up communications elsewhere. He thought he had shown that the Act was not properly administered in three vital particulars; and he ventured to say it would have been more satisfactory if the Ministry had given more of their attention to that matter, and thought less of banquetizing through the country on the occasion of the opening of State schools. He recollected the great objection which was taken to a previous Ministry on account of their partiality to public banquets; but he saw no difference in that regard between the Duffy Government and the present Ministry, only it so happened that the demonstrations in which the present Ministry took part were in connexion with State schools—and,

no doubt, teachers anxious to get promotion would always initiate anything of that description—and that they did not begin with a brass band. However, he thought it would be much more becoming and far wiser on the part of the Minister of Public Instruction if he would endeavour to enforce the various provisions of the Act, and not furnish to the enemies of the measure a handle to enable them to show that the Act had failed in some important particulars. Alongside many of the State schools were the schools of very strong opponents of the Education Act, and therefore it behoved the Government not to allow the Act to suffer for want of proper and energetic administration. For his own part, he would rather have the Act administered by an enemy—for then the country would keep on the alert—than by a lukewarm friend, who allowed its chief provisions to be ignored. As one who stood somewhere near the front rank in fighting in the cause of national education in times past, he was not satisfied—and a large number of the people were not satisfied—with the way in which the Education Act was administered. In response to the representations made by the honorable and learned member for East Bourke Boroughs last session, the Minister of Public Instruction promised to make some further concessions, in the matter of remuneration, to the school teachers; but what did the concessions amount to? Why, that the only persons benefited were first-class assistants. (Mr. Higinbotham—"It is not yet carried out.") He did not understand the honorable member.

Mr. HIGINBOTHAM explained that there was on the Estimates for the year a sum of £25,000 for compensating school teachers who had suffered in position and salary by the passing of the Education Act, but he was not aware that the mode in which that money would be applied had yet been announced. Therefore he thought the honorable member for Ballarat West (Major Smith) must have been misinformed, if he assumed that the sum mentioned had been already appropriated to one particular class of teachers. It could not be appropriated to them exclusively without disregard to the resolutions agreed to last session, for the carrying out of which this £25,000 had been placed on the Estimates.

Major SMITH said he had been informed that the only persons who would benefit by the vote on account recently

taken would be the first assistant teachers, and this to the extent of 20 per cent. In other words the female teachers would be placed on a par with the male teachers. No doubt the Minister of Public Instruction was highly educated with regard to the Education Act. He (Major Smith) had seen Mr. Venables go into the Minister's office at the Mining department, where he stopped about five minutes, and that, it was to be presumed, disposed of the Education Act for one day so far as the Minister was concerned. Certainly the proceeding showed that the duties of the office were not very onerous. However the House would be guilty of a grave omission if it did not insist upon proper attention being paid to the various matters now detailed. He had no personal object to serve in raising the question; all that he desired was that the Education Act should be administered in its integrity; and with these remarks he begged to move the adjournment of the House.

Mr. A. T. CLARK seconded the motion.

Mr. MACKAY said he would not detain the House with a lengthy reply to the remarks which had just been offered, because the subject which had been opened up was altogether too wide to be dealt with on a mere motion for the adjournment of the House. He did not deny that there had been defects in the administration of the Act, and he would be glad to see the whole subject discussed with the length and care which its importance demanded, but that could not be done under present circumstances. One of the great difficulties which a Minister had to contend with was to reply to the attacks of an opponent who was half-instructed or half-informed—of a gentleman who had become possessed of a certain number of facts which might be so distorted or disarranged that it was very difficult to bind him to anything. The honorable member for Ballarat West (Major Smith) had referred to Ministerial banquetizing; but no one disliked that kind of thing more than he did. (Major Smith—"Why do you go then?") For every invitation to a banquet which he had accepted, he had refused six. He felt that people who generously asked a Minister to come among them to witness the opening of a school deserved some consideration, and that during a long recess it was only right that he should go into different districts

and obtain, from personal observation, a knowledge of what was being done. But it was a great mistake to suppose that there was any great source of enjoyment in having to leave home at an early hour of the morning to go, perhaps in very unfavorable weather, to a remote part of the colony, for this purpose. In attending these celebrations, the Ministry had never assumed anything for themselves. Certainly he had never indulged in any self-glorification. He had defended the Act and its great principles, but he had never assumed that the administration of the Act was perfect; he might add that he had endeavoured, as far as possible, to prevent any demonstration of the kind being offensive in any way either to enemy or friend. With that remark he would say that, although not disposed to promise that he would not attend any more of these demonstrations, he would be exceedingly cautious with regard to the invitations he did accept. He believed he had promised to attend one or two more, and, if the honorable member for Ballarat West had no objection, he would endeavour to fulfil that promise. As to the enforcement of the compulsory clauses, it was matter for surprise that he should be lectured on that subject by the honorable member for Ballarat West. But new converts to principles really did display an amount of enthusiasm far beyond what was manifested by those who had all their lives been devoted to those principles. In fact they out-heroded Herod. It seemed particularly strange that he should be lectured about the compulsory clauses, considering the deep and strong feeling he had always entertained as to the enforcement of those clauses. But did the honorable member think it a proper thing for a Minister to exhibit an affectation of zeal in enforcing the compulsory clauses when he knew the triumphant reply which could be made in almost every case? Why in almost every case, with the exception of perhaps half-a-dozen, the Minister would be taunted with an attempt to show zeal where there was no necessity, with a mere empty desire for display—a thing which he abhorred and detested. It was his desire, when he enforced the compulsory clauses, to be in such a position that those against whom the clauses were enforced would be left with no excuse. As a matter of fact, at the present moment, there were only some six districts which had sufficient school accommodation. Even

Mr. Mackay.

where there was a fair amount of school accommodation, it was of such a character that, in the event of the excuse being offered that the school was not fit to send children to, the magistrates would have no alternative but to accept it. At the same time he was conscious that the enforcement of the compulsory clauses was a matter which ought to be attended to; and he was not quite easy as to how far duty had been neglected in not enforcing the compulsory clauses in a more marked degree than they were enforced at present. The department had asked the police to communicate all instances of neglect on the part of parents to send children to school which came under their notice; and the police were most likely to know the people who wilfully kept their children from school. He held in his hand abstracts of the replies received by the department to letters addressed by it to boards of advice in regard to this matter, and the reply in nearly every case was that the school accommodation was insufficient or of such a character that the enforcement of the compulsory clauses would not be justified. In some cases, as at Williamstown, the enforcement of the compulsory clauses had been found difficult owing to the want of a proper school roll. The fault of the non-enforcement of the compulsory clauses did not lie with the Education department; at the same time he was quite alive to the necessity for enforcing the clauses, and he admitted that the duty was one which no Minister could ignore. With regard to the training of teachers, the honorable member for Ballarat West had been imperfectly informed. Under the new system persons in training for the office of teacher must be twelve months in an associated school before coming to the central institution, and only eight months had elapsed since the formation of those schools was determined upon. The number of persons who were in the training institution on the 31st December, 1872, who had failed to obtain a classification as trained teachers, but had been awarded a classification as ordinary teachers under the department, was 6 males and 19 females. The number of persons admitted to training since the 1st January, 1873, who, having failed to obtain a classification as trained teachers, had been awarded a classification as ordinary teachers was 1 male and 8 females. The number of persons who were in the training institution prior to the 31st December, 1872, and had passed third

training under the department was 7 males and 5 females. The number of persons who had been admitted to the training institution, since the 1st January, 1873, and had obtained a classification in the third class, which was equivalent to a certificate of competency, was 10 males and 10 females. He did not mean to say that these figures showed as satisfactory a state of things as could be desired, but he considered they showed that the training institution had been discharging its duty fairly. The honorable member for Ballarat West had stated that every school throughout the colony was a training institution to some extent; and it was the fact that in every school such pupils as showed special aptitude for teaching were promoted to be pupil-teachers, and might rise to be assistant and certificated teachers; and, if they submitted to certain examinations and passed the required standard, they were placed at once in a position in which their services could be taken advantage of by the department. It was no doubt desirable that all teachers should go through the training institution, and he hoped that would be the case in time; but so long as the required standard—the necessary efficiency—was obtained outside the institution, it did not seem necessary to enforce their attendance there. The number of persons trained in the central institution last year was 16; these had now completed their term of training and had left. The number of persons in training in the associated schools during last half-year was 44; these had just been examined, but the result of the examination was not yet known. Such of them as should have passed at the end of their first year's course would be admitted to the central institution. A large number of candidates (nearly 100) had just been examined for admission to associated schools, but the result of the examination was not yet known. The honorable member for Ballarat West complained that the Education department did not offer sufficient inducements to persons to become teachers. But there was no lack of candidates for teacherships; in fact, there was a superabundance of applications. If schools could only be provided, there would be no want of teachers. Associated training schools were established at the Central school, at Latrobe-street, and at St. Mary's, in Melbourne; at Bell-street, in Fitzroy; and at Emerald Hill, Williamstown, Geelong, Ballarat,

Sandhurst, Sale, Clunes, Daylesford, Castlemaine, and Beechworth. It would therefore be seen that 14 schools out of the promised 20 were in existence. As to the boards of advice, it was scarcely necessary for him to make a single remark. He could not complain of their action at all; and the department made every effort to work harmoniously with them. At the same time they were not endowed by the Act with as much power as, in many cases, they seemed to think they were, and he scarcely imagined the department should be held bound to accept their instructions. Such a proceeding was not, in his opinion, conformable to the proper course. In all cases, however, every consideration and allowance was made for them, and their representations and recommendations were carried out as far as possible. Doubtless, it was a grievance that any person should have, under certain circumstances connected with them, to put his hand into his own pocket, in order to meet sundry expenses, but, as a matter of fact, there was no vote in the Appropriation Act out of which they could be defrayed. He was sorry indeed that any impression should go abroad that between the boards of advice and the Education department there was any other feeling than one of the utmost cordiality. Of course, in view of the fact that the boards of advice in the country might be reckoned by hundreds, there were bound to be occasional collisions and differences of opinion; but, as a general rule, they worked in unison with the department. Affairs in this direction would be somewhat different when the latter was in a position to require a proper enforcement of the compulsory conditions, because the boards of advice would then have duties of a very important character to perform. Indeed, according to his reading of the Education Act, it would only be in default of any action by the boards of advice in that quarter that the department would have to interfere in any way. The honorable member for Ballarat West also mentioned, as a grievance, that nothing had been done to carry out the promises made with regard to the action taken, last session, by the honorable and learned member for East Bourke Boroughs, except by raising the position of first-class assistant teachers. As a matter of fact, however, he (Mr. Mackay) found, on looking through the regulations, that the increased emolument received by first-

class assistants, to which the honorable member for Ballarat West alluded, was, generally speaking, only conceded to first-class female assistants teaching in schools apart from their husbands. (Mr. Jones—"Why is that distinction made?") Because, he supposed, the department considered that first-class female assistants teaching in the same school as their husbands were not entitled to quite so much consideration. The salaries of other teachers had also been raised to what was considered a fair amount, and, in addition, changes of classification, which meant increase of salary, had been made. Further, a sum of £25,000 was placed on the Estimates in order to afford something like adequate compensation to those who had lost by the changes effected under the Act. So that when the honorable member implied that all the department proposed to do in this particular direction was to increase the emoluments of certain first-class assistants he did it an injustice. In conclusion, he (Mr. Mackay) wished to bear testimony to the fact that, wherever he had been throughout the colony on what were alluded to as banqueting tours, there was evinced a hearty and enthusiastic desire to assist in carrying out the Education Act. He observed nothing whatever of what the honorable member referred to as assuming the shape of disappointment, or adverse action to, or censure of, the Education department, but on the contrary, he witnessed everywhere a warm, enthusiastic, and he might say grateful feeling on the subject. The people seemed possessed of a strong feeling of gratitude, not so much towards the Ministry as to the Legislature which placed the Education Act on the statute-book. To many of the honorable member's remarks the exhibitions of this sort furnished an ample reply. Making every allowance for the anxiety of people in country districts to do the amiable to a Cabinet Minister, it was evident the public generally regarded the law relating to education as one of the greatest boons possible. He (Mr. Mackay) quite admitted the imperfections of the Education department, but for himself, even if he went somewhat slowly, he did not care so long as he did things securely. For instance, he did not think it wise to attempt, by enforcing the compulsory conditions too soon, to run the risk of adverse police court decisions. Almost anything would be better than that. (Major Smith—"Why then is the

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Act not amended?") He regretted as much as any one that there should be any children in the country growing up without the proper means of education being afforded them, but, until complete school accommodation was provided, that was an incident which must be faced. The Education Act was something which could not be brought into perfect and complete operation at a stroke; and any attempt to anticipate the proper time for enforcing the compulsory conditions would surely result in arraying popular sympathies against rather than on the side of a proper administration of the law. If, before parents generally were sufficiently roused to a sense of their duty, there was any untimely attempt to drive them, the result would be disastrous. It was essential to wait until their excuses for not sending their children to school were reduced to the proper minimum. As he stated the other night, the department thought it saw its way clear to obtain a complete roll of all the children of the colony of the school ages, and when that was complete, and sufficient school accommodation was provided, the compulsory conditions would be duly enforced.

Mr. G. V. SMITH said he felt bound to speak a word or two before the subject passed by. He quite admitted what the Minister of Public Instruction stated about the enforcement of the compulsory conditions of the Education Act. It might be that enforcement in a complete form would have to be kept in abeyance for years, for the simple reason that at the present time the people of the country were not educated up to it. On the subject of training schools, however, the House would assuredly have to say something before the session was over. In the meantime it was of no use for the Minister of Public Instruction to try and persuade himself that he had training schools when he knew himself that he had none.

The motion for the adjournment of the House was then put and negatived.

MECHANICS' INSTITUTES.

Mr. YOUNG moved—

"That there be laid on the table of this House a return of the payments made out of the vote of £3,000 for mechanics' institutes, giving the amount of private contributions, and the sum paid out of the grant in each case."

Mr. THOMAS seconded the motion, which was agreed to.

LAND ACT AMENDMENT BILL.

The House went into committee for the further consideration of this Bill.

On clause 9, empowering the Governor to notify in the *Government Gazette* to what officers, at what times, and in what places and manner applications for licences should be made,

Mr. CAMERON inquired whether the Government would undertake to alter the present arrangements with regard to authorized surveyors? In some districts—Brandy Creek, for instance—they had raised their charges 25 per cent.; and further, local governing bodies were often subjected to severe inconvenience on account of their neglect.

Mr. CASEY said that the Government intended as soon as possible to supersede the present system of contract surveyors by a staff of surveyors immediately responsible to the Lands department.

Mr. LANGTON drew attention to the fact that the marginal note to the clause contained the words "No. 360 ss. 17-18." The usual reason for making a reference of this kind was to show that the sections mentioned were adopted, but here were sections 17 and 18 of the Land Act of 1869 directly mentioned as having force, while clause 3 actually repealed them. He confessed his inability to see what advantage could be gained by repealing these sections in clause 3 and re-enacting them in clause 9. To say the least such a proceeding was misleading.

Mr. CASEY said he could not hope to satisfy the honorable member for West Melbourne (Mr. Langton), who, no doubt, considered everything done by himself (Mr. Casey) as fraught with a hidden design to perpetrate a grievous wrong. In order, however, to make matters clear in this instance he would explain what was plain on the face of the Bill, namely, that clause 9 was a consolidation of sections 17 and 18 of the Land Act of 1869. One provision was however omitted, because it was found very undesirable if not dangerous. It was to the effect that a person lodging an application must deposit with the land officer half a year's rent for the desired allotment, the result of which frequently was, in cases where there were numerous applications for the same piece of land, that thousands of pounds were, at one time, left at a local land office. The alteration was made in order that the practice alluded to might be discontinued.

Discussion took place on clause 10, which was as follows:—

"The Governor may, if he think fit, grant homestead licences to reside upon and cultivate Crown lands upon the following terms:—

"i. The currency of the licence shall be for six years.

"ii. The fee shall be 1s. per acre per annum, payable in advance by half-yearly instalments.

"iii. The area shall not exceed 640 acres.

"iv. No more than one licence shall be granted to or held by any one person."

Mr. CONNOR moved that, after the word "grant" (line 1), the words "licences for grazing and agricultural farms and" be inserted. This was a portion of the proposition he had endeavoured to bring forward during the debate on the second reading of the Bill, and he considered it an excellent modification of the leasing principle. His idea was that the Lands department should be able to issue leases for blocks of grazing lands of from 1,000 to 3,000 acres for a term of years, and that a tenant of 10 years' standing should have a right of pre-emption, at £1 per acre, over 320 acres. That was about the only condition he would impose in the matter. He was satisfied that when the lands leased were surrendered to the Government they would be at least doubled in value.

Mr. CASEY suggested that the amendment should be moved in connexion with clause 28, which related to leasing. It was somewhat out of place in connexion with the present clause.

Mr. LANGTON observed that the clause proposed the granting of homestead licences, and he would like to know the radical difference between them and leases for agricultural or grazing farms. Was the homestead licensee not to practice agriculture, or the holder of an agricultural or grazing farm not to have a homestead? If any special distinction of that sort was to be set up, the matter ought to be made clearer.

Mr. CASEY said he understood by the word "homestead," a place where a man made his home. It was adopted in the clause in order to make it clearly understood by selectors that their licences meant that the condition of residence must be effectively complied with.

The amendment was withdrawn.

Mr. MUNRO thought it would be well for the committee to decide at this stage whether, on account of the personal residence condition, the State should continue to give away its lands to those who would

not properly use them, and deny them to those who would make the best possible use of them. His own view of the matter was that the whole of this part of the Bill ought to be omitted, and every one entitled to get land at its value, whether he resided on it or not. The existing system was well known to lead to perjury—to a man repeatedly swearing that he would reside or had resided on the land, when in fact he did not so reside. This personal residence condition was found to work most unhealthily, and as for compliance with it, that was a mere sham and delusion. Why should a man without 5s. in his pocket be allowed a privilege which was denied to another with a little means which he would like to expend on the soil? The latter would, under proper conditions, make a real *bonâ fide* settler, and put the territory to its best use, while the former, after swearing false declarations about his intention to reside on the land, would sell it to the squatter at the first chance. Assuming that there was residence, he could not for the life of him see why an undesirable resident selector should be preferred to a desirable non-resident selector. In a vast majority of cases to compel a man to reside on his selection was purely and simply a hardship. He moved that the word “homestead” be struck out.

Mr. HIGINBOTHAM remarked that the amendment was inappropriately moved at the present stage. The proper time to bring it forward was when the 1st subsection of clause 11 was under consideration.

The amendment was withdrawn.

Mr. WOODS said he objected to the word “licences” (line 2), and also to the words “to reside upon and cultivate” which followed it. He moved that the word “leases” be substituted for the word “licences.”

Mr. CASEY submitted that the leasing question having been settled, ought, in all fairness, to be allowed to rest. However, if the advocates of the leasing system were determined to fight at every corner of the street he could not help it.

Mr. CAMPBELL remarked that the leasing question pure and simple was not necessarily involved in the present amendment. It was a point whether, instead of a licence for 6 years and a lease for 7 years, a selector should not get a lease for 10 years. He (Mr. Campbell) was in favour of such an alteration.

Mr. WOODS said he preferred leases to licences, because a lessee was not perpetually under the thumb of the Lands department. Having complied with all the conditions imposed by Parliament, he would be independent of every one, the Minister of Lands included. He would be rescued from the condition of a suppliant—a dependent of the Lands department. When the 1st subsection of the clause came under consideration, he (Mr. Woods) intended to move that the term of the lease be 33 years. He wanted to put a stop to the arbitrary judgments of the Lands-office, of which he had seen a great deal too much. He knew of hundreds of cases in which the selectors most solemnly asserted that they had complied with every condition imposed upon them, while the Lands department declared they had not, and denied the poor men their land. The selector ought to have the same sort of lease that a private landlord would give to his tenant, with a tenant right.

Mr. HIGINBOTHAM remarked that the honorable member for Crowlands (Mr. Woods) preferred a lease to a licence, because he considered that a lease would exempt the occupier from the control of the Lands department. Now if there was one lesson which honorable members had been taught in connexion with the land question, it was that the salvation of an artificial system of land legislation depended upon the supreme and absolute control being placed in the hands of the Minister of Lands. (Mr. Woods—“There is nothing artificial about a lease.”) Yes, there was. Directly that an attempt was made to lay down strict provision within the letter of the law for the observance of the conditions of the lease, the lessee, who might be a dummy, or the person who employed him, was given the opportunity of going to the Supreme Court, and the moment they got to the Supreme Court their land system was broken to pieces. He ventured to assert as a positive fact that, as soon as persons who were given land at less than its value were able to defy the Lands department and go to the Supreme Court, the land system was broken down. The only salvation of such a system was to give absolute power to a person who was responsible, for the acts he did in public, to the representatives of the people. This might not be satisfactory—he did not say it was—but the land system itself was not satisfactory. It was

a purely artificial system. The various Land Acts which had been passed had been failures just in proportion as they had withheld absolute power from the Lands department. If the existing Act was superior in any respect to its predecessors, it was because it gave greater power to the department.

Mr. LANGTON stated that he could not understand how the honorable and learned member for East Bourke Boroughs could reconcile the view he had just given utterance to with the opinion which he had expressed on a recent occasion. The other evening the honorable member declared himself anxious to hand over the management of the public lands to a body of trustees, who should be at liberty to act in regard to them just as a private landowner would deal with his own estate. Of course one of the features accompanying the adoption of such a proposal would be that the trustees would make agreements—leases, or whatever they might be called—with certain people for the use and occupancy of certain lands; and the interpretation of those agreements, in the event of any dispute arising about them, would rest with the courts of the colony. If the honorable member was in favour of that proceeding, how could he justify the argument which he had just addressed to the committee? The trustees would occupy the position of the Minister of Lands, but they could not act as the Minister had acted, and as the honorable member wished him to continue to act. The further this matter was discussed the more hopeless was the confusion. The view which the honorable member now put forward was wholly inconsistent with his suggestion that the management of the public lands should be vested in a body of trustees. The Supreme Court appeared to be the *bête noir* of the honorable member. To his mind it was an offence on the part of the Supreme Court to venture to discharge the prime function for which it was established, namely, to decide disputes arising under agreements. The proposal of the honorable member for Crowlands (Mr. Woods), to substitute the word “leases” for “licences,” did not touch the vital part of the clause at all. The clause, read in connexion with clause 13, provided that the alienation of the public lands should be first by licence for six years, then by lease for seven years, and finally by Crown grant. The real object of the honorable member for Crowlands was

to prevent alienation by Crown grant altogether, and to substitute a lease for a licence. What the committee were called upon to consider, therefore, was whether the system proposed by the Bill for the future alienation of lands should be adopted or not. Up to the present moment honorable members had not heard any reason why the term of the preliminary stage—the licence—should be extended from three years to six; and he (Mr. Langton) must confess his utter inability to comprehend why such an extension had been proposed. Although every adverse criticism upon the Land Act of 1869 had hitherto been warmly repudiated from the Ministerial benches, he was glad to find that there was one member sitting behind the Government, the honorable member for North Melbourne (Mr. Munro), who might be classed as an unbeliever in the supreme virtue of that Act. The honorable member was an utter infidel as to the faith of the Lands-office. He had told the committee, in almost the same language as the head of the late Government (Mr. Francis) used at Richmond, that the thing was a sham and a swindle. That was his (Mr. Langton's) conviction also; and it was quite agreeable to him to find that honorable members on opposite sides of the House, who generally differed widely in opinion from each other, could co-operate together on common ground for the common good. The proposal of the Minister of Lands was practically to continue the existing system of selection with a modification, namely, that the preliminary or test stage should be extended from three years to six. In the first place, the committee were entitled to be told what was the object of that change. It could not be because the Land Act of 1869 was a failure, for the Minister of Lands had assured honorable members that it was a pre-eminent success. It could not be for the suppression of dummyism, because the Minister had stated that the percentage of dummyism under the Act of 1869 was exceedingly small—not more than either 10 or 3 per cent., or something between the two. What then was the object of the change? The condition of a licensee was not a very desirable one. A licensee was very much like a toad under a harrow. He was subject to all sorts of inconveniences and annoyances, and he must have the faculty of bowing down and cringing to those who were in authority, or there would be no chance for him to

get on. This was not a desirable position to place an independent man in, and, inasmuch as it was the object of the Legislature to settle independent men on the soil, it was not advisable to increase the term during which the independence of selectors would be threatened, and perhaps altogether extinguished. He ventured to suggest that the reason why the probationary term was to be extended from three years to six was that the Minister of Lands, and those who supported him, did not believe in the conclusions they had put before the House—they did not think that there was only 3 per cent. or only 10 per cent. of dummyism—but they believed that dummyism was rampant, and that it was necessary to adopt a far more stringent system to prevent it. That was the explanation why it was proposed that the licensee should be kept under the harrow of the Lands department for six years instead of three. The condition of a licensee under this new system would be one which no man would be disposed to envy. In fact it would be so utterly distasteful that any man of the least spirit or self-respect would prefer to follow any other occupation rather than one which would place him in the position of being a licensee of the Lands department for six years. So much for the moral and personal effect of this proposal. He would now look at it in its economical aspect. He must repeat the opinion which he expressed the other night that, if the 15,000,000 acres of land still available for settlement were vested in a board of trustees, who would manage them on business principles—whether by leasing or by auction—the State would receive, over and above what would be obtained for them under the selection system, sufficient to pay off the £7,000,000 of public debt which would become due in 1885. The carrying out of the system proposed by the Bill would simply result in the frittering away of the lands for a present value of 12s. per acre, without reckoning the cost of the Lands department. He was one of those who believed that any land which it was desirable in the interests of the public to alienate, in order to secure cultivation, was worth more than £1 per acre, and that to dispose of it at 12s. an acre was a gross waste of the public estate. He objected to the land being parted with in the way proposed by the Bill, when by a different system pretty well the same results, as

far as cultivation and settlement were concerned, could be secured, and a far larger sum of money be obtained. Of course any monetary loss which the one system entailed would have to be borne by the general body of the taxpayers, quite irrespective of whether or not they had profited by the way in which the lands had been disposed of. The committee were now called upon to determine whether for the future the public estate should continue to be wasted, or whether a wiser and a sounder system of disposing of it should be adopted. The clause under discussion contained a provision that the holders of "homestead licences" should "reside upon and cultivate" them. These words appeared to convey a pretty clear idea of what was meant by them, but the same words in the Act of 1869, conveyed an equally clear idea of their meaning. Seeing, however, that the Minister of Lands had, in the face of day, violated the conditions of the Act of 1869 as to residence and cultivation, what was the use of retaining the words? When the Minister had deliberately and publicly violated certain provisions of an Act of Parliament, and boasted of his violation of them, without being called to account for it, what was the use of putting the same provisions into a subsequent Act, unless honorable members were determined that in future no Minister should be allowed to violate any Acts passed by the Legislature? The honorable member for Crowlands proposed to strike out the words "reside upon and cultivate." He differed from the honorable member on that point. He could not understand why an artificial system of settlement should be adopted unless it secured these two main things, residence and cultivation. He could see some reason for giving away lands for less than their value to persons who would *bonâ fide* reside upon and cultivate them; but why should the Legislature go out of its way to relieve persons who did not mean to reside, and did not want to cultivate, from the obligation of paying the market price for their land? Why should they be relieved at the expense of the public treasury? In the present condition of things it might not be desirable, as a matter of public policy, to suddenly put an end to the existing system of selection; but the Legislature should not sanction any further alienation of land at a less price than the market value, except to persons who, beyond all question, would comply with

the conditions of residence and cultivation—who would be bound down to do so in the most stringent way possible. With respect to those persons who had been encouraged to take up land under the expectation that the residence clause would not be enforced, if they had shown some amount of *bona fides* by actually occupying their land, and by cultivating and improving it, he would let them have the land at £1 an acre, or have it put up to auction with a valuation in their own favour for the improvements they had actually made. He believed that might be done on grounds of public policy, for the purpose of getting over a difficulty which the present mischievous and unsound legislation had brought into existence. That plan had, in fact, been applied to some persons but not to others, which showed the injustice of the way in which the Act had been administered. He would treat all alike in the way he had suggested, but he would not extend any further consideration to those who had not complied with the residence condition. So far as future *bonâ fide* selectors were concerned, if it was the will of Parliament that the system of selection should be continued, of course it must be continued, but he would rather see the system absolutely put an end to. He agreed with the honorable member for North Melbourne that it was a sham. He believed that it had resulted in a wholesale robbery of the public treasury, and consequently of all the members of the community who derived their income from the labour of their hands or brains, and who were not interested in property at all. They had had to bear the brunt of the loss hitherto entailed by the land system, and they were entitled to relief. He trusted that an end would be put to this happy-go-lucky way of dealing with the public estate—a way in which no trustee would ever think of dealing with any private estate. At all events, the condition of residence should be rigidly carried out in the future; and, as far as the past was concerned, those selectors who, though otherwise *bonâ fide*, had failed to comply with the condition of residence, should be allowed to purchase the land at £1 per acre, or it should be offered at auction, with a valuation for improvements. The fact was beyond dispute that inducements had been held out in the very highest quarters to persons to settle on the land under the belief that the condition of residence would not be enforced. It had

been done over and over again. The course he had suggested would be the most equitable way of dealing with these cases. He trusted that these two points would be determined before the committee proceeded any further with the consideration of the Bill.

