

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 10 JUNE 1875

Electronic reproduction of original hardcopy

ERRATA.

Page 63, column 1, sixth line—*omit* "*Omnia*."

Page 434, column 2, fifth line from bottom—*omit* the word "late" before "Cardinal Manning."

LEGISLATIVE COUNCIL.

Thursday, 10 June, 1875.

Mr. William Coote and Sericulture.—Deceased Wife's
Sister Marriage Bill.—Payment of Members Bill.—
Cession of Fiji and British Claims on New Guinea.

MR. WILLIAM COOTE AND SERICULTURE.

The Hon. W. HOBBS moved—

1. That the Legislative Assembly be invited to join this House in the constitution of a Select Committee to take into consideration the petition of Mr. William Coote, ordered by this Honorable House to be printed on the 29th ultimo, and praying to be permitted to submit certain results he had achieved by the operation of Sericulture.

2. That such committee consist of the Honorable the Postmaster-General, the Honorable W. Thornton, the Honorable G. Harris, the Honorable H. G. Simpson, and the Mover.

3. That the foregoing resolutions be transmitted to the Legislative Assembly, by message in the usual form.

The Hon. A. H. BROWN said he thought the honorable mover should have given the House some little information why the resolutions passed last session had not been returned from the other House. It was upon that honorable member's motion that a committee was granted before, to inquire into and report upon the introduction and encouragement of silk-culture in Queensland; and, after taking Mr Coote's evidence, recommendations of the committee were adopted by the Council, by which they consented that a grant of a large sum, in the shape of land orders, should be made to the petitioner. However, the Assembly, who held the purse-strings, did not seem to think that such an amount should be given as had been agreed to by the Council; in fact, evidence was taken subsequent to the inquiry made on the motion

of the Honorable Dr. Hobbs, and it showed that the amount proposed originally was far in excess of what the petitioner was entitled to receive. Yet the Honorable Dr. Hobbs, in putting forward his proposal, had called the grant asked for a moderate sum. He (Mr. Brown) might be permitted to quote from "Hansard." Last session, the honorable gentleman directed attention to the magnitude of Mr. Coote's operations:—

"Not only had the House a guarantee of his earnestness in the matter, but honorable gentlemen would find, if they would refer to his statements they could see on the plan the progress he had made in enlarging his shed:—In 1871, his shed comprised an area of 96 feet, which was sufficient for that year's operations; in 1872 he had to enlarge it to 420 feet; in 1873 to 1,372 feet; and for the present year's operations he would require 7,020 feet, besides supplementary buildings. That would show the earnestness of Mr. Coote, in the prosecution of his undertaking."

The honorable gentleman attempted to show that the industry was a desirable one, that the petitioner had succeeded in producing silk, that he had a very large establishment, and that the industry would become permanent in the colony. The Council had heard nothing of the matter directly from the Assembly; and now the honorable gentleman asked the Council to reconsider the matter. He should have offered the House some evidence that the assurances he gave on a former occasion had been realised; but they had heard nothing of the kind, and honorable members had no inducement to go further. The resolutions adopted by the Council were still in the hands of the other Chamber; and it would be almost indecorous on the part of the Council to proceed with them until something final had been arrived at by that Chamber. He must confess that he was misled when he, on the former occasion, voted for a sum very much in excess of what the petitioner was entitled to. It was on record, through the honorable gentleman who was the Chairman of the committee, that—

"Mr. Coote had told the committee that he had expended something like £2,200. No doubt there had been much money wasted; Mr. Coote had had everything to learn; . . . he had to discover for himself, not only what trees were the best for the climate, but what was the best time to plant them."

So far as he (Mr. Brown) could ascertain from unprejudiced information, the expenditure had not been as much as the honorable member stated; it was not more than £400 or £500, at the outside, that Mr. Coote was supposed to have expended. He wanted to direct attention to those circumstances, because they strengthened his argument, that the House ought to have other evidence upon which to reconsider the case. No doubt, the honorable member had been informed that he was misled on the former occasion; perhaps he misconceived the value of the property. The objections now made

2 H

were not offered with any intention to prevent compensation being given to the gentleman who was interested in sericulture; but only to the manner in which the matter was brought before the House. Let the action upon the former petition be decided by the other Chamber before the Council took the initiative in another inquiry. The report of the Select Committee, last session, was very emphatic. In the third section of the fifth paragraph it was recommended—

"That the sanction of the House be given to the issue to the said William Coote, of transferable land orders to the value of £2,500."

The Hon. W. HOBBS: Land orders; not pounds.

