Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 31 MARCH 1874

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LEGISLATIVE ASSEMBLY.

Tuesday, 31 *March*, 1874.

Question of Privilege.—Elections Bill.—Joint Committees.—Supreme Court Bill.—Marriage of the Duke of Edinburgh. — Parliamentary Buildings. — Supply. — Ways and Means.—Insolvency Bill.

QUESTION OF PRIVILEGE.

Mr. GROOM said, before the ordinary business of the day was proceeded with, he desired to call attention to what he considered a question of privilege. By the sixth clause of the Constitution Act it was laid down—

"Any person who shall directly or indirectly himself or by any person whatsoever in trust for him or for his use or benefit or on his account undertake execute hold or enjoy in the whole or in part any contract or agreement for or on account of the public service shall be incapable of being summoned or elected or of sitting or voting as a member of the Legislative Council or Legislative Assembly during the time he shall execute hold or enjoy any such contract or any part or share thereof."

And, under the seventh clause of the same Act, any person who sat or voted as a member of the Assembly knowing that he held or enjoyed a contract under the Crown, was liable to forfeit five hundred pounds, which might be recovered by any person who might sue for the same in the Supreme Court. He therefore thought it was the duty of an old member of the House, when he was aware that the important and stringent provisions of this Act were likely to be violated by a person holding a seat in the House, to call the attention of that person and the House to the fact; and having that knowledge in his possession, he felt called upon to bring the matter under the notice of the House. He believed he was correct in stating that Mr. Walker, who held his seat as member for the Balonne, was a contractor under the Government—that he held a contract for two mail services—one from St. George to Surat, and the other from St. George to Mungindill. If that allegation were true—and he believed he was perfectly correct in stating it—Mr. Walker was incapable of taking his seat in the House, and it was the duty of the House to declare his

seat vacant, or to refer the matter to the Committee of Elections and Qualifications. He wished it to be distinctly understood that he was not in any way influenced by personal considerations in bringing the question before the House—in fact, he had no knowledge of Mr. Walker except that he had been pointed out to him as the honorable member for the Balonne. He was induced to do so solely by a desire to protect the privileges of the House and in justice to the country, and to point out to the honorable member that he might involve himself in severe penal obligations if he insisted in sitting and voting; because, if he did so, it would be competent for any member of the House, or any other person, to sue him in the Supreme Court for the sum specified in the Act. Having brought the question forward, he would now leave it in the hands of the House to decide. He believed he was perfectly justified in stating that the honorable member for the Balonne was a contractor under the Crown, having two contracts signed and sealed and with sureties; and, that being so, he clearly came within the sixth and seventh clauses of the Constitution Act.

The SPEAKER: I cannot understand the argument of the honorable member for Toowoomba. Does he make a distinct motion; or does he simply ask for an expression of opinion from the Speaker? If he wishes for my opinion, I can give it at this moment, namely:—I think the proper course is for the honorable member to make some motion.

Mr. GROOM: I will make a motion. I move—

That the seat of the honorable member for the Balonne be declared vacant in consequence of his holding a contract under the Crown for the carrying of Her Majesty's mails.

Mr. J. SCOTT said, before the question was put he would ask the honorable the Speaker for his ruling on the thirty-sixth clause of the Standing Orders, which was to this effect:—

"No member shall make any motion initiating a subject for discussion, but in pursuance of notice openly given at a previous sitting of the Assembly, and duly entered on the notice paper."

The SPEAKER: My reply is that any honorable member is entitled to move, at any moment, a question of privilege; but it is for the House to consider whether the question is of that imminence that it should be entered upon at once. I think the motion may, therefore, be in order.

The COLONIAL SECRETARY said he was sorry the honorable member for Toowoomba did not give the Government some intimation of his intention to bring forward a motion of this kind; because, although it was the undoubted right of every member of the House to take care that no gentleman was admitted within the walls of the Chamber who was not duly qualified under the Constitution Act—which Act regulated their proceedings—to hold a seat in it, still, as it was a question which might affect the seat of an honorable member, he should have been glad, on the part of the Government, to have had possession of the information which the honorable member said existed. He was perfectly well aware of the report that the honorable member for the Balonne was a contractor under the Government; but the difficulty he felt with regard to the motion was, that unless there was something patent on the face of the journals of the House—unless they had something that convinced honorable members that the honorable gentleman was disqualified—the House would be taking a course that was scarcely justifiable, if they at once declared his seat vacant. He did not think they could proceed in that way, or that that was the object of the rights and privileges conferred upon them. He was of opinion that there was a certain course to be observed in dealing with questions of this sort, and that was that they should be remitted to the Committee of Elections and Qualifications to inquire into and report upon to the House. There was only one other course for the House to adopt. If the honorable member for the Balonne knew that he came within the terms of the statute, and chose to admit the fact to the House, then, on that being recorded on the journals of the House, it would be perfectly competent to declare his seat vacant. But unless they had this admission, it appeared to him that they had nothing before them to justify them in taking such a course. He thought, therefore, it was perfectly competent for the honorable member for Toowoomba—and if he were in his position he would take that course—particularly in the absence of any statement from the honorable member for the Balonne—to move that the matter be referred to the Committee of Elections and Qualifications. That was his view of the case.