Mr. CASEY said the proposal of the honorable member for Crowlands (Mr. Woods) was a very simple one, namely, to substitute leases for licences; but the honorable member for West Melbourne (Mr. Langton), not satisfied with discussing that question or the clause before the committee, had dealt with the whole question of land legislation and land administration. Indeed the national debt was included within the range of the honorable member's observations, and it was a wonder that he did not treat the committee to a preliminary debate on the Budget. He (Mr. Casey) had been in some doubt as to whether he should take the trouble to reply to the honorable member, for the simple reason that the honorable member always indulged in such extravagant language and in such exaggerated statements. The honorable member had asked what explanation could be given of the proposal to extend the term of the licence from three to six years. It was most surprising that he of all members should have asked such a question, because the same provision was in the Land Bill of 1873, of which the honorable member could not plead ignorance.

Mr. LANGTON observed that he was not aware of the fact. It had already been said that one provision of the measure was in the Bill of 1873 which, on examination, turned out not to be there.

Mr. CASEY replied that he was not responsible for what the honorable member now referred to, but at all events the provision for extending the term of the licence to six years would be found in the Bill of 1873. A very obvious reason for that provision was stated when he introduced the former Bill, and he had repeated it in connexion with the present measure, namely, that three years was not a sufficient probation for a licensee. Indeed a number of selectors had stated that they were unable to complete the improvements required by the Act within that time, and for that and other reasons it was thought desirable to extend the period to six years. If selectors really intended to make homes for themselves upon the land, there was no hardship in requiring them to be licensees

for six years instead of three. However, the proposed extension of the term was fully discussed two years ago, and it was scarcely necessary to say anything about it now. The honorable member had further stated that he (Mr. Casey) denied the existence of any dummyism.

Mr. LANGTON objected to the Minister of Lands attributing to him a remark which he never made. What he said was that both the Minister and the department had stated that there was only a small percentage of dummyism—he did not know whether it was 3 or 10 per cent.

Mr. CASEY said he was not aware that any statement had been made either by himself or by the department as to the percentage of dummyism. What he told honorable members was that inquiries had been instituted with the view to test the truth of the allegations made on more than one occasion that a considerable proportion of the lands selected under the Act of 1869 were passing into the hands of the large landed proprietors, and that the result of the inquiries, so far as he was able to ascertain, showed that not more than 3 per cent. of the lands selected under that Act, to which the selectors had titles that they were able to transfer, had passed into the hands of owners of large estates. As to what was the case with respect to other Acts he did not make inquiry, and, therefore, he was not in a position to state anything of his own knowledge. He never stated what percentage of dummyism there was, but he knew that there had been a good deal of dummyism, and that it was still going on. It required the utmost vigilance on the part of the department to effectually prevent and repress dummyism. The increase of the probationary period to six years would tend to check dummyism. Again, the honorable member for West Melbourne had put a construction upon some of the remarks of the honorable member for North Melbourne (Mr. Munro) as to the Land Act which they would not bear. Because the honorable member for North Melbourne was disposed to do away with residence, the honorable member for West Melbourne converted that into a denunciation of the whole Bill. The honorable member for West Melbourne had also said that he (Mr. Casey) had violated the conditions of the law and had boasted of it. The honorable member could not find a single utterance of his which would support that statement. (Mr. Langton—"I

can find fifty.") He denied that he had ever stated that he had violated the law, and had boasted of it.

Mr. LANGTON explained that he did not say that the Minister of Lands had stated that he had violated the law and had boasted of it, but that the honorable gentleman had violated the law and had boasted of it. He presumed that the honorable member could see the distinction between the two things.

Mr. CASEY contended that the honorable member was quibbling, and trying to wriggle out of his statement in a most unworthy manner.

Mr. LANGTON asked if "wriggle" was a parliamentary expression? The Minister of Lands had charged him with using extravagant language, but he thought that the honorable gentleman ought to confine himself to parliamentary language.

Mr. CASEY stated that he was endeavouring, as much as possible, to be the very opposite of the honorable member, and to refrain from using either harsh or unparliamentary language. It was undesirable that time should be wasted with the discussion of topics which had no immediate connexion with the question before the chair. When the committee came to the residence clause, he would be prepared to give them all the information desired as to the way in which the Lands department had dealt with the condition of residence.

Mr. BENT observed that the land question ought not to be discussed in any party spirit, but simply from a business point of view, and with a desire to promote the public interests. Although the Minister of Lands objected to the honorable member for West Melbourne (Mr. Langton) referring to the national debt and to the Budget in connexion with the clause now under the consideration of the committee, it should be remembered that the Treasurer stated, the other night, that it was impossible for him to introduce the Budget until the Land Bill was disposed of, so that the honorable gentleman thought that there was some connexion between the two things. He (Mr. Bent) would vote for the amendment of the honorable member for Crowlands (Mr. Woods) for the same reason that he supported the leasing proposal of the honorable member for East Bourke (Mr. Godfrey), because any method of dealing with the public lands was preferable to giving them away, as they

had been disposed of hitherto. Though the Act required that a selector should reside upon his allotment "in his own proper person," that condition had not been insisted upon in some cases though it had been in others. There were many selectors in the district of Mandurang, living at Sandhurst, who had not the slightest intention of residing upon the land which they had taken up. These persons were now using their political influence for the purpose of defeating the intention of Parliament in reference to the condition of residence. While some selectors had wasted their money and injured the land by endeavouring to comply with the condition of cultivation on allotments which were not fit for cultivation, others had obtained rich lands in the Western district which, as soon as their three years of probation had expired, they had sold for as much as £10 and £15 an acre. To that extent the State had been robbed. He had, on previous occasions, complained that the Minister of Lands had thrown lands of exceptional value open to selection, but he had since ascertained that in some cases that had been done by the officers of the department without his knowledge. Honorable members were partially to blame for the fact of lands of exceptional value being thrown open to selection, because they had frequently gone to the department on behalf of their constituents to get such lands available for selection. He maintained that, under the present system, the lands were actually given away. If the area of selection were increased to 640 acres, the remaining 15,000,000 acres would be divided amongst only 25,000 persons. Instead of continuing the existing system, it would be much better to sell the lands by auction in areas not exceeding a certain size, the payment to extend over a period of 10 years, with interest at the rate of 6 per cent. per annum, the purchasers being at liberty to use their land for what purposes they liked. By this means the public estate would be far more likely to be worked to the greatest advantage; and those who settled on the lands would be able to borrow money on their holdings for the purpose of effecting improvements.

Mr. CAMPBELL remarked that the honorable and learned member for East Bourke Boroughs regarded the word "licence" as indicating the existence of an arbitrary and despotic power which he considered necessary to secure *bonâ*

fide settlement under an artificial land system. Nothing surprised him more than to hear a constitutional lawyer, so generous minded in most of his instincts, taking such a narrow and contracted view of the subject, and to see him sacrificing the general interests of the country for all futurity merely for the sake of carrying a particular point, and smiting, as it were, some political enemies on the hip. The whole country was filled with annoyance and vexation, the whole air was charged with a feeling of suspicion and distrust, owing to the existence of such an amount of arbitrary power in connexion with the lands administration. The existence of that arbitrary power was wholly unnecessary, and did not admit of a moment's justification. All the departments of the State except the Lands department were carried on according to law; but why should the Lands department be an exception? In other countries, where landlords and tenants existed, there was a law of landlord and tenant; and both were subject to the law. Unless the landlord was substantially subject to the law, as well as the tenant, there could be no peace or comfort in having anything to do with the lands of this country. It was alleged that certain criminal practices had been fostered by self-interest and selfishness, and that these must be checked by giving certain arbitrary powers to the Minister of Lands. But criminal proceedings in other parts of the social system were dealt with by asserting the majesty of the law, and why should offences against the land law be dealt with differently? There never was a class more interested in the *bonâ fide* observance of the conditions of settlement than the pastoral tenants, because they were the greatest sufferers if land could be taken up without the fulfilment of those conditions. Why it was the fact that the encouragement given by the Government to non-residence since the passing of the Land Act of 1869 had been the means of doubling the amount of selection, of taking from the pastoral tenants about twice as much land as would otherwise have been taken. But the way to cure evil of that kind was not by giving arbitrary power to any individual; the way to do it was by strengthening the law. He would remind the Minister of Lands that human nature was such that it would strive and struggle to do wrong as against a tyranny, but that it would not dare to

strive and struggle to do wrong as against the law of the land. Why one decision in a court duly established in the colony for checking malpractices or injustice as between landlord and tenant—the arraignment of an offender in open court and his condemnation there—had a thousand times more effect than all the decisions of a Minister in his closet. Therefore, he was in favour of establishing in the colony some such court as that created by the Imperial Legislature, in 1870, when settling the complicated relations between landlord and tenant in Ireland. With regard to the amendment, he desired to say that if the word “licences” meant that the settlers and selectors of the country were to remain under the heel of the Minister for six whole years, he must object to it. He would much rather have leases for ten years, without the power to transfer, although the want of power to transfer was a grievous wrong to the industry, trade, and commerce of the country.

Mr. CONNOR remarked that the honorable member for Brighton was wrong when he stated, referring to selections in the Western district taken up at £1 per acre and sold at £10 or £15 per acre, that the State lost the difference. (Mr. Bent—“Who gained it?”) The selectors. But if that land had been sold by auction in 1865, it would not have brought more than £1 per acre. The selectors, by means of hard labour during eight or ten years, put valuable improvements on the land, and who was better entitled to the worth of those improvements than they? He believed that more selections would be parted with under the Act of 1869 than had been parted with under the Act of 1865, for the reason that they were too small to induce the selectors to remain upon them, and therefore they would sell the land as soon as they were in a position to do so. There was a great difference between the time when the Convention principles were first promulgated and the present day. Then the land was very good—fit for cultivation. Now the greater part of the land available for selection was fit only for grazing. Therefore, he contended that selectors ought to be enabled to take up sufficient land to enable them to live upon it by combining grazing with farming. That was the only way to induce permanent settlement. He considered it would be better for the honorable member for Crowlands to limit his amendment to the substitution of “leases” for “licences.”

He did not think it desirable to compel selectors to cultivate land which was not fit for cultivation; the principal condition which ought to be insisted upon was residence. It was only by insisting upon continuous residence for a certain number of years that real settlement would be secured.

Mr. INGLIS said it was difficult to understand what was the question before the committee. In fact, if any stranger, unacquainted with the forms of Parliament, were to come into the chamber, he would imagine that honorable members were engaged in discussing the second reading of the Bill. With regard to what his friend, the honorable member for North Melbourne (Mr. Munro) had said, he thought some little indulgence ought to be conceded to him. Like all young members, he did not altogether mean what he said; or rather, being liable to be a little flurried, he made statements which might be misunderstood. Sitting, as he (Mr. Inglis) did, beside the honorable member, he took it that the honorable member meant that because many persons had taken up land without complying with one condition of the Act—the condition of residence—the Act was a sham. With regard to the suggestion just made by the honorable member for Polwarth, he desired to say that, while he could understand a country being settled by means of cultivation, he could not understand how it could be settled merely by residence. As to the currency of the licence, he believed the extended term proposed by the clause was shown to be called for by the operation of the Act of 1869, and he intended to vote for it.

Mr. GAUNSON observed that it did not matter a brass farthing whether the term employed was “leases” or “licences,” because in reality there was no difference between them. The majority having decided upon absolutely selling the lands out-and-out—a decision which he believed they would have reason to repent before long—the real question for consideration was whether such onerous conditions should be imposed as would really stifle free selection as far as possible. He was in favour of selectors getting the lands subject to no cultivation conditions whatever. He had reason for the opinion that it was the easiest and certainly the simplest plan to leave it to the individual discretion of selectors how they could best employ the little capital they had. He

saw a necessity for insisting upon residence, but as to cultivation he did not think that any one who gave the matter consideration could fail to come to the conclusion that it was nothing more nor less than cruelty to require persons to cultivate land which was utterly worthless—in other words, to farm at a loss. The whole thing was ridiculous in the extreme; and it was still more ridiculous when considered in connexion with a subsequent provision of the Bill which gave the Minister the right to say when he thought the land was fit or unfit for cultivation. Certainly he would vote against all the provisions of the Bill which made cultivation compulsory.

Mr. CRÉWS remarked that land legislation had been a success, so far as it had carried out the principles of the Convention; and that in every case where it had deviated from those principles it had been a failure. The committee were now asked to strike out the conditions requiring residence and cultivation, but, if that were done, land could be taken up by persons for whom, according to Convention principles, it was never intended. The proposition laid down by the Convention, when it adopted its platform, was free selection to the *bonâ fide* settler; and for the purpose of enabling every person who desired to get upon the land to make a homestead for himself and his family, it insisted upon the conditions of residence and cultivation. If those conditions were abandoned, a wide door would be thrown open to the speculator. With regard to those persons who desired to have land without being compelled to reside upon it, he wished to observe that the Convention was alive to the necessity of enabling persons who had acquired wealth by their industry and perseverance and desired to invest in land to do so. There was nothing in this antagonistic to free selection; but it was only fair for such persons, if they desired to invest in land, to compete for it at the auction mart. If those principles had been carried out and strictly adhered to there would have been no necessity for the present Bill. Honorable members had been told that the existing Land Act worked so admirably that, under it, thousands of persons had been settled upon the land. If that were the case, what reason was there for all this proposed new legislation? Why was it necessary to ask for more than a few simple amendments to perfect the present system?

He did not desire to cast any severe reflections upon the Minister of Lands, but it was the fact that, in connexion with the administration of the land law, an uncertain sound had been given out which had had the effect of inducing a large number of persons to take up land under the impression that they would be able to get their Crown grants without complying with the condition of residence. (Mr. Gaunson—"Thousands.") He had not the slightest doubt that was the case. These persons were increasing; they were becoming a power in the State; and by-and-by the State would be unable to refuse their demands. If the Minister of Lands had been uniformly firm in the administration of the Act, he (Mr. Crews) would be for forfeiting all the land which had been selected without the selector complying with the condition of residence; but it would be cruel to do this after selectors had been led to understand that, if they complied with all the conditions except residence, they would get their Crown grants. The House would have to take that matter into consideration when the proper time came, and deal leniently with these people. Certainly it was the fact that, owing to too much political influence being brought to bear on the Minister of Lands, or to the honorable gentleman's kindness of heart, the law had not been carried out. He would be glad, if it were possible, for the committee to lay down that in no case hereafter should persons acquire land by selection without residence and cultivation. Therefore he would vote for the retention of the words "to reside upon and cultivate." As to the proposed substitution of "leases" for "licences," he cared not which term was used. A great deal had been said about the land now available being not fit for cultivation—as fit only for grazing—but if the committee came to the conclusion that there should be grazing rights as well as cultivation licences, it would be well for the matter to be taken seriously into consideration, because areas of 640 acres would not be sufficient for grazing purposes; areas of from 1,000 to 5,000 acres would be absolutely necessary for the successful carrying out of operations of that description.

Mr. McLELLAN said it was difficult to gather the object of the present discussion. The honorable member for Crowlands (Mr. Woods) had moved the omission from the

clause of certain words, but surely the honorable member did not propose that all the conditions with respect to residence and cultivation should be done away with. To do that would be to frustrate the objects which all land reformers in the Assembly had had in view. If the conditions of residence and cultivation were dispensed with, the land might as well be given away. No doubt there was a large quantity of land which was not fit for cultivation, but that should be dealt with in an exceptional manner. With the view of securing the best lands for those who intended to settle upon them, he would vote for the retention of the words proposed to be struck out. As to the question whether "lease" should be substituted for "licence," he did not think it mattered which term was used. The selector, when he went upon the land, would receive a certain document which would contain certain conditions, non-compliance with which would render the document, whether called "lease" or "licence," worthless to him.

Mr. S. FRASER remarked that, in view of the number of petitions which had been presented in favour of non-residence, and in view of the fact that thousands of *bonâ fide* selectors, who were non-resident, had spent very large sums of money on their selections, he was anxious to know from the Minister of Lands, at this stage, what he proposed to do with regard to those persons?

Mr. CASEY said he must decline to answer that question at present, because it was inopportune.

Mr. STEWART observed that, in 90 cases out of every 100, the residence condition worked with unnecessary harshness. It was only one test of a man's *bona fides*, and certainly it was not by any means the best. There were, in the district which he represented, a number of farmers—perhaps some of the best farmers in the country—who desired to take up selections, it might be for their children when they came of age, but who would not be able to reside upon those selections for the reason that, for a large portion of the year, they had to be in the northern country, where they kept stock. Then again there were a number of miners who had not amassed sufficient to go upon the land permanently at once, but who could manage to live on their holdings for a few months if they could dedicate the rest of the year to earning wages at mining operations. The time had now arrived

when compulsory residence might be regarded not only as unnecessary but as unjust.

Mr. WHITEMAN said he was aware that land had been taken up by a large number of men, who did not comply with the conditions of the law because, although their wives and families resided upon it, they did not reside upon it "in their own proper person." If the amendment would get rid of that difficulty, he would support it. But to seek to substitute a lease for 33 years for a licence for the term named in the clause was going a little too far. As to cultivation, that was a matter which should be left to the discretion of the selector, and particularly as some land was spoilt the moment the plough was put into it.

Mr. DIXON supported the substitution of "lease" for "licence," for the reason that, if the land were taken up under lease, the selectors would not be subject to the uncertain control of the Lands department. As to insisting upon the conditions of residence and cultivation, he apprehended that question would arise after the present amendment was disposed of.

Mr. R. M. SMITH inquired whether the only question before the chair was the substitution of the word "lease" for the word "licence?"

Mr. WOODS said that was the only question before the committee. He wished that, instead of a licence, the selector should have a lease which would be as much under the law as any gold mining lease, and would make the selector as independent of the Lands department as the mining lessee was independent of the Mining department.

Mr. R. M. SMITH presumed that if any one did know the question before the committee it was the honorable member who had moved the amendment. A proposition to substitute a legal document for a licence revocable at the pleasure of the Minister of Lands was one which he could not do otherwise than most heartily support. He was not surprised at the puzzled state of the committee, because the land question was something like that much-abused form, the adjournment of the House, inasmuch as it enabled an honorable member to discourse upon almost every conceivable subject from the power of the Privy Council to deal with questions affecting the colony down to the personal or intellectual qualifications of the Minister of Lands. He did not plead

guilty to the state of mind which, according to the honorable member for Richmond (Mr. Inglis), was the attribute of new members; and, as he usually meant what he said, he would endeavour to confine himself strictly to the question before the chair. The Minister of Lands had not succeeded in answering the argument of the honorable member for West Melbourne (Mr. Langton) in reference to the moral and financial advantages of a lease, as distinguished from an arbitrary licence. It was well known that the position in which a licensee found himself under the existing system was not favorable to his morality; and the position of the Minister of Lands could not be satisfactory either. He believed that if the Minister of Lands could free himself from the present land policy he would be glad to do so. He believed the honorable gentleman did not wish to be erected by the licensees into a sort of Mumbo Jumbo before whom they must do homage. There was also a financial aspect to the question which was of great importance. Many of the selectors must require money to assist them in making improvements—in carrying out successfully the object which the State had in view in parting with land at less than its value—but unless they had legal security to give they could not obtain this assistance. Without being in the slightest degree prompted by an improper desire to promote the speedy sale by selectors of their allotments; it was impossible for any one familiar with business, or the ordinary relations of commerce, not to see at once that it was imperative these men should have some legal security to offer. If they had it not, they would necessarily soon find themselves compelled either to abandon their holdings or put themselves completely into the hands of usurious money-lenders. Surely, therefore, the proposal contained in the amendment, which he would cordially support, ought to find favour with every honorable member who professed to be the friend of the small landholder.

Mr. MUNRO said he understood that, at a time when he happened not to be in the House, certain remarks on the working of the present Land Act, which had fallen from him early in the present discussion, were in a measure apologized for by the honorable member for Richmond (Mr. Inglis). Now it happened that he only said just what he intended. He said that the system under which persons made

declarations that they were resident on the land was a sham and delusion, and that was what he meant to say. His notion was more or less set out in another portion of the Bill. He would have the lands valued and people allowed to take them up on condition that they cultivated them according to their value. He considered that a man with means had as good a right to get land as the man who had nothing in the world. The present system involved the practice of immorality in the direction of making false declarations, which the State ought not to encourage.

The committee divided on the question that the word "licences," proposed to be struck out, stand part of the clause—

Ayes ...	...	...	...	40
Noes ...	...	...	...	17

Majority against the amendment 23

AYES.

Mr. Bosisto,	Mr. Mackay,
" Burrowes,	" Mason,
" Cameron,	" McKean,
" Casey,	" McLellan,
" Connor,	" Munro,
" Cope,	" Must,
" Coppin,	" Ramsay,
" Crews,	" R. Richardson,
" Curtain,	" G. V. Smith,
" Duffy,	" J. T. Smith,
" Farrell,	" Stewart,
" S. Fraser,	" Sullivan,
" Gillies,	" Thomas,
" Hanna,	" Walker,
" Higinbotham,	" Whiteman,
" Inglis,	" Witt,
" Kerferd,	" Young.
" Lalor,	
" Langridge,	<i>Tellers.</i>
" Lock,	Mr. W. Clarke,
" MacDermott,	" Moore.

NOES.

Mr. Bayles,	Mr. Langton,
" Bent,	" Levien,
" Campbell,	" MacPherson,
" A. T. Clark,	" Patterson,
" Dixon,	Major Smith,
" Godfrey,	Mr. R. M. Smith.
" James,	<i>Tellers.</i>
" Johnstone,	Mr. Gaunson,
" Jones,	" Woods.

PAIR.

Mr. Service.	Mr. Grant.
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Mr. WOODS moved that the words "to reside upon and cultivate" (line 2) be struck out. He said he was aware that the amendment involved two questions, but at the same time they might be regarded as connected, inasmuch as both the residence and cultivation conditions must be looked upon at the present time as matters of discretion and not of law.

Surely, before the practice in this respect became absolutely custom, it would be well for the committee to decide what the law meant. He thought it ought to be determined that, if one person was to reside and cultivate, everybody should reside and cultivate. He was prepared to vote for both the residence and cultivation conditions, but not that the Minister of Lands should be able to say—"This man shall reside and cultivate; that man shall not reside or cultivate; the other man shall cultivate but need not reside," and so on. To enter upon an arrangement of that sort was beneath the dignity of Englishmen, and he objected to it. It was degrading and demoralizing in the last degree. Every man in the colony ought to be able to take up land according to law, and not according to the Minister of Lands. His object in bringing forward this amendment was by no manner of means to contend that lands ought to be given away for less than their value without an equivalent in the shape of occupation and cultivation, but to lay down the principle that, if, as he was aware was frequently the case, some people were able to escape compliance with either one or both of those conditions, while others were compelled to observe them, it would be better to dispense with everything of the kind, and so lay down a line which, although not the line some would prefer, would have the advantage of being universally followed. He now deliberately threw upon the committee the responsibility, which he did not believe they could shirk, of saying whether they would impose conditions which were no conditions or apply a general rule. He repeated that, as at the present time the law with respect to residence and cultivation was not invariably insisted upon, the committee ought to establish a system which would make every man claiming his rights under the Act a dependent simply upon that Act, and not upon the discretion of the Lands department. Apart from every other consideration, his (Mr. Woods') view was that if people were allowed to take up lands for less than their commercial value for the time being, they should be made to do, in return, something the country required. The requirements of the country were residence and cultivation; and he was quite of opinion that they should be insisted upon; but he would dispense with them both altogether rather than that compliance with them should be at the discretion of any Minister.

Mr. Woods.

Mr. MACPHERSON expressed the opinion that the honorable member for Crowlands (Mr. Woods) would have done well to leave his amendment to the hands of an honorable member who really believed in dispensing with residence and cultivation. In any case, he (Mr. MacPherson) would ask that there should be in the present proposition some separation of the two conditions, because their being connected would place him and other honorable members in a false position. His impression was that, if neither residence nor cultivation was required from selectors, the Bill ought to be withdrawn altogether, because those who took up land under it would give no consideration for the decreased price they paid for it. But between residence and cultivation a huge difference might be drawn. Experience proved, on the one hand, that to insist on cultivation often compelled a man to destroy his land by ploughing it; and, on the other, that residence was the true safeguard against dummyism. He intended to vote for residence, but against cultivation.

Mr. HIGINBOTHAM remarked that the committee had already agreed to a definition of cultivation. (Mr. MacPherson—"Only on the understanding that the subject was to be dealt with afterwards.") At all events, that definition included the improvement of land by other means than turning up the soil, which was shown to be in many cases absolutely injurious. (Mr. MacPherson—"Those other means come under the head of improvements, not of cultivation.") It included, for instance, the sowing of artificial grasses. (Mr. Jones—"Not unless the land is ploughed.") He understood the object of the definition to be to give an indefinite meaning to the word "cultivation." (Mr. MacPherson—"That was why the interpretation was objected to.") At all events, he rose chiefly to say that he would be sorry if he was supposed by the honorable member for Crowlands (Mr. Woods) to advocate the retention of the condition of residence on the understanding that it was to be imposed in an arbitrary manner by the Lands department. (Mr. Woods—"That is what is done now.") He advocated now, and always had advocated since 1862, giving almost unlimited power to the Lands department; but it was one thing to give that power, and another to encourage its arbitrary exercise. With regard to residence, for

instance, that power was not arbitrarily exercised because the person using it sought to insist upon the fulfilment of an obligation by varying the rule under which the fulfilment was effected. What was the first case that arose in this very direction under, he believed, the Land Act of 1869? He remembered it well. It was that of a selector who took up an allotment separated from the land he previously held by a proclaimed road, and the law officers of the Crown were referred to to determine whether residence on one side of a road was properly residence on the other side also. Undoubtedly the intention of the Legislature was that such residence should be deemed proper residence; but it did not follow that in the Supreme Court there should not be a vast weight of legal opinion on the other side of the question. In truth, it was too often found that the letter of the law was interpreted by lawyers, and even by judges, as absolutely at variance with the meaning of the Legislature. He had heard it stated in the House that, in dealing with matters of this sort, the Lands department had a recognised rule which, in order to carry out the intentions of Parliament, laid down certain degrees into which the cases that arose fell and were disposed of accordingly. That was an exercise of the power he desired to see placed in the hands of the Lands department, but it was not what might be called an arbitrary exercise of arbitrary power. On the contrary, it was something done to carry out the law. Under such a rule, a man living on one side of a road, while his allotment was on the other, might be held to comply with the condition of residence, although mere lawyers might say the opposite. The degrees laid down by the departmental rule alluded to were set forth in the lately published report of the operation of the Land Act. (Mr. Woods—"Why can't they be made law?") The difficulty of putting an intention of this kind into legal language was extreme. His experience in drafting bills compelled him to avow that it was a work of almost insuperable difficulty to express in precise language the infinitely various cases that must arise in practice in giving effect to the intentions of the Legislature. At the same time, he denied that the Lands department, in dividing into various classes the cases arising under the residence condition, and applying to each the rule framed for it, by any means acted arbitrarily or

according to individual opinions formed in respect to individual cases.

Mr. CASEY said he would be very glad if any honorable member would show him any means whereby intrusting the Minister of Lands with discretionary power might be avoided. This was no new idea of his. He had expressed it in connexion with the Land Bills of 1872 and 1873. He would be happy to be rid of the power or to have it expressly limited, for its exercise, as it existed, was an onerous duty, the performance of which kept him always in hot water. Let him do what he would he could not give satisfaction. Many a time had he expressed the pleasure it would give him to enable honorable members to witness in the Lands department how the principles laid down, in matters of the kind alluded to, were applied in order to carry out the intentions of the Legislature; because he was convinced that, whatever fault might be found with the rules themselves, no exception could be taken to the endeavours of the officers to act fairly in carrying them out. As for the amendment of the honorable member for Crowlands, it was inopportune and useless, because to strike out the words in question would not alter the clause, while that at which the honorable member really aimed was to be found in the next clause. As, however, the subject was raised, he (Mr. Casey) would repeat what he had stated more than once previously, namely, that the Lands department endeavoured, as much as it possibly could, to form within the principle of the law and the intentions of the Legislature, as described by the Land Act, what might be called grooves into which cases as they arose might be brought. For instance, an application when received was handed to the inspector of bailiffs, who compared the reports from the district concerned, of which he was in possession, with the sworn declaration of the selector. Having satisfied himself that there was no material discrepancy, the inspector then wrote a short précis of the case, which he forwarded to the Surveyor-General as one of the members of the Board of Land and Works. Subsequently, all these cases were divided into those in which the law had been clearly complied with, those in which it might be held to have been complied with, and those in which the application must be rejected. To enable the committee to see what difficulties cropped up in this

direction, he (Mr. Casey) would mention a few specimen cases which had been, for the sake of example, selected from a number. First in the list were the cases in which the Act had been fully complied with, and to which there was no need to further allude. Next came those in which there was substantial compliance as to cultivation. Among them was that of a farmer, at Huntly, who applied for a lease of 10 acres (no doubt an application for a larger area, say 300 acres, would be more strictly looked at, but of course the law was absolute in all cases), which he had neither resided upon nor cultivated, although he had fenced it at a cost of £26. At the same time, the man had an allotment of 20 acres adjoining, which was all cultivated, and on which he was resident. The department regarded his case as one of substantial compliance with the Act, and granted him his lease. In another case a farmer at Yackandandah applied for a lease of 60 acres, on which he had spent £90 in fencing and cultivation, the latter extending over 7 acres. He held an adjoining allotment of 60 acres, which was all cultivated, and on which he was resident. It appeared that the land he applied for was not fit for cultivation, and he was deemed to have substantially complied with the cultivation condition. A similar rule applied to the residence condition. If a selector resided upon land immediately adjoining his selection, or only just across a road, that was held to be a sufficient compliance. In five other specimen cases the applicants were regarded as not having complied with the Act, although they had all spent more than £1 per acre on their land, and were consequently refused. In fact, in none of those instances were the conditions of the law complied with either in letter or spirit. (Mr. Gaunson—"Was sale by auction allowed?") No doubt, when the *bona fides* of the applicant was clear, he was allowed to purchase his land at auction. In respect to another list of specimen cases, as yet unclassified and not dealt with, the circumstances of many of them were enough to excite strong sympathy. For example, a man at Stawell applied for a lease of 60 acres, on which he had put improvements to the value of £343, or £5 14s. per acre, and 20 acres of which he cultivated; but he resided three-quarters of a mile away, on half an acre of land, which was not what might be called under agricultural cultivation. In another case, a

Mr. Casey.

man at Eaglehawk applied for a lease of 154 acres, on which he had spent £162, and in respect to which the condition of residence was complied with by his son occupying the adjoining land, he himself living six miles away. In another case, a farmer at Eddington applied for 157 acres, on which he had expended £179, and a portion of which was only partly cultivated because the land was of middling quality. He had another allotment of 80 acres, 65 of which were cultivated, but still he had not complied with the law because he had not resided, nor in full measure cultivated. In another case, a farmer at St. Arnaud applied for 320 acres, on which he had spent £346. He resided on the land occasionally, his son always, but his principal residence was on 160 acres, 10 miles off, and he had cultivated for two years. (Mr. Patterson—"What will be done with his application?") That was the difficulty, and it was not yet got over. But he would go no further. He thought he had adduced sufficient to show how difficult it was to apply to cases of the sort he described, and the variety of which was endless, a hard strict rule laid down by an Act of Parliament.