The Hon. A. H. BROWN: Land orders were presumed to represent that sum. He should not have consented to that enormous award had he not been led to believe that the industry was something very flourishing and likely to be of benefit to the community. Instead of that, however, it had not yet been shown that any silk at all had been produced. The Honorable Mr. Box had called attention to some of the evidence:—

"One question, however, 54, seemed to get at the pith of the matter very much:—

"When will you export any silk? Not before next December.

Before he read that, he thought that Mr. Coote had exported grain and silk, and had got along very considerably, before coming to the House; but the fact was, there had been no silk exported at all. The only thing that Mr. Coote had done was to sell a little grain. Since the commencement of his operations, he had got about £900—he said he had got that."

That was very promising, certainly; and he (Mr. Brown) had most certainly believed that the silk-growing industry was likely to prove a public benefit; but nothing had been shown to justify belief in the permanency of it. If the other House invited the Council to appoint a committee, it would, under the circumstances, be all very well; but before the Council were asked to invite the co-operation of the Assembly, it should be shown that the petitioner was entitled to consideration as represented by the former committee. If that was done, the motion might be received by the House with some favor.

The Hon. W. HOBBS expressed his surprise to hear the remarks of the honorable gentleman opposite. Whether the honorable gentleman was really ignorant of what became of the resolutions of last session in the other House, or whether he affected to be so, he (Dr. Hobbs) could not, of course, tell; but it was well known to every other honorable member of the Council that the consideration of Mr. Coote's petition was left on the paper until the very last day of the session, and then it unfortunately lapsed for want of a quorum. His object in asking for a committee now was to commence proceedings *de*

novo. When the report was presented to the House the Honorable Mr. Brown would be in possession of evidence of what Mr. Coote had gained last year, both in experience and in material results. As for the silk industry, he (Dr. Hobbs) had taken some little pains to make himself acquainted with the subject; and, from the results that had been obtained in California, he thought there was a very bright prospect opening for this colony in sericulture. It was an industry that was very reproductive. There was always a market for silk, either in England or America. Large factories were established in both countries. The price was generally very steady. With regard to labor, from the information he had obtained from official reports, one man and a boy could manage about 100,000 worms. If honorable members would bear in mind the strange climate of Queensland, sometimes a drought and sometimes a flood, they would gladly encourage an industry which would make farmers almost independent of the seasons. During the late drought, he noticed, wherever he went, though there was no corn and no oaten hay, yet the mulberry tree flourished. If the farmers had a supply of worms, the silk-growing industry was one that they could carry on during nine months of the year, with the greatest ease, and obtain something like three crops in the year. Mr. Coote could, no doubt, give a vast amount of information on the subject. He had been engaged in silk culture now five years, and during that period had undergone the greatest difficulties that ever man had to contend with in the establishment of an industry. He (Dr. Hobbs) was sorry to see such a manifestation of feeling on the part of his honorable friend opposite, in trying to discourage a man who had spent so much time and money, and who had evinced so much real earnestness in the work he had undertaken. He hoped the House would accord the Select Committee he asked for.

The Hon. A. H. BROWN, in explanation, urged that nothing he had said would indicate that he wished in any way to discourage any industry or any person attempting it. His remarks were directed to show that what had been represented had not been borne out by facts.

The Hon. G. HARRIS said he thought the House should pass the motion. It was his intention to support it. The resolutions could not do any serious injury, while very great injustice might be done to Mr. Coote if he was not allowed opportunity of further establishing any claim that he might have upon the Government and the country. It was unfortunate that the matter should have lapsed just as it did last session. It was not the wish of the House that any injustice should be done to Mr. Coote or any other person who might be disposed to devote his time and money to such an industry as silk-growing.

Question put and passed.

DECEASED WIFE'S SISTER MARRIAGE BILL.

The Hon. W. THORNTON, in moving the second reading of a Bill to legalise the marriage of a man with the Sister of his Deceased Wife, was understood to say that all the arguments for and against the Bill were pretty well exhausted last session, when a similar measure was brought before the Council. Honorable members who opposed the Bill then were some few months older now, and they would not, from their additional knowledge and experience, offer the same opposition. One additional reason for bringing forward the Bill had just arisen. New South Wales, following the example of South Australia and Victoria, had passed a measure to legalise the marriage of a man with the sister of his deceased wife; and he thought he was right in saying that now all the Australian colonists with the exception of young and conservative Queensland had seen fit to remove all obstructions to such marriages. Honorable members would agree with him that it was very desirable to assimilate the marriage laws in Australia as much as possible; and that the law of Queensland should in that respect be the same as in the neighboring colonies; otherwise a man might find himself in a very anomalous and awkward position. A man wishing to contract such a marriage would have to remove to another colony, where the marriage was legal. In Queensland, where it was not legal, he would find himself under a cloud—looked upon as living in a state of concubinage with his wife, and their children illegitimate. A poor man who could not afford the expense of going to another colony would be in a worse position still; and it would be more than a serious annoyance to him that the ceremony could not be performed here. All the objections that had been urged against the Bill were flimsy and purely sentimental. Of all those persons who looked upon marriage as a divine institution, and who were opposed to a man marrying his deceased wife's sister, not one could point to a passage in the Scriptures against such marriages. On the contrary, as far as old customs were concerned, the Jews were in the habit of contracting such marriages at all times, as was proved by the testimony of their rabbis and ministers. He found that eminent divines and statesmen, whose opinion was to be valued, of all religions, even where they were not actually in favor of such marriages, were agreed that there was nothing whatever in the Scriptures against them—the Rev. Thomas Binney, the Archbishop of York, Dr. Musgrave, the Jewish Rabbi, the Archbishop of Canterbury, Dr. Tait; the late Archbishop Whately, the late Cardinal Manning. Some were decidedly in favor of such marriages. In fact, Jews, as well as Christians of all denominations, Roman Catholics and Protestants alike, were actually in favor of such marriages. In