Mr. GROOM said, with the permission of the House, he was willing to amend the motion in accordance with the wishes of the honorable the Colonial Secretary.

Mr. BELL said the motion of the honorable member for Toowoomba was one that he had seen no precedent for in that House. He had never seen a course proposed so thoroughly unsuited to the position of the case; and that honorable member could not for one moment expect to obtain the ear of the House after making such a proposition. He had asked the House summarily to eject the honorable member for the Balonne from his seat upon his mere statement, without the slightest corroboration, and without the slightest evidence in support of his allegation being brought before the House. He (Mr. Bell) was not aware in what way the honorable member proposed to amend his motion, but he hoped that, from the *primâ facie* case he had made out against the honorable member, the House would negative his motion.

He had not even thought proper to give notice of his motion, which would have been only common courtesy to the honorable member for the Balonne; and there was not that exigency in the matter which rendered it necessary for the House to take immediate action. He hoped the motion would be negatived.

The ATTORNEY-GENERAL said it seemed to him that the course proposed by the honorable the Premier was the correct one. He found it laid down in "May's Parliamentary Practice"—

"Whenever any question is raised, affecting the seat of a member, and involving matters of doubt, either in law or fact, it is customary to refer it to the consideration of a committtee."

In the House of Commons it was a Special Committee, but here it was the Committee of Elections and Qualifications, as constituted under the 21st clause of the Legislative Assembly Act, which clearly laid down that whenever a question affecting the validity of any return, or the right of any member to sit in the Assembly, was called into question, then the tribunal to decide was the Committee of Elections and Qualifications; consequently he thought it would be out of the proper course of Parliamentary practice for the House to summarily dispose of the question, which was a very important one, in the way proposed by the honorable member for Toowoomba. He (the Attorney-General) thought that honorable member brought the question forward, not in the spirit attributed to him by the honorable member for Dalby, but, as he himself stated, he brought it forward as a constitutional question, involving a most important matter of privilege. He considered it of the utmost importance that they should nip in the bud all irregularities of this nature; and he thought the honorable member for Toowoomba deserved the thanks of the House, and of all advocates of constitutional practice, for having brought under notice what might be a violation of the Constitution, or what might turn out to be nothing of the sort. But, however that might be, he would point out that according to the practice of Parliament, and the law of this colony as embodied in the Legislative Assembly Act, the proper tribunal to decide the question was the Committee of Elections and Qualifications. If the honorable member for Toowoomba would amend his motion to that effect, no doubt it would be accepted by the House, unless the gentleman affected by it could show good reason to the contrary.

Mr. WALKER said he was entirely unprepared for the motion which had been brought forward by the honorable member for Toowoomba. As a new member, of course, he was not acquainted with the forms or usages of the House; but still he considered it his duty to place before honorable members the actual state of affairs as they stood at that moment. When he first became a candidate for the electorate of the Balonne, he was perfectly aware that he was a contractor, for he had a contract for carrying two mails. About that time he put the question to a friend of his, whom he thought well able to judge in such matters, whether his being a contractor would disqualify him from taking a seat in the House, and he told him, in reply, he thought it would not. If, therefore, he had done wrong in becoming a candidate while still a contractor, it was an unintentional wrong, because he did not know that by standing in the position of a contractor he was debarred from coming forward as a candidate. He had referred to the Constitution Act, and found a special clause there which debarred a contractor from coming forward as a candidate for the representation of a constituency, or, if elected, from sitting in the House; but, on referring to the Legislative Assembly Act of 1867, which, he was under the impression, overruled the Constitution Act, he could find nothing of the kind, and, therefore, he thought he was perfectly qualified to act. Of course, it was not for him to say whether he was or was not. He begged now to state that he had been a mail contractor; but, finding that a question was likely to be raised as to his being qualified to hold his seat, being a contractor, he had already taken the necessary steps to transfer the contract. It had not been transferred yet, and therefore he was, he supposed, a contractor at the present time. He was fully prepared to leave the matter in the hands of the House. [The honorable member then withdrew from the House.]

Mr. GROOM desired to disclaim any such feelings as those attributed to him by the honorable member for Dalby. He said before, and he would now repeat, that he did not know Mr. Walker, and he would consider it a public scandal to the House if he did not bring the matter forward. He had been informed by more than a dozen persons that they were voting money for themselves, and that honorable members who knew the facts and tolerated such proceedings were just as bad as the member who voted the money for himself. He repudiated the pettyfogging spirit imputed to him by the honorable member for Dalby. It struck him that that honorable member was beginning to show his little-mindedness at a very early part of the session.