Mr. MACPHERSON suggested that, although the present discussion might be carried on an hour or two longer, no division on the subject should be taken until the following evening.

Mr. CASEY thought such a course would be most unjust to the Government, considering how very little the committee had done that evening. He had previously pointed out that the honorable member for Crowlands (Mr. Woods) had, in framing his amendment, not caused it to refer to a portion of the Bill on which the question he desired to discuss could most properly be raised. The Land Act of 1862 gave no discretion to the Minister, and the honorable member for Crowlands wished to reintroduce that system. (Mr. Woods—"No.") The whole of the honorable member's speech was to the effect that the Minister should have no discretion whatever. (Mr. Woods—"No.") It was desirable that the Minister should, as far as possible, be saved from the dreadful annoyance to which he was subjected in consequence of his having to exercise discretionary powers, and with that view, and in order to secure the proper exercise of those powers, the Bill provided that the particulars of any cases in which the

Minister exercised a discretion should be laid before Parliament. If any better plan to obtain the desired objects was suggested, he would be glad to adopt it.

Mr. BENT inquired what was the longest distance that the selector lived from his allotment in any case in which a lease had been granted?

Mr. CASEY replied that the greatest distance was about five miles.

Mr. McKEAN considered that "reside" was an unsatisfactory term to adopt, and that it would be better to substitute for it the word "abide." According to the judicial interpretation given by Baron Pollock, in *Attenborough v. Thompson*, a man might have two places of residence. (Mr. Gaunson—"Has not that definition been overruled?") It had been overruled by the Minister of Lands in some cases, but not by any court of law. The Minister had insisted upon residence in some cases; and in others he had waived that condition, on being satisfied as to the *bona fides* of the selector. He (Mr. McKean) admitted that some discretion must be left in the hands of the Minister for the time being, or the Land Act could never be carried out.

Mr. McLELLAN moved that progress be reported. The committee had now arrived at a very important question, and it was impossible to make any further progress that night.

After some discussion, the motion was negatived.

Mr. CAMPBELL proposed that the word "hold" be substituted for "reside upon and cultivate." If this amendment were agreed to, time would be saved, and the committee would still be free to discuss the question of residence when they came to clause 11, which provided that every licensee should occupy his allotment "by personally residing thereon."

Mr. CASEY intimated that he had no objection to Mr. Campbell's proposal.

Mr. WOODS also acquiesced in it.

The words "reside upon and cultivate" were then struck out, and the word "hold" inserted in their place.

Mr. WOODS moved an amendment in the 1st sub-section to substitute a lease for 33 years instead of a licence for 6 years.

The amendment was negatived without discussion.

Mr. GAUNSON rose to propose that the term of the licence should be 13 years.

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The CHAIRMAN said such an amendment would be out of order, as the committee had decided that "6" should stand part of the clause.

Mr. GAUNSON moved an amendment in the 2nd sub-section, to provide that the licensee's rent should be payable "as due, in yearly instalments," instead of "in advance, by half-yearly instalments."

The amendment was negatived.

Mr. PATTERSON moved that "320" acres be substituted for "640," as the maximum area of selection.

Mr. DIXON appealed to the Minister of Lands to allow progress to be reported. It would only be a waste of time to commence the discussion of such an important question as the area of selection at that hour of the night.

Mr. YOUNG urged that the committee should sit two or three hours longer, in order that business might be gone on with.

Mr. WOODS said that the sub-section fixing the area of selection at 640 acres would not be carried that night, for he felt it his duty to obstruct it, and he would do his duty if he died at his post.

Mr. JONES moved that progress be reported.

After some further discussion, the motion was agreed to, and progress was reported.

The House adjourned at twenty-four minutes after midnight.

LEGISLATIVE ASSEMBLY.

Wednesday, July 14, 1875.

Quarry Holes at Carlton—Guildford Railway Station—Public Instruction: The Williamstown Board of Advice and the Compulsory Clauses: Religious Instruction—Closing of Public Roads—Frahman Church of England Trust Lands Sale Bill—Melbourne Orphan Asylum Sale Bill—Thistle Prevention Statute Amendment Bill—Public Parks and Gardens—Land Act Amendment Bill.

The SPEAKER took the chair at half-past four o'clock p.m.

QUARRY HOLES AT CARLTON.

Mr. CURTAIN called the attention of the Minister of Lands to certain dangerous quarry-holes east and west of Lygon-street, and north of the Cemetery; and asked whether he would offer them for sale in allotments at a nominal price, on condition that purchasers filled them up within six months from the date of purchase? The

quarry-holes, left as they were at present, were dangerous to life.

Mr. CASEY said the district surveyor reported that the filling up of the excavations referred to would cost about £8,470, and that the value of the land, after it was filled up, would be about £13,464, which would leave a net profit to the Government of about £5,000. The same officer expressed great doubts whether the land, if put up for auction as it was at present, with conditions for the filling up of the excavations, would realize anything of importance. However, about that matter further inquiries would be made. He would consult his colleagues as to whether it would be better to have a sum voted for the purpose of filling up the excavations or to sell the land as the honorable member for North Melbourne (Mr. Curtain) suggested, on terms under which the purchaser would have to do the filling up within a certain specified time.

GUILDFORD RAILWAY STATION.

Mr. PATTERSON called the attention of the Minister of Railways to the want of accommodation for goods at Guildford, and asked if he would cause a shed to be erected suitable to the requirements of the district, and in accordance with a promise given?

Mr. GILLIES said he hoped to be able, in a few weeks, to provide some accommodation.

PUBLIC INSTRUCTION.

Mr. A. T. CLARK called the attention of the Minister of Public Instruction to the correspondence which had passed between the Williamstown Board of Advice and the Education department relative to the enforcement of the compulsory clauses of the Education Act. Last session, he mentioned to the Minister that the attempt of the board of advice to enforce the compulsory clauses had proved a failure, for the reason that the Act provided no machinery for proving the age of the various children; and the Minister gave him to understand that regulations would be framed to meet the difficulty. Since then there had been a correspondence between the board of advice and the department, in which the former urged upon the latter the desirability of taking whatever measures were necessary to carry out one of the main principles of the Act; but up to the present time the board of advice had not been able to obtain any

satisfaction. The members of the board of advice were gentleman who took a large amount of interest in education, and who desired to promote the objects of the Education Act, in which they were all thorough believers; but, unless the department gave them some assistance, he feared no other course would be open to them than to resign. Two prosecutions were instituted by the board. In the first they succeeded, and then the school attendance increased enormously, but a second prosecution failed, and then the attendance fell off, and was still falling off. One large State school, which was opened by the Minister twelve months ago, and was capable of holding 850 children, had an attendance of only a little more than 400; but he was satisfied that, if the compulsory clauses were put in force in that part of the Williamstown district, the school would be filled. He was warranted in saying this by the fact that, after the first prosecution took place, the school attendance rose from 450 to 650; and the increase consisted mainly of children of the worst class—children most in need of education. At present it was the fact that the very class of persons who could afford to pay for the education of their children were the class who were taking advantage of the State schools, while the children that Parliament particularly desired to see in those institutions were not there at all. The following letter was addressed by the correspondent for the Williamstown Board of Advice to the Education department, on the 17th May:—

"I have the honour to inform you that, on the 12th April last, the correspondent gave, on behalf of this board, an authority to Sergeant Daly, of the police force, to prosecute certain persons for breach of the Education Act of 1872, and also intimated to him by letter that the board would assist the police to the best of their ability, but would not hold themselves responsible for the production of the evidence necessary for the prosecutions.

"On May 14th Sergeant Daly informed the correspondent that he had referred the matter to his Superintendent, who, in his turn, had again referred it to the Education department, where the matter rested.

"The board, having fulfilled their duty according to the Education Act of 1872, namely, 'authorized a person to prosecute,' and after great labour selected a few only for prosecution, preferring, when they considered they justly could, to take the parents' promise for the more regular attendance of their children at school, are naturally now desirous to know what steps you have taken to enforce their authority."

It was not until the 11th June, and not until after the department had received

several reminders as to the omission, that any reply was returned, and that reply was as follows :—

“I have received your letter of the 5th June, as to the enforcement of the compulsory clauses of the Act, referring also to your letter of the 17th May.

“The enclosed circular will furnish a reply, and you will notice what evidence is necessary to ensure convictions. The Chief Commissioner of Police has been informed of the opinion given by the Crown Solicitor which is embodied in the circular ; and, as the police are now no doubt in possession of instructions from the Chief Commissioner, they will prosecute in all cases where the necessary evidence is forthcoming. In procuring this, the board of advice should give them every assistance.”

The board of advice were willing to give every possible assistance, but the Minister must see it was a matter of impossibility for members of the board to furnish evidence, and that it was very difficult for the police to do it. It might be said that application could be made to the Registrar-General for the ages of the children, and that in that way convictions could be ensured ; but the identification of the child registered with the child about whom proceedings were taken would frequently be very difficult. In fact it would be impossible for the intentions of Parliament with regard to compulsory education to be fulfilled without an amendment of the Act. He begged to ask what steps the Minister of Public Instruction proposed to take in the matter ?

Mr. MACKAY stated that he had been furnished with the following memorandum in reply to the question :—

“The correspondence of the Williamstown Board of Advice, bearing on the compulsory clauses of the Education Act, has been—1. In reference to carrying out the compulsory clauses of the Education Act generally. 2. As to preventing boys under 15 years of age, who have not passed the necessary standard of education, from being employed in the public service. As regards the correspondence relative to enforcing the compulsory clauses generally, every information has been given to the Williamstown board which the department could supply, as will be seen by the attached circulars. In reference to the correspondence relative to the employment in the public service of boys under 15 years of age, who have not passed the standard of education, it will be seen from the correspondence which is to be laid on the table of the Library, that the Minister had every desire to inquire into the matter, but the board refused to give the names of the boys referred to, and so prevented the inquiry being made.”

Now he did not think the board of advice showed any desire to assist the department in carrying out the compulsory clauses, when they declined to give the names of

youths in the Government service who could at once be dealt with.

Mr. A. T. CLARK said the board of advice naturally felt it would be most unjust on their part to be the means of depriving youths who had been six or twelve months in the public service of their situations.

Mr. MACKAY observed that it did not matter to him what influenced the board of advice. There was the simple fact that the board knew that boys of school age were in the Government service, and yet would not give the names of those boys. With regard to the school attendance he desired to direct attention to the fact that towards the close of last year there was a large falling off in the attendance of children at the State schools, and that had continued up to the present time. In fact, schools had to be closed for days, and in some instances for weeks, in consequence of the prevalence of measles. And therefore the school attendance during the past seven months could not be taken as a fair criterion of the operation of the Education Act generally. The other evening he read to the House a circular addressed by the department, in August, 1874, to the boards of advice throughout the country ; and he would now read a circular which was sent to those bodies after the failure of the prosecutions to which the honorable member for Williamstown had referred. The circular was as follows :—

“The honorable the Minister of Public Instruction has directed that the following information shall be given to boards of advice for their guidance in enforcing the compulsory clauses of the Education Act of 1872 :—

“In order to ensure convictions, it will be necessary to prove—1. That the person summoned is the parent, guardian, or is liable to maintain, or has the actual custody of the child. 2. That the child is not less than six, nor more than 15 years of age. This may be done by the admission of the person summoned, the evidence of the girl or boy, or by some person who can speak to the date of the birth, or by the production of a copy given by the Registrar-General of the certificate of birth, and evidence of the identity. 3. That within the six months stated in the summons the child has not attended any school for a period of 60 days. 4. When requested by the boards of advice, this department will apply to the Registrar-General for a copy of the certificate of the registration of the birth of any child whose parent or guardian it is intended to prosecute ; and such copies of certificates will be sent to the boards of advice.

(Signed) “HENRY VENABLES, Secretary.”

Mr. A. T. CLARK asked how the Minister got over the difficulty of identity ?

Mr. MACKAY said he did not see so much difficulty in the matter. Certainly he did not understand why difficulty should be assumed. When the Education Act broke down, so far as the compulsory clauses were concerned, in consequence of this difficulty, the Government would consider the propriety of amending the measure.

Mr. McKEAN called the attention of the Minister of Public Instruction to a report that the department would not allow ministers of religion to impart to the children attending the State schools religious instruction in the morning, and asked if the report was correct? He understood that, when the Education Act was under the consideration of Parliament, it was held out to the public that ministers of religion could give instruction at State schools, either in the morning or the evening, as arrangements could be made. There would be a difficulty in connexion with the giving of religious instruction to a school of 100 children, where, perhaps, seven different denominations were represented, if it could be given only after the ordinary school hours.

Mr. MACKAY stated that the following minute on this subject was made by the late Minister of Public Instruction :—

"It is in effect prohibited by the Act, at least as regards the boards of advice, and I cannot assume the power of allowing the use of the school-room for any purpose before the school opens."

The Act gave power to boards of advice to allow the use of the school-rooms for the imparting of religious instruction after school hours; and the whole tone of the discussions in Parliament during the passage of the measure was in favour of limiting the powers of the boards of advice in that regard to the portion of the day after school hours. He had uniformly acted according to the terms of his predecessor's minute, and, unless he received instructions from the House to the contrary, he should continue to do so.

CLOSING OF PUBLIC ROADS.

Mr. McKEAN called the attention of the Minister of Lands to a petition from selectors near Sale, lately presented to him, protesting against the closing of the public roads through the Heart station, and the occupation, by the proprietor of that station, of public roads to the extent of 1,500 acres. He had ridden along some of these roads, and could thoroughly

understand the inconvenience and injury sustained by the public through their being closed, because the gates, which were in the muddiest of places, could not be opened without travellers alighting from their horses or vehicles. Nor was this the only evil. Selectors complained bitterly of the wrong done them by squatters impounding cattle when they went on these roads. The grievance was not confined to the Heart station; it was experienced in other parts of the country; and he begged to ask the Minister of Lands if he would introduce into the Land Bill a clause requiring the public roads necessary for traffic to be kept open?

Mr. CASEY stated that the honorable member for North Gippsland was not a member of the House last session, or he would have been aware that both Houses of Legislature gave very anxious consideration to this subject, and dealt with it by a clause in the Local Government Act. The subject having been legislated upon so recently, he did not think it would be expedient to insert in the Land Bill a clause of the kind indicated.

PRAHRAN CHURCH OF ENGLAND TRUST LANDS SALE BILL.

On the motion of Mr. R. M. SMITH, this Bill was read a second time.

MELBOURNE ORPHAN ASYLUM SALE BILL.

Mr. HIGINBOTHAM moved the second reading of this Bill. The object of the measure, he said, was to enable the trustees of the Melbourne Orphan Asylum to dispose of the land which they at present held on Emerald Hill, for the purpose of applying the proceeds in a way which would be profitable and beneficial to the institution. It was proposed to enable the trustees to sell one portion of the land, that upon which the asylum stood, to the town council of Emerald Hill, who were anxious to purchase it, for the sum of £20,000. It was proposed, with this sum, to purchase a larger site in some situation where land was cheaper than it was so near to Melbourne, and to erect buildings on the site, and to apply any surplus which might be available, after the erection of buildings, to the formation of a fund to be called "the permanent land and building fund," and to be applied only to the extension and improvement of the land and building accommodation of the charity. It was also proposed to enable the trustees

to sell such portions of the remainder of their land at Emerald Hill as they might think fit, and to apply the proceeds in the erection of houses and shops upon the portion that was not sold, and to devote the rents arising from the investment to the maintenance of the institution, and the payment of all expenses incident to its general management. These were objects which seemed to be expedient and desirable both for the purposes of the charity and also for the local purposes of the municipal body. The town council were anxious that the arrangement should be carried out, because, if it was, they would obtain suitable buildings for municipal purposes, and for purposes such as post and telegraph offices, and they would also obtain a considerable enlargement of their local revenue by the erection of shops and buildings on the portion of land which they would acquire; and the asylum would be benefited by the creation of a permanent revenue, which it was expected would enable the trustees to reduce their applications to Parliament for aid from year to year. That being the case, he would not have offered any further statement in support of the Bill were it not for the fact that the Minister of Lands intimated, when the Bill was read a first time, that he entertained objections to the principle of the measure. He understood the Minister of Lands to object that this was an alteration in the purposes for which this trust was created. Perhaps, strictly speaking, it was an alteration; but it could not be said to be a diversion of the property, or the proceeds of the property, from the original purposes of the trust. He would have as strong an objection as the Minister of Lands to any attempt to deal by legislation with property invested in trustees for a useful public purpose if it were attempted to divert the property to other purposes than those contemplated by the original trust. But the Bill did not propose to do anything of that kind. It merely proposed to do what indeed it were to be wished the State, and trustees holding property under the State for public purposes, had more frequently the opportunity of doing—to apply to a useful purpose, for the benefit of the trust, that unearned increment of land of which honorable members had heard so much during the last few evenings. Here was a large portion of land—between 12 and 15 acres—which at the time it was granted to the trustees possessed a very small

value indeed. It was granted at a time when there were hardly any buildings on Emerald Hill, and when suburban lands were of comparatively small value. Without any effort on the part of the trustees—without any effort on the part of any one connected with either the Government or the charity—this land had grown in value enormously; and now it was proposed not to divert the property to any other purpose than that originally contemplated, but to use it in a way more profitable to the original trusts and calculated to diminish the burthen of annual maintenance now cast upon the State. The land was smaller than was desirable for the needs of the asylum, and it was not turned to as useful an account as it might be. If it were converted into money, and a larger quantity of land in a more suitable situation were purchased at a less cost, not only would there be a larger area for the charity, but there would also be a considerable sum of money for investment for the permanent benefit of the institution. He could not find a valid objection to the course which the trustees asked Parliament to allow them to take by this Bill.

Mr. INGLIS seconded the motion.

Mr. CASEY observed that he felt somewhat embarrassed in dealing with this question, because he understood the late Chief Secretary (Mr. Francis) more or less gave a promise that such a Bill would receive the sanction of the Government. His fear was that, in passing the Bill, the House would be establishing a precedent which would be a very dangerous one for the future. He admitted that the object of the measure was one to which no reasonable objection could be offered. But seeing that all the public reserves given by the State for charitable purposes were given as a contribution by the State for those purposes, it was open to question whether the increment in the value of the land forming the subject of this Bill really belonged to the Melbourne Orphan Asylum, or whether it belonged to the State as representing all the asylums in the colony; and whether, if the whole of the charitable institutions were being dealt with in one general measure, as was proposed some four or five years ago, it would not be necessary to take into consideration the advanced value which this land had acquired. In many of the towns of the colony there were valuable sites, in the hands of the local bodies, set apart for

market purposes ; and, if this Bill passed, it might be followed by applications for authority to sell market sites, in order to profit by the enhanced value of those reserves, and to provide less commodious and less valuable sites for market purposes. Some very valuable land had been granted to the Hobson's Bay Railway Company, but with the restriction that they were not to sell or lease it. The company had frequently asked permission to dispose of their land in that way, but the application had always been refused. If this Bill were passed, however, he did not see what reasonable grounds could be urged against the Hobson's Bay Company being allowed to sell a portion of their land, if they intended to devote the proceeds to the purposes for which the land was granted. There were friendly societies and public libraries throughout the country, on behalf of which similar applications would be made. Such applications had been made to the Lands department at different times, but he had invariably answered that the land was given for a specific purpose, and that he had not power to authorize the trustees to sell. He did not wish to oppose the Bill before the House, but he felt it his duty to point out that the passage of the measure might establish a precedent which honorable members would regret.

Mr. LANGTON remarked that, if Parliament treated all cases in which applications were made to transfer or dispose of lands granted for public purposes alike, quite irrespective of their individual merits, the evil indicated by the Minister of Lands might arise ; but, so long as the original object for which the land was granted was promoted by the sale, there could be no valid objection to a Bill of this kind. He did not think that there was any analogy between the case of the Melbourne Orphan Asylum and that of the Hobson's Bay Railway Company, or any of the other cases referred to by the Minister of Lands. In this case the land was granted for the purpose of providing a home for children left destitute and without natural protectors. One of the conditions necessary for the success of an institution of that kind was that the children should have plenty of fresh air and an abundant supply of milk and vegetables, which could scarcely be obtained if the institution were situated in the midst of a large town. As this object would be promoted by the removal of the Melbourne

Orphan Asylum to a more extensive area than the institution at present possessed, it seemed to him that Parliament would be acting wisely and prudently by giving the trustees the power which they now asked for. The proposal suggested to him one consideration, which he desired to bring under the notice of the House. This was a quasi-religious institution, because the trustees stood in the position of parents to the orphan inmates, and therefore could not let them be without religious instruction. In considering how the charitable institutions supported by the State should be dealt with in the future, possibly in the course of time the matter might be settled in this way. Such institutions as hospitals and benevolent asylums, in connexion with which the religious difficulty did not arise, might be handed over absolutely to local bodies specially appointed to take the management of them, and the funds for their maintenance raised by means of local rates. In that case there would be an advantage which did not now exist, namely, that all the people in each district would have to contribute to the support of the local hospital and benevolent asylum, whereas at present only a small section of the community did so. If that were done, a large portion of the charitable power of the colony would be set free, whereby quasi-religious institutions, such as orphan asylums, might be supported altogether by private contributions. The passage of the present Bill would not interfere with, but would rather tend to assist, the carrying out of a scheme of that kind. The measure would furnish the trustees of the Melbourne Orphan Asylum with a fund to provide other buildings, and also with a permanent source of revenue to enable them to reduce their demand on the charitable community for the maintenance of the institution. In either aspect the proposal was one which the House might very properly sanction.

Mr. WHITEMAN stated that the object of the Bill had received the careful attention of the parties concerned. The Emerald Hill Council was involved to a considerable extent in the question, as they were desirous of purchasing the Melbourne Orphan Asylum buildings for the purpose of converting them into a town hall, a police court, and a mechanics' institute, in which requirements he was sorry to say that Emerald Hill was at present very

deficient. While Castlemaine, Buninyong, and other country towns were provided with post and telegraph offices of a very extensive and elaborate character, the town of Emerald Hill, which contained about 20,000 inhabitants, had not as much ground on which to erect a post-office as was covered by the chamber of the Legislative Assembly. The objections raised to the Bill by the Minister of Lands would not hold water. It was quite clear that, by effecting the purpose which they had in view, the trustees would serve the interests of the asylum better than they had hitherto been able to do, while the State would be relieved from contributing a large sum of money to the support of the institution, because the sale or leasing of the land would form almost a permanent endowment. If a similar case could be made out on behalf of any other public body which had received land from the State, Parliament would be quite justified in authorizing it to sell the land.

Mr. JOHNSTONE submitted that there was a wide distinction between a railway company and a charitable institution in reference to a matter of this kind. If the Hobson's Bay Railway Company were granted power to dispose of any of the land which had been given it by the State, the result of that proceeding would simply be to benefit certain individuals; but the power which the trustees of the Melbourne Orphan Asylum asked for would be exercised in order to carry out the objects for which the institution was established. He regarded the Bill as a step in the right direction. The Royal commission appointed, some years ago, to inquire into the working of the charitable institutions of the colony, strongly recommended that they should be endowed, and the measure before the House appeared to him to have a tendency to accomplish that end as far as one of the institutions was concerned. He would, therefore, very gladly vote for it. The sooner some provision was adopted to make the charitable institutions self-supporting the better.

Mr. J. T. SMITH stated that he had the honour, many years ago, of asking the Government of New South Wales to grant the land in question for the purposes of the Melbourne Orphan Asylum, and he had taken a pleasure and a pride in the institution ever since. He had no desire to see it swept away, and 400 or 500 orphan children removed from the care—the motherly care, he might say—of the

ladies who took a deep interest in their welfare. (Mr. Whiteman—"The trustees and the ladies are in favour of removing the asylum.") Certainly the House ought not to consent to this property being disposed of, unless provision was made that those for whose benefit it was designed should be as well cared for elsewhere, which was almost impossible. The asylum occupied a most healthy situation, easily accessible from the city, and possessed all the facilities required for such an institution. To assent to the Bill would be a most unwise and dangerous step for the House to take, and would give rise to a host of applications of a similar kind.

Mr. MUNRO considered that one of the best arguments in favour of the removal of the Melbourne Orphan Asylum was furnished by the fact that, when the present site was granted by the Government of New South Wales, it was in a rural locality, whereas now it was in the midst of a densely populated town. The disposal of the land in the way proposed by the trustees would furnish a permanent endowment for the institution; and it would be very wrong for the House to refuse to assent to the measure, especially as all parties interested concurred in the advisability of the removal.

The motion was then agreed to, and the Bill was read a second time.

THISTLE STATUTE AMENDMENT BILL.

The House went into committee for the consideration of this Bill.

Discussion took place on clause 3, which was as follows:—

"In the construction of this and the principal Act the word 'thistle' shall be held to mean and include the plants generally called or known as the Scotch thistle, the variegated thistle, and the Bathurst burr."

Mr. CONNOR moved that the word "usually" be inserted before "known."

Mr. BOSISTO said he understood the object of the Bill was to amend the Thistle Prevention Statute, but he thought that this interpretation clause would make the measure worse than the existing Act. It was well known that the "Scotch thistle" was the Royal thistle of Scotland, and did not grow wild in this country at all, so that no purpose whatever would be served by mentioning it in the interpretation clause. He thought that the most advisable plan would be to retain the

enumeration of the objectionable thistles prohibited by the present Act, but that the vernacular names should be given as well as the botanical names, and that the variegated thistle should be added to the list, and also two new thistles which were reported by Baron von Mueller to be spreading throughout the country, namely, the creeping thistle and the spear thistle.

Mr. CONNOR considered that this would give rise to confusion, and increase the difficulty which was experienced in enforcing the present Act. Every one was aware that the thistle which was the greatest nuisance was that usually known as the Scotch thistle.

Mr. KERFERD expressed the opinion that the suggestion of the honorable member for Richmond (Mr. Bosisto) was worthy of consideration. It might prove a great mistake to think that the term "Scotch thistle" would cover all the ground necessary in a court of law. The Act could not be properly enforced at present owing to the difficulty of proving, without the production of botanical witnesses, that a particular thistle was identical with one of those enumerated in the Act. He thought that obstacle would be removed if both the botanical and vernacular names were given.

Mr. MACPHERSON recommended that the interpretation of the word thistle should be made as wide as possible, by simply providing that it should include all kinds except the sow thistle, which was not a thistle, but a garden weed.

Mr. JOHNSTONE remarked that the word "Scotch" ought to be left out of the clause. There was no such thing as a Scotch thistle in the colony growing wild. Some years ago he offered a reward for any person who would bring him a genuine Scotch thistle. He received 20 or 30 varieties, but there was not a Scotch thistle amongst them. They were no more like the Scotch thistle than the honorable member who had charge of the Bill was like a Scotchman.

Mr. DUFFY suggested that the onus of showing that the thistle complained of was not one prohibited by the Act should be thrown upon the defendant.

Mr. LEVIEN advised the honorable member in charge of the Bill to accept the suggestion of the honorable and learned member for Dundas.

Mr. PATTERSON concurred with the view of the honorable member for Dalhousie.

Mr. GAUNSON observed that no interpretation clause would be necessary if the suggestion of the honorable member for Dalhousie, which was a very good one, was adopted.

Mr. MACPHERSON moved that the clause be amended so as to read as follows:—

"In the construction of this and the principal Act the word 'thistle' shall be held to mean and include the Bathurst burr and all thistles except that commonly known as the sow thistle."

Mr. BENT supported the amendment. He said that the sow thistle was not a weed, but a most useful article of food for cattle.