England, public opinion was for a considerable time agitated upon this question; and Bills similar to the one now before the Council had very nearly passed the Imperial Parliament. Indeed, a measure would have been passed but for the opposition that was shown to it by the Bench of Bishops in the House of Lords, who were never heard of in that House except when opposing some liberal and enlightened measure. Such an excrescence upon the legislative institutions of the country, he hoped to see knocked off. He thought that the argument of the Bishop of London appeared to him to be the most extraordinary one: that right reverend prelate said, that if marriages of consanguinity were prohibited, marriages of affinity should be prohibited also. He could not see that. They all knew very well, that what was commonly called "breeding in-and-in" deteriorated stock, and that very injurious effects might be entailed by it upon the human race; but such could not be the case where no blood relationship existed, and his Lordship's objections could not apply to what was proposed to be legalised by the Bill. As to the sentimental objections which had been most strongly urged by the Honorable Mr. Fitz, he (Mr. Thornton) could not see their force. Indeed, they were purely imaginary. If a Bill such as this became law, it would cause, the honorable member had urged, a great deal of jealousy and unpleasant feeling in the household; a wife's sister could not live in the family, as the wife would look upon her as the probable successor of her place in her husband's affections if death should remove her. If any women were so absurd as to entertain such foolish ideas, they were not worth considering. Such women would be jealous of any woman whatever coming into the house; they would not let their husbands see a female domestic without apprehension. The existence of such women did not affect the question at all. The majority of women, it would be found, if they were not in favor of the alteration of the law, were not against it. Last session, the Honorable Mr. Fitz spoke of a monster petition that was to be got up against the measure; but, somehow, that petition never appeared. However, it was not necessary at the time. He (Mr. Thornton) could not imagine that wives troubled themselves about who was to succeed them in the event of death. He thought that if a woman was dying, the idea uppermost in her thoughts would be, what was to become of her children; and it was natural to believe that a sister would take much better care of them than a stranger would, as the successor of their mother in the family. He knew of many such marriages that had taken place, and he never heard of them turning out unfortunate. It appeared to him to be a very hard case that a man could not contract such a marriage if he thought it fit. And he was the best judge. Marriage was about the

most important act of a man's life; and in the choice of a wife the area for selection should be made as wide as possible, notwithstanding the narrow ideas of limiting it against which the Bill was a protest. Honorable members must remember that the Bill was not a compulsory measure. If it should unfortunately arise that a man lost his wife, there was nothing to compel him to marry his deceased wife's sister. But let those who were not so sentimental as his honorable friend, Mr. Fitz, contract such marriage if inclination and opportunity favored them. Many a man had never seen his sister-in-law during the life of his wife, nor until bereavement brought her to his household, when naturally enough the affection that was felt for orphan children extended. The Bill should be received with favor by the House. [A great part of the honorable member's remarks were almost inaudible from the loud conversation that prevailed during his speech.] He moved—

That this Bill be now read a second time.

The Hon. A. H. BROWN said it might be regarded as satisfactory that on this occasion the measure was brought forward by a veteran. Last session, objection was taken to it, because it was introduced by an unmarried man, who was not supposed to be sufficiently well acquainted with the circumstances surrounding the subject he advocated to inspire confidence in his advocacy when he was without experience. There might be some truth in that. On the other hand, he (Mr. Brown) took a different view of the case. He thought there was the advantage of impartiality on the side of the honorable gentleman who previously introduced the Bill; while it was almost certain that a married man would be influenced by a very proper consideration for his wife's feelings. However, on this occasion, he thought the Bill would be accepted with all the consideration that the experience of the honorable gentleman who introduced it entitled him to; and in that way he accepted the Bill. He supported it last session, and he had not since had an opportunity of changing his opinion. However, he should like to have an explanation of the first part of clause 1:—

"All marriages which have been heretofore or which shall be hereafter duly solemnized within the said colony between any person and his deceased wife's sister or which have been heretofore or which shall be hereafter duly solemnized between any person being at the time of such marriage domiciled in the said colony and his deceased wife's sister shall be deemed and are hereby declared valid and of full force and effect any law to the contrary notwithstanding."