Mr. DE SATGE: The honorable member has already spoken.

Mr. GROOM thought that, after the admission of the honorable member for the Balonne, it was not necessary to proceed with the motion.

Mr. BELL rose to a point of order. The honorable member had already spoken. He did not know what latitude he was to have more than any other honorable member.

The COLONIAL SECRETARY: I understand the honorable member is speaking in reply.

Do I understand that the honorable member intends to withdraw his motion ?

Mr. GROOM: I was just going to say so, but for the extraordinary conduct of the honorable member for Dalby, who appears hardly to know what to do with himself. I will, with the permission of the House, withdraw the motion, and the honorable the Premier will propose one himself.

Motion, by leave, withdrawn.

The COLONIAL SECRETARY said, after the observation which had been made by the honorable member for the Balonne, of course, as leader of the House, he could not allow the matter to pass without submitting a motion to the House. In doing so, he regretted that the matter had been brought forward at all on the present occasion. He believed it would have the effect of placing the gentleman who was contending for the seat occupied by the member for the Balonne in a very false position, because, when the motion he was about to make—which he was in fact compelled to make—was carried, his right to proceed would be entirely gone, together with whatever right he might have to the seat. Because, after the admission of the honorable member, who had been duly returned under the impression that he was not disqualified, that he was a Government contractor, the House was bound to declare his seat vacant. They had no option in the matter, it would be unfair to the country to consent to a person holding his seat under such circumstances. They had it before them that this gentleman was a Government contractor, and that therefore he ought never to have become a candidate, and ought never to have been returned, and the only course open for the House to pursue was to declare his seat vacant. The motion he was about to submit to the House was this :—

That Mr. Adam Walker, the sitting member for the Balonne, having acknowledged himself, in the presence of this House, to have been a Government contractor at the time of his election, his seat be now declared void.

But a further question arose on the face of this motion. It appeared that there was a petition against the honorable member's return, which had not been decided. His seat was claimed by another party on the ground that he ought never to have been returned, and the House would be doing a gross act of injustice if they decided at once that the petitioner had no claim to it. It appeared to him, however, on further consideration, that, under the sixth clause of the Constitution Act, the petition was not disposed of. That clause simply said—the seat of the party holding a contract should be declared void. Mr. Walker was simply the sitting member, and, although his seat might be declared void, still, under the Act, he thought, the Committee of Elections and Qualifications could decide whether the seat might not be justly claimed and obtained by the party petitioning. It was clear the honorable member for Balonne ought never to have been returned.

The SECRETARY FOR PUBLIC WORKS seconded the motion.

Mr. BELL rose for the purpose of moving an amendment, which was as follows :—

That the question be amended by the omission of all the words following the word "That," with the view to the insertion, in their place, of the words "the question of the seat of the member for the Balonne be submitted to the Committee of Elections and Qualifications."

However extreme he thought the proposition of the honorable member for Toowoomba, he thought the motion of the honorable the Premier was further in extreme, if it were possible, than the one he had referred to. The Premier had now put himself in the position of the Committee of Elections and Qualifications. Without hearing the evidence on the other side of the case, he had taken upon himself to say that that party, as he called him, but whom he (Mr. Bell) called the honorable member for the Balonne, should not have been elected to the House. Now, he would ask that honorable member how he knew that ?

The COLONIAL SECRETARY: By his own admission.

Mr. BELL was coming to that presently. The honorable member talked of the admission of the honorable member for the Balonne in that House, but he disagreed with the Premier's assertion on that point. If he understood the honorable member for the Balonne, he made no such admission as would bring him into the position the Premier would wish to put him in. He said he was at one time a Government contractor, and that he took steps to place himself out of that position, but he did not tell the Premier when he took those steps.

The COLONIAL SECRETARY: He said he holds it now.

Mr. BELL: No; I did not hear him say so. He said he had been a contractor.

The COLONIAL SECRETARY: And was still a contractor.

Mr. BELL heard all the honorable member said, and he now asked what right the honorable the Premier had to object to refer this question to the proper tribunal for all such questions? He contended that the House had no right, summarily, to eject any member, and especially a young member, who had spoken for the first time in the House, and made certain admissions. He might state that, if the honorable member's friends had known that he was going to speak to the merits of the case, he would have been advised not to do so. He was a young member, coming forward for the first time, and surely the House was not going to take advantage of his waywardness, or absence of thought. That was, even supposing he made the admission the honorable the Premier stated he made. But

he (Mr. Bell) maintained that he made no admission sufficiently pointed, or sufficiently clear, that the House could at once say, "You hold a seat no longer in this House." The proposition of the Premier was one the House ought not to undertake to carry out; and he thought that whatever might befall the petition before the Elections and Qualifications Committee, they ought not to take any action until this question was also tried by the same tribunal. He hoped there was no party feeling in the question. He believed there was not, and he appealed to the justice of the honorable members, and would ask them to place themselves in the position of the honorable member, and decide whether they would feel justly dealt with by the question being gone into summarily. He trusted his amendment would supersede the motion of the Premier.