Mr. GODFREY stated that there had always been great difficulty in determining whether a particular thistle was one of those prohibited by the existing law; but the amendment of the honorable and learned member for Dundas would create a difficulty in another direction. It would subject any person who grew artichokes to a fine, because the artichoke was a thistle.

Mr. GAUNSON said an artichoke was not "commonly known" as a thistle, and therefore the amendment would not apply to it.

Mr. BAYLES urged that the provisions of the Bill should be confined to localities within a certain distance of agricultural lands, inasmuch as thistles were very useful on grazing lands, because they were food for stock during the hot summer months.

Mr. RAMSAY concurred with the honorable member for Villiers and Heytesbury (Mr. Bayles). He also read the following communication from the Secretary for Agriculture:—

"Personally I am averse to the enforcement of the Thistle Act. Within the last few years many practical men have altered their minds with respect to the injury done by the thistle, as experience has shown that the thistle in this country is not unassociated with good; and had it not been for the thistle hundreds not to say thousands of cattle and sheep would have died of starvation during last summer. Moreover, in this country, where the area of land owned by any one person is large when compared with the area owned by any one person in the home country, and where labour is so scarce and dear, while land is so plentiful and cheap, the Act cannot be enforced without inflicting a great hardship upon a large section of the community. In fact, the expense of eradicating the thistle in some districts would exceed in cost the market value of the land. Besides, experience teaches us year by year that if the thistle is left alone it grows gradually weaker and eventually dies out, whereas if constantly cut it comes up more thickly."

Mr. MacPherson's amendment was agreed to.

On clause 4, rendering the owner, lessee, or occupier of land upon which, or upon the half of any road adjacent thereto, thistles were growing liable to a penalty not exceeding £20 if he did not, within 14 days after notice had been served upon him by the proper officer, "effectually destroy all such thistles then growing and being upon such land or upon such adjacent half of the road,"

Mr. BENT moved the omission of the words requiring the owner, lessee, or occupier to destroy the thistles upon the half of any road adjacent to his land. It frequently happened that the prevalence of thistles on a road was not at all owing to the negligence of the occupiers of the adjoining land, and it would be very hard to require those persons to perform a duty which ought to be undertaken by the local municipal body.

Mr. BAYLES supported the amendment, as he considered that the onus of destroying thistles on roads should be cast upon the municipal councils.

Mr. CONNOR expressed the hope that the amendment would be withdrawn. The provision to which exception was taken was contained in the existing law.

Mr. WHITEMAN said he thought it would be a monstrous thing if private individuals were to be fined in consequence of the laches of local bodies in not eradicating the thistles on roads. By neglecting to do so they inflicted an injury on the occupiers of the adjoining lands, who would be subjected to a double injustice if liable to a penalty for not destroying the thistles growing on the roads.

At this stage, the time allotted for giving precedence to "orders of the day other than Government business" having expired," progress was reported.

PARKS AND GARDENS.

Mr PATTERSON moved—

"That there be laid upon the table of this House copies of the sworn declarations made on behalf of local bodies with respect to their expenditure on public parks and gardens, for the years 1873 and 1874."

Mr. McLELLAN seconded the motion, which was agreed to.

LAND ACT AMENDMENT BILL.

The House went into committee for the further consideration of this Bill.

The discussion on Mr. Patterson's amendment to substitute "320 acres" for

"640 acres," in the 3rd sub-section of clause 10 (adjourned from the previous evening), was resumed.

Mr. PATTERSON said his chief reason for proposing this amendment was his belief that the extension of the area of selection from 320 to 640 acres would operate most prejudicially in disturbing and unsettling the selectors on the territory, and besides complicate, if it did not render impossible, any definition of the term "residence." The principal object of all the Land Acts passed in Victoria was to settle an agricultural population on the territory, and in this view it was obvious that, for agricultural purposes, 320 acres was enough for a selector, while for grazing purposes 640 acres was too little. In fact, the blocks required for grazing purposes were altogether too large for the Legislature to be willing that a single individual should be able to obtain the fee-simple of one by the easy means now contemplated, while the committee had already decided by a large majority against a general system of leasing. The circumstance that the area of selections at the present time only averaged about 190 acres was sufficient of itself to show that the present maximum limit was amply sufficient. He suggested that, if the amendment was carried, the Minister of Lands should deal with the matter as he would with a new Tariff, namely, commence forthwith to protect the territory by not allowing any selection whatever, unless it was subject to the provisions of the Bill. That would, of course, be in anticipation of it becoming law. He was satisfied that, unless some such step was taken, there would be a strong run on 320-acre blocks for which a Crown grant could be obtained in three years, in order to avoid the double period of probation which a little delay, until the Bill became law, would involve.

Mr. CONNOR expressed the hope that the amendment would not be carried. Most of the lands now available for selection were only fit for grazing purposes; the committee declined to accept his proposal, that blocks of from 1,000 to 3,000 acres should be let as grazing farms; and it would be most unwise to compel a selector to live upon less than 640 acres. As for the honorable member for Castlemaine's (Mr. Patterson's) fear that to carry the clause as it stood would unsettle and disturb the selectors now on the soil, there was little need to trouble on that account,

because it was hardly possible for selectors to be more disturbed and unsettled than they were at the present moment. He (Mr. Connor) was convinced that the great majority of them would sell out as soon as they could, because it was impossible for them to make a living out of 320 acres of such land as they had. Could they, however, take up larger areas and combine grazing with cultivation they would become permanently resident on the territory. Selections of 640 acres would not be altogether sufficiently large, but they would, at all events, give those who took them up some chance of grazing stock, and so helping to render the colony independent of the neighbouring colonies for its supplies of meat.

Mr. McLELLAN said that, as the future prosperity of the agricultural population of the colony depended upon the present proposal of the Minister of Lands being carried in its integrity, he would like to hear its opponents give some reason for their opposition. If one thing contributed more than another to render the present Land Act a failure, it was the small size of the selections allowed under it, because the holders of them could not, after cropping the land until it was exhausted, allow it to recover itself, or adopt means to refertilize it so as to make its cultivation continue profitable. Land in Victoria was circumstanced very differently from land in the old country, where the soil could be refertilized in many different ways, and where manures were so cheap. The fact referred to by the honorable member for Castlemaine (Mr. Patterson), that under the present Act selectors had not availed themselves to the full extent of their selecting power, and that the average size of selections was only 190 acres, was simply attributable to the circumstance that larger areas were not obtainable in the localities in question. He begged to ask the honorable member whether it was possible for a selector with any degree of intelligence or capital to content himself with 190 acres? Supposing the man to have cropped his allotment for three or four successive years, and the soil to have then become exhausted, how was he to continue his occupation as an agriculturist? It was utterly impossible for him to do so unless he got another 190 acres to put the plough to. In the Ararat district the small settlers had, no doubt, to some extent, disposed of their land, because, in fact, they could not do anything else.

They cultivated their allotments as long as it paid them so to do; but as soon as the land became useless, and would not reproduce the seed put into it, as a matter of course, they sold it to any person who would buy it, and went elsewhere to fresh land in order to go through the same process over again. Another reason for increasing the area of selection to 640 acres was the impossibility of carrying on agricultural pursuits remuneratively unless they were combined with grazing. A selector must have a certain number of stock—sheep, cattle, or horses—on his land, or he would be unable to make a living from it. The practice, now largely carried on in some parts, of fattening stock through the winter, was found to pay the farmer better than growing crops in the summer. The secret of many a farmer's success at the present time was the fact that he had his hands always—summer and winter—at something which brought him in profit; but it was impossible for him to do anything in the shape of stock raising unless he had sufficient land for the purpose. In a vast number of cases the possession of a few paddocks for stock to graze in would make, to a farmer, all the difference between things going well with him, and his being driven to sell out. How could a selector with a large family hope to maintain them respectably on 320 acres? It was folly for him to think of doing so, and, if he did, his family would very soon find out how matters really stood. They would soon become dissatisfied with a state of things under which they could only look forward to moving elsewhere in order to start in life for themselves. In fact, a man would, under such circumstances, be utterly unable to keep his family about him. His boys would quickly see that at home there was nothing for them but a miserable pittance, and they would speedily make up their minds to move off and leave their parents to themselves. It was idle to expect permanent settlement from men who were necessarily discontented in their minds. A selector might himself be more or less satisfied with his allotment, but his family, seeing that its smallness gave them no scope, would often persuade him to sell out and go elsewhere. He (Mr. McLellan) knew numberless instances of a comparatively contented selector in Victoria being moved by the children he had growing up around him to clear out for New South Wales, where a larger allotment would

afford a good prospect in the future for all of them. Furthermore, the land available for selection in the settled districts of the colony was by no means equal in quality to that formerly obtainable, and in the vast majority of the 640-acre blocks taken up under the present clause not more than about 100 acres would be found fit for cultivation. Supposing even that half the land was good enough in quality to be cultivated, it would only be just sufficient to enable the selector to carry on agricultural operations continuously. It was only the class of individuals who in the old days cried out that the lands of the colony were not worth one farthing per acre, who at the present time sought to confine agricultural settlement within such small areas that the selector would eventually be driven to part with his land. He could not, under the circumstances, continue long to derive a living from it, and for the Legislature to ask him to make the attempt was simple folly. Besides, such a proceeding was not in keeping with the times, for the people in this part of the world, who wished to settle on the soil, generally knew what they were about, and were able to judge in which colony they would be best dealt with. As for the cry that, under the operation of the Bill, all the lands of the colony would soon be taken up, he did not apprehend much evil in that direction. As far as he was concerned, he would be happy if at the present moment the Parliament of Victoria had not a single acre of land to dispose of, provided always the territory was in the hands of agriculturists and others, who were able to manage it a thousand times better than any Crown, or Parliament, or Minister of Lands, or public body in the world. But to come back to the point. How, in a climate like that of Victoria, where a great scarcity of water, if not an actual drought, was of common occurrence in the summer months, could a farmer be expected to keep stock all the year round unless he was allowed sufficient means of pasturage? On the other hand, how long could land of average quality be continuously cropped? In certain large districts which he (Mr. McLellan) had visited lately a farmer looked upon an average of from 20 to 30 bushels per acre as remunerative; but so soon as that average knocked off, and the soil would no longer yield enough to pay, in what position did he stand? How could he make both ends meet unless he allowed a portion of his land to lie fallow and

refertilize itself while he cultivated the remainder? Under any other conditions agriculture in Victoria was simply impossible. Under the present Land Act, an agricultural selector was called upon to invest his capital in a house, fences, horses, ploughs, and a regular agricultural plant, all of which he could use up to a certain time, when his land, ceasing to be productive, hung useless on his hands, and all his expenditure went for comparatively nothing. Let land be ever so good, it must have rest; but in a 320-acre selection rest was out of the question. In the Ararat district, it was not uncommon to come across a selection that had been cropped to that pitch that it would grow nothing but sorrel—not a blade of grass. It was to be hoped honorable members would not delude themselves with the idea that all the good land in the colony had been taken up; there was sufficient left to feed the whole population of Europe, if it were properly used; but it was of no use supposing that selectors confined to 320 acres would become permanently settled on the soil. However unwilling they might be to break up their homes, they could not be expected to locate themselves lastingly under circumstances which afforded them neither prosperity nor contentment. Further, he hoped honorable members would not be carried away by reports of nonsensical meetings held throughout the country. Of what value, for instance, was the trumpery public meeting held to consider the land question at Ballarat? The intelligence of the district was not to be found represented on an occasion of that sort. An old and influential resident of Ballarat had recently told him that, beyond the leading speakers, such meetings were only attended by persons who had nothing to do except to look for an evening's amusement. About the most successful meeting held in that city of late years was an undoubtedly large assemblage. The Alfred Hall was almost full, but what was the value of an expression of opinion on the part of people who were gathered together by the prospect of tea and penny buns? Church matters might probably be well discussed under such circumstances, but political questions required more substantial treatment. No doubt pretty much the same thing might be said for the public meetings held in other parts of the colony. He thought it necessary to place these facts before the committee, because they justified him in declaring that he would

never consent to the area of selection being less than 640 acres.

Major SMITH remarked, that he could not conceive how any honorable member who voted in favour of alienating no more lands, in order that they might be reserved, under a system of leasing, for the people, could advocate an increase of the area of selection from 320 to 640 acres. (Mr. McLellan—"I did not vote for the leasing proposition.") He was not exactly referring to the honorable member. He altogether declined to go into the question how much public meetings were worth, because there was no need to do anything else than look at the facts which at the present moment stared the committee in the face. At what rate was the territory being alienated? During the year after the Land Act of 1869 came into operation the total area selected amounted to less than 500,000 acres; but, in 1874, the rate of selection was close on 2,000,000 acres per annum. How could the honorable member for Ararat (Mr. McLellan) meet that broad fact? The honorable member's own arguments went against him. He acknowledged that the selectors in his district had sold, or were selling out, and yet he sought to double the area susceptible of that sort of treatment. He (Major Smith) resided in the district he represented, and he fancied he could speak with more extensive knowledge than the honorable member, whose residence was in the metropolis. If, in four years, the rate of selection jumped from 500,000 acres per annum to 2,000,000 acres per annum, what might be expected when the area of selection was doubled? Viewed in that light, the present proposition was simply preposterous. For himself, he would seize every opportunity open to him to vote so as to prevent the further alienation of the territory. To give men a chance of selecting 640 instead of 320 acres would simply perpetuate and exaggerate the chief evil of the present system, namely, the temptations it afforded to persons to select, and subsequently sell out to the large landed proprietors. He would be comparatively content if the committee would even adopt the proposal of the honorable member for Polwarth, but that he should vote for the property of the people being disposed of at double the present rate was altogether too much to ask. As matters stood, he would vote for the amendment.

Mr. HIGINBOTHAM asked the Minister of Lands to state how much land

there was in the more settled parts of the colony which could be taken up in blocks of 640 acres? He had been informed by a person who knew the colony very well, that, excepting the mallee scrub, the mountainous districts in the north-eastern part of the colony, and Gippsland, there were very few places in the colony where a square mile of territory was to be found unoccupied. (Mr. Hanna—"Oh! oh!") (Mr. McKean—"Not agricultural land.") Well, it would be interesting to know whether that was or was not the fact. He understood the honorable member for Ararat (Mr. McLellan) to contend that the areas now occupied by selectors were too small for their business, and that they should have the opportunity of increasing their selections to 640 acres. (Mr. McLellan—"Future selectors.") Then it would be well to know what chances future selectors would have of taking up 640 acres. If the present selectors were to be allowed to extend the area held by them to 640 acres, did not that imply that the condition of residence would have to be abandoned? They could not be expected to increase the blocks now in their hands by 320 acres. So far as his judgment went, he felt bound to vote against an increase of the area of selection. He confessed that his desire was to reduce by every possible means the amount of land to be alienated in the future. He believed that every acre held back from present alienation, would be an acre rescued from ultimate absorption into the large estates of the country, and reserved for public use and benefit.

Mr. CASEY said he could only give the committee a general idea on the subject to which the question of the honorable and learned member for East Bourke Boroughs referred. The total area of the colony was 57,000,000 acres, out of which 15,000,000 acres were alienated, leaving a balance of 42,000,000 acres. After deducting the area required for towns, roads, public reserves, &c., it was estimated that there remained about 38,000,000 acres available for agricultural and pastoral purposes. Out of the last mentioned area 30,000,000 acres were held under pastoral licence. There were about 8,000,000 acres not under pastoral licence, a portion of which was mallee. Of the 38,000,000 acres, he was informed that there were, in round numbers, about 15,000,000 acres fit for agricultural settlement. Some few years ago it was thought that nearly all

the agricultural land was occupied, but, by the industry of selectors, large and valuable tracts had been found in various parts of the colony. Of course, these were merely general statements; he did not know they were exactly correct; he was merely giving the committee such information as he had received. With regard to the question before the committee, he considered that the only tangible objection offered to the enlargement of the area was that offered by the honorable member for Castlemaine (Mr. Patterson), that it might have the effect of unsettling those who were already settled upon the land, and of inducing them to get rid of the lands now in their occupation in order to acquire fresh selections elsewhere. However that might be, he did not think it could be denied that 190 acres was too small an allotment for persons who desired to settle upon the land with advantage to themselves and benefit to the country. If a man took up only a small piece of land, the chances were that he was bought out by a larger proprietor in the neighbourhood. There was a natural tendency for small farms to aggregate into one large estate. Then again it should be recollected that the 15,000,000 acres still left were not altogether in one block, and that any person who took up a 640-acre selection would, in all probability, have only 150 or 200 acres suitable for agriculture; the remainder would be inferior land. It was not to be supposed that any person who took up 640 acres would necessarily get 640 acres of the best land. Selectors would have to take the good and the bad together. But there was a great desire among a number of would-be selectors to have the area enlarged, in order that they might be able to carry on both grazing and agriculture.

Mr. PATTERSON said the Minister of Lands was mistaken in thinking that there were 15,000,000 acres still available for agricultural settlement. The entire area of the colony was 56,000,000 acres, of which 23,000,000 consisted of mallee scrub, mountain ranges, lakes, morasses, and things of that sort—utterly useless land. That left 33,000,000 acres, of which nearly 17,000,000 had already gone, and there remained only 15,000,000 acres which was fit, not for agriculture alone, but for agriculture and grazing. After the settlement which had taken place, after the “eyes” had been picked out of

the country as it were, he feared there was little land left fit for agriculture.

Sir J. McCULLOCH considered the question put by the honorable and learned member for East Bourke Boroughs a very pertinent one—one deserving a better answer from the Government than had been given. The Minister of Lands himself, according to his own admission just now, was not aware of the precise quantity of land at present available for agricultural purposes. But the committee ought to have before them the fullest and clearest information on that head before proceeding to legislate for the enlargement of the selection area from 320 to 640 acres. He was informed the other day, by a gentleman who had great experience of the general character of the country, and the kind of land still unalienated, that there were not more than 5,000,000 or 6,000,000 acres of agricultural land available for selection. In the face of that fact, was it desirable to go on alienating the land as they had done? Last year, with 180 acres as the average size of the allotments selected, though the maximum authorized was 320 acres, the extent of land alienated was nearly 2,000,000 acres. Double the size of the area which might be taken up by any one person, and, if selection progressed in the same ratio, the total extent of land alienated in the ensuing year would be 4,000,000 acres. But was it desirable for the country to part with its lands as rapidly as that? He had had a great deal to do with Land Acts in the past, and he unhesitatingly asserted that those Acts, to a large extent, had been failures. He believed that this arose not from any fault on the part of honorable members on one side or the other, because they had all been anxious to make the land available for the purposes of settlement. Certainly it was not their wish that the land should be disposed of below its value in order that it might pass into the hands of other parties than those who would settle upon it. But what was the fact? Of 32,000,000 acres, the total quantity of land in the colony suitable for occupation in any shape, 18,000,000 acres had been parted with, leaving only 14,000,000 acres still available; and now it was proposed to increase the selection area, in order that the land might pass away from the State more quickly than it had done in the past. If he had any influence with the House or the Government his advice, in the interests of the

country, would be to stop all alienation or selection whatsoever for a period of two years—at all events, until they were really in a position to comprehend and grasp the real state of the case. He had no hesitation in stating that the reports which had been submitted to the House lately—although he believed they were prepared with the utmost possible care by officers who had every desire to submit a true and correct state of the case, but who were not in a position to give the attention which they ought to have done to so important a matter—were not reliable. He had the opportunity recently, as a member of the select committee appointed to make inquiry in reference to the O’Ferrall frauds, of seeing something of the Lands department, and he had no hesitation in saying that he never saw a place in such a discreditable state of confusion as the Lands-office. Now the administration of the entire public estate rested with that department, and yet the department was not in a position to give the House the information it required and ought to have when asked to legislate on the land question. Certainly it would be most unwise to increase the selection area when the public did not want the increase. He knew that a sort of competition had arisen with other colonies as to the disposal of land. But in such a competition Victoria did not start fair. In fact Victoria was not in a position to compete with the adjoining colonies. New South Wales had an area of 210,000,000 acres available to commence with, and what had it done? Up to this time, by selection and sale, it had not parted with 15,000,000 acres; it had not parted with so much as Victoria had. Queensland had at command 430,000,000 acres; and how could Victoria compete, in the matter of land legislation, with a colony like that? The matter ought to be looked fairly in the face, not as affecting one class or another, but as to what was best for the future of the country. Honorable members might talk of alienating land as far as possible, and of imposing additional taxation with a view to the breaking up of large estates, but he would ask what temptation would there be to people in other parts of the world to come and settle here if, in the course of the next five years, the whole of the remaining Crown lands were parted with? He did not think the House was justified in passing a measure authorizing the alienation of land in blocks of 640

acres merely to induce people to remain here rather than go to other colonies. At present, he believed, a greater number of people were leaving the colony by sea than were coming into it. That was a most serious matter, particularly when coupled with the fact that a large number of people were going across the border into other colonies. As he understood the Minister of Lands, the Bill had been introduced with the view of settling people who were now on the move. But what was the cause of this “move”? Was it that 640 acres could not be obtained by selection? That could not be, because at present selectors did not take up the maximum acreage to which they were entitled. With power to select up to 320 acres, the average quantity of land taken up last year was only 180 acres per selector. (Mr. Casey—“No average is equal to the maximum.”) Of course not, but in this case the minimum must be very low indeed. He had no hesitation in expressing the opinion that, if the selection area were increased to 640 acres, honorable members would regret it, because not only would the State be deprived of an important source of revenue, but the colony would be destitute of that most desirable attraction for a new country to possess—land to settle people upon.

Mr. HANNA said he was really surprised at the virtuous innocence displayed by some honorable members who appeared to think that there was hardly any land available for settlement. Why in the county of Moira, which extended from the Ovens river to the Goulburn, and from the North-Eastern Railway to the Murray, with an area of 3,136 square miles, or 2,007,040 acres, only 600,000 acres had been alienated, and he supposed that of the land in that county not more than 300 acres were unfit for cultivation. Then again in the adjoining country of Delatite, with an area of 2,072,000 acres, there were not more than 500,000 acres of purchased land. There was mountain land to the extent perhaps of 50,000 acres, but all the remainder was fit for cultivation. Then there was the county of Bogong, which extended from the Ovens to the Mitta Mitta. That county contained an area of 1,980,000 acres, of which 300,000 were purchased, but of the remaining land—with the exception of about 100,000 acres of granite formation in the immediate neighbourhood of Beechworth—there was not half-an-acre which was not fit for

cultivation. He could speak with authority on this subject, because he was personally acquainted with these counties. Then there was the county of Benambra, on the other side of the Mitta Mitta. The area of that county, which included the Omeo plains, was about 1,700,000 acres, of which no more than about 100,000 acres had been taken up. The land was very fertile, and there was plenty of water; the only drawback was want of access to a market. He could bear similar testimony with regard to Gippsland; and according to an official report published on the 14th May, of all the land embraced within the seven counties of Gippsland, only 300,000 acres had been sold, and only 11,000 acres were under cultivation. With these facts patent, he was surprised at the virtuous innocence displayed by some honorable members with regard to the quantity of land still available for selection.

Mr. WOODS contended that, if the speech just delivered had any meaning, it was that it was an unwise thing to increase the selection area to 640 acres. But it was clear that the committee were dealing with something about which they possessed very little information indeed. He considered that the responsible officers of the Lands department ought to be summoned to the bar of the House to inform honorable members what land there was and where it was. He was told by an honorable member who knew a great deal about the matter, that the soil in Gippsland was so rich that, if taken and sifted during the summer months when it was dry, it would sell in Melbourne for guano. It was now proposed to alienate that land—the property of the nation—to individuals in blocks of 640 acres, as a bribe to keep them in the colony. That was not a fair thing. To offer a square mile of territory as a bribe to keep an individual from going to New South Wales or Queensland was a most improper thing. Moreover, as the honorable member for Castlemaine (Mr. Patterson) had said, the colony could not afford it. But while, in one direction, there was land remarkably rich, in another direction there was land of a totally different character. This showed the great necessity for classifying the lands. Honorable members should be informed, by means of a tabulated statement, how much land of each kind there was in the colony. At present they were working entirely in the dark. The Minister of Lands had said

that there were 15,000,000 acres of available land left; but every one who knew anything of the colony took the liberty to doubt that statement. If the officers of the Lands department did not know of what the public estate consisted, let them have time to ascertain; let them have time to send men over the country, and to classify the land according to its quality and adaptability; and in the meantime let the House suspend action. He was not aware that the House was in duty bound to pass the Bill simply because a Government chose to propose it.

Mr. MASON submitted that, as under a maximum of 320 acres, the average area of selections was only 180 acres, no harm would accrue from extending the maximum to 640 acres. As a matter of fact, in almost every instance of selection in the district around Brandy Creek, the maximum area had been taken up. The honorable member for Warrnambool had stated that, in the matter of land settlement, Victoria could not compete with the adjoining colonies; but certainly it would be in a better position to compete with them if the area of selection was extended to 640 acres. The honorable member for Warrnambool had stated that there were only about 6,000,000 acres of agricultural land available for settlement. If that were so, while the total country unalienated was about 38,000,000 acres, the greater the reason why the selection area should be enlarged, so that persons who took up land might be able to combine agriculture and grazing. Certainly the fact that, in many instances, advantage was not taken of the opportunity to select the full area allowed by the law of the land, was no reason why those who were prepared to select a larger area should not have the opportunity of doing so.

Mr. MUNRO expressed his surprise at the honorable member for Warrnambool suggesting that the House should stay its hand, in reference to land legislation, for two years, in order to obtain information which he had not obtained himself, although he had been connected with the matter for 10 or 15 years. The honorable member for Warrnambool avowed that he took great interest in the land question, and yet he had paid so much attention to it that he now admitted he was profoundly ignorant of the whole subject—that really he did not know what quantity of land was available for agricultural purposes, or what was available for

pastoral purposes. Surely honorable members could not be expected to obtain in two years what the honorable member for Warrnambool, with all the machinery at his disposal, had failed to obtain in 10 or 15 years. He (Mr. Munro) would ask honorable members whether they thought any one who proposed to engage in agricultural pursuits would be able to support themselves and their families comfortably on 200 or 250 acres? Let them throw sentiment aside, and deal practically with this subject. Here was a fine estate placed at their disposal, and people were asking to be allowed to go in and occupy it and apply it to useful purposes; and yet they were not allowed sufficient land to enable them to live upon it; they were only allowed enough to enable them to carry on a miserable existence for a number of years and then to get rid of it. Why, there were thousands of men of the most industrious class carrying on a struggle for life on miserable little patches of land—men who, if they wanted to increase their holdings, were prevented by the law from doing it honestly, and therefore they were compelled to do it dishonestly, by resort to subterfuge. A great deal had been said about giving away the public estate, and about this provision to increase the maximum selection area being a bribe to keep people in the country. He did not take that view of the matter at all. He maintained that if people who were in the country wanted to go upon the land and make a proper use of it, they ought to be enabled to do so. One great difficulty which parents had to contend with, owing to the reluctance of sons to learn trades, was the want of sufficient facilities for getting upon the land; and therefore he was in favour of that part of the Bill which would allow of people taking up land who could not reside upon it, provided they cultivated and otherwise improved it. A continuance of the present state of things was not warranted by the circumstance that honorable members did not know how much land there was to select. If the Legislature allowed areas of 640 acres to be taken up without residence, people would very soon find out where the land was—people who would retain their present employments until the land was fit for them to live upon it, when they would take up their abode upon it, and make the best use of it they could, and leave it to their children after them. Why should

Mr. Munro.

the land be refused to such men while it could be taken up by a man who would live upon it, in a miserable hut, for a couple of months, and then, for the rest of the year, go about sheep-shearing and harvesting? That kind of man, who really was a wanderer on the face of the earth, was called a *bond fide* selector; and yet the land was refused to a man who was sufficiently honest to say—"I won't perjure myself, I want to take up land, and I'll cultivate and improve it, but I can't reside upon it." The land was there to be applied to a proper purpose, and, in the name of everything that was good, why could it not be so applied? There were, in Victoria, as good agriculturists as ever existed, and they were starving because they had not sufficient land to cultivate at a profit. There were hundreds, if not thousands, who for that reason had given up their occupations in despair, and handed over their land to any one who would like to buy it. Once for all, he hoped honorable members would put sentiment aside and be practical; that they would allow people who were prepared to cultivate the land to get it, and in sufficient quantities that they might be enabled to cultivate it properly, with profit to themselves and advantage to the country.