What, he asked, was the distinction between the two cases mentioned? He could not proceed until he obtained a reply.

The Hon. W. THORNTON: That could be arranged in committee.

The Hon. A. H. BROWN: He did not wish to throw any difficulty in the way of the

Bill; but he did not understand the clause. It went on:—

“Provided that this Act shall not render valid any such marriage in any case where either of the parties to such marriage shall thereafter before the passing of this Act have lawfully intermarried with any other person nor shall the passing of this Act deprive or be held to have deprived any person of any property which such person may have lawfully inherited prior to the coming into operation of this Act or affect any *his pendens*.”

That meant, as far as he understood it, that if any man who had previously married the sister of his deceased wife married another woman, the previous marriage was invalid.

The POSTMASTER-GENERAL: It was invalid now.

An HONORABLE MEMBER: The word “thereafter” was superfluous.

The Hon. A. H. BROWN: There was something particularly objectionable in throwing overboard a woman who had been previously married for some other woman considered more eligible. The honorable member read [from “Hansard,” Vol. XVII., pp. 821-2] certain quotations which he said had been brought before the House in the debate on the Bill, last session, from the published utterances of the Right Rev. Dr. Tait, Earl Russell, and Mr. John Bright; and he urged upon the House the consideration particularly of the arguments of the last-named statesman. Some honorable members who formerly voted against the Bill would now, he understood, vote for it. They had had conferences with their sisters and wives, and found, as Mr. Bright said, that in society, women of cultivation, pure-minded, and admirable in their lives, had no serious objections to such a measure. There was nothing in the Bill to compel such marriages, but it would simply give legality to such contracts, and secure those who were already married, and legitimate their offspring. There was no decided opposition to the Bill, and he should be very glad to see it passed. In many cases, the objections to it were somewhat sentimental, and although he respected the scruples of others, still, upon mature reflection, they would, he was sure, consider that it would be best for the House to pass the Bill.

The Hon. A. B. BUCHANAN said he took up so much time last session, that he should not go over the same ground again. He should refer only to some objection taken by the Honorable Mr. Brown to the second portion of the first clause, which seemed to him to be needless tautology. The simple and plain meaning of the clause was, to render valid marriages that had taken place in the colony; should one of the parties afterwards leave, the remaining party was bound by the marriage. That was very necessary. The proviso was equally necessary, to render invalid any marriage with a deceased wife's sister, if, in

the meantime, before the passing of the Bill, either of the parties had intermarried with another person. That was, he thought, very plain.

The Hon. A. C. GREGORY said, last year he really felt very little interest in the measure, but he voted for it, as he should now, because it meted out a measure of justice to those who desired to take advantage of it. There was one part of the first clause which he should draw attention to now, as it was possible he should not be present when the Bill was considered in committee. It appeared to render legal only marriages which took place between persons domiciled in the colony. There would be cases of marriages of persons domiciled elsewhere prior to the passing of the Act. He could see no reason why, if they should change their residence to Queensland, they should not derive benefit from the Act, by their marriage being rendered legal here.

The POSTMASTER-GENERAL said he had very little to urge in favor of the Bill. Honorable members were aware that he was a supporter of it, as he took charge of a similar measure last session, not as a member of the Ministry, but as an independent member of the Council. He considered that the clause which was taken exception to by the Honorable Mr. Brown was very emphatic, and, in fact, no alteration could be made in it. The Bill was in the shape in which it had been passed in other colonies that had adopted it. At the present time, in Queensland, and in other colonies, that had not legalised such marriages, the marriage of a man with his deceased wife's sister was only voidable, not void; but in England, there was the statute law against it. If the parties in the colonies were living in amity, the marriage was permissible; if they should quarrel, either party could go and marry another person. It was with the view of preventing occasion for disturbance, and removing uncertainty in regard to such relations, that the Bill was brought in. The second part of the first clause provided, that if a man who had married a deceased wife's sister, and had married again before the Bill should come into operation, the last marriage was legal;—it preserved existing rights, and in such cases the law remained as it was at present. He should support the Bill.