Mr. GRAHAM seconded the amendment.

The COLONIAL SECRETARY rose for the purpose of correcting a few errors on the part of the honorable member for Dalby. That honorable member seemed to be under the impression that he (Mr. Macalister) desired to see the seat of the honorable member for Balonne declared vacant, but he made a great mistake there.

Mr. BELL: I expressed no such impression.

The COLONIAL SECRETARY did not say the honorable member expressed his impression on the subject. What he said was, that the inference of the honorable member's argument was that he was desirous of vacating the seat of the honorable member for Balonne. He knew nothing further from his intention. He believed that honorable member would give the present Government fair and impartial support; and so far as that was concerned, he regretted the course he was compelled to adopt. Honorable members would remember that when the question was brought forward by the honorable member for Toowoomba he distinctly stated that they had nothing before them upon which they could act—that there was nothing on the journals of the House, and it was the duty of the House—unless the honorable member chose to come forward and admit the facts—to refer the matter to the Committee of Elections and Qualifications; and it was only when the honorable member for Balonne addressed the House and admitted that he had been and was still a contractor, that he felt called upon to take the course he had. As to that gentleman being a young member, there is no member of the House more indulgent to new members than he was, but they could not get over the fact that had been admitted. He would be very glad if the House adopted the course of referring the question to the Committee of Elections and Qualifications, because in that case full justice would be done to the petitioner who claimed the seat. There could be no doubt that in accordance with the practice of the House of Commons—and the Speaker, he knew, was of the same opinion—they had only one course to adopt, and that was to declare the honorable member's seat vacant.

The SPEAKER: I may mention that my opinion is strong on the subject of the amendment—that it can hardly be put. The honorable member for the Balonne having acknowledged that he is a contractor, brings himself under the seventh clause of the Constitution Act, and he cannot be allowed to sit or vote in the House. His seat by his own admission is void. I have given the matter careful consideration, and I am of opinion that the only course for the House to pursue is, not to refer the question to the Committee of Elections and Qualifications, but to declare the seat vacant.

Mr. PALMER: I presume a surety is liable to the same ruling.

Mr. GROOM said, before the question was put, he would like to call the attention of the House to page 598 of "May's Parliamentary Practice," from which it seemed the House had power to adopt the suggestion made by the honorable member for Dalby. It said:—

> "A singular method of vacating a seat was that of Mr. Southey, in 1826, who had been elected for Downton, during his absence on the continent. His return was not questioned, but he addressed a letter to the Speaker, in which he stated he had not the qualification of estate required by law. The House waited until after the expiration of the time limited for presenting election petitions, and then issued a new writ for the borough."

He thought this showed sufficient grounds for adopting the amendment.

The amendment was then put and negatived, and the original motion was carried.

ELECTIONS BILL.

The COLONIAL SECRETARY, in moving, pursuant to notice, for leave to introduce a Bill to amend the laws relating to Parliamentary elections, said, his reason for not proposing the motion as formal, was, because he considered it advisable, with the consent of the House, to make a slight amendment in it. The Bill, to some extent, dealt with the fees of returning officers in a manner somewhat different to that in the existing law on the subject, and to prevent any question arising on the point, he desired to amend the motion as follows:—

> That this House do now resolve itself into a Committee of the Whole, to consider the desirableness of introducing a Bill to amend the laws relating to Parliamentary elections.

The motion, as amended, having been agreed to, the House went into committee accordingly.

JOINT COMMITTEES.

Upon the Order of the Day being read for the consideration of the Legislative Council's Message of the 26th instant, the COLONIAL SECRETARY moved—

1. That the following members of this House be appointed members of the Joint Library Committee, viz. :—The Honorable The Speaker, Mr. Nind, and Mr. Griffith.

2. That the following members of this House be appointed members of the Joint Committee for the management of the Refreshment Rooms, viz. :—The Honorable The Speaker, Mr. McIlwraith, and Mr. Morehead.

3. That the following members of this House be appointed members of the Joint Committee for the management and superintendence of the Parliament Buildings, viz. :—The Honorable The Speaker, Mr. McIlwraith, and Mr. John Scott.

4. That these appointments be communicated to the Legislative Council by Message in the usual form, in reply to their Message of date the 26th instant.