Mr. JONES reminded the last speaker that the question before the committee was whether the maximum area of selection should be 320 or 640 acres, and not the question of residence. The honorable member had made a mistake in attributing what he did to the honorable member for Warrnambool. That honorable member did not profess ignorance of the effects of previous Land Acts; on the contrary, he asserted they were absolute failures; but what he was ignorant of was what the honorable member for North Melbourne (Mr. Munro) and every other honorable member was ignorant of, and that was the full effect of the existing law. According to the report of the Lands department and the speeches of the Minister of Lands, everything was exceedingly satisfactory. According to the honorable member for North Melbourne, everything was exceedingly unsatisfactory; and yet the honorable member was absolutely called upon, by those in whom he confided, to believe that every defect had been remedied. Again, it was said that all the defects of which complaint had been made applied to former land laws, and not to the existing land law

—the law of 1869. For his (Mr. Jones') part, he was just as ignorant upon this matter as the honorable member for Warrnambool professed to be, and as the honorable member for North Melbourne really was, though he did not know it. The little indication which the House had had of the operation of the Act of 1869 was very far from proving that the method of attaching population to the soil had yet been discovered. He believed there were some 60,000 acres of land for which Crown grants had been issued under the 1869 Act; and it was stated, as a very remarkable merit of that Act, that the transfers which had taken place were only in respect of about one-third of that quantity, or about 20,000 acres; but the fact was that the time necessary to complete the titles of a vast number of the selectors under that Act had not elapsed, and therefore they could not transfer. (Mr. A. T. Clark—"There are transfers every day.") If that were so, surely, before anything further was done, the committee should have some accurate information on the matter. Certainly the information already obtained was sufficient to induce the committee to pause. He voted, on a former occasion, for the enlargement of the maximum area of selection to 640 acres, and what had converted him to the 320 acre maximum were the statements from the Lands-office which, though apparently satisfactory, were to him perfectly appalling. Those statements showed that, instead of there being a reluctance to take up land under the 320-acre maximum, as many as 2,000,000 acres were taken up last year. With that fact before them, could it be said that the land was not going fast enough? If that land were not being applied to actual and *bonâ fide* settlement, it was going ten thousand times too fast. And to increase the area of selection, for the benefit of the class described by the honorable member for North Melbourne as ready to part with the fee simple of their land to others, would be to double the evils now existing. The honorable member for the Murray Boroughs had given to the committee the acreage available for selection in particular counties, but the sum total of the land available for selection was not to be increased by that sort of process. The honorable member had also spoken of the extraordinary richness and fertility of Gippsland. But did the honorable member want that territory disposed of a generation before

the time when the land would be available for the sustenance of the population? That land, remote from markets and inaccessible though it was, would immediately be taken up, if this 640-acre provision passed. The conditions would be more or less evaded, as it was well known they could easily be evaded; and the result would be that, when the population desired to make use of that land, they would have to pay for it the price which the monopolist demanded.

Mr. BENT remarked that, although the honorable member for North Melbourne (Mr. Munro) had spoken in favour of every man in the colony having a chance of obtaining a freehold, there was nothing in this clause to carry out that object. The clause would not enable a man with a capital of, say, £500 to get a freehold. As to the remarks of the honorable member for the Murray Boroughs, he would like to ask one or two questions. Could land on the Goulburn be compared with that between Seymour and Violet Town; and if it was right to grant 640 acres on Major Plains, ought not they to allow three times that quantity to be selected on Younghusband's run? How could a uniform area of 640 acres be given when the land varied greatly in quality in different parts of the country? Were not 150 acres at Brandy Creek and between there and Whisky Creek worth more than 500 between Traralgon and Whisky Creek, and 100 acres at Camperdown worth more than 640 at Ararat? If honorable members had this land to dispose of in their private capacity, would they not parcel it out according to its value, and why should a different policy be pursued by the State? There was very little land in the colony of which 320 acres would not be sufficient if properly farmed. The fact was that the artificial land system which had prevailed in this country had made selectors slovenly. Instead of encouraging them to become agriculturists, and make the land produce as much as it could, the system had induced them simply to scratch the soil. It would be better for the Legislature to stay its hand than encourage the present system. There certainly ought to be some method of classifying the lands adopted, so that the State would obtain the fair value for them, and one man would not be put in a better position than another. At present the unscrupulous man had a great advantage over the

honest man. Would the market gardeners of Brighton have been content to continue to work 15 or 16 hours a day upon an allotment of perhaps 9 or 10 acres, if they had been aware that by going to Lillydale they could obtain 320 acres of good land without residing upon it, as had been done in some cases? Those men, however, did not know the tricks of the Lands-office. They did not know that they could rub out this and rub out that. They honestly believed the Legislature intended that a man who took up 320 acres should reside upon and cultivate them—that residence and cultivation were to be the *quid pro quo*. He would oppose any extension of the area of selection, because 320 acres were sufficient for any man to take up. Indeed a man who could afford to fence and cultivate 320 acres was not a poor man. It was not the poor man whom such legislation benefited, but the man who had sufficient means to hold land for a few years, after which he could sell it for perhaps six or seven times what he paid the State for it. No man dealing with his private land would dispose of it in the same way that this Bill dealt with the public lands, for 1s. per acre per annum was not interest on the value of the fee simple, even reckoned at £1 per acre. (Mr. Cameron—"What was the average price realized for land sold by auction?") In his opinion the system of sale by auction had not had a fair trial of late years. If the lands were classified according to their quality, and put up for sale by auction in moderate-sized allotments, with a system of deferred payments, so that a man could purchase as much as he knew his means would allow him to utilize, that would be a great improvement upon the present system. An upset price was placed on town and suburban lands in accordance with their varying value, and he did not see why the same principle should not be applied to country lands. He would also suggest that a system of deferred payments should be adopted in connexion with the sale of town and suburban lands, so as to give the poor man a chance of purchasing some of those lands. Another matter to which he desired to draw attention was that a large quantity of the finest timber in Gippsland was being cut down simply in order that selectors might comply with the cultivation condition. Considering that a lot of money was expended in planting forests in other parts of the country, he was surprised that no steps were taken

to prevent the destruction of the magnificent forests of Gippsland.

Mr. GODFREY observed that, though the subject of the leasing of the lands was disposed of for the present—and he was afraid for ever—he did not regret having raised that question, inasmuch as it had provoked one of the most interesting and important discussions that had ever taken place in the Legislative Assembly. With respect to the proposed increase of the area of selection to 640 acres, he thought that one of the most serious objections which could be urged against that extension was that it would seriously disturb the position of those selectors who had been limited to 320 acres. The Minister of Lands had not in any way answered that objection. Those persons who had already availed themselves of the maximum area allowed by the present law would not be able to take up an additional quantity of land, and consequently they would have a feeling of envy towards new selectors, who would be in a position to obtain 640 acres. The result would, therefore, be to hold out a further inducement to existing selectors to part with their present holdings, in order to take up double the area elsewhere.

Mr. McKEAN stated that he was surprised to hear the honorable member for Warrnambool oppose the extension of the area of selection to 640 acres, because that principle was one of the leading features in the Land Bill of 1869, introduced by the Government of which the honorable gentleman was the head, although it was yielded in the compromise on the measure made between the Assembly and the Council. The honorable member had evidently changed his views on this question. (Sir J. McCulloch—"No.") Then the honorable member, to be consistent, ought to support the proposal to fix the maximum area of selection at 640 acres. (Sir J. McCulloch—"No.") Most honorable members would admit that the best land in the colony had already been taken up, and it was absolutely necessary that the present area of selection should be increased if people were to be settled on the soil. He doubted very much whether a block of 640 acres of agricultural land could be selected in the colony, or even half that quantity. If the regulations limiting selectors to a certain proportion of water frontage were adhered to, a large portion of any 640-acre block that a man could take up must necessarily

Mr. Bent.

consist of land which was only fit for grazing. This colony ought to hold out as tempting a bait to farmers to come from the old country as the United States or Canada did, or as New South Wales or any of the other Australian colonies did. He had seen it stated that a man was to be allowed to select 1,000 acres of land in South Australia, where there was some of the finest wheat-growing land in the world, and the facilities offered for settlement were much greater in New South Wales and Queensland than in Victoria. He therefore thought that 640 acres would be quite little enough to allow a selector to take up here, especially as the greater portion of the land left was of inferior quality. It had been said that land at Brandy Creek was worth £25 per acre, but it would cost nearly £50 an acre to clear it. He would rather pay £50 per acre for that land, cleared and fenced, than have it given to him in its present state for £1 per acre. Unless the area of selection was increased to 640 acres he was afraid that settlement would be retarded, and that the population of the colony would diminish rather than increase.

Mr. STEWART remarked that the reason why the average area of selection under the Land Act of 1869 was only 190 acres was easily explainable. Most of the selectors who had taken up land under that Act previously possessed small holdings, but the law only allowed them to select the difference between what they then held and 320 acres. He thought it was time that the maximum area of selection was increased to 640 acres. Owing to the land still available for settlement being at a great distance from markets and subject to other disadvantages, 640 acres would not be more than equivalent to 320 acres of the land which had been already selected. It would perhaps have been better if Victoria had some years ago adopted the system which prevailed in the Dominion of Canada, where a selector could take up as much land as he liked, but, if he did not put certain improvements upon it, it was liable to forfeiture. If the area of selection were increased to 640 acres he was not sure that there would be such a rush for the lands as some honorable members supposed. There was no such rush under the Act of 1865, which allowed a man to take up 640 acres every year. After all, comparatively few people could take up land. It was his intention to have proposed that the area of selection

should be 320 acres, with a grazing right over three times that area, but he would vote for the 640 acres, lest in grasping the shadow he should lose the substance.

Mr. JAMES said that he would support the amendment to limit the area of selection to 320 acres. He maintained that the proposition for 640 acres was not conducive to the interests of the people whom it was intended to settle on the land, namely, the industrious class. That class was chiefly composed of poor men, and 640 acres were altogether out of their reach. It was impossible for a man of very limited means to take up 640 acres, and comply with the conditions of keeping up payments and making improvements. In many instances selectors did not comply with the conditions now, because they were unable, and therefore how could they do so if the area of selection were increased from 320 to 640 acres? If poor people went on 640 acres the consequence would be that, for lack of energy or knowledge, or want of means, they would not be able to comply with the conditions, and the bulk of the lands would fall into the hands of capitalists at a more rapid rate than they were doing under the present system. The honorable member for North Gippsland had spoken in favour of granting 640 acres, in order to hold out a bait for immigrants, yet according to his own showing the fencing and clearing of that quantity of land at Brandy Creek would cost £32,000. He (Mr. James) hoped the amendment would be carried, because, if it were, the Minister of Lands would have no other course than to take the Bill out of the Chamber. In his opinion they were getting on tolerably well under the present Land Act—much better than they would do under the new system proposed by the Bill.

Mr. GAUNSON expressed his regret that the committee had decided against the leasing principle. As, however, it was determined to continue the selection system, he would vote for increasing the area to 640 acres, because the most desirable thing to do now would perhaps be to dispose of the lands as quickly as possible, in order to get rid of the Lands department. Honorable members were supposed to be legislating for the purpose of settling people on the lands. A great deal was said about the poor man, but how was it possible for a man who had no capital, or only a very small one, to go on 640 acres, or even 320, reside upon the land, cultivate

one-tenth part of it, and make improvements to the extent of £1 an acre, unless he borrowed money? The whole system was the most complete farce ever perpetrated by a deliberative body. The inevitable result of such a system was that the selector must dispose of his land as soon as he possibly could. The reason why there had not been more transfers of land under the Act of 1869 than had already taken place was that the department would not give Crown grants to selectors who were entitled to them, but gave them leases, with an illegal condition inserted to prevent them transferring without the consent of the Governor in Council. As a matter of fact, however, one-fourth of the lands for which Crown grants had been issued under the Act of 1869 had already been disposed of. For the reasons he had stated, he would vote against the amendment.

The committee divided on the question that "640" (proposed to be omitted, with the view to substitute "320") stand part of the clause—

Ayes ...	...	...	...	36
Noes ...	...	...	...	18

Majority against Mr. Pat-	}	18
erson's amendment		

AYES.

Mr. Bayles,	Mr. Langridge,
" Bosisto,	" Levien,
" Burrowes,	" Lock,
" Cameron,	" MacDermott,
" Campbell,	" Mason,
" Casey,	" McKean,
" Cope,	" McLellan,
" Coppin,	" Moore,
" Curtain,	" Munro,
" Duffy,	" Ramsay,
" Farrell,	" G. V. Smith,
" S. Fraser,	" Stewart,
" W. Fraser,	" Sullivan,
" Garratt,	" Tucker,
" Gaunson,	" Walker.
" Gillies,	
" Hanna,	<i>Tellers.</i>
" Hunt,	Mr. W. Clarke,
" Kerferd,	" Inglis.

NOES.

Mr. Bent,	Sir J. McCulloch,
" A. T. Clark,	Mr. Must,
" Crews,	" Patterson,
" Dixon,	Major Smith,
" Higinbotham,	Mr. Thomas,
" James,	" Woods.
" Johnstone,	
" Jones,	<i>Tellers.</i>
" Langton,	Mr. Godfrey,
Dr. Madden,	" Whiteman.

PAIRS.

Mr. Mackay,	Mr. R. M. Smith,
" Service,	" Grant,
" J. T. Smith,	" Connor.

Mr. WOODS moved that the Chairman report progress. He said affairs had reached a stage at which it was important that the country should be allowed an opportunity of expressing an opinion on the matter. He regarded the division just taken as more fatal to the general interests of the people of the colony than any which had been witnessed in that Chamber for a considerable length of time. It was not likely that any definite progress would be made in the Bill before the Budget speech was delivered, and therefore no real harm could come of the delay he now asked for. At the same time it would permit the country to speak out through the press, or in other ways, before what he wished to prevent was consummated.

Mr. McLELLAN stated that he had not the smallest objection to reporting progress, but he regarded the vote just taken as a glorious victory. He believed thousands would bless the Assembly for its liberality. (Mr. Woods—"Bless us for giving what does not belong to us?") He did not know about that, but this he did know, namely, that the increase in the area of selection just agreed to constituted, as far as selectors were concerned, the difference between their being well to do, comfortable, and able to keep their allotments, and being broken down, half starved, and compelled to sell out. There was no need to ask the country to pass an opinion upon what every free-born citizen would be more than satisfied with.

Mr. CASEY expressed the hope that the honorable member for Crowlands (Mr. Woods) would not persist in his motion. He ought to recollect that the division had taken place after a long debate, and that the honorable members who thought differently from him were as much actuated by conscientious convictions as he was. It would be well if the consideration of the Bill were proceeded with that evening for an hour or two longer.

Mr. WITT remarked that he was unavoidably absent from the division just taken, but, had he been present, he would have voted for the larger area. He was sure the decision arrived at would be endorsed by a large majority of the people of the colony.

Mr. CREWS considered that, as the opponents of an extension of area were beaten, their best plan would be to accept their defeat.

Mr. A. T. CLARK said he sympathized with the action taken by the honorable member for Crowlands (Mr. Woods), because he was sure the country would for many years deeply deplore the decision the committee had just come to.

Mr. MASON pointed out that, as the Land Bill had been seven weeks before the House, and the proposed extension of area was announced in the Governor's speech, the country had had already ample opportunity for expressing an opinion upon the present subject. Furthermore, it ought to be borne in mind that the Legislative Assembly had twice, and the Legislative Council once, adopted the principle alluded to.

Mr. WOODS said he would have great pleasure in giving way, but he felt it his duty to call upon the committee to pause. If his motion was carried, the further consideration of the Bill would be postponed until Tuesday next, and if the country did not speak out by that time he would offer no more obstruction.

Mr. CASEY observed that, if the consideration of the Bill was proceeded with, he would postpone any particular portion of it honorable members wished.

After some further discussion, the motion for reporting progress was negatived without a division.

Mr. CAMERON moved the omission of the words "No more than one licence shall be granted to or held by any one person," which constituted the 4th subsection of the clause. He said that a selector who had already taken up land would, if he proposed to enlarge his holding, require a second licence.

Mr. GAUNSON considered the retention of the words would clearly defeat half the intention of the committee in increasing the area of selection to 640 acres.

Mr. CASEY accepted the amendment, which was agreed to.

Discussion took place on clause 11, which was as follows:—

"It shall be the duty of every licensee to observe the conditions following, that is to say:—

"i. Within six months after he has received notice that his application has been approved he shall enter upon the allotment, and thenceforward, during the continuance of his licence, shall occupy the said allotment by personally residing thereon.

"ii. He shall not assign the licence, nor transfer his right, title, or interest therein, or in the allotment therein described or any part

thereof, nor sublet the said allotment or any part thereof, nor permit any agistment thereon.

"iii. He shall enclose the allotment with a good and substantial fence within at most three years from the date of his licence, erecting at least one-third thereof in the first year, and shall, during the currency of such licence, after the expiration of the first year thereof, cultivate during each three years at least one twentieth part thereof, either together or in parcels.

"iv. He shall, within three years from the date of his licence, make upon the allotment permanent and substantial improvements in value at the rate of 10s. for each acre, and so in proportion for any fractional part thereof, and before the expiration of his licence in value altogether, at the rate of £1 for each acre, and so in proportion for any fractional part thereof.

"v. Every licence may be revoked by the Governor if the licence fees, or any of them, be not paid when and as the same are due, and shall be forfeited and void if the licensee fail to observe any of the conditions required by this Act or his licence, or be directly or indirectly a party or privy to a fraud upon or under this Act."

Mr. LEVIEN moved that the words "thirty-six months" be substituted for the words "six months" in the 1st subsection. He said it was frequently a great hardship for a man to be compelled to commence residence on his selection within six months after the approval of his application. A selector having once established his *bona fides* might fairly be allowed more than six months to make his arrangements in.

Mr. HUNT suggested that the term allowed should be twelve months.

Mr. LEVIEN accepted the suggestion, and the amendment was altered accordingly.

Mr. CASEY said that, as the term of probation, until the termination of which a selector could not get his lease, was now doubled, he regarded the amendment in its present shape as a concession which might fairly be made.

Mr. BENT expressed the fear that so long an interval as twelve months might enable a selector to traffic in his permission to occupy.

Mr. CASEY remarked that there was an effectual bar to what the honorable member dreaded in the fact that the Lands department, on being shown that a selector whose application had been approved would take money to withdraw from his application, would forfeit his licence at once.

Mr. A. T. CLARK considered the amendment highly dangerous and calculated to lead to monopoly.

Mr. THOMAS pointed out that a man could not be expected to commence residence upon scrubby land until the scrub was cut down and burnt; while, as a matter of fact, the former operation ought to be performed only in July, and the latter only in March.

Mr. CAMPBELL thought the selector who was ready to go on the land at once ought to have the preference. No doubt leaving the land open for twelve months would give opportunities for improper speculation. He considered selectors ought to be ready to "rough it" as the early settlers did.

Mr. CASEY said honorable members did not appear to give sufficient weight to the difficulties often encountered by selectors in making arrangements to enter upon their selections. They ought to have regard to cases like that of the tenant farmers at Smeaton and elsewhere, to whom the surrender of their leased land, and the disposal and removal of their household goods was necessarily a work of many months. If the discretion of the Minister of Lands was to be as limited as some honorable members desired, the provisions of the law ought to be made as comprehensive as possible.

Mr. DIXON expressed the opinion that those to whom 640 acres were to be almost given, ought to be prepared to make corresponding sacrifices, and not to be too eager for comfort from the start. He did not think the proper object of land legislation was to offer the means of settlement to persons already on the lands, but rather to induce persons to go upon the lands. It frequently took the Lands department six or nine months before they agreed to approve a particular application, and in such cases the selector might avoid commencing residence on his allotment for nearly two years. The bearing of the amendment was to enhance the tendency of the Bill to promote the alienation of the territory at the highest possible rate of speed.

Mr. GAUNSON considered that the arguments of the Minister of Lands, in favour of substituting "twelve" for "six" months, if they had weight with him at all, ought to have induced him, in the first instance, to put "twelve" instead of "six" in the Bill. When the amendment was first proposed, he (Mr. Gaunson) was in favour of it; but, after the light which had been thrown upon the subject by the honorable member for St. Kilda (Mr.

Dixon), he was convinced that it was not an amendment of a desirable character. A man rarely got his licence or authority to occupy in less than six months after he put in his pegs, and, therefore, with the word "six" in the clause, the interval would be nearly twelve months on an average.

The committee divided on the question that the word "six" stand part of the clause—

Ayes ...	...	...	8
Noes ...	...	...	30

Majority for the amendment 22

AYES.

Mr. Campbell,	Mr. Witt.
" S. Fraser,	
" Gaunson,	<i>Tellers.</i>
" Godfrey,	Mr. Dixon,
" Langridge,	" James.

NOES.

Mr. Bosisto,	Mr. McLellan,
" Burrowes,	" Munro,
" Cameron,	" Ramsay,
" Casey,	" R. Richardson,
" Connor,	Major Smith,
" Curtain,	Mr. G. V. Smith,
" Duffy,	" Stewart,
" Farrell,	" Sullivan,
" Garratt,	" Thomas,
" Gillies,	" Tucker,
" Inglis,	" Walker,
" Johnstone,	" Woods.
" Levien,	
" MacDermott,	<i>Tellers.</i>
" Mason,	Mr. W. Clarke,
" McKean,	" Hunt.

Mr. DIXON congratulated the Government on voting against their own proposal, and moved that the blank created by the omission of the word "six" be filled up with the word "nine." Nine months would be ample time to allow a selector to enter upon his land, whereas to make twelve months the period would be only to provoke more speculation than had ever taken place in the past.

Mr. MASON said he did not think a reduction of three months in the time would prevent people from speculating if they desired to speculate. Until a selector got his licence or his permission to occupy, he had no more right to be on the land than any stranger would have to be in that House.

Mr. Dixon's proposal was negatived, and the blank was filled up with the word "twelve."

Progress was then reported.

The House adjourned at midnight.

LEGISLATIVE ASSEMBLY.

Thursday, July 15, 1875.

Lang-Lang Coal-field—Customs Duties—Land Act Amendment Bill—Estimates—The Budget—Revision of the Tariff—Medical Practitioners Statute Amendment Bill—Coroners' Juries Law Amendment Bill—Dog Act Amendment Bill.

The SPEAKER took the chair at half-past four o'clock p.m.

LANG-LANG COAL FIELD.

Mr. MASON moved—

“That there be laid on the table of this House a copy of the report of Mr. Reginald Murray on the Lang-Lang coal-field, South Gippsland.”

Mr. CONNOR seconded the motion, which was agreed to.

Mr. MACKAY laid the document on the table.

REVISION OF THE TARIFF.

Mr. SERVICE moved—

“That this House will, this day, resolve itself into a committee of the whole for the purpose of considering customs and other duties, and the laws relating to customs.”

Mr. CASEY seconded the motion, which was agreed to.

LAND ACT AMENDMENT BILL.

The House went into committee for the further consideration of this Bill.

The discussion on clause 11, relating to the duties of licensees (adjourned from the previous evening), was resumed.

Mr. CONNOR moved the omission of the latter portion of the 3rd sub-section, consisting of the following words:—

“And shall, during the currency of such licence, after the expiration of the first year thereof, cultivate during each three years, at least one-twentieth part thereof either together or in parcels.”

He said the attention of the committee had been repeatedly drawn to the fact that almost all the land now available for selection was only fit for grazing purposes. Under such circumstances, it was unwise as well as unjust to require selectors to cultivate territory which was not fit for cultivation. He considered that compliance with the fencing and residence conditions was sufficient to prove the *bona fides* of the selector.

Mr. BERRY asked the Minister of Lands to state what reason existed for keeping the words in question in the clause? Nothing was more clearly made

out in the course of the present debate than the fact that a very large quantity of the land recently selected was not fit for cultivation, and that, as selection went on, the land taken up proved increasingly unsuited to purposes of the kind. No doubt cultivation was formerly considered one of the best tests that could be applied to the *bona fides* of the selector, but the possession by honorable members of more extended information on the subject tended to utterly destroy that belief. It was, in fact, well known that cultivation in many cases proved absolutely injurious rather than beneficial to land of the sort now available for selection, which was more pastoral than agricultural in its character. Under such circumstances, was it desirable to insist upon a condition which could not be enforced with satisfaction or benefit to the community? The fact of the extension of the area of selection was collateral proof that the land to be selected was not good enough to serve for agricultural purposes. Furthermore, the information recently laid before honorable members distinctly pointed to the same conclusion. According to the returns lately furnished on the motion of the honorable member for the Avoca (Mr. Grant), the importation and exportation of wheat and oats was relatively the same in 1867 and 1875, for in each of those years they were nearly balanced, showing that the production in the colony in this direction was on a par with its consumption; whereas during the intervening years the balance was greatly in favour of importations. Was not that clear proof that, during the years last alluded to, the cultivation conditions of the Land Act of 1869 were practically evaded, and that what passed for cultivation was a mere scratching of the ground, which could do it no good, for the purpose of satisfying the requirements of the Lands department? Surely if the Bill insisted on residence, together with fencing and other improvements, the selector might fairly be left to deal with the land itself as he thought fit. The present tendency, with regard to the treatment of their land by selectors, seemed to be towards the improvement of the stock-bearing capabilities of the soil, and to make the country progress more in the direction of carrying a larger quantity of sheep and cattle than before; and if such pursuits were profitable in cases where cultivation was found unfit and injurious, it seemed most impolitic to insist upon the latter to the detriment of the former. He

thought the committee were entitled to hear what the Minister of Lands had to say in the matter.

Mr. CASEY remarked that the lengthy explanation of the reasons that induced him to retain the cultivation condition in the Bill, which he gave when he introduced the measure to the House, must be fresh in the recollection of honorable members. He then pointed out, in the first place, pretty much what had just fallen from the honorable member for Geelong West (Mr. Berry). No doubt a considerable portion of the country recently selected, and still available for selection, was not fit to be cultivated, nay, would be injured by cultivation, because the latter process would destroy the natural grasses. Nevertheless, when regarded relatively, the amount of territory which would be harmed by cultivation was really small; and he was so afraid that, if the cultivation condition were struck out from the Bill, the acquisition of land would be rendered too easy, and too many opportunities would be afforded of driving a coach and four through the Land Act, that for his part he felt he could not take the responsibility of dispensing with that particular test of a selector's *bona fides*. At the same time he believed that in all cases of land absolutely unfit for cultivation, the following provision, contained in clause 14, would be amply sufficient:—

"If it be proved as aforesaid that the land licensed could not be cultivated owing to its being stony, sandy, or otherwise unfit, the cultivation condition will be satisfied if the land be sown with artificial grasses, but only in cases where there is no doubt as to the *bona fides* of the licensee, and where the other conditions have been fully complied with."

Unless cultivation was in some measure insisted upon, there would be nothing to prevent persons acquiring large estates by putting their shepherds on selections, fencing them round, making a dam, and complying in that highly unsatisfactory fashion with all the terms the Act imposed. In order to make the condition now in question less onerous, the clause provided for the reduction of the proportion of the selection which must be cultivated by one-half. In fact a selector, although the area of his allotment was doubled, was only required to cultivate one-twentieth instead of one-tenth of it, and in addition was allowed a year of grace. For a man to be called upon to cultivate 32 acres out of 640 acres could hardly be called hard treatment.

Mr. CREWS expressed the opinion that, if certain sections of honorable members were to have their way, the selection and settlement of land would be so freed from all restrictions that the whole of the territory now in the hands of the State would be gone in twelve months. Honorable members in the opposition corner seemed anxious to abolish the cultivation condition; an honorable member immediately behind the Treasury bench desired to annihilate the residence condition; and, if they both gained their points, the way the lands would be swallowed up would astonish even the Minister of Lands. What was really wanted was that the alienation of land should be checked rather than facilitated. He trusted some attention would be paid to the warning voice he felt it his duty to raise.

Mr. McLELLAN said he trusted the amendment would not be agreed to, because its effect would be simply to take the public lands from one class of squatters in order to give them to another. To dispense with the cultivation condition meant merely that and nothing more. He begged, at this stage, to call the attention of the committee to the wording of the portion of the sub-section now under consideration which would remain if the amendment was carried. It was as follows:—

"He shall enclose the allotment with a good and substantial fence within at most three years from the date of his licence, erecting at least one-third thereof in the first year."

Did not that wording imply that, at the end of the first three years, the fence might be removed? There was not even a provision compelling selectors to keep their fences in a proper and efficient state of repair. As for the cultivation condition, he considered its abolition wholly inconsistent with every honest endeavour to secure *bona fide* settlement. Cultivation was no hardship to the *bona fide* settler; if he regarded its enforcement as a punishment, he ought not to be allowed to go on the lands at all; and, where the land was absolutely unfit for cultivation, the provision already alluded to, in the 14th clause, would amply meet the case. It would be the most utter folly to do away with the best safeguard from dummyism the colony possessed. At all events, an effort at cultivation ought always to be made, and, if it failed, the course indicated in the 14th clause might be followed. Recurring to the question of fences, he

thought that, under the sub-section as it stood, a squatter, having fenced one selection for three years, might, at the end of that period, remove the fence and put it round another selection. It might pay for a man to keep fences on hand, and let them out for three years at a time.

Mr. CASEY stated that he would take a note of the point.

Mr. MASON considered that the selectors were the best judges whether cultivation would or would not pay them. Let honorable members look at the case of selectors in the Omeo district—the whole of the north-eastern district in fact—and say whether it was not hard to insist upon cultivation from men who had no markets for their produce. In some portions of Gippsland to clear land cost £40 an acre; so that if a man took up 640 acres and cultivated his bare proportion of 32 acres, the latter would cost him £1,280. How was a poor man to encounter an expense of that kind? Surely the other conditions of the Bill, concerning residence, fencing, improvements, and the like, were enough to guarantee the *bona fides* of a selector without requiring from him something directly opposed perhaps to both his judgment and his interest. He would support the amendment of the honorable member for Polwarth, because the cases he had indicated would be by no means met by the provision in the 14th clause, to which allusion had been made.