The Hon. H. G. SIMPSON said that, after the numerous eloquent speeches the House had heard in favor of the Bill, it seemed rather presumptuous on his part to differ from the conclusions arrived at by his honorable friends. But certain things had been stated by the Honorable Mr. Thornton, in moving the second reading of the Bill, which he could not allow to pass without comment; and, after what occurred last session, he should not allow the Bill to pass without recording his strongest disapprobation of it and endeavoring to do his best to defeat it.

He looked upon the Bill as the most dangerous measure, and one that was likely to break up the existing social system of the country to a very great extent. This was a woman's question; and he felt quite certain, that if the women of the colony could be consulted upon it, nine-tenths of them would object to the Bill becoming law. He should confine himself to some statements which had been made by his honorable friend, Mr. Thornton. And, first, with regard to the statement that the measure had been passed frequently by the House of Commons, and would have become law except for the opposition of certain Bishops in the House of Lords, who never attended there except for some illiberal purpose. The Bill was last brought forward in the House of Commons in February this year, and it was then defeated by the largest majority that ever voted against it. He should now read a few remarks which bore upon it from a well-known paper, the *Saturday Review* :—

"The more thoroughly the subject is examined the more clearly it will appear that the Deceased Wife's Sister Bill is a measure trading under false pretences. Lord Selborne once demonstrated the comprehensive freedom to which it would lead in the natural course of logic. It would allow a man to contract marriage with his deceased or divorced wife's sister or niece, his brother's widow or divorced wife, his uncle's widow or divorced wife, his nephew's widow or divorced wife."

Lord Selborne was Lord Chancellor of the great Gladstone Administration :—

"On the Continent the relaxation has been freely extended to the various degrees just named, and one case at least is known of the marriage of an uncle with a niece who was also his sister-in-law. The next step would of course be that a man should be at liberty to marry his mother-in-law, or perhaps his stepmother. If it is said that the prohibition of marriage with a deceased wife's sister is purely conventional, it may be suggested that much of the whole family system is perhaps more conventional than is commonly supposed, and that in any case a convention which rests on the general agreement of the community, and which is ratified by wholesome experience, is sufficiently justified. There can be no doubt that a large majority of English people wish to keep their sisters-in-law, if for no other reason than that they are accustomed to them, on the existing footing, and that they form part and parcel of their ideas of family life, and of the customs of domestic intimacy. Any change in the law would unquestionably be a great shock to many persons, and experience in other countries suggests that it would be taken advantage of in order to confuse and deprave the whole body of family ties. It is probable that there are not very many people who have thought out the principles on which the domestic life of England as it at present exists is based; the whole thing is taken together as a matter of course, and there would undoubtedly be peril among the ignorant and the corrupt if any loosening of the bonds were to unsettle ideas."

Now came the main point, in answer to what the Honorable Mr. Thornton had said :—

"The decisive majority against the Bill in the House of Commons on Wednesday—the largest vote against it which has ever been taken in that House—would seem to show that the insidious character of the measure and of the tactics by which it is promoted is now better understood than it was in some former years. Nothing indeed can be more instructive than the Parliamentary history of this curious proposal. Its advocates are in the habit of assuming that it has been resisted by the Upper House in opposition to the Lower. In point of fact, it has been before eight successive Houses of Commons, including the present one, and has been thrown out—in one instance twice running—in four of these, while in one it foundered; and in these cases, of course, the House of Lords never heard of it at all. It has reached that House only in three out of eight Parliaments. Moreover, the majority against the Bill in the more recent Parliaments in which it has been rejected has been significantly increasing. It began with five in 1859; it rose to twenty in 1865; and it has come to twenty-nine in the Parliament of 1874. It may be observed also that the majorities which have at different times been deluded into supporting the Bill have shown a tendency to diminish. The truth is that the more it is looked at the less it is liked."

If honorable members looked at the Bill carefully, they would come to the same conclusion as the House of Commons came to: the more the Bill was looked at, the less it would be liked. He had thought it well to look up that information, seeing the confident way in which the honorable mover of the Bill had stated that it had been always rejected by the illiberal Bishops in the House of Lords.

The Hon. W. THORNTON: On some occasions.

The Hon. H. G. SIMPSON: He understood his honorable friend to say that the Bill would have become law long ago, but for the opposition of the Bishops in the House of Lords, whereas it only reached the House of Lords on three occasions out of eight. If the honorable gentleman would refer to the records he would find that the majority against the Bill was far greater than the whole bench of Bishops. Having corrected the inaccuracy of the honorable gentleman he did not know that there was anything more for him to say. He should vote against the Bill at every stage; and, meantime, he begged to move by way of amendment—

That the word "now" be omitted from the original motion with the view of adding at the end the words, "this day six months."

Question—That the word proposed to be omitted stand part of the question.