5. That such Message further invites the concurrence of the Council in the opinion of this House, that the functions of these committees should be held to continue until the appointment of their successors, from session to session.

Question put and passed.

SUPREME COURT BILL.

The ATTORNEY-GENERAL moved—

That the Speaker leave the Chair, and the House resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to authorise the appointment of a third Judge, and to facilitate the business of the Supreme Court.

He said that, in moving the above resolution, he desired to make a few remarks upon the nature of the Bill which it was his intention to introduce, because it was of very great importance that the measure should be passed with as little delay as possible; although, of course, there was no necessity why that object should be made a pretence for rushing the Bill through the House with undue haste. The necessity of the appointment of a third judge had, however, long been felt by successive Governments, and particularly by the late Government, who had proposed the present measure, or one similar to it, he believed, on more than one occasion. It was admitted on all sides by those cognisant of the state of things in the Supreme Court, that such an appointment was necessary, if only to get through the business of that court, and to render it a court of appeal for the whole colony. It had been formally laid down by the judicature of England, that no court of appeal should consist of less than three members, certainly of more than two, because, with only two judges, in the event of a divided opinion, there was of course no majority. Hence the Supreme Court of this colony, as a Court of Appeal, was in a very unsatisfactory state; independently of that, however, the amount of work was now large enough to render the appointment of a third judge not only advisable but imperative. In the Bill he proposed to introduce, there was a clause for increasing the salaries of the judges, which was also a proposition which had been practically agreed to by honorable members of various parties and sections in that House. It had long been felt that the salary of the Chief Justice was altogether inadequate to his position; whereas, owing to circumstances in which the Legislature had no part, the salary of Mr. Justice Lutwyche had been larger and more reasonable throughout. Fortunately, he might say, for that gentleman, he had been appointed by the Government of New South Wales, at a salary of £2,000; and on the Queensland Legislature proposing to reduce that amount, they were told by the Imperial Government that they considered the reduction undesirable. The salary was thus allowed to remain as it was, and hence arose the anomaly of a Puisne Judge receiving a larger salary than that of the Chief Justice, namely, £1,800. In fact, the sum received at present by the Chief Justice of Queensland was actually no larger than that paid to more than one District Court Judge in the neighboring colony of Victoria. It was proposed by the Bill to allow both the Puisne Judges the same salary—namely, £2,000—as that received by Mr. Justice Lutwyche, and to fix the salary of the Chief Justice at £2,500, those being the amounts similarly paid in New South Wales, but less than the Judges of Victoria relatively received. He thought that, considering the position of Judges of the Supreme Court, the interests they were bound to protect, and the dignity they were obliged to maintain, the provision the Government proposed to make, although liberal, was not at all beyond the duties and position of the Chief Magistrates of the colony. So far as he could understand, honorable members were disposed to be liberal in the matter, and he certainly thought it was liberality in the right direction; especially if it enabled the Legislature to increase the strength of the Supreme Court by securing for the Bench the services of gentlemen of known ability and attainments, and in whose hands they could have confidence that the administration of justice and the liberties of the people would not suffer. If they could do that, he thought that no salary would be too great. A portion of the proposed Bill referred to the facilitation of the business of the Supreme Court; that portion, however, was of a technical character, having relation to the manner in which decisions should be given when there were differences of opinion, and excluding, in some respects, the authority conferred upon one judge. Provision had also been made in reference to new trials, which, he thought, would prove very salutary, as it would enable the court to lessen, to a great extent, that evil of litigation in the community, by limiting the granting of new trials to those cases only in which the court was of

opinion that a substantial wrong had been committed. In connection with the subject of the appointment of a third judge, he had no doubt that when the measure was debated in the House, there would be brought forward the necessity for the appointment of a resident judge for the northern districts of the colony, in order to have jurisdiction and dispense justice in that part of Queensland. That matter, although it was beyond the scope of the present measure, had, he might say, on the part of the present Government, been, and still was, under their consideration, and it was a step contemplated by them, although they had not as yet arrived at any conclusion on the subject. They had not yet arrived at any definite proposal in regard to the jurisdiction and powers which should be so vested, but he might state that in due time they would be prepared with such a measure. He mentioned that, not only because he knew that many honorable members took a great interest in the subject, but because the Government, and he himself personally, was aware of the necessity for such a step. With those remarks, he moved the resolution in his name.

Question put and passed, and the House went into committee.

On the resumption of the House, the Chairman reported that the committee had come to a resolution.

On the motion of the ATTORNEY-GENERAL, the resolution was adopted, and the Bill was read a first time; the second reading was appointed for Tuesday, 7th April.

MARRIAGE OF THE DUKE OF EDINBURGH.

Upon the Order of the Day being read for consideration of the Legislative Council's Message, of date the 26th instant,

The COLONIAL SECRETARY moved—

1. That this House agrees to the request made by the Legislative Council, and appoint The Chairman of Committees, Mr. Hemmant, Mr. Morehead, and Mr. De Satgé, to be their managers at the said Conference.

