

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 30 MAY 1877

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LEGISLATIVE COUNCIL.

Wednesday, 30 May, 1877.

Warwick and Dalby Mails.—Real Property Bill.—
Law of Property Bill.—Mr. Ramsay's Seat.—
Appeals from Justices Bill.

WARWICK AND DALBY MAILS.

The Hon. H. G. SIMPSON asked—

1. Whether it is true that the mails arriving from Warwick and Dalby at 4.40 p.m. every day, are not delivered at the General Post Office until the next morning?

2. If true, will the honourable the Postmaster-General make arrangements for the delivery of the said mails for the future on the evening of their arrival?

The POSTMASTER-GENERAL answered—

1. The mails referred to do not usually reach the General Post Office before 5.5 p.m. As a rule, forty-five minutes are occupied in sorting each mail; and, unless in cases where special applications are made beforehand, letters are not delivered until the morning succeeding the arrival of the mail.

2. I am not at present in a position to give a decided answer; but I have caused inquiries to be made, with the view of ascertaining whether it is practicable with the existing staff to extend until 6 p.m. the hours of delivery to holders of private boxes.

REAL PROPERTY BILL.

The POSTMASTER-GENERAL presented “a Bill to amend the Real Property Act of 1861,” and it was read the first time and ordered to be printed. In moving the appointment of the second reading for next day, he remarked that the reason why he gave such short notice was that the Bill was almost *verbatim* a transcript of the measure that passed the House, last session, but that was unfortunately shelved in the Lower House, notwithstanding that a great deal of trouble had been spent upon it by a select committee and by committee of the whole Council. The Bill dealt with an important matter, with flaws in the existing Act which required amendment without delay; and, as the matter had been already fully discussed by the House and carried to a decision, he apprehended that there would be no objection to the second reading, to-morrow, in order that honourable gentlemen might consider the Bill in committee of the whole next week.

The Hon. T. L. MURRAY-PRIOR expressed his hope that the Postmaster-Gen-

ral was not going to force forward Bills at this early period of the session. He did not know the name of the Bill, as he had but just entered the Chamber; but he spoke against pushing any Bill through in the same way. The Bill might have been before the House formerly, and might be known to honourable members; but certainly any measure which required the consideration of the Council ought to be before the House a sufficient time to enable honourable gentlemen to afford calm deliberation to it—to peruse it carefully. The second reading of a Bill generally stamped its approval by the House. He thought the Postmaster-General would not, in courtesy, attempt to advance Bills through their second reading the day after they were introduced, unless at the end of the session, when there was a necessity for it. He (Mr. Murray-Prior) should oppose such a proceeding, but he hoped there would be no occasion for his doing so. He did not mean to say that he should oppose the Bill. The House should have time even to see that the Bill brought before them was the measure they passed last session. The Postmaster-General must see that he was right, and ought to leave the second reading until next week.

The Hon. F. T. GREGORY agreed with his honourable friend, that Bills should not be hurried through the House without deliberation; but, in the present case, he thought, the difficulty might be removed, as the measure under notice was an old one. He contemplated moving, upon the question for second reading, that the Bill be referred to a select committee. That would, perhaps, meet the wish of the honourable gentleman, and be in accordance with the views of the House generally.

The Hon. H. G. SIMPSON said the Honourable Mr. Gregory had just stated precisely what he had intended to express. He believed the Postmaster-General would not have any objection to refer the Bill to a select committee. The Bill was one with which a great deal of trouble was taken last session. After a select committee had spent four weeks inquiring into the subject of it, the House very carefully considered it and passed it. It would be a pity to delay its progress, if by delay there was a chance of its falling through. Honourable gentlemen knew very well that measures from the Council, unless they were passed at a very early period of the session, were pretty sure to be slain in the massacre of the innocents in another place. He coincided with the Honourable Mr. Prior's general views; but, unless there was some special point that honourable members had not studied, they might allow the motion for the second reading to pass, to-morrow; and any objection to the Bill being passed through too quickly might be met in the way suggested.

The POSTMASTER-GENERAL repeated the reasons which he had given for this motion. Under ordinary circumstances, what a Minister stated was accepted. Unfortunately the Bill passed by the Council, last session, was shelved, because it got down to the Lower House somewhat late. It was admitted on all sides that the Real Property Act of 1861 was defective in a great number of points. He introduced the Bill at the beginning of the session; it was referred to a select committee, and, in consequence of the delay that took place thereby, the House lost the benefit of their labours—which were thrown away. In the present Bill he had adopted every recommendation, except one, of the committee; and that was one on which the House were pretty nearly divided in opinion. He had intended to state, to-morrow, what it was. He would state it now. He had not adopted the suggestion of the committee that land-brokers should be licensed. He had already stated his views pretty fully on that point; he had studied it in the interval; and he had consulted with gentlemen intimate with the operation of the Real Property Act, and with others who lived in places where land-brokers were licensed, and they, on all hands, agreed with him in considering that it was undesirable to license the class of persons that would come forward under the circumstances contemplated by the committee. He had no objection to refer the Bill to a select committee again; but he very much feared they would do no more than go over the old ground, cause delay, and risk losing their labours as before. If the Bill should go down to the Assembly late in the session that House might decline to weary themselves with discussions of a technical character, and not trouble themselves with the subject at all.