Mr. CAMPBELL observed that honorable members had, in the course of the debates on the Land Bill, been pretty well impressed with the necessity which existed for insisting, in every case, upon compliance with the terms imposed upon the selector. In the face of that fact, were they willingly, deliberately, and knowingly going to demand in an Act of Parliament the absolute fulfilment of a condition which, in many instances, could not possibly be adhered to? Surely legislation of that character must lead to demoralization and a thousand other disastrous results. As for the provision in the 14th clause, it would be infinitely better to make no condition at all in respect to cultivation rather than let its fulfilment depend upon the discretion of the Minister of Lands. There seemed no doubt that throughout the country the cultivation condition was regarded simply as a penalty imposed upon selectors. What was the use of compelling a farmer to grow wheat which could not be sent to

market except at a cost equal to if not greater than its full value? If a Horsham farmer had to pay 1s. 6d. per bushel to get his grain carried to Ballarat during the summer, and 3s. per bushel during the winter, where was his profit to come from? To require a man to raise corn which could not be sent to market except at a cost equal to the worth of the article was simple cruelty. He (Mr. Campbell) thought it possible to test the *bona fides* of a selector in a much simpler and less injurious way, namely, by ascertaining the actual value of all the improvements which he put upon his land. That could be done in a faithful and correct way by employing, instead of a possibly unreliable bailiff, the agency of the shire valuator. It must necessarily be bad legislation for honorable members to lay down, in a solemn statutory form, conditions which they knew in their hearts could not be complied with.

Mr. YOUNG thought ample reason had been shown why the cultivation condition was regarded by selectors as a penalty, which was always wasteful and sometimes most injurious in its effects. The Minister of Lands fairly admitted this himself, yet he still clung to the system he condemned. It was of no use referring to what were the recommendations of the Convention in this matter, because at that time the State was parting with only first-class land, whereas now the case was very different. It would not be amiss for honorable members to glance at the references to this subject made in the reports of the progress of land settlement, &c., for the month of June, which the Minister of Lands had lately laid on the table. The report from Bairnsdale stated as follows:—

“Except on the river banks very little of the land is suitable for cultivation, but nearly all are clearing a small quantity, more with a view to comply with the cultivation condition; dairying and rearing cattle pays better.”

He would have thought that, of all places, cultivation would most surely have succeeded in the Western district, but even there it seemed to fail. The report from Hamilton stated the following:—

“In the parishes visited this month, Warrabkook, Ardonachie, Napier, Greenhills, Homerton, Myamyn, very little cultivation exists. What has been tried was in most cases a failure, or so unremunerative that, unless it is a little paddock for home use, there is none grown for market.”

Then under the head of Warrnambool, where he always thought there was good

land, the following report was made as to cultivation :—

"Very little done. In some twenty parishes along the coast it costs from £8 to £15 an acre to prepare the land for the plough; when so prepared it is worth from £3 to £10 per acre."

In the face of these reports for the month of June, was the Bill to pass with a provision which honorable members knew would be inoperative? The Minister of Lands appeared to think that if any wrong were done under this clause, it could be remedied under the 14th clause, which provided that, in the event of land being "stony, sandy, or otherwise unfit," the cultivation condition would be satisfied by sowing the land with artificial grasses. But who was to be the judge as to whether the land was or was not fit for cultivation? The Minister of Lands would have to depend upon the reports of bailiffs. And who were these bailiffs? Why only a short time ago the *Government Gazette* contained a list of the police constables—about 150—who had been appointed bailiffs to act on this very matter. And thus the duty of determining whether land was fit for cultivation or not would be intrusted to persons who, though they might be first-rate men for taking up offenders, were not expected to have any special knowledge as to the quality of soils. The matter should be left to the selector himself. The honorable member for Ararat (Mr. McLellan) had argued that, if cultivation were not required, the fence which the selector put up might be removed in a year or so to another allotment, but it would be childish for a man to take away that which alone gave value to his land, and without which he would be unable to mortgage, sell, or do anything with it. He supported the amendment.

Mr. McKEAN objected to the selector being his own judge in the matter of cultivation. It was a rare thing for a man to be a good judge in his own cause. Many a selector who had the power to decide for himself whether he should cultivate or not would not trouble himself about it, but would be content to pay rent, to fence, and to graze, and would leave cultivation to his children. Still, there were portions of the country where it would be impossible to make selections and carry out this condition of cultivation. At Brandy Creek and in other parts of Gippsland, the land was heavily timbered, and could not be cultivated as the clause required. Such land—according to the

maxim *Expressio unius est exclusio alterius*—would not come within the exception provided for in clause 14, in reference to land which could not be cultivated owing to its being "stony, sandy, or otherwise unfit;" and, unless the Minister of Lands would give the assurance that heavily timbered land would be included, he (Mr. McKean) would be compelled to vote against the cultivation condition altogether.

Mr. CASEY promised to give this suggestion his consideration.

Mr. PATTERSON remarked that many of the arguments advanced that evening were calculated to create the impression that honorable members were disposed to legislate for the creation not of farms but of small squattages. What kind of farmer was it who did not cultivate his land? The clause required that each selector of 640 acres should cultivate 32 acres in 4 years, or 8 acres per year; and, if in any block of 640 acres it was impossible to find 32 acres fit for cultivation, it would be unwise for any man to take up that land at all, because 640 acres was not enough for a man who limited his operations to grazing. The discussion went to prove that legislation for genuine settlement was not required; and that the settlement which was taking place was that of men who would stand by the land until they got their Crown grant, when they would dispose of the land to whom they pleased. His own opinion was that the cultivation condition was stringent enough. The clause required that after the expiration of the first year, the licensee should cultivate "during each three years" at least one-twentieth part of his allotment. But inasmuch as the cultivation was limited to five years, he did not see how one-twentieth part of the allotment could be cultivated twice.

Mr. MASON mentioned that it would be impossible to comply with the fencing condition in the Brandy Creek district until the whole of the scrub was burnt down. Until then, no one would be able to erect "a good and substantial fence" in that locality, without the risk of having it destroyed by fire. Official reports confirmatory of this statement were in the possession of the Lands department.

Mr. S. FRASER expressed the hope that the cultivation condition would be retained. The farmers in his district, who carried on both grazing and agriculture, would have been ruined by the last drought but for their cultivations. He considered

that if the cultivation condition were struck out, it would be better to sell the land by auction, in small lots, for whatever it would bring, than to allow it to remain open for selection, whereby it would be available chiefly for speculators. Why he knew grazing land which brought a rent of 6s. or 7s. per acre. But the rent of land taken up by selection under the Bill would be only 1s. per acre.

Mr. LANGTON contended that if the committee sanctioned the principle of parting with the land at 12s. per acre—which was about the net value of the payments that a selector would have to make—without the condition of cultivation attached, they would not only perpetuate the evil system which had been complained of, but would greatly aggravate it. It was said—“Why should you compel a man to cultivate land which was not fit for cultivation?” He did not want to do anything of the kind, and therefore he would like selection under this part of the Bill confined to land which was fit for cultivation. If the public estate was to be parted with at one-half its value, there ought to be some public advantage given in return. But what public advantage would be derived if there was not cultivation? Merely to put people on the land without cultivation, and to leave them to occupy it for a short time as graziers, and then, if they thought fit, to dispose of it, having created nothing about them in the nature of a homestead, would be merely squandering the public estate. He hoped the committee would confine this part of the Bill to land which was fit for cultivation, and would fence it round with such conditions as would render it impossible for any person to obtain land unless he not only intended to cultivate, but actually fulfilled the condition.

Mr. GAUNSON expressed himself in favour of the omission of the entire sub-section. He considered selectors ought to be allowed to exercise their discretion as to the way in which they should improve their holdings, and particularly as the next sub-section, which required permanent and substantial improvements at the rate of 10s. per acre within three years, and in value altogether at the rate of £1 per acre before the expiration of the licence, a sufficient test of *bona fides*. The legislation which the committee seemed to be going in for was legislation not for the *bonâ fide* settler, but for the capitalist. He supported the amendment.

Mr. DUFFY considered that, as the Legislature had entered upon such a thoroughly artificial system as the land system had been for a number of years, they were bound to carry it through. Therefore he supported the Bill as it stood. At the same time he desired to call attention to the language of the sub-section now before the committee. It provided that during the currency of the licence, after the expiration of the first year thereof, the licensee should cultivate, during each three years, one-twentieth part of his selection. But there could not be two “each three years” in five years. (Mr. McKean—“The clause is artificially drawn.”) It was extraordinarily drawn.

Mr. R. RICHARDSON opposed the amendment. To his mind, it was perfect nonsense to object to cultivation simply because land had timber or stone upon it. The very best land in the country had timber and stone upon it. He agreed with a preceding speaker, that if any block of 640 acres did not include 64 acres which might be cultivated, that land ought to be brought under other conditions; it ought to be leased for pastoral purposes only; but it would be unjust to take the land from the present pastoral tenants to lease it in small blocks for pastoral purposes only. He maintained that the cultivation of the lands would improve them. He knew it had been frequently said, during these discussions, that there was land in the colony which would be spoilt by cultivation; but he had been up and down the country a great deal, and he had not seen any land that would be spoilt by cultivation, and the matter was one which he professed to know something about. Time was when the colony did not grow as much grain as it consumed; and at present he believed that one-third of the sheep and one-half of the cattle killed in Victoria came from other colonies. Under these circumstances it was important that the land should be parted with subject to such conditions as would enable the colony to produce as much food as it consumed. There was very little land in the country which was not fit for occupation and cultivation in some way. If only artificial grasses were grown, the land would be enriched, and more meat would be produced. He was for insisting upon all the conditions contained in the clause, and for having them stringently carried out. It was only by that course that *bonâ fide* settlement could be secured, and the lands of

the colony be prevented from passing into the hands of capitalists and speculators.

Mr. BAYLES concurred with the last speaker as to the necessity for enforcing the conditions of settlement; but he contended that those conditions could not be enforced effectually so long as large discretionary powers were vested in the Minister of Lands. He found by a list of specimen cases dealt with under the 20th section of the Land Act 1869 that a farmer who took up 166 acres at Wuk-wuk applied for a grant; that he had expended £203 upon the land; that he had resided upon it in all six months, and by servants two years; and that his usual abode was nine miles distant. (Mr. Casey—"That was refused.") The return was a return of "specimen cases dealt with;" and he submitted that it ought to show how they were dealt with. Whatever enactment the Legislature passed ought to be carried out by the Minister of the day. The enactment should be so framed that people would know what they had to do, without thinking of looking for Ministerial favours.

Mr. J. T. SMITH considered that the Legislature should show more solicitude than it did for the needy man, and leave the wealthy man to get land by such means as would cause him to pay the full value for it to the State. At the same time he felt that any attempt to create agriculturists by Act of Parliament would be a failure. Therefore he thought it would be better to give every applicant for 640 acres the sum of £640, and then sell the land by auction to those who had the means and inclination to buy it and improve it. He believed that if areas of 640 acres could be taken up without cultivation, men like the small farmers at Moonee Ponds, on the Merri Creek, and at Lancefield, who perhaps were cultivating 50 or 60 acres at the present time, would take up land without cultivating one tithe of the quantity that they cultivated now. The farming which such men would address themselves to, under those circumstances, would be a simple endeavour to get £10 for that which they paid £1 for.

Mr. RIDDELL suggested that it would be wise to retain the cultivation condition in order to prevent the undue taking up of land. He was glad that the clause allowing selection up to 640 acres had been carried, because he believed it would be the means of inducing the better description of farmers to take up land. But

no farmer would think of selecting a 640-acre block which did not include 64 acres of good land.

The amendment for omitting the cultivation condition was negatived.

Mr. DUFFY suggested the use of some other phrase than "each three years."

Mr. CASEY said he would take an opportunity of considering the suggestion.

Mr. GAUNSON proposed that the whole of the 3rd sub-section should be struck out.

The CHAIRMAN. — The honorable member cannot do that, because the committee, in dealing with the amendment of the honorable member for Polwarth, decided that the words proposed to be omitted should stand part of the clause.

Mr. GAUNSON moved that the 4th sub-section be so amended as to read as follows:—

"He shall make upon the allotment permanent and substantial improvements in value at the rate of £1 for each acre, and so in proportion for any fractional part thereof, before the expiration of his licence."

At the suggestion of Mr. CASEY, the committee postponed the discussion on this amendment until a future evening.

Progress was then reported.

ESTIMATES.

Mr. SERVICE presented a message from His Excellency the Acting Governor, transmitting estimates of revenue for 1875-6, and estimates of expenditure for school buildings, charitable institutions, and public works for 1875-6, together with statement of finance account for 1874-5 and 1875-6, and recommending an appropriation of the consolidated revenue accordingly.

The message was ordered to be referred to the Committee of Supply.

THE BUDGET.

The House then went into Committee of Supply.

Mr. SERVICE proposed that, in addition to the sum of £250 already voted, the sum of £1,150 be granted to Her Majesty for the Legislative Council, and then proceeded to submit the financial statement for the year. He said:—Mr. Davies, on the 27th of August last year I laid before the committee estimates of revenue and expenditure for the year 1874-5. As the accounts for that year are closed, I am now able to present the results to the committee. I will call honorable members' attention to the statements of finance

accounts for 1874-5 and 1875-6, which have been brought down, and printed for their information. I shall refer first to the revenue side of the finance statement for 1874-5. The balance estimated on the 27th August last as available to be brought forward from the year 1873-4 was £170,368. That balance proved, after certain adjustments were made, to be £170,491, showing an excess over estimate of £123. The estimated revenue was £4,259,135. The amount actually received during the year was £4,132,118, showing a deficiency on the estimate of revenue of £127,017. There were sundry accounts expected to be received within the year amounting, according to the estimate laid on the table last August, to £85,679. Of that sum £63,277 was realized, leaving a deficiency on that item of £22,402. Honorable members will observe that there are sundry receipts which were not estimated on the 27th of August, 1874. They are as follows:—Local waterworks, £3,446; transfer of immigration deposits to the consolidated revenue, £23,074; and transfer of pension fund, £14,500. The total excess of actual over estimated receipts for the year 1874-5 was £41,143, whilst the deficiencies amounted to £149,419, leaving a net deficiency in receipts as compared with the original estimate of £108,276. On looking at the expenditure side of the account honorable members will perceive that the estimate last August was—under votes £2,982,524, and under special appropriations £1,495,556, making a total of £4,478,080. The actual expenditure during the year was—under votes £2,876,435, and under special appropriations £1,448,742, making a total actual expenditure of £4,325,277, being a decrease on the expenditure originally estimated of £152,803. From that amount we have to deduct the deficiency in receipts—£108,276—and we find that the net difference between the receipts and the expenditure for the past year was £44,527. To this sum must be added £37,102, the balance which it was estimated in August last would be brought forward to the present year, making £81,629, which the committee will observe is the balance taken forward from 1874-5 to the present year, 1875-6. It will be seen that the receipts on account of revenue fell short of the estimate by £127,017. Still they were £66,000 more than the receipts for the previous year. Indeed the revenue for 1874-5 is

the largest ever received in any one year. It will be interesting to glance at a few of the particulars. The largest deficiency in the revenue as compared with the estimate was under the head of Customs. The excess of receipts above the estimate on various items of Customs was £43,240, and the deficiency on various items amounted to £180,005, showing a total deficiency on Customs alone of £136,765. Of this deficiency drawbacks in excess of estimate account for £27,000. In the year 1873-4 drawbacks amounted to something under £54,000, and on that basis, and allowing for alterations made in the Tariff last year, it was considered that £50,000 was quite enough to reckon for drawbacks, and the item was estimated at that sum. The actual amount paid away was about £77,000. There was another item of £14,000 which we expected to lose owing to the changes in the Tariff made last year, but it was not then thought necessary to alter the figures on the estimates for this. These two items amount to £41,000, which, deducted from the gross deficiency on Customs of £136,765, leaves a sum of £95,765 as the net amount of actual falling off from the estimate made of revenue from Customs. The chief falling off is on the *ad valorem* duties, on which there is a decrease of £95,926. On the next item, "all other articles," there is an increase of £40,893. These two lines ("articles subject to *ad valorem* duties" and "all other articles") must be read together, owing to the transfer last year of about half-a-million worth of goods from the *ad valorem* to the fixed duty list, and between them the actual falling off is about £55,000, which may be partially accounted for by the fall in the value of the goods in foreign markets. The next largest decrease is on tobacco and snuff—£19,417. The decrease on that item is easily accounted for. There has been a gradual decrease going on for years in the revenue received from that source, and it is likely to continue, owing to the increase in the colonial manufacture of tobacco. Sugar also shows a large decrease—£18,938—and, although there has been an unusual amount of drawbacks in connexion with the export of that article, it is somewhat difficult to account for the large decrease in the revenue as compared with the estimate. Tea, coffee, and spirits have kept up well, whilst beer is a trifle in excess. The amount received from the duty on spirits is £6,500 more than in the previous year. Under the head of Excise,

the only item worth notice is that of duties on estates of deceased persons, on which there is a deficiency of £27,474. The original estimate seems to have been based upon what was at the time supposed to be a reasonable allowance off the previous year's receipts. The receipts for the previous year, however, appear to have been largely increased by certain windfalls that occurred during that year, which have not been repeated. The falling off in this item is very large, being, as I have said, £27,774, or fully one-fourth of the entire estimate of revenue under the head of Excise. The next head is Territorial, and here we find an excess on two items, namely, £43,079 on "sale of land by auction," and £29,229 on "payments towards purchase of land, and leases and licences," making a total of £72,308. There is a deficiency on "pastoral occupation, &c.," of £2,289, and a deficiency of about £4,000 on four other items under the head of Territorial, which is chiefly due to the falling off in mining receipts of nearly 25 per cent. The receipts from Public Works are very satisfactory, every item under that head except one showing an increase. The increase in railway income is not large, but still it is satisfactory to be on the right side. The Yan Yean supply shows a considerable increase over the estimate, and the waterworks generally seem to be doing very well. The head Ports and Harbours requires no remark. In the Post-office revenue, although there is a deficiency upon the estimate, there is an increase on every item over the revenue of the previous year. Postage, commission on money orders, and electric telegraph receipts all show an increase in 1874-5 as against 1873-4. Fees and Fines require little remark. Under the head Miscellaneous there are two considerable items of decrease—"interest on loans to local bodies," £9,620; and "all other receipts," £16,769. With regard to the former item, some allowance of time has had to be made owing to delay in completion of the works, and the consequent non-receipt of revenue, but there is every reason to hope that, when the works are fairly going, the interest due will be well met. In respect to "all other receipts," the deficiency arises from estimates being sent in by certain departments for which the money has not been forthcoming. We come now to the expenditure side of the account. I have here to make a comparison, not between the

estimated expenditure and the actual expenditure, but between the expenditure as finally authorized by Parliament and the amount actually spent. The estimated expenditure, as submitted to Parliament in August last, was—under ordinary votes, £2,982,524; under special appropriations, £1,495,556; total, £4,478,080. But the amount in the Appropriation Act was, for ordinary votes, £3,226,289; and the expenditure under the head of special appropriations proved to be £1,448,742; making a total of £4,675,031, or £196,951 more than the amount originally estimated; the fact being that at the rising of Parliament an expenditure had been authorized of nearly £200,000 for which no Ways and Means were provided. And yet honorable members are annoyed and astonished if they find that the Government do not enter into contracts for all the works voted—in fact, it would appear that they expect the Government to make bricks without straw. Last year was not an odd year in this respect. I find that the same practice has prevailed for many years. Since 1865 until now there have been 11 Appropriation Acts, and 9 of these have been passed with votes in excess of Ways and Means. In 1865 the amount in excess was £249,781; in 1866 it was £152,206; 1868, £61,131; 1869, £150,690; 1871, £82,240; 1871-2, £27,044; 1872-3, £107,279; 1873-4, £138,636; 1874-5, £159,824. This practice appears to me to be a most pernicious one. It reduces the votes of this House to little more than a sham, and puts honorable members entirely at the mercy of the Government. As far as I am concerned, I shall oppose the practice in future on whatever side of the House I may sit. I hope honorable members will pardon this digression on account of its importance. Let us now return to the expenditure. The total votes and special appropriations being, as I have already mentioned, £4,675,031, and the actual expenditure being £4,325,277, the difference amounts to £349,754, and this is made up of unexpended balances as follows:—

Chief Secretary's Department	...	£28,443
Education	"	61,592
Law Officers'	"	6,406
Treasury	"	27,466
Crown Lands	"	18,450
Public Works	"	123,525
Customs	"	8,730
Post and Telegraph	"	13,452
Railway and Roads	"	29,896
Mining	"	14,527
Recoups...		17,267

These various items require no particular remark. Before leaving the year 1874-5, I will request honorable members' attention to the items forming the special appropriations for that year. The amount which I have already stated as the total expenditure for the year was arrived at by adding the actual expenditure under special appropriations to the ordinary votes, so that I do not ask you to look at these special appropriations for the purpose of making any figures agree, but as a matter of interest only. I shall point out the chief items under the special appropriation which turned out differently from the original sums set down. The expenditure on the following items was less by the amounts mentioned than what was originally estimated:—Under schedule D, £8,256; interest on loans, £37,000; railway loan liquidation and construction account, £100,000. On the following items the expenditure was in excess of the original estimate by the amounts named:—Interest on post-office savings bank deposits, £2,726; endowments to local bodies, £58,640; pensions, £1,400; Members of Parliament, £13,289; steam postal communication, £21,164; and under the head electoral expenses, £1,795. These various items require no explanation except that of the railway loan liquidation and construction account. The amount of £200,000 is appropriated annually, as honorable members are aware, and is payable within each calendar year. The amount for the last calendar year was duly paid. For the last two years this amount has been paid half-yearly, but the law does not require that it should be so paid, and for the first three years of the appropriation, as a matter of fact, the whole amount was paid during the latter part of the calendar year. The reason why I adopted the earlier rather than the later practice will be made apparent to honorable members at a subsequent stage of my remarks. I will now call attention to the finance-statement for the year 1875-6. The total proposed expenditure for the year is £4,488,658, as against an expenditure in 1874-5 of £4,325,277, being an increase of £163,381. Of this increase the portion under ordinary votes is £63,521, and that under special appropriations is £99,860. Taking the votes first, we find that there is an addition to the Public Works of £40,000, and on Roads and Railways an addition of £21,000. These two items alone make up almost the whole of the difference between the

expenditure last year and the estimated expenditure for this year on the ordinary votes. There is a nominal increase this year in the Mining department caused by the lapsing of a large amount voted last year for prospecting, and putting it on the Estimates again this year. There is also a nominal increase in the expenditure on certain works to be recouped from loans; but these nominal increases are counter-balanced by decreases in other departments. Turning to the special appropriations, honorable members will find a decrease under Schedule D of £15,000. This item refers to money paid out of the revenue for public worship, which expenditure now finally disappears from the Estimates. It will also be seen that there is a decrease of £35,000 caused by the final amount for the liquidation of corporation bonds having been paid last year. There is a decrease of £19,000 on the item of steam postal communication. This item, however, is nominal, and does not indicate to honorable members very clearly the nature of the expenditure under this head. The increases under special appropriations consist of interest on loans, which is £55,000 more for the current year than for the year just past, and £16,000 more for endowments to local bodies. These figures show the decreases to be £69,000 and the increases to be £71,000; but, with one or two other small differences, these items nearly balance each other, the actual increase in the special appropriations over the expenditure for last year being £100,000 in connexion with the railway loan liquidation and construction account. I have already referred to this item of £100,000, when speaking of the accounts for 1874-5, and need not here say anything more about it. Before leaving the statement as to the proposed expenditure, I wish to direct attention to the circumstance that I am asking the committee to expend for this year £186,373 less than they authorized the Government to expend last year. If honorable members will turn to the revenue side of the finance statement for 1875-6 they will find that the first item is a balance of £81,629, brought forward from 1874-5. The revenue for the year is estimated at £4,071,365, or less than the amount received last year by £60,753. That is accounted for thus: the estimate of revenue is, under the head Territorial less than was received last year by £89,000, whilst under the head "Miscellaneous"

it is less by £41,000, making a total decrease under these two heads of £130,000. On the other hand, the revenue estimated from Public Works, which include railways and water supply, is £62,000 more than was received last year; and under the head "Customs" it is £9,000 more, making a total of £71,000, which, deducted from the £130,000, leaves a decrease of £59,000. There are some smaller decreases on other items of revenue amounting to £1,753, making the total difference, as I have already said, £60,753, between the estimates of revenue for this year and the amount received last year. In respect to the Customs, although past experience leads us to believe that there will be an improvement this year over last, I have considered it better to estimate on a moderate scale, in order that there shall be no possible inflation, and no disappointment at the end of the year. My estimate of Customs revenue is between £9,000 and £10,000 more than was received last year. Under the Territorial revenue it will be observed that the estimate from sales of land by auction is reduced to £109,800 as against £220,000, which was the estimate for last year, but I expect to receive £53,000 more under the head of "pastoral occupation" than the estimate for last year, in consequence of the new Land Bill. The estimates for "payments towards purchase of land, and leases and licences" is about £9,000 more than was received last year. In the estimate of railway income there is a large increase—about £60,000—but that is justified by past experience. The revenue from waterworks also shows a steady increase. The other items on the revenue side of the account are recoups for moneys advanced prior to the 30th June 1875, £31,419; recoups for advances this year, £56,500; and probable amount receivable from other Governments for steam postal communication, £46,400. The total estimated revenue is £4,287,313, to meet an expenditure of £4,488,636. This leaves a deficiency of £201,345. The first question which arises is—How is this gap to be closed? The first mode of dealing with it is naturally to inquire whether the expenditure cannot be reduced? When we hear people speak of reducing the expenditure, as a rule they are thinking of the cost of Government departments, or the expenditure upon public works. It will be interesting, I think, if, in the first place,

Mr. Service.

I give honorable members a few figures with respect to the cost of the public service. I hold in my hand a synopsis of the cost of the civil service from the year 1862 to the present time, and I find that the total expenditure under the Civil Service Act for the current year is less than it was in the year 1862 by about £6,000. The amount expended in the year 1862 was £396,134, whilst for the present year the expenditure is estimated at £390,344. I have also made a comparison between the expenditure in 1869 and the present year, 1869 being, as honorable members are aware, a year of retrenchment, and the one which shows the smallest amount of expenditure for the civil service of any year between 1862 and the current year. In the year 1869 the amount paid to the civil servants was £350,000, and during the current year, as I have already stated, it is estimated to be £390,344, being an increase of £40,000 on 1869. I find that there is an increase of £7,000 upon the ordinary classes—that is, the 1st, 2nd, 3rd, 4th, and 5th classes—and this, so far as I can see, has been entirely caused by increments and promotions. The number of civil servants in the ordinary branch in 1869 was 611, the number for the current year is 607, being a reduction of 4 since 1869. I find that, whilst in 1869 there were in the 1st class, 24, there are now 29; in the 2nd class there were 30 in 1869, and there are now 38; in the 3rd class there were 115 in 1869, and there are now 133; in the 4th class there were 249 in 1869, and there are now 227; and in the 5th class there were 192 in 1869, as against 118 now. It appears to me that these figures tell a distinct tale, which tale is, in the first place, that, under the existing scale, the increment is much too large, and too rapid in its operation; and, in the second place, that there is a system of promotion throughout the departments which bears no reference to the numbers in the various classes, or the vacancies which occur in them. In point of fact, officers who have shown special capability, or perhaps only because they have been long in the service, have been promoted from lower to higher classes without there being any vacancy into which they could step. Now it appears to me that that principle of promotion is a very unsound one, and that we ought to regard the higher classes as filled until a vacancy occurs, or cause is shown why they should

be permanently enlarged. Taking that £7,000 as the increase due to ordinary service increments and promotions leaves £33,000 to be accounted for. I find that in the professional branch there has been hardly any alteration at all during these years, and that the whole difference of £33,000 arises under the 3rd schedule. I have been at the trouble of taking out the items that have caused this increase, and I will mention them in order. In the first place, there is an increase of £10,000 under the head penal establishments and gaols. I find that a large amount of this was caused by a change in the mode of paying the men to this effect, namely, that, in place of their having so much salary and quarters, they are paid a certain commutation allowance for quarters—1s. per day, per man, I believe. In the Government Printer's department there is an increase of £8,000, but it is more nominal than real. A good many of the printers have been for a long time in the 3rd schedule as far as the Estimates were concerned, but they were not formally placed in that position until last year. They were, in fact, formerly receiving under the votes granted for them the same wages they are getting now. Under the head of Post-offices and Telegraphs we have an increase in the 3rd schedule of another £10,000, and honorable members will have no difficulty in understanding the cause of that. The large additions made to the number of telegraph stations and post-offices throughout the country has caused a corresponding augmentation of the staff of the Post-office; and some time ago, I think, the sorters, messengers, and others of the men were placed in the 3rd schedule. The latter fact will still further account for the increase. Then, we have an increase of £5,000 with respect to sundry other departments, which it is not worth while enumerating, the items being so small. These amounts together make up £33,000 which, with the £7,000 already referred to constitute the total of £40,000 mentioned by me as being the entire increase during the current year over 1869, the lowest year we have known since 1862, so far as the civil service is concerned. But, perhaps, a more satisfactory mode of getting at the nature of the increasing expenditure is to take the total expenditure for 1869 and compare it with that estimated for 1875-6.

Mr. MACPHERSON.—Will the Treasurer give us the total expenditure for the public service, not merely the civil service?

Mr. SERVICE.—That is what I am going to do.

Mr. MACPHERSON.—I understood the Treasurer to be about to refer to the total expenditure for the years in question.

Sir J. McCULLOCH.—Would the Treasurer give us a comparison between the numbers of classified and non-classified public officers in the years 1862, 1869, and the present year?