2. That such agreement be communicated to the Legislative Council by Message in the usual form.

Mr. THOMPSON thought the matter was one which should not be allowed to pass without some comments, and, as the honorable member for Port Curtis was not in the House, he wished to make a few remarks upon it. The address itself, which honorable members were not supposed to have seen, had been variously commented upon by the Press; and, although there appeared to be a disposition on the part of the House to let the present motion go as a matter of form, he wished to point out one or two things. In the first place, a conference would have this effect—that unless the two parties beforehand agreed to everything, nothing would be done. It was the greatest farce they had in their practice; in fact, a conference was a thing very seldom adopted—the House generally referring such matters to a committee—although he saw, on reference to "May," when passing an address to Her Majesty, a conference was generally held. In England, however, the address would be drawn up by a high officer of the State, whose business it was to attend to such matters, and there would be an end to it. But, he would ask honorable members, what they had before them? They had an address of the most extraordinary kind; the grammatical part of it was no doubt good, but the words were, to say the least, most peculiar. For instance, there was the portion where they claimed to have had the honor and gratification of a personal acquaintance with His Royal Highness—"an acquaintance endeared to us by the memory of the unvaried courtesy and condescension he manifested towards all classes, during his short stay in Queensland." That part was really most touching.

The COLONIAL SECRETARY: There is nothing of that before the House.

Mr. THOMPSON: Well, he would refer to a supposititious address, for he certainly trusted the one he had seen would never be sent home. It was perfectly right to present an address to Her Majesty, saying that they were glad to hear of the marriage of His Royal Highness; but it was proposed to go further and assign as a reason for that, that they had a personal acquaintance with His Royal Highness. He did not think that that was at all what should be stated in a loyal address, nor was it according to official forms. He supposed that it was also intended to send an address to the young lady, the Grand Duchess Maria Alexandrovna, but, if so, it was not stated; but they were to offer their "felicitations," and to express a hope that "she may enjoy as long a life of happiness and affection as this world can bestow." He had searched the Dictionary when he came to that word "felicitations," and found that it meant "congratulations," but that it was a word seldom used. He did not think it was a proper address, and he would therefore move, by way of amendment—

That the question be amended by the omission of all the words following the word "That," with a view to the insertion, in their place, of the words "before proceeding with the Order now read, the whole matter be referred to a Select Committee, with a view of considering the Address as prepared by the Council, and, if necessary, of amending the same; and that the committee shall consist of the following gentlemen:—The Honorable the Attorney-General, Mr. Palmer, Mr. Wienholt, Mr. Moreton, and Mr. Fitzgerald."

He had omitted his own name on the committee, as he was not the originator of it. He did not wish to cast any slur upon the honorable members of the Upper House; but, although, as a rule, not much importance was attached to an address, if they wished to make a state document of it, it was most

important that it should be couched in proper language. He could not understand how certain portions had slipped into the address, as there were in the other Chamber many gentlemen who had served Her Majesty both in the Army and Navy, and in other services, and who must therefore be acquainted with such matters.

The COLONIAL SECRETARY said that he objected to the amendment altogether, as the question the House was then called upon to consider was not an address, but a message from the other branch of the Legislature, inviting them to a joint committee to consider an address. He submitted that they were not yet in a position to discuss the address, for although the honorable member for the Bremer stated he had seen it in the newspapers, yet it was not before the House, and, consequently, they had nothing to do with it. Honorable members must bear in mind that it was only the form of the address which had been objected to, and he thought it must be granted that honorable members of the Legislative Council were capable of drawing up a proper address—still, until it was before honorable members, they could not discuss it. If the honorable member could show any reasonable objections to the address when it was brought up by the committee, he had no doubt the House would be most willing to hear them—till then, he considered, it could not be considered.

Mr. THOMPSON said, in explanation, that the message from the Legislative Council said "having agreed to an address;" it was evident therefore that they had drawn up an address, and if that House appointed a committee to frame an address of their own, then it could be decided which was the best.

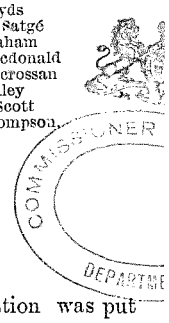
Mr. MOREHEAD pointed out that the words of the message were "in order to come to a mutual agreement on this address." He did not suppose that any honorable member would take the extreme step of refusing to adopt the address, but it was most gratifying to find that they had been saved from the deeper degradation there would have been if the Legislative Council had adopted the address which was first proposed by the honorable Postmaster-General, and which read as follows:—

"* * * * * To offer our heartfelt congratulations and good wishes for the happiness and prosperity of His Royal Highness, with whom we have had the honor and gratification of a personal acquaintance, and who is endeared to us by the memory of the unvaried courtesy and condescension he manifested towards us during his short stay in Queensland. And we also humbly beg leave to present our felicitations to Her Royal Highness the Princess who now shares his name, and hope for her as long a life of happiness and affection as this world can bestow."