The Hon. J. C. HEUSSLER was understood to say that his standpoint in favor of the Bill was not the English one, as he could not understand why the right to marry a deceased wife's sister was not the law of England. As a German, though resident a long time amongst British people, it was one of those sen-

timents that could not be removed, that such marriages were suitable in every way, as the greatest natural affection for orphan children was found in the nearest relative of the deceased mother—her sister, who would be the best successor to the position of mother. He contended that the English objection to the relationship of marriage with a deceased wife's sister was opposed to sentiment and æsthetical feeling, as entertained by Continental people. Therefore, he could not support the view that the legalising of such marriages would result in the breaking-up of social arrangements, or disturb family ties; indeed, it was impossible that he could realise such an idea. As a naturalised Briton, he maintained that the legislation for a new colony was not to be influenced by the *Saturday Review*, of which none need stand in awe. It was a paper known to have sometimes very good, always smart, articles; but it contained bitter things that no one could agree with. The House would not be influenced by its teachings, nor hurt by its sarcasms. On the part of the ladies, he had to say that, if any woman objected to marry her deceased sister's husband she had only to exercise her privilege of refusing him as she would any other man; she had only to say "No," when she was asked to marry. But he really did not see why there should be any objection at all to such marriages; certainly he could not understand why there should be a prohibition. He heartily supported the Bill.

The Hon. T. L. MURRAY-PRIOR said, that after what had fallen from his honorable friend, Captain Simpson, he thought all who were in the position to speak as married men should give their reasons for supporting or opposing the Bill. As, perhaps, the oldest married man in the House, he should give his reason. He differed materially from the argument of the honorable and gallant gentleman, that the Bill had been thrown out of the House of Commons by large majorities. There were over 600 members in the House of Commons. It seemed that the majority against the Bill was on one occasion, 5; on another, 20; on another, 29; showing that it could not be so repugnant to many people in England as might at first sight appear. As every honorable member who was married must be aware, a wife had a great deal to do with such matters; and he thought where a wife was against such a measure, a husband would naturally be inclined to take her view of the case. Indeed he (Mr. Prior) felt confident that every honorable member who would vote on the Bill would be influenced by his family relations. For his own part, he never could see why persons so placed as contemplated by the Bill should not be married if they liked. He believed that to an honorable mind the only reason why a man would not marry his deceased wife's sister was, that he would not have his children illegitimate. He knew several ladies of the

highest virtue who had married their brothers-in-law, and who had become the mothers of large families. That was one reason why he should vote for the second reading of the Bill. If it passed, he did not think there would be one marriage more than without it. But it was a heartless thing to place persons in the position in which those so married were now placed: such marriages should be legalised, and he should therefore heartily support the Bill.

The Hon. W. H. LONG observed that one objection he had to the passing of the Bill was more than a sentimental one, and he must confess that it had some weight with him. The Parliament could, by passing the Bill, make such marriages as it contemplated legal in the colony of Queensland; but they would not be legal in England, and in other parts of the British Empire. It was not in the power of the colonial legislature to give either the issue of the marriage or the mother herself the same privilege as her deceased sister had; therefore, as the Bill was only a sort of half-and-half measure, which would leave the family in an anomalous position, so far as the inheritance of property in England was concerned, he did not see that the Council would do much good by passing it. No doubt, there was a very strong feeling against the Bill on the part of a certain section of the community. It would be judicious to let the Bill drop; and for the reason he had stated, he should vote against the second reading.

The question was put, and the House divided:—

CONTENTS, 9.

The Honorable A. H. Brown, W. Thornton, J. C. Heussler, A. B. Buchanan, T. L. Murray-Prior, F. T. Gregory, F. H. Hart, W. Wilson, G. Thorn.

NON-CONTENTS, 8.

The Honorable H. G. Simpson, H. B. Fitz, G. Harris, D. F. Roberts, W. D. White, W. Yaldwyn, J. Mullen, W. H. Long.

Resolved in the affirmative. Bill read a second time.

The Hon. W. THORNTON then moved—

That the consideration of this Bill in committee stand an Order of the Day for Wednesday next.

The Hon. H. G. SIMPSON expressed his hope that the honorable member would not adopt the tactics of last session, and try to get the Bill through committee without giving honorable members an opportunity of knowing what it was. He moved, by way of amendment—

That the committal of the Bill stand an Order of the Day for Wednesday week, the 23rd June.

The Hon. W. THORNTON said he had no objection to the amendment.

The Hon. A. H. BROWN said he thought it was hardly discreet of the honorable and gallant member to make such a remark about the tactics pursued by the House. He was not aware of anything unfair or improper in

2810227

the course that was adopted last session. A similar course was, at any rate, taken by the honorable member himself.