Mr. SERVICE.—I believe I shall be able to give every information with respect to the years I mentioned. The total expenditure for the year 1869 was £3,226,156, and the estimated expenditure for 1875-6 is £4,488,643, being an increase for the current year over 1869 of £1,262,487. That increase divides itself as follows:—Special appropriations, £525,235; ordinary expenditure, £737,252; total £1,262,487. Now we will deal with the special appropriations first, and I ask honorable members to take particular note of the details of the figures and items I am going to give. The increases since 1869 under the head of special appropriations are as follows:—Local government, including arrears on subsidies, £234,764; interest on loans, £201,412; railway loan liquidation and construction account (constituted since 1869), £200,000; expenses of Members of Parliament (a branch of expenditure unknown in 1869), £28,500; the Mint (established since 1869), £19,556; interest on Post-office savings banks, £15,228; the judges (whose salaries have been augmented since 1869), £5,000; a number of small sums which amount in the aggregate to £13,362; total increases, £717,821. The decreases during the same period consist of the following items:—Under Schedule D (public worship), £19,864; water and sewerage debentures (not now payable), £50,000; immigration, £50,258; compensation for loss of office, £35,159. This last item is worth attending to, although I break off from my figures to call notice to it. The money was paid in order, for purposes of economy, to get rid of a large number of civil servants; and it appears, so far as I can see, not to have sufficed long for those purposes. To return, the other items of decrease are, electoral, £2,305; corporation bonds, £35,000; total decreases £192,586. If we deduct that amount from £717,821, which represents the total increases, we have the precise net sum of £525,235 mentioned by me as constituting

the total increase in 1875-6 over 1869 with regard to special appropriations. I now ask honorable members to glance at the differences with respect to ordinary expenditure between the two years. The increases in the ordinary expenditure for the current year over 1869 are in the whole, £737,252. The items of increase are as follows:—Education, £347,000; reformatories, £7,000; police, £3,000; penal establishments and gaols, £2,700; insane, £27,000; literary and scientific, £6,000; agricultural, £10,000; defences, £10,000; survey and sale of Crown lands, £38,000; post-offices and telegraphs, £101,000; railways, £198,000; public works, £104,000; all other items, £73,000; total increases, £926,000. The decreases of a corresponding kind are—administration of justice, £16,000; road subsidies, £7,000; subsidies to shire councils, £128,000; border duties, £40,000; total decreases, £191,000, which, deducted from £926,000, leaves £735,000. The fact is that four items, namely, Education, Post-offices and Telegraphs, Railways, and Public Works, account for the whole of the net increase, for together they make £750,000, as against an actual net increase of £735,252. Are the committee prepared to reduce any of these items? The truth, as far as I can see, is that, whilst there is a tendency to departmental increase in expenditure, which it is certainly the duty of Ministers, and Parliament as well, to check, there is not much ground for the charge of national extravagance. Another way to test the matter is to take the revenue of the colony for the years 1869 and 1874-5 (I take the latter year because it is closed, and we have the exact accounts), and see how it is derived. If this increase is not owing to additional taxation, or to squandering the public estate, it shows that the outcry about an enhanced rate of expenditure is not well founded. The total revenue for 1869 was £3,383,982, that for 1874-5 was £4,132,118, which shows an excess or increase on the part of the latter year over the former of £748,136. Now let us remember that in 1874-5 the population of the colony was fully one-eighth larger than it was in 1869, and also turn to the head of Customs, that being the only item which can be regarded as representing a direct taxing of the pockets of the people. The Customs revenue in 1869 was £1,456,682; in 1874-5 it was £1,628,235, the increase being £171,553, or as nearly as possible one-eighth of the Customs revenue for

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1869—a just equivalent to the increase in population. Under the head Excise, I find an increase in the item of estates of deceased persons amounting to £10,792, and under the head Public Works an increase in the items of railways and water supply of £329,945. The other increases are as follows:—Post-offices and telegraphs, £38,000; Fees, £26,390; Fines, £10,000; Miscellaneous, £70,987; total, £657,667. To this I may add the balance due to the increase, as between 1869 and 1874-5, in the item of land sales, namely, £87,587. I will show further on that we cannot be said to have improperly dealt with the money received for the Crown lands of the colony, because we have never used the price of one acre for the purposes of lands administration. I ask honorable members if one single item among those I have mentioned can be said to indicate that our expenditure is extravagant, or that in point of fact the increase in that direction does not arise from increased revenue? Take for example the increase in the Public Works revenue, to which I have just alluded, amounting to £329,945. That shows that nearly half the total increase I have just pointed out is derived from our railways and water supply; and I don't think I need to point out that an enhanced revenue from that direction implies also a large addition to the expenditure in the same quarter. We know that the cost of conducting our railways is somewhere near 50 per cent. of the total receipts, and, therefore, if the receipts swell up to any large extent in any one year, we must necessarily look for a corresponding increase in the expenditure for that year. The same remark applies to post-offices and telegraphs. The money spent upon them is not taken out of the pockets of the people by taxation—it is not part of the genuine expenditure of the country—but it is an expenditure from which we derive revenue. In fact, the Postal and Telegraph department is, I am glad to say, gradually approaching the position it held some years ago, namely, that of being able to pay for itself. Neither can the items of revenue which come under the heads of Fees, Fines, and Miscellaneous be said to have anything to do with the ordinary taxation of the country. It is clear, therefore, that the steady increase in our revenue and expenditure is not the result of extravagance, but is owing to the development and extension of our public undertakings,

and our increase of population. The Government of the colony have in fact become a great trading corporation, trafficking, and that successfully, in railways, waterworks, a graving-dock, post and telegraph arrangements, and such like. If increase of expenditure with successful men of business means increased profits and wealth, why should not the same rule be taken to apply to the Government? If a business man doubles his premises and the workmen in his manufactory, it is considered an evidence not of extravagance but of prosperity, especially if his household affairs continue to be carried on at the old cottage in the suburbs. I have shown that there is no increase in the cost of administering the affairs of the colony, and therefore the cry for retrenchment cannot be a very genuine one. Nevertheless, I do not doubt but in some departments certain savings may be effected, and the cost of the civil service yet further reduced. The attention of the Government is now directed to several departments where they believe savings may be accomplished by judicious handling. There is the Postal department, for instance. My honorable colleague, the Postmaster-General, before entering into contracts for the conveyance of mails during the current year, called for alternate tenders for one year and three years, and the result is that, by accepting those for three years, he has effected a saving of no less than £8,000 per annum. At the same time the department will not be bound to continue a contract for any particular locality should circumstances arise to cause it to cease. Thus, by dealing with the subject in a purely commercial spirit, the country saves exactly £24,000 in three years. The Civil Service Act Amendment Bill, which the Government have prepared, has this very object in view, namely the gradual reduction of the expenditure upon the civil service, but any action in this direction ought to be taken with great care and consideration, otherwise it will surely be fruitless of satisfactory results. I think too we have in some cases injudiciously spent a great deal of money upon public works. Without my making any particular reference, most honorable members, I do not doubt, have in their minds certain works that might very well have been dispensed with, or at all events constructed on a much more economical principle. Among them I may mention one, the powder-magazine at

Footscray. That work is, in my opinion, a monument of anything but economy, or diligent watchfulness over the expenditure of the public money. Having thus shown that it is impossible to make at once any important reduction in the proposed expenditure without reducing in ways that neither the House nor the country would consent to, the Government are shut up to the alternative of raising additional revenue. This brings me to the consideration of the question of new taxation. I think that, upon this subject, there is at present, and has been for a considerable time, but one opinion, namely, that the taxation of the country requires to be adjusted. The idea is not perhaps that the poor pay too much but that the rich don't pay enough. Comparing ourselves with other similar communities, it can hardly be said that the taxation through the Custom-house in this colony is excessive, or that it presses severely on the working classes of the country. Our Customs and Excise don't amount at the present moment, and have not amounted for some years back, to much more than £2 per head of the population. There have been occasional fluctuations; sometimes the amount has fallen below that standard, sometimes it has risen a little above; the present average sum per head is £2 2s. 6d. At the same time, it must be noticed that one-half of the whole of that taxation is upon articles of luxury that no man need ever use unless he has money to spare. Therefore, for all practical purposes of life and living, the taxes through the Custom-house which the poorer classes of the colony are compelled to pay may be regarded as equivalent to £1 per head. Still the fact remains that wealth has not heretofore contributed its share, and in dealing with this subject I have endeavoured to recognise that state of things. In casting about for fresh sources of revenue, honorable members will not be in any degree surprised to find that my mind reverted in almost the first place—as amongst the very first sources to which I should apply—to the lands of the colony. The question of a land tax has been mooted so long—there has been such a *consensus* of opinion that land is a fair subject for taxing—that it is quite impossible for any one to propose new taxation without contemplating a demand in this direction. A land tax exists in most European countries. I will carefully avoid, on the present occasion, taking up the time of the

committee by making quotations or using illustrations, or putting forth anything in the shape of an argument, my business being purely to make a statement; but I may mention that, although the land tax now imposed in England is small, it is certain to be increased ere long. At all events that mode of taxation presents itself to us as one fair in itself. Land being a description of property which is generally looked upon as more fixed and permanent than any other, certainly seems more entitled than any other to be regarded as a source of taxation. In dealing with this question, the first inquiry which arose in my mind took this shape:—Supposing we put a tax on land in what way shall we approach the land? Shall we levy upon the value or the acreage of the land? I found, on thinking out the point, that, whichever of these two courses I adopted, there were bound to be startling inequalities. I found that, if we adopted a system of valuation, the charge would fall chiefly on the smaller estates and also become to a large extent a tax on improvements. At the same time it was quite evident that, in valuing the lands of the colony for the purposes of taxation, we would require to strike averages over large districts, because we would not find any estates of magnitude which did not comprise a great variety of qualities of land. Another way of looking at the question is this: Every acre of land, be it good, bad, or indifferent, increases in value by the making of roads and railways, the establishment of water supply, and also by the mere increase of population. Under all the circumstances, it appears to me that, whilst admitting the inequalities that must exist under it, the fairest, and I must say, the easiest (which is a quality by no means to be ignored when you are dealing with taxation) way of imposing a land tax is to levy it upon acreage. The next question that arose was how much should the land pay? That of course raised the further question whether the tax should be progressive in proportion to the area held by the individual. I am quite aware that great differences of opinion exist in this colony with respect to a progressive land tax, but I don't think the same differences exist in other parts of the world. As far as my inquiries and reading have gone, they show that the leaders of opinion in England are against such a tax. I think I can—and I would but for detaining the committee

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—quote Mill, Gladstone, and Fawcett as having all expressed themselves, in decided language, against a progressive tax on property. Furthermore there is one point on which, at all events, the Government very speedily came to a conclusion, namely, that, whether a progressive tax on land in Victoria was a fair thing or not, it certainly would not be a fair thing to impose it on the present owners. Therefore, to deal with a land tax on political grounds, and mix them up with the financial question, seemed to me an unwise, improper, and unjust course to take. But, whilst objecting to such a continuous progression as would, to use a common phrase, burst up the large estates. I feel quite as strongly that one uniform acreage tax all over the country would be unfair. It is recognised that, in direct taxation, there must be a descending limit, that is to say, you cannot attempt to tax down to the poorest classes. As Mr. Gladstone, in one of his Budget speeches, referring to the income tax, said, "We should not trench upon what I would call the territory of labour." You must therefore draw the line somewhere, and I think the equities can be better observed by drawing two lines than one. The principle of having two grades in connexion with taxation was adopted in England with respect to the income tax. When an income tax was first imposed, in 1798, it was 10 per cent. on incomes of £200 and upwards, and various rates between £200 and £60. In 1803 it was 1s. in the £1 on £150 and upwards, and various rates from 11d. to 3d. in the £1 between £150 and £60. In 1853 it was 7d. in the £1 on £150 and upwards, and 5d. in the £1 between £100 and £150. In 1854 it was 1s. 2d. in the £1 on £150 and upwards and 10d. in the £1 between £100 and £150. In 1855 and 1856 it was 1s. 4d. in the £1 on £150 and upwards, and 11½d. in the £1 between £100 and £150. The rate in England is, I believe, a uniform one now, but the two rates I have indicated seem to me more equitable, as distinguishing between those who are fairly able, and those who are well able to pay. I know it will be alleged that this is the progressive principle; but, if so, it is not carried to the point where it would produce the evils which political economists deprecate. Of course the argument against a progressive upwards tax is that its tendency is to deprive men of those incentives to industry and economy which the

acquisition of large properties and fortunes afford. In reference to this identical principle, I was struck the other day by a rather remarkable expression used by Mr. Gladstone in one of his speeches with regard to the income tax. He said he did not think it was a very good suggestion that people should pay taxes according to their ability. He had no objection to that principle being applied in a moderate way, but he immediately went on to show that, for the reason I have already mentioned, which is a stock argument with those who oppose a progressive tax, it would be a dangerous thing to apply it to any large extent in an upward direction. Now I propose to apply the principle I have described, which is one of free-trade, to land taxation, and the details of our scheme are as follows:—First, all holdings of 320 acres and under are to be exempt. Secondly, all holdings of 321 acres and upwards to 2,000 acres are to be charged 4d. per acre on every acre in excess of 320 acres. Thirdly, all holdings of 2,001 acres and upwards are to be charged 4d. per acre on every acre between 320 acres and 2,000 acres, and 6d. per acre on every acre in excess of 2,000 acres. I find that in March last, when the statistics were made up, there were 4,199 holdings of 321 acres and upwards, the total amounting to 8,070,285 acres; and that of these holdings 3,615 covered 2,286,050 acres, being on an average 632 acres each, whilst the remaining 584 holdings occupied 5,784,235 acres, or an average of 10,000 acres each. Applying therefore the rule of taxation I have laid down, we shall find there are 1,343,680 acres entirely exempt; 2,110,370 acres which at 4d. per acre will produce £35,172; and 4,616,235 acres which at 6d. per acre will produce £115,405; the whole giving a total revenue of, say, £150,000 obtainable from this source. Then, following up the principle of requiring the wealthier classes to contribute more to the revenue, we propose that a tax should be levied upon house property. I know some will object strongly to this, as indeed they would to all taxation, but it is difficult to show why, if wealth is to contribute, that form of it indicated by property in houses should escape. We do not propose to tax all houses, but to draw the line, or rather two lines (for here again we propose to adopt two grades), so that this particular contribution to the consolidated revenue should be made only by those who are well able to bear it. In England, at

the present time, certain descriptions of house property are taxed 6d. in the £1, and others 9d. in the £1. We propose to adopt those scales, and to charge the owner of house property as follows:—Where the annual value of a house is under £75 it is to be exempt; where the annual value is £75 and under £150 the rate of taxation will be 6d. in the £1; and where the annual value is over £150 the rate will be 9d. in the £1. In cases where one proprietor possesses houses, each of a less annual value than £75, but in the aggregate of or over that value he is to come under the operation of this tax. This is a taxation which is to be levied from owners not from occupiers. In cities, towns, and boroughs we propose to take the valuations of the local bodies, but in shires, &c., where the valuations are given on the land as well as on the houses, we propose to make an independent valuation of the house property only. From this source, after allowing for expenses, I calculate on receiving about £57,000. It will give some idea of the reasonableness and also of the incidence of this impost, if honorable members will remember that the total annual value of house property in cities, towns, boroughs, and shires is about £4,000,000, which, if the rates proposed to be levied covered the whole, would yield about £120,000. The tax, which is not upon the entire property, will amount to about £57,000, and is therefore truly a tax only on those wealthier classes whom it is our object to reach. We also propose to levy on the banks a duty equivalent to about 2 per cent. on their note circulation. A similar tax is in operation in England, New South Wales, New Zealand, and, I think, in Queensland. A like proposition, on one occasion, passed the Legislative Assembly of this colony, but it was rejected elsewhere. But, in place of charging the tax on the amount of the note circulation, and, with a view to the duty being levied as fairly as possible, and also that other banking institutions which don't issue notes should not escape their fair share of taxation, we propose to impose a rate upon the liabilities of each bank, thus making them pay according to the deposits which they receive from the public. The rate we have in view is $\frac{2}{5}$ per cent. on their deposits, which will be equivalent at the present moment to 2 per cent. on their note issue. Whilst, by this means, we shall reach the banks which don't issue notes, we shall also

gain an advantage in another direction. The liabilities of the banks have increased during the last 9 years by about £9,000,000 to something like £13,000,000—and they are likely to increase as the prosperity and population of the colony increase—while the bank note circulation has remained all the same. Now from this source I calculate to derive £30,000. With a view to secure a contribution from other classes well able to afford it, whom it would be impossible otherwise to reach except by an income tax, for the exaction of which I do not think the time has yet come, we next propose to impose certain stamp duties. They are in operation in the chief adjacent colonies, and also in England, where they cover a large extent of ground in connexion with business and manufactures. However, I think it unwise to levy, on items and articles which can only produce a limited amount of revenue, a general and wide-spread taxation, because that would only create irritation, without bringing in much money. I therefore propose to restrict the stamp duties we have in contemplation, so that they may afford a proportionate revenue with the least possible annoyance. My proposition is to impose on all cheques a tax of 1d. each, and upon all bills of exchange a duty at the rate of 1s. for every £50 or fraction of £50. From these sources I estimate we shall derive a revenue of £50,000 a year; but for 1875-6 I expect to receive it for only nine months, which will reduce the amount to £37,500. Following the same course, I propose that there shall be a tax or duty levied upon insurance companies. Our plan is that fire and marine companies should contribute to the revenue in proportion to their means. I do not propose stamp duties on policies, because in that case the tax would fall upon the insurer, which is not our object or intention. Our object is to secure a fair contribution from the wealth which is invested in insurance companies, and to that end I propose a tax on fire companies of 1d. for every £100 insured, and on marine companies of 3d. for every £100 insured. From this source we expect to receive £8,000 per annum, or for the last nine months of the present year, £6,000. We also propose to make an alteration in the succession duties which now exist. Honorable members are aware that, at the present time, the scale of these duties rises from 1 per cent. up to 5 per cent., and is regulated

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by the amount of property inherited up to £20,000. With respect to estates of £20,000 and upwards the rate remains at 5 per cent., and in all cases where the property devolves on a widow or children the duty is reduced one-half. Our proposal is to continue the increasing scale, making it apply, as in England, to estates ranging between £20,000 and £100,000. I need not detain honorable members by reading the new scale which I have in my hand, but I may simply state that the tax will continue to increase with regard to estates over £20,000, in the same ascending rate as before, until it reaches 10 per cent. on estates over the value of £100,000, beyond which point we do not propose to go. We intend to continue the present partial exemption to widows and children with respect to estates up to £20,000, but not when they exceed that amount. Mill, who strongly opposes a progressive tax on the property of the wealthy whilst living, sanctions the principle that the State may fairly claim a goodly slice of it when transmitted to those who have done nothing towards earning it. It is estimated that the alteration will double the receipts from this source, and bring us in £35,000 per annum, or £26,500 for nine months of the present year. I have one more tax. (Laughter.) I hope I am not taxing the patience of the committee. We now come to a class which has hitherto escaped all taxation, namely, the class of absentees from the colony. I refer to those who do not reside in the colony, but derive an income from property, or business carried on therein. This class contribute nothing now to the revenue; our charities may or may not be recognised by them; and their personal expenditure is not distributed amongst our tradesmen and artisans. We propose that, on incomes derived from property in the colony already taxed, a charge of 2½ per cent. shall be levied, and that on all incomes derived from business, or which are not otherwise taxed, the charge shall be 5 per cent. We estimate to derive from this source £15,000. I have now enumerated the whole of the higher level sources from which we propose to derive the means of more equably adjusting the general taxation, and the net result will be, as near as possible, a sum of £322,000. Considering that the great bulk of taxation must be looked for from the great bulk of the people, I do not think that the amount named, which is about equal to one-sixth of the entire

revenue from Customs and Excise, can be regarded as an inadequate contribution from the limited number of the contributing classes; neither do I think I can be charged with attempting to press unduly upon any section of the community. My desire has been to deal fairly all round. I sincerely trust all sections and classes affected by these new taxes will unselfishly consider, not whether out of their abundance they are required to contribute to the general revenue somewhat more than hitherto, but whether our proposals are in themselves fair and equitable. We shall now have an opportunity of seeing whether the expression made use of by a gentleman representing a particular class—"Do you think we are going to tax ourselves"—is truly applicable to the wealthy people of the colony generally. I venture to hope that we shall find it is not so, and that those able to afford it are, to a great extent, willing to bear a larger proportion of the taxation of the country than they have hitherto borne. But the amount thus obtained, whilst sufficient to fill the gap between our estimated revenue and estimated expenditure, and provide us with a fair balance to carry forward, does not afford me the means of adjusting the present Tariff so as to ease the burthens now endured by the industrial classes, and give relief to the trade of the colony. I think it would be disappointing to the House and the country at large if I were not to seize the present opportunity to endeavour to adjust the existing Tariff in such a way as to effect the objects just mentioned. In so doing, however, it will be necessary to provide, by new or increased duties of customs or excise, for whatever amount the committee see fit to remit of existing duties. I shall now proceed to detail the remissions we propose in respect to present customs duties, and, as I desire to make my remarks as brief as possible, I will simply say that all these remissions have been based on one or other—sometimes on two or more combined—of the following principles:—First, that articles of consumption among the poorer classes should be reduced, and, where possible, exempt; secondly, that taxes which press heavily on important branches of colonial industries should be lightened or abolished; thirdly, that trade should be relieved as far as possible from unnecessary trammels; and fourthly, that duties which serve no purpose and produce little revenue should be abolished.

This brings me to deal with a subject which may possibly evoke a considerable amount of feeling—more perhaps than all my former propositions put together. I trust, however, the time has gone by for the subject of the Tariff to be discussed, either on the floor of the House or outside, in the spirit in which it was discussed some years ago in this colony. I think we all see that the errors we committed in this direction in a former period were of a very grievous character indeed, and tended to blind the combatants on both sides to the true condition of affairs—to the true course to be taken under the circumstances at the time. I think, also, looking at the question as it has been dealt with by some of the organs of public opinion—I allude to the daily journals—that there is a resting ground on which both parties may fairly meet, and on which they may agree, to the advantage of the colony, both in respect to easing the burthens of the industrial classes and freeing commerce from the trammels by which it is now surrounded. In order to show what I mean, I ask the committee to bear with me while I read the first and only quotation I shall trouble them with. It is a leading article from the *Age* newspaper of the 15th April last, which purports to set forth the views of the protectionist party. For many years past that journal has been, as all honorable members are aware, a consistent supporter and defender of protectionist views. The first two sentences of the article in question don't precisely bear upon the present subject, but in order to make the committee certain that I am not taking any portion of it out of its proper connexion, and that I am giving perfectly fair play, I will read the whole. It is as follows:—

"The free-traders would appear to regulate their behaviour towards the object of their affections very much after the manner of the prudish coquettes of Byron—

'Who hate all vice except the reputation.'

They have no objection to be regarded by the public as devoted admirers of free-trade in theory, but they do not expect to be required to always practice what they preach. A Collins-street free-trader, we know, will argue warmly in favour of the Government giving a direct money subsidy to the production of a few hundred dozen of native champagne, as though he had never insisted that no one industry has any preferential claim upon the assistance of the State over another. And now we have the anti-protectionist Forster successfully recommending the Sydney Legislature to grant a bonus of £5,000 for the production of a thousand tons of

iron from colonial ore. Of course, as protectionists, we can have no objection to our opponents taking a leaf out of our book. The doctrine of bonuses is based upon the principle that the State may legitimately help a new industry to start, provided the help is continued no longer than is necessary to enable it to meet its competitors on equal terms. And this is precisely what the protectionist contends for, and neither more nor less, when he uses the Tariff to remove the impediments that hinder the growth of young manufactures in a new country. In both cases a temporary support is all that is stipulated for. But although we do not object to the principle of bonuses, we have a very decided objection to the advocates of them being called free-traders."

Now, if that fairly sets forth the views and principles of our protectionist friends, I see no difficulty on the present occasion in the way of all of us shaking hands over this matter, and agreeing on a policy which will produce all the advantages to which I allude. This brings me to deal with the duties to which I have already referred. I shall first take the *ad valorem* list. The *ad valorem* duties may be divided into three classes, the first consisting of duties imposed on articles not produced in the colony, nor likely to be ; the second, of duties imposed on articles which can be produced in the colony, which are being produced in the colony, and which have so successfully passed through the ordeal that they are preparing, if not yet perfectly able, to walk without protection ; and the third, of duties in favour of industries which, although they may have been shown to be capable of being established in the colony, have not yet become established in what can be called a safe and satisfactory financial position. Now with respect to goods included in the first class, namely, articles on which *ad valorem* duties are imposed, but which cannot be manufactured in the colony, I think the committee will be of but one opinion. From those articles I propose to strike off the duties altogether. As for the articles included in the second class, which have certainly during the last four or five years enjoyed a large amount of protection, and which may be considered to be now quite able to successfully compete with foreign importations at a lower rate of duty than has hitherto obtained, I propose to reduce the duty upon them from 20 to 15 per cent. As for the articles included in the third class, which as far as my knowledge goes, is not a numerous one, I propose that the duties on them shall remain as they are. Of the industries which I regard as coming

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within the third class, I know some—for example, glass manufacture, about which I have obtained a large amount of information—which, as far as the ability to manufacture the article in this colony is concerned, have successfully and safely passed through the ordeal, and I have reason to believe that in a very short time indeed those industries will be able to walk alone, without crutches. But looking at the matter, even from a free-trade point of view, it seems to me that it would be an exceedingly unwise thing—at all events I am not prepared to recommend it—after paying the amount of money which has been paid in the establishment of these industries, suddenly to withdraw the protection by means of which, if continued for a short time longer, they might be thoroughly able to protect themselves. Therefore, I propose to deal with these *ad valorem* duties in these three grades, on the principles I have just laid down. There is one other industry which I intended to mention, and that is a new industry over which a large amount of money has been spent in the importation of machinery, but which has hardly yet commenced. I refer to the industry for stamping tinned ware and ironware. It was only last year that the question was discussed in this House, and since then the promoters of that industry have been endeavouring to make a start, but have not yet been able to do so. There is another industry which does not come under the *ad valorem* duties at all, but which I may mention as an illustration of the views which I entertain about this matter, and that is the manufacture of candles. The manufacture of candles has been attempted in this colony for many years, and by a succession of companies, but, up to the present time, every company that has attempted to manufacture candles has failed to make the manufacture a commercial success. A private firm, however, some years ago, took up the manufacture, and continued to work at it under the duty now levied, which, though not an *ad valorem* duty, is, to a large extent, a protective duty, and now they produce one-third of the entire consumption of the colony. That fact is known to me ; and they assure me that, within a very little time, they will be able to produce one-half. That is an illustration of the acclimatisation in the colony by a private firm of an industry which companies had tried to establish but without effect. Now I think it would be

a very harsh and improper thing, either from a free-trade or protectionist point of view, to do with regard to that which has given distinct evidence of becoming a large industry—which employs a large number of our own people, which supplies our own wants, and which promises to export largely to the neighbouring colonies—anything calculated to knock it on the head. The next thing to which I shall refer is the list of articles now subject to an *ad valorem* duty of 20 per cent. on which I propose to remit the duty. I hold in my hand a list of all the articles in the 20 per cent. list on which I propose to remit the duty; also a list of all the articles in the 20 per cent. list of machinery which it is proposed to reduce to 15 per cent. Copies of these lists will be distributed among honorable members; and I may mention that, as far as I can remember, the only two articles which are not in one or the other of the two lists are the two articles I have referred to—glass-ware and stamped tinnedware and iron-ware. Any proposal to add to that list, or to discuss it in relation to the principles I have laid down, of course can be dealt with when the occasion arises. I have now to call the attention of the committee to a list of the articles subject to various duties upon which it is proposed that the duty shall be remitted altogether. It is as follows:—

“Honey, meats (potted), milk (preserved), spices (ground), biscuits, acid (acetic, sulphuric, muriatic, nitric), vinegar, cider and perry, bricks (bath), cocoa nibs, dynamite, grain and pulse (viz., gram, oilcake, rye, tares); glass or stone bottles containing spirits (not perfumed), wine, beer, &c.; gun cotton, iron (galvanized), litho-fracteur, powder (sporting, blasting), salt, slates of all sizes, undressed timber, timber laths, twine, cordage (engine packing), oils (viz., almond, cod liver, cotton seed, cream, lustrine, neats-foot, pine, rape, sperm), aerated or mineral waters, linseed meal, earthenware, fancy goods, hosiery, materials, &c., matting (cocoanut), stationery not otherwise enumerated, toys, nails and screws, cement, drugs.”

The value of those articles imported in 1874 was £952,611, and the duty paid on them amounted to £93,141. There are four articles on which it is proposed to reduce the duty by one-half, namely, maize, malt, soda crystals, and dressed timber. The value of those articles imported in 1874 was £431,796, and the amount of duty which will be lost by the reduction is estimated at £25,584. The total value of the goods, on which it is proposed to make remissions or reductions

of duty, imported into Victoria last year was £2,545,029, and the estimated loss which the revenue will sustain by the remissions and reductions is £230,661. I cannot pass from this part of the subject without reference to the wharfage rates. It was my intention to have dealt with those rates, because they are a source of great loss and inconvenience to traders, and especially traders of this port, and moreover are, as wharfage rates, far in excess of those imposed in other and more important ports. I have been debarred from dealing with the wharfage rates as I would have wished, chiefly owing to financial considerations; and I have thought it well to leave them to be adjusted by the new harbour trust which it is proposed to constitute. The result of the remissions which I have indicated will be a loss to the revenue of £230,000; but as I do not propose that the remission shall take effect until the 1st January next, the loss for the year 1875-6 will be about £160,661.