How pleased would have been the Grand Duchess Maria on receiving such an address; how pleased would she have been to find that the people of Queensland knew her Royal husband so much better than she could possibly do! Why, if the first address had been adopted, it might have precipitated matters, and by the present time the Princess might have had an heir, and there would then be another address of congratulation. He should support the amendment of the honorable member for the Bremer, as it was evident to him that the object of the conference was only intended to give effect to the address which had been agreed to by the other branch of the Legislature.

The question was put, That the words proposed to be omitted stand part of the question, and the House divided with the following result:—

Ayes, 21.	Noes, 11.
Mr. Macalister	Mr. Bell.
„ Stephens	„ Morehead
„ Hemmant	„ Wienholt
„ McIlwraith	„ Royds
„ MacDevitt	„ De Satgé
„ Moreton	„ Graham
„ Miles	„ Macdonald
„ Fryar	„ Macrossan
„ Buzacott	„ Bailey
„ Fitzgerald	„ J. Scott
„ Beattie	„ Thompson.
„ J. Thorn	
„ Foote	
„ Groom	
„ Edmondstone	
„ Stewart	
„ Dickson	
„ Pechey	
„ Morgan	
„ W. Scott	
„ Ivory.	



Whereupon the original question was put and passed.

PARLIAMENTARY BUILDINGS.

Upon the Order of the Day being read for consideration of Legislative Council's message of date the 26th instant,

The COLONIAL SECRETARY moved—

1. That this House having had under consideration the Legislative Council's Message of date the 26th instant, concur in the proposal to constitute a Joint Committee upon the subject of completing the Parliamentary Buildings, and appoint the following Members of this House to serve thereon, viz.:—Messieurs The Speaker, Mr. McIlwraith, Mr. Morehead, Mr. Stewart, and Mr. De Satgé.

2. That this House further names No. 1 Committee Room of the Legislative Council to be the place, and 12 noon of Thursday, the 2nd instant, to be the time of meeting of the said committee.

3. That such concurrence be communicated to the Legislative Council by Message in the usual form.

Mr. BELL said he should be glad if the Government would inform the House, in regard to the original plans of the Parliamentary Buildings, whether those plans were deposited at the Public Works Office, or whether they were to be seen in the building itself.

The COLONIAL SECRETARY said that, in the absence of his honorable colleague the Minister for Works, he was unable to answer the question; he had merely brought forward the motion as a matter of form.

The question was put and passed.

SUPPLY.

On the motion of the COLONIAL TREASURER, the resolution reported from the Committee of Supply, on the 26th instant, was agreed to by the House.

WAYS AND MEANS.

The COLONIAL TREASURER moved, *without previous notice*—

That the Committee of Ways and Means have leave to sit again to-morrow.

Question put and passed.

INSOLVENCY BILL.

Mr. GRIFFITH moved—

That the Speaker do leave the Chair, and the House resolve itself into a Committee of the Whole, to consider of the desirability of introducing a Bill to provide for the distribution of the estates of insolvent debtors amongst their creditors and their release from their debts, and for other purposes.