The Hon. H. G. SIMPSON explained that he had referred to the appeals made to the honorable gentleman in charge of the Bill to give time, in the absence of opponents, for the full consideration of the Bill. It was only on the motion for third reading that the Bill was thrown out.

The POSTMASTER-GENERAL said it was a subject of regret to him that he had put off the Bill, to let honorable members bring up recruits. If he had taken the usual course, he had no doubt the Bill would be now the law of the land.

By agreement, the committal of the Bill was made an Order of the Day for the 23rd instant.

PAYMENT OF MEMBERS BILL.

The House resolved into Committee of the Whole for the consideration of this Bill.

Clause 1, put, as follows:—

“Every member of the Legislative Assembly shall be entitled to receive for his services in Parliament compensation at the rate of two hundred pounds per annum.”

The Hon. T. L. MURRAY-PRIOR moved, that the clause be omitted.

The POSTMASTER-GENERAL pointed out that the House had affirmed the principle of the Bill on the second reading; and the amendment went to rescind in committee what had been decided upon by the House. If the clause was struck out, the Bill would be lost. Directors of insurance companies and banks were paid, and why not members of Parliament? He contended, on sound commercial grounds, for the payment of members, and held that the travelling allowance would not be sufficient to make the Bill worth having.

The Hon. J. C. HEUSSLER could not see why the Council were left out of consideration.

The Hon. W. THORNTON spoke against the amendment. The only matter for the committee to consider was, the amount of compensation to be given. £200 a-year was not much, and the travelling allowance was moderate. If the clause was struck out, it would upset the entire Bill. The honorable Mr. Prior should not move such an amendment, as he had introduced a similar Bill himself. Honorary services were never well performed.

AN HONORABLE MEMBER: Speak for yourself.

The Hon. T. L. MURRAY-PRIOR: If the Bill should pass, there would be a good deal of irritation caused by it. The Honorable W. Thornton had twitted him with having introduced a Bill for Payment of Members. Well, as the representative of the Ministry in the Council, he was in a manner, by his position, compelled to bring the Bill before

the House, as it had come down to Parliament by message from his Excellency the Governor. If he had not taken charge of the Bill, it would have been an insult to the Queen's Representative. The records of the time showed that he was not personally in favor of the measure, and that he so declared himself. Two honorable gentlemen attached to the Government supported him on that occasion, when he had to vote for the Bill; but his friends with whom he usually acted, voted against it.

The Hon. W. THORNTON: The conduct of the two gentlemen “attached to the Government” showed that their position was not affected when they voted for a measure which they knew the Government were opposed to.

The Hon. G. HARRIS maintained that the Bill should be got rid of. Referring to the honorable gentleman who last addressed the committee, he said honorable members must clearly see, as he had seen for many years past, that whatever Government were in power, and whatever their views might be, however inconsistent, the Honorable Mr. Thornton was always on the Government side of the House to support them. Under such circumstances, his reference to the Honorable Mr. Prior was unwarranted. As, the other day, the highest financial authority in the country declined to support an application for a jetty at Sandgate, to cost £3,000, on account of the state of the finances of the country, the House should not assist in an expenditure of £10,000 per annum for payment of the loan.

The Hon. W. THORNTON challenged the Honorable Mr. Harris to point out a single instance in which he had given an inconsistent vote, or had shown himself to be less independent than any other honorable member in the Council. His action in the House was as independent of Government as was the honorable member's, whose remarks were uncalled for and unwarranted.

The Hon. T. L. MURRAY-PRIOR explained that the Payment of Members Bill which he introduced was not a Government measure, though it was sent down by the Governor, pursuant to an address from the other House. His colleagues were against the Bill.

The Hon. H. B. FITZ said, there were fourteen members in the Assembly and twelve in the Council who resided in town. Was the time of Messrs. Fraser and Dickson more valuable than that of the Honorable George Harris or the Honorable Mr. Hart? If not, the first-named gentlemen should not be paid. He should, if the amendment now before the committee was lost, move another amendment, to the effect, that only members who lived beyond twenty miles from town should be paid; and he should make the Bill applicable to both Houses.

The Hon. H. G. SIMPSON advocated limiting the operation of the Bill.

The question that the clause be omitted was put, and the committee divided :—

CONTENTS, 9.

The Honorable T. L. MURRAY-PRIOR, A. H. BROWN, J. C. HEUSSLER, G. HARRIS, A. B. BUCHANAN, W. H. LONG, F. T. GREGORY, F. H. HART, and W. D. WHITE.

NOT-CONTENTS, 8.

The Honorable H. B. FITZ, Sir M. C. O'CONNELL, W. THORNTON, T. MULLEN, H. G. SIMPSON, W. WILSON, W. YALDWYN, and the Postmaster-General.

Resolved in the negative.