Mr. MACPHERSON.—The estimate of revenue from the proposed new taxation is for nine months.

Mr. SERVICE.—As the honorable member is aware remissions of duties are never suddenly made; they are intentionally made to come into operation at a certain period subsequently, and for two very good reasons. The first is that people engaged in business who deal in articles on which the remissions are made shall be saved from loss; and the second is that a Treasurer is not generally in a hurry to give up his revenue. Now, as I have mentioned already, it will be impossible to remit these duties without imposing or increasing other duties of customs. I now come to that part of the subject, and I may say that the principles which have guided me in dealing with this matter are that the duties should be as few and as specific as possible, and that they should be imposed entirely upon luxuries, or upon articles which may be so designated—that in fact the new customs duties should be duties which it would be perfectly optional with every member of the community whether he pays any portion of them or not. The duties I propose, therefore, are on three articles—spirits, tobacco, and beer. The article of spirits has, hitherto, been charged with a duty of 10s. per gallon; I propose to raise the duty to 12s. per gallon; and excise duties to correspond I propose to raise from 6s. and 8s. to 8s. and 10s. per gallon. I may mention here that 12s. is

the amount of duty levied in New Zealand and Tasmania; that 14s. is imposed in Western Australia; while in Queensland brandies are charged 12s. and other spirits 10s. We calculate on receiving from these additions somewhere about £90,000. Tobacco is an article on which the revenue has been steadily declining owing to the growth and manufacture of it in this colony. No one can deny that it is a most legitimate article of taxation; and it has become necessary to impose an excise duty on the colonial manufacture unless we are prepared to see the revenue from that source gradually disappear. In dealing with that item I have been guided by considerations of a financial nature solely; that is to say, I have been influenced by a desire to secure revenue and not to interfere with an important and growing industry. At the present time colonial manufacturers possess a great advantage in being able to obtain their raw material, or such of it as they import, at one-half the duty paid on the article which comes to the colony in a manufactured state; and they derive an additional advantage from the use of the colonial-grown leaf which pays no duty at all; while the farmers who grow tobacco are protected from the foreign article by the duty levied on imported leaf. So that, dealing financially with this article, I have had to consider a variety of interests. The time is rapidly approaching, and I believe, if the committee agree to my proposals, it is now at hand, when we shall grow and manufacture the greater portion of the tobacco used here, and be able to place it on our list of successful exports. Meanwhile it is desirable that the duties imposed on the article should be placed on a reasonable and permanent basis, so that manufacturers will feel confidence in investing their capital in such undertakings. What we propose to do is this—To raise the customs duty on manufactured tobacco to 3s.; to require all colonial manufactured tobacco to be manufactured in bond; to charge a duty of 6d. per lb. on imported leaf going into bond; and to charge an excise duty of 1s. 6d. per lb. on all colonial manufactured tobacco for home consumption.

Mr. BERRY.—Then you tax the article twice?

Mr. SERVICE.—Yes. The imported leaf will be twice taxed. The effect of this will be to maintain pretty nearly the relative position of the various interests, while the revenue will be duly protected. It is

worth mentioning that, in England, the duty on tobacco imported in a manufactured state is 1s. per lb. more than the duty on tobacco imported in an unmanufactured state, and that there is a difference of 6d. per lb. between the duty on tobacco imported in a manufactured state, and that on tobacco manufactured at home, of course in favour of the latter, the duties being 4s. 6d. and 4s. respectively. The present duty in Queensland, New Zealand, and Western Australia is 2s. 6d. per lb., while in Tasmania it is 3s. On an average, the consumers of tobacco will pay a little more than they do now, and that little will gradually diminish with increased manufacture, rendering future adjustments inevitable, while the present gain to the revenue is estimated at £70,000 per annum, or, allowing only nine months for the excise portion of the revenue, say £60,000. I should not omit to mention that it is proposed to raise the duty on imported leaf not going into bond for manufacture to 2s. per lb. I now come to the article of beer, and my proposal is that the duty on beer imported in bottles shall be raised from 9d. to 1s. per gallon, which is an exact equivalent for the loss of the duty on bottles containing this article. I referred to this matter when dealing with the Tariff last year. I pointed out the annoyance, vexation, and loss to which those who imported such articles as beer were subjected to by having a duty charged both on the contents and the case, that is the bottle. The duty must have been imposed originally under a misapprehension, because under no circumstances can the duty fall upon the bottle. The duty is charged on bottles which contain certain articles that come here for consumption. No matter whether you charge the duty on the contents or on the bottles, it is the contents that pay both duties. There can be no question of that whatever. Well, by adopting the course which I now propose, we will secure the same revenue, and remove the annoyance which has hitherto been felt. Having proposed the entire remission of the bottle duty, I am entitled to take credit for the additional duty proposed to be put upon beer, which is expected to yield £7,500.

Mr. BERRY.—The bottle duty brings much more than that.

Mr. SERVICE.—I am aware of that. It brings £13,000 altogether; but that includes the duty obtained from bottles

containing wine and spirits; and, as the duty will be raised on spirits, we shall cover the whole ground. My second proposal with respect to this article is that colonial-made beer should be subjected to a small excise duty. Certain collateral advantages, which need not be referred to, will be gained by such a course, while a large revenue will be obtained. In the United States, there is an excise duty upon beer. In England, there is a malt duty equal to over 40 per cent. of the value of the grain. Here we have an excise duty on spirits, and we propose to impose one on tobacco. Why then should beer go free? The customs duty on imported beer in bulk is 9d. per gallon; and I propose that there shall be an excise duty of 1d. per gallon on colonial-brewed beer. That will produce a revenue of £50,000 per annum, or £37,500 for nine months. This brings me to the end of my proposals as far as new taxation is concerned. I have now only to sum up the results of the proposed changes. The finance account for 1875-6, shows that the sum of £201,345 has to be provided for by legislation, that being the amount by which the estimated revenue is short of the estimated expenditure. The proposed remissions of taxation amount to £230,611 less £70,000 which I expect to save by the retention of duty up to the end of 1875, leaving the amount of net loss at £160,661. Add that to the deficiency already mentioned of £201,345 and there is a gap between estimated revenue and estimated expenditure of £362,006. This gap will be filled up in the following manner:—

Land tax	...	...	...	£150,000
House tax	...	...	...	57,000
Bank tax	...	...	...	30,000
Stamp tax	...	...	...	37,500
Insurance companies	...	...	...	6,000
Succession duties	...	...	...	26,500
Absentee tax	...	...	...	15,000
Spirits	...	...	...	90,000
Tobacco	...	...	...	60,000
Bottled beer	...	...	...	7,500
Colonial beer	...	...	...	37,500
Total	...	...	...	£517,000

Take from this the amount to which I have already referred (£362,006) and there will be a balance of £154,994 to carry forward to 1876-7. I do not think the committee will consider a balance of that amount too large, bearing in mind that we are dealing with so many and such varied interests, and that, in some of the cases, the calculations made are necessarily estimates. I think I may be excused for mentioning here another reason which has

guided me in bringing out an estimated balance of this amount. Honorable members will recollect that, last year, I referred at some length to the change in the mode of keeping the public accounts made by the honorable member for West Melbourne (Mr. Langton). I do not intend to detain the committee one minute on that subject further than to state that the views I expressed last year have been thoroughly confirmed during the period which has since elapsed. I now see additional reasons beyond those which I expressed on that occasion to lead me to believe that it would be well for us to return, if not precisely to the old system, at all events to something very like it. I hope, during the session, to see action taken with that intention. Having thus dealt with the year 1875-6, I desire now to direct the attention of the committee to a matter of very great importance—that is with respect to future requirements as regards money for works to be constructed out of loans. These divide themselves into two parts—the first being requirements to meet liabilities to which we are already committed, but for which Parliament has not yet provided; and the second being requirements for new works which Parliament may consider it wise to undertake. I will take these in their order. In referring to the liabilities to which we are already committed, I desire to point out that I personally have no share in the honour which belongs to the initiation of works which no doubt will be found of great importance to the future well-being of the colony. In respect to these I occupy the position simply of an accountant who, on taking his seat for the first time at his desk, finds to be current certain bills payable which it is his duty to see provided for. The liabilities of this character are—

For advances promised to municipal bodies on account of water supply, which advances are in no way provided for	...	...	...	£93,000
Due on recoups for money advanced in former years out of the consolidated revenue, under parliamentary sanction, for various waterworks	...	...	...	31,500
To further complete the Coliban scheme	...	...	...	85,500
To complete the Geelong scheme	...	...	...	21,500
Total	...	...	...	£231,500

And here I wish to leave this amount for a few minutes—we shall return to it again—in order to refer to a matter which properly belongs to this part of the subject, although its introduction here is somewhat

parenthetical. Honorable members are aware that in 1869 an Act (No. 360) was passed which appropriated the sum of £200,000 per year, for 11 years, from the land revenue for railway purposes—a provision for which the Government and the Parliament of that day deserve the approbation of the colony. Up to December, 1874, the sum of £1,000,000 had been paid over from that source, leaving £1,200,000 still to accrue between 1874 and 1880. Nothing could be more handsome or more satisfactory to the public creditor than the fact that out of £3,300,000 proposed to be expended on the construction of railways, the large proportion of £2,200,000 should be met out of the resources of the colony, and that only £1,100,000 should have to be borrowed. But this appropriation out of the land fund was spread over 11 years, from 1870 to 1880 inclusive; and, as the proposed railways were to be finished in 1877, it was evident that the whole £2,200,000 would not be available in time to meet the expenditure. Power was therefore taken under the Act No. 468 to issue Treasury bills in anticipation of the receipts from the land fund, those Treasury bills not to exceed the sum of £500,000. We now find, from the progress of the railway works, that we shall require to fall back on those Treasury bills before the end of the present financial year; and, looking at the present condition of the money market, I do not think it desirable that we should be shut up to the adoption of this mode of raising money. We might or might not succeed in obtaining the funds, but at what a disadvantage in the way of interest and of disturbance of the general money market of the colony it is impossible to say. I believe that, for purposes of this sort, it is always best to leave our own market alone, and to go where money is cheapest and most easily attainable. Instead of raising money by Treasury bills, I think it would be more advantageous to take power to borrow the amount necessary in the London market. At this stage I have to introduce to the committee another proposition—and I must apologize for this transition, but the connexion between the subjects will be seen in a moment—and that is the necessity for the rapid erection of new school buildings. The amount estimated as required from the 1st July of the present year to complete the erection of the number of school buildings necessary for the accommodation of the youth

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of the colony is £750,000. It has been argued that this is an expenditure of urgency, and one that might fairly be met by a loan, seeing that future generations will be served by the outlay. I do not dispute the fairness of the argument, but I doubt the wisdom of the proposal, especially if we have to go to other markets to raise the money. Lenders desire to see that the money they advance is devoted to reproductive works, which will not be the case in this instance, or only in a sense and to a degree utterly inadequate. What I therefore propose to do is to transfer, for a period of three years, the annual appropriation of £200,000 from the construction of railways to the erection of schools, and to go to London for the £600,000 which will thereby be rendered necessary to provide for railway purposes—any balance over this £600,000 which may be required to complete school buildings to come out of the consolidated revenue during the present year and the next. The advantages of this course are obvious. In the first place we shall obtain money to finish our schools as rapidly as we can erect them; secondly, the urgent necessity for depleting or disturbing the money market by the issue of Treasury bills will be removed; and, thirdly, we put our “best foot foremost,” to use an old adage, by going to London to borrow money for railway purposes, which are reproductive, instead of for schools, which are not. Now, after this long parenthesis, we will return, if honorable members will permit me, to the point where I had summed up certain liabilities amounting to £231,500, to which the colony is already committed, and which Parliament has provided no funds to meet. To that amount I have now to add the transfer just alluded to from railways to school buildings out of the funds provided by the Act No. 468, £600,000; a further sum for Yan Yean and local waterworks which appears on the present Estimates as an advance, and is credited to the finance account for 1874–5, £56,500; and a sum which I propose to borrow and add to the capital account of the Yan Yean works for laying an additional main from Preston to the east of Melbourne, and for extending the reticulation, estimated at £95,000; and these sums together amount to £983,000. I thus find it necessary to provide a sum of nearly £1,000,000 on account of liabilities which were actually incurred or were impliedly anticipated before I had the honour of

occupying my present position, and whilst, in fact, I was not even a member of this House. To this I must add the half million of debentures under the Stock Act which have yet to be sold, making the total liabilities which I have inherited, and for which I have to provide, about a million and a half, or, in accurate figures, £1,483,000. Before going further, I will refer, for a moment, to the subject of the debentures under the Stock Act, and give the committee some information with respect to them. Honorable members will recollect that the realization of this loan, or a great part of it, was urgently required last year to meet engagements entered into in anticipation of the sale of stock. As I stated at the time I introduced the Bill for converting £500,000 of stock into debentures, it was not intended to offer those debentures at once, as the time was inopportune. However it was expected, or at least hoped, that the money market here would become easier, especially when the proceeds of the new loan found their way into the public account. Honorable members are aware that since that time we have had a condition of things, unprecedented in the money market of Victoria. Owing to the competition among the banks themselves, the rate of interest for deposits has stood higher than it has ever stood in this colony before; and it was an utter impossibility, in the condition of the market from the time those debentures were authorized by Parliament to the present time, to attempt to offer them with the slightest hope of success. It being therefore not judicious to offer those debentures in this market, the question naturally arose—Could they be satisfactorily placed in London? A very slight consideration and inquiry served to show the undesirability of such a course. The amount was too small, and we had been in the London market for another amount only a few months before. No doubt an attempt to place those debentures, made payable as they were both in London and Melbourne, on the London market, would have operated injuriously on our credit, and consequently on our current debentures. Under these circumstances, the debentures have remained unsold; but I have been able, by an arrangement with the banks, to draw against them so as to meet our liabilities as they fall due. The amount of advances against them up to the present time is £300,000. I now come to the second division of our requirements—

requirements for new works which Parliament may consider it wise to undertake. And here I limit myself to one single item—to money for additional railways. I assume that Parliament has not altered, and is not likely to alter, its policy with respect to the construction of railways. The economy with which railways are now constructed, the first cost being little more than double the cost of constructing ordinary roads; the excellent promise they give not only of paying all expenses and interest, but of becoming at an early date a source of permanent revenue to the State; and the advantages to be gained by facilitating the traffic of goods and passengers over every part of the colony, all point to the wisdom of prosecuting railway extension. It is to be hoped, indeed, that Parliament will carefully see that no "political railways" shall form part of the schemes submitted to it from time to time, but that there will be reasonable prospects that each line will be worth constructing on economic grounds. It is therefore the intention of my honorable colleague, the Minister of Railways, shortly to submit to Parliament a scheme for new railways, and, in the event of the approval of Parliament being obtained to that scheme, to ask its sanction to the borrowing of another £1,250,000 for the purposes of railway construction. Of course it is not proposed, nor would it be possible—nor, if possible, would it be desirable—to proceed with new lines until those in hand are well on. Taking our requirements, then, under the first division, at £1,483,000, and under the second division at £1,250,000, we have a sum, in round numbers, of £2,750,000. The Government propose to wrap these various items together under one Act of Parliament, and to put a loan for that amount on the London market during the early part of next year, or at such a period as may be deemed most convenient and advantageous. The portion of this loan required for existing liabilities should be provided as early as possible; but with respect to new railways, of course, the urgency is not great. It will be a wise course to adopt, with respect to the moneys borrowed for new works, to see what the state of the market at home is, and to sell that portion of the loan at the time which is deemed most desirable, and when the largest proceeds are likely to be obtained. If the money should be available during the course of next year, at the time we

propose to enter the London money market, I don't think Parliament would, for one moment, consider it worth grudging any small loss—for it would be a very small loss indeed—which might accrue from having money in hand before it is wanted. We know from the rate of money in the colony that a very small difference exists between the interest paid on debentures and the interest we receive from the banks here; and with any business man that would form no consideration in comparison with the certainty of having his money in hand before entering into a contract. As far as I am concerned, I will never incur any liabilities until I have the money in hand, or know where it is to come from. I will now give the committee some information regarding the position of the railways at present in progress under the Act No. 475. At the present time we have contracts actually going on for works that will cost, when finished, about £1,200,000; and we have now sufficient money to the credit of the public account for the completion of all contracts actually entered into at this date. The railways authorized by Parliament respecting which no contracts have yet been made are estimated to cost about £1,000,000; and the connexion of the Gippsland line with Melbourne will cost an additional £200,000. Thus a sum of £1,200,000 has yet to be obtained, of which £600,000 we propose to provide by loan in the way I have already mentioned, and the balance will come in from the land fund in the years 1878, 1879, and 1880. As, however, all these railways are expected to be completed by the end of 1877, we propose to take powers to make the loan for new railways available for finishing all the present lines, recouping the advances thus acquired from the land fund as it accrues due. I will now refer for a few minutes to our public indebtedness, which, on the 30th of June, was £13,992,582, the yearly interest amounting to £765,000. Our net revenue, after paying all expenses, from railways and other public works, is now close up to £600,000, and is steadily increasing. This leaves only £165,000 to be paid out of the consolidated revenue, and £30,000 of that is for money now in process of expenditure for new railways not yet yielding any return. There is no doubt that, in a very few years, these works will be in a position to contribute handsomely to the general revenue. In connexion with our indebtedness, it would hardly be wise

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on an occasion like this not to refer to our public estate, although recent debates have somewhat hackneyed the subject. Our public estate originally consisted of 57,000,000 acres, or, deducting lakes, towns, roads, &c., 52,000,000. Of this area, 15,000,000 acres only are alienated; and, of the remaining 37,000,000 acres, 30,000,000 acres are under pastoral licence; and of that quantity 15,000,000 acres are estimated, rightly or wrongly, to be available for agricultural settlement. Taking that extent of land to be worth only £1 per acre, it will represent a sum of £15,000,000, and we have yet to receive, in payment of land already leased with a view to purchase, a sum of £4,000,000. So that we have real property representing an amount far beyond our entire indebtedness. It is worth noting that during the existence of Victoria as a separate colony there has never been spent, for administrative purposes, the value of the proceeds of one acre of land. Since 1851, when Separation took place, we have realized from the alienation of land a sum of £17,227,000, whilst we have spent on roads, bridges, and other public works, and in subsidies to local bodies, which, of course, are spent on similar works, £17,306,900. Besides this amount realized from the alienation of land, during the same period we have realized from pastoral occupation and other temporary rents a sum of £4,156,900. This amount has contributed nearly £2,000,000 towards the purposes of immigration, and paid the total cost of the Lands department. I have now only a few words to say on the general condition of the colony, and I shall have done. A great deal has been said lately about the depressed condition of the colony, and some pessimists have gone the length of declaring that it is used up. "The gold-fields," they say, "have ceased to yield their riches; the internal trade was never so depressed; the intercolonial trade is decaying; Sydney is waking up, and Melbourne is going to lose her pre-eminence." One of our old city firms proposed, the other day, to open a branch house in Sydney; and straightway it was reported that half the mercantile firms of Melbourne were going to migrate thither. That we have been having, in some respects, rather a bad time of it, I quite admit, but it is by no means the first occasion. I remember in 1865—now ten years ago—when I returned to the colony after a rather prolonged visit to England,

I found things very bad indeed. One of my commercial friends went so far as to say to me that he really did not know what the future was to be, or whether there was to be any future at all. But, since 1865, we have increased in almost every element which constitutes the wealth of a country, and my anxious friend has become a rich man. The population has increased from 616,000 to 800,000. The revenue from all sources has grown from £3,000,000 to £4,500,000. Our imports have increased from £13,250,000 to £17,000,000; and our exports from £13,150,000 to £15,500,000. The inward and outward tonnage has increased from 1,180,000 tons to 1,570,000 tons. Bank deposits have increased from £9,000,000 to £14,000,000; and savings banks deposits from £730,000 to £1,500,000. If these are signs of decadence, the more they multiply the better. Even our gold produce, during those ten years, has waxed as well as waned. In 1868, it was 400,000 ozs. more than in 1865, and, though it has since declined, there are, at this moment, indications from almost every part of the colony that we are on the eve of a more productive period. As regards trade, internally we are suffering chiefly from over-competition; externally, or rather intercolonially, we are suffering chiefly because other colonies have begun to do their own business with England and other countries. Nothing could be more absurd than the idea that Victoria would continue to do the agency business for other colonies with the rest of the world. Neither Sydney, nor New Zealand, nor Adelaide, will continue to pay a perpetual commission of 5 per cent. to Melbourne importers, while they can buy their goods in London and New York, and load their own ships as cheaply and as well as Melbourne can do. At the same time we cannot overlook the fact that there must be always some interchange of foreign products amongst the colonies, and it is to the interest of the entire community that our ships and our commerce with the neighbouring colonies should be as free and unrestricted as possible. As a matter of fact, our exports to New Zealand for 1874 were £1,040,454, against £755,581 in 1870. Indeed last year was the highest in the New Zealand trade, and also in the gross total of exports to all the other Australian colonies since the year 1866. Meantime,

as exchanges between various countries must be based chiefly on the produce and manufactures of each, it is satisfactory to know that exclusive of wool, gold, and specie, our exports of Victorian produce and manufactures have increased from £940,000 in 1869 to £1,370,000 in 1874, or nearly 50 per cent. But it is less satisfactory to observe that that increase was attained between 1869 and 1871, and that since 1871 those exports have rather diminished than increased in value. I have now, Mr. Davies, heartily to thank the committee for the kind attention they have given me, and the patience with which they have listened to an harangue which must necessarily be dry; and I beg, in conclusion, to move the resolution which I have already submitted.

Sir J. McCULLOCH.—I am sure the Treasurer will not expect the committee to enter, this evening, upon a discussion of the lengthened statement which he has submitted, and the proposals which he has made with regard to taxation for the future. Therefore I trust there will be no objection to the Chairman reporting progress. However, I will take the opportunity of asking the Treasurer, with regard to the money borrowed from the banks, on what conditions it has been borrowed and at what rate of interest, and whether the debentures have been placed with the banks as security for the advances?

Mr. SERVICE.—No interest whatever is payable on the advances from the banks so long as the amount to the credit of the public account does not fall below the amount of the advances. The debentures have been lodged with the banks.

Sir J. McCULLOCH.—As security?

Mr. SERVICE.—They were lodged with the banks in anticipation of being floated through their medium.

Sir J. McCULLOCH.—But have they been lodged with the banks as security?

Mr. SERVICE.—They are held by the banks.

Mr. HIGINBOTHAM.—As the Budget contains a proposition for the imposition of new taxation, I venture to make one suggestion to the Government. It will be remembered that, when the Customs Duties Bill of last session was before the House, a question was raised as to the form of the measure. The House was informed that the Bill could not be put into the usual and proper form on account of the

manner in which the duties were imposed, namely, in committee of the whole House instead of in Committee of Ways and Means. Now I would ask the Attorney-General and the Treasurer to be good enough to bear this matter in mind. It is a mere matter of form, at the same time it is a matter deserving of great attention on account of the reference which the Treasurer has made to the question which may hereafter be raised as to whether we will impose taxes on ourselves. I think it is very desirable and very necessary that, whatever Bill for the imposition of new taxes leaves this House, it should leave it in a form which will intimate to those who have to deal with it elsewhere that the responsibility of imposing new taxes rests entirely with this House, and that those who have to deal with it elsewhere will be quite relieved from any necessity for answering a question which it may be difficult for them to answer—whether, if they had the responsibility, they would be disposed to add to the taxation to which they are at present subjected.

Mr. KERFERD.—In answer to the question of the honorable and learned member for East Bourke Boroughs, I beg to state that we are now in Committee of Supply. We shall have to go into committee of the whole, or into Committee of Ways and Means, and the question which the honorable member now raises can be settled at the time that the House goes into one of those committees.

Mr. SERVICE.—Perhaps I may mention that, for the discussion of their financial proposals, the Government would prefer that the House should go into committee of the whole, in order that honorable members may have the opportunity of dealing as they think proper with the various items submitted to them. The Government do not wish, in any way, to tie the hands of honorable members.

The vote was agreed to, and the resolution was reported to the House.

REVISION OF THE TARIFF.

The House went into committee for the consideration *pro formâ* of the customs and other duties proposed to be charged in lieu of the duties now levied.

Mr. SERVICE moved—

“That the Commissioner of Trade and Customs be authorized to take such measures as may be necessary for the protection of the revenue with reference to the duties proposed to the committee this day.”

Mr. LANGTON said that he did not wish to raise any technical objection, but he desired to point out that this resolution was wholly unnecessary. In England, according to the practice of the House of Commons, whenever new duties were proposed, they were enforced from that time, until they were finally dealt with, on the responsibility of the Government; and that was the principle which ought to be adopted here.

Mr. GILLIES admitted that the honorable member for West Melbourne (Mr. Langton) was correct as regarded the practice of the House of Commons, but it had always been the practice here to pass a resolution similar to the one now submitted by the Treasurer. (Mr. Langton—“Only of recent years.”) It had been the universal practice without exception, and he did not think that it would be advisable to depart from that course.

The resolution was agreed to, and was reported to the House.

On the question that the resolution be adopted,

Mr. LANGTON submitted that the resolution could not be considered that day, as the standing orders provided that no resolution authorizing the imposition of duties could be adopted by the House on the same day that it was passed in committee.

Mr. GILLIES stated that any resolution passed in committee of the whole, or in Committee of Ways and Means, could be adopted by the House on the same day if it was a matter of urgency. (Mr. Langton—“There is no such standing order.”) If the honorable member would look at *May*, he would see that such was the practice of the House of Commons, and it was also the practice of this House.

The SPEAKER.—It has always been the practice of the House to adopt the resolution for the protection of the revenue on the same day that it is passed in committee. I believe that course is not in strict accordance with the standing orders, but it has invariably been the practice of the House, and the honorable member must see that any deviation from it on the present occasion might lead to a serious loss of revenue.

Mr. LANGTON remarked that he only wished to object to a violation of the standing orders. The Government could protect the revenue without any resolution of this kind.

Mr. KERFERD said that the Government did not wish to start a new practice on this occasion, but preferred to follow the course which had always been pursued in previous years. The point raised by the honorable member for West Melbourne (Mr. Langton) was, however, one which might fairly be considered by the Standing Orders Committee, of which the honorable gentleman was now a member.

The resolution was then adopted.

MEDICAL PRACTITIONERS STATUTE AMENDMENT BILL.

Mr. HIGINBOTHAM moved for leave to introduce a Bill to amend the Medical Practitioners Statute 1865. He said that the object of the measure was to give authority for the body of any person who died in a public institution, supported wholly or in part by the State, to undergo anatomical examination, unless such person had, before his death, expressed a wish to the contrary, or one of his surviving relatives required the body to be interred without such examination.

Mr. LOCK seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

CORONERS' JURIES LAW AMENDMENT BILL.

Mr. LOCK moved for leave to bring in a Bill to amend the law relating to coroners' juries. He intimated that he desired it to be considered in connexion with the measure introduced by the Attorney-General for the amendment of the law relating to juries generally.

Mr. GARRATT seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

DOG ACT AMENDMENT BILL.

Dr. MADDEN moved for leave to introduce a Bill to amend the Dog Act 1864. He said that it was the same measure which was passed through several stages last session.

Mr. INGLIS seconded the motion, which was agreed to.

The Bill was then brought in, and read a first time.

The House adjourned at seventeen minutes to eleven o'clock, until Tuesday, July 20.

LEGISLATIVE COUNCIL.

Tuesday, July 20, 1875.

Impounding Law Amendment Bill—Attorneys, Solicitors, and Proctors Bill.

The PRESIDENT took the chair at twenty-five minutes to five o'clock p.m., and read the prayer.

IMPOUNDING LAW AMENDMENT BILL.

The Hon. R. S. ANDERSON moved for leave to introduce a Bill to amend the Impounding Act 1874.

The motion was agreed to, and the Bill was brought in, and read a first time.

ATTORNEYS, SOLICITORS, AND PROCTORS BILL.

The House went into committee for the further consideration of this Bill.

On clause 33, providing *inter alia* that writers to the signet should, prior to their admission as attorneys in Victoria, serve as articulated clerks for three years,

The Hon. R. S. ANDERSON moved an amendment to the effect that a writer to the signet should be bound to serve as an articulated clerk for one year only. He said he proposed this concession not only to meet the views of the committee, as expressed during a former discussion, but in accordance with his own wish, and in order that the law on the subject in Victoria should be equally liberal with that in England, where also writers to the signet need only serve as articulated clerks for one year in order to be admitted as attorneys.

The amendment was agreed to.

The Bill was then reported with amendments, and was afterwards recommitted.

On clause 14, empowering general meetings of the Law Society to make and alter by-laws for its regulation and good government,

Mr. ANDERSON moved the addition to the clause of a proviso to the effect that the maximum amount of the entrance fee and annual subscription fee, payable by members of the society, should be £5 5s. and £3 3s. respectively. He said he proposed this amendment in order to meet the view expressed by Mr. Fitzgerald on a former occasion, that, without some such provision, membership of the Law Society might be rendered impossible to attorneys in a poor way of practice. As a matter of fact, however, the fees payable by members