He said he was desirous of taking that opportunity of stating, in as few words as possible, the objects of the Bill he proposed to introduce. He would do so principally in consequence of the magnitude of the subject—and by magnitude in the present instance he meant length—and also because it might assist honorable members in considering the question. He also would endeavor to meet beforehand some of the objections and difficulties which might present themselves to the minds of honorable members, and might be raised against the Bill when it came before the House for consideration. He would point out, also, that already some of the difficulties had presented themselves to himself. There was no doubt in the minds of the whole community that the present insolvency law was not a good one—that it did not work satisfactorily, and that it was very desirable to amend it. Bills had been introduced into that House from time to time having for their object the amendment of the existing Act, but from some cause or other they had failed to become law. The principles of those Bills had varied, but the last two measures brought forward had been based on the English Act of 1869, which was itself an adaptation of the Scotch Act of 1867, which he believed had been found to work very well in that country. The English Act had also appeared to have given satisfaction in England. So far, therefore, as that measure was suited to the circumstances of the colony, they could not do wrong in following it; because, by adopting laws closely resembling those in force in England, they not only had the advantage of the judgments of the English courts to guide their decisions, but practitioners in the colony also had the benefit of the practice followed in advising their clients. The two main principles of the proposed measure were—first, that the management of an insolvent's estate was to be entrusted solely to his creditors; and secondly, that the administration of the affairs and the judicial proceedings were local, and were confined to the district in which the insolvent resided. He thought that the first of those principles was very applicable to the colony. There was no reason, that he could see, why the management of an insolvent's estate should not be entrusted to those persons who were most interested in seeing that it was properly looked after; therefore, he proposed to follow so much of the English Act as went the length of instituting that alteration. But when he came to the second part—judicial procedure—he found the English system to be entirely unsuited to this colony. In England, the administration was left to the county courts, which were presided over by eminent judges who were always on the spot, and which possessed able professional men as registrars, who received high salaries. There was a very large number—perhaps fifty or sixty—of those courts in England, and they were, therefore, generally within two or three hours travel of any portion of a district. But, in Queensland, a similar system could not be adopted; for, although there were district courts, they were in no way analogous to the county courts of England. In the first place, they only sat every two months in Brisbane, whilst, perhaps, only every six months in the northern towns; so that making them insolvency courts for all purposes would be even worse than the present system. In fact, it would make confusion worse confounded, as the principal object which they had to look for in a court which initiated proceedings in insolvency was speed; that counter-balanced every other argument which could be brought forward against it. He had originally intended to make provision for the district courts being the primary courts in insolvency, but had found it utterly impossible to make any such provision workable. He, therefore, proposed that the court should be the one which was in perpetual session, namely, the Supreme Court. He would, however, make the proceedings local so far, that the court would have branches in all parts of the colony for the transaction of insolvency business; so that in every place where there was a police magistrate, or a registrar of the district court, or even a clerk of petty sessions, certain proceedings could be taken. Those proceedings would afterwards be centralised in Brisbane, for adjudication, or any place where there might happen to be a judge of the Supreme Court at the time. He was now only answering objections which had been seriously raised and discussed by gentlemen who had taken great interest in the matter. Having determined what court was to adjudicate, the next thing to be considered was the order of proceeding. Up to the time that the creditors took possession, and elected a trustee, it was quite obvious that there must be some protection to the estate. Another consideration was, that in

small estates, creditors might not trouble themselves to elect a trustee; where that was the case, and trustees were not elected, the management of an estate must be taken by some officer of the Government. Then again, there was another difficulty to be met; which was, that before a creditor could elect a trustee he must come to Brisbane to prove his debt. But by the proposed Bill that would be obviated by allowing him to prove before a competent person such as he (Mr. Griffith) had named, in any part of the colony, and the result of that proof could be transmitted by a telegram of twenty words to Brisbane or any other place where the court might be held. Whatever was done must be confirmed by the court, which must necessarily be held in Brisbane, where it would be presided over by a competent officer. He was aware that the charge of centralization and a desire to benefit the capital would most likely be made against that proposition; but he thought all such objections were removed when it was considered, that a creditor in any part of Queensland, at an expense of five shillings for a telegram, would be placed in the same position as if he resided in Brisbane. Another provision, which was made for the purpose of avoiding centralization, was, that district registers would be considered equal to the central one, and that all proceedings might be filed in any district office and transmitted to the other by telegram. After the trustee was elected the management of the whole estate would be left to him, subject to an inspection of accounts by a committee formed by the creditors. That was all he thought it was necessary for him to say on that subject. With respect to the discharge of insolvents, he would say something; but first, with regard to fraudulent bills of sale, he might venture to say, that if the proposed Bill was passed by the House, such a thing as a fraudulent bill of sale would be unknown, at least for some years—until, in fact, some ingenious person found a way of getting over the Act. He believed that *primâ facie* a man should pay his debts—if he did not, then he should show good reason why he was unable to do so; and if he wanted his discharge, he should be able to prove that to the satisfaction either of the court or his creditors, irrespective of the question of the dividends his estate might yield. He had known cases, in England especially, where a man had been adjudicated insolvent when he was solvent; but he thought that where it was shown that the assets were equal to the debts, the insolvent was entitled to his discharge. The offences against the law mentioned in the Bill were, he believed, mainly the same as those in force in the English Act and in some of the neighboring colonies. He would take that opportunity of acknowledging that, in the preparation of the measure, he had been very greatly assisted by the honorable member for Brisbane, Mr. Stewart, to whom he was much indebted for information. He might also mention that whilst some parts of the Bill were entirely new, many features of it bore resemblance to the Victorian Act; he had not scrupled to use either that law, or the English, or even the one in force in the colony at the present time, where he considered their provisions were suitable. He trusted honorable members would perceive that every effort had been made, as far as practicable, to provide against the evils of centralization, and to do justice to all parties. He had only to regret, in conclusion, that the measure was so long, it containing two hundred and thirty-two clauses, some of which, however, were only short.

Question put and passed, and the House went into committee.

On resuming, the resolution of the committee was agreed to; the Bill was read a first time, and the second reading made an order of the day for Thursday, 16th April.