The POSTMASTER-GENERAL, moving the 2nd clause, said he was placed in a dilemma, after the vote that had been given; and he asked if the amendment suggested by the Honorable Mr. FITZ would be moved in substitution of the first clause?

HONORABLE MEMBERS: Question.

Clause 2—Travelling allowance.

On the motion of the Hon. F. H. HART, who denied that by the passing of the second reading, the principle of the Bill to grant compensation was affirmed, and who supported the payment of travelling expenses, the clause was amended by leaving out all the words referring to "compensation."

The Hon. H. B. FITZ suggested the increase of the rate of mileage, and cited the cases of Mr. Amhurst and the Honorable Mr. Long, who would get only 4s. 6d. mileage respectively. He should move that it be 10s. a-mile.

The Hon. G. HARRIS: No; too much.

Clause 4—Duration of payment—was amended, so as to refer to "travelling allowance," only, on the motion of the Honorable F. T. GREGORY.

Clause 4—Commencement of title.

The POSTMASTER-GENERAL moved an amendment, the object of which was to make the payment of the travelling allowance commence and take effect from the opening of the present session.

The Hon. F. T. GREGORY said he did not think the amendment was one that would be received in another place.

The Hon. A. H. BROWN: It would be bad taste on the part of the Council to make such a suggestion to the other House.

The PRESIDENT considered that there was no validity in the objections to the amendment. By the action of the committee, the main clause was struck out of a Bill the principle of which was affirmed on the second reading; consequently the Bill was no longer the measure which the House had read the second time—a Bill for the compensation of members of the Legislative Assembly. It was now a Bill to provide a travelling allowance to members; and the committee seemed inclined to afford that trifling assistance from an earlier date than was contemplated by the clause under consideration. If so, they might gracefully extend that consideration from the commencement of the present session, instead of

postponing it to a future Parliament. It was a small mercy that the House were prepared to grant; but he agreed with the Postmaster-General, that, in the present emasculated condition of the Bill, the addition might be conceded as gracefully as might be.

The Hon. A. B. BUCHANAN agreed to the concession.

The Hon. H. G. SIMPSON agreed with the payment of travelling expenses, and would be willing to grant them on a very liberal scale.

The clause was finally amended as follows:—

"This Act shall commence and take effect on and from the first day of the Second Session of the Seventh Parliament and may be known and cited as '*The Members' Travelling Allowance Act of 1875.*'"

The preamble was amended in accordance with the changes made in the provisions of the Bill; and the House resumed, and the Chairman reported the Bill as amended.

CESSION OF FIJI AND BRITISH CLAIMS ON NEW GUINEA.

The House resolved into Committee of the Whole for the further consideration of an Address to the Queen.

The clauses of the address were considered *seriatim*, as before determined. The second, third, seventh, and eighth clauses were omitted; and a new clause, to stand second, was substituted. Certain verbal amendments were made in other clauses. As amended and reported to the House, the address was as follows:—

MOST GRACIOUS SOVEREIGN.

May it please Your Majesty—

We, your Majesty's loyal and dutiful subjects, the Members of the Legislative Council of Queensland, in Parliament assembled, dutifully approach your Majesty with a renewed assurance of our respect to your Majesty's person and Government.

We desire to express to your Majesty our grateful thanks for the course pursued by your Majesty's Government in accepting the cession of the Fijian group of islands, whereby the benefit of civilization, and British protection, has been extended to the inhabitants, native and foreign, of those islands.

We recognise with pride the zealous efforts of the officers in command of your Majesty's cruisers on this naval station to protect the rights of British subjects, and, at the same time, to defend the native islanders from lawless violence.

We have also viewed with satisfaction the interest lately taken in the survey and exploration of the coasts of New Guinea by Your Majesty's Navy. Separated as the Papuan Archipelago is by only a narrow sea from the Northern settlements of this colony, and inhabited as it is by uncivilised races, it has appeared to us that those islands must eventually be occupied by persons migrating from these shores, and from the adjacent colonies of Australasia. The formal assertion of a claim to certain island territory immediately adjacent to the south-eastern extremity of New Guinea having

already been made by one of Your Majesty's commissioned officers, we beg dutifully to represent to Your Majesty that such claim should be maintained and extended as circumstances may justify.

We believe that by so doing, and by the exercise of your Majesty's influence in those seas, very great benefits may result to the native island races, and that further facilities will be afforded for the growth of trade between your Majesty's Australasian subjects and the native inhabitants of those regions.

We should, therefore, hail with satisfaction the adoption by your Majesty's Government of such a course as will continue to confer these benefits, both upon the native races of these regions, and also upon such of your Majesty's subjects as may migrate thither.

The adoption of the report was made an order of the day for Thursday next.