Question put and passed.

LAW OF PROPERTY BILL.

The POSTMASTER-GENERAL presented "a Bill to Amend the Law of Property," which was read the first time and ordered to be printed. The Bill adopted the provisions of several Acts which had been passed by the Imperial Parliament since the eighth year of Her Majesty's reign, and they related to complicated and technical questions arising out of real property law which it would be very difficult to explain thoroughly to non-professional gentlemen. He proposed that the second reading of the Bill should be made an Order of the Day for to-morrow, that the Bill might then be referred to a select committee, to investigate the whole matter and bring up a report upon it, which would be in the hands of honourable members and enable them to thoroughly understand

it before the second reading took place. Therefore, he formally moved, that the second reading be appointed for to-morrow; and he should arrange with some honourable gentleman to move, then, that the Bill be referred to a select committee. That would facilitate business.

The Hon. T. L. MURRAY-PRIOR said he did not rise to oppose the motion, but to explain that when he entered the House, this afternoon, he was without knowledge of what the Postmaster-General had stated. Of course, when he heard the honourable gentleman's reasons for pushing forward his Bill, he could understand his action. He had no wish to impede good legislation, or to do anything which would interfere with the Postmaster-General in the way of advancing it.

Question put and passed.

MR. RAMSAY'S SEAT.

The POSTMASTER-GENERAL moved—

That the Message of His Excellency the Administrator of the Government, bearing date the 23rd day of May, 1877, respecting the seat of the Honourable Robert Ramsay, be referred to a Select Committee, consisting of the following members, viz.:—The Honourable the President, The Honourable T. B. Stephens, The Honourable George Edmondstone, The Honourable F. T. Gregory, and the Mover; such Committee to have power to send for papers and persons, and to have leave to sit during any adjournment of the House.

He might mention that he had inserted the names of five honourable members, though the Standing Orders allowed six members in a select committee. As he saw the hon. Mr. Murray-Prior now in his place, if the honourable gentleman would like to form one of the committee, he should be glad to include his name in the motion.

The Hon. T. L. MURRAY-PRIOR: No. He lived a long way from Brisbane; and he should rather impede the committee than help them to do any business if he were a member.

Question put and passed.

APPEALS FROM JUSTICES BILL.

The House resolved into a committee of the whole on this Bill.

Clause 2—Security and notice to be given by the appellant.

The POSTMASTER-GENERAL said, on the second reading of the Bill, the Honourable Mr. Browne very properly suggested that it would be inadvisable to allow justices to fix a recognizance in any sum that they might think proper, and that it was desirable to put a limit to it; because refractory justices might act perversely and prevent a would-be appellant from getting any redress at all by the large amount of the recognizance. He proposed, therefore, to

amend the clause by the insertion of words limiting the discretion of justices to a sum "not exceeding, in any case, the sum of one hundred pounds."

The Hon. T. L. MURRAY-PRIOR said he did not rise to oppose the measure, because it appeared to him a very necessary one. The amendment limiting the amount of recognizance was very good. He wished to state his opinion, that the Bill was a break on justices of the peace. Formerly, it was an honour to anyone to be a magistrate. At the present time appointments were scattered abroad and the commission of the peace was mixed. If it were not that it would be against the country, those persons who thought as he did ought to withdraw from the magistracy. At all events, he could not say now that it was an honour to be a justice of the peace. He should be pleased to see more police magistrates appointed, and fewer justices than there were at present.

The amendment was affirmed, and the clause as amended was passed.

On the schedule,

The Hon. F. T. GREGORY referred to the blanks, and suggested that the committee should have some idea of how it was intended to fill them up—what fees were to be charged under the Bill.

The POSTMASTER-GENERAL observed that the question was a doubtful one for the Council to deal with, and it was just as well not to raise it; and he had left the blanks in the schedule purposely. He could state what the fees were in the old country, and probably they would be followed here:—Under the Imperial Statute, ten shillings was allowed for drawing a case. Here something in excess of that sum ought to be allowed, say twenty shillings. Where the case exceeded five folios, one shilling for every additional folio. For every recognizance, five shillings; for every enlargement or renewal thereof, two shillings and sixpence. For certificate of refusal of case, two shillings and sixpence. He had no objection to fill up the blanks by the insertion of the fees, but thought it as well to leave the schedule alone; it was such a trifling matter, that it was not worth raising a question about.

The Hon. H. G. SIMPSON: If the fees were levied for the purpose of carrying out the objects of the Bill, the Council had as perfect a right as the other House to fill up the blanks in the schedule and to fix the fees, according to all Parliamentary practice and precedent; but if the question were considered strictly under our written Constitution, of course, there could be no question at all about it. If the fees were not to be applied solely for the purposes of the Bill, he should be inclined to give way to the Postmaster-General's opinion, and do as the House had done hitherto.

The POSTMASTER-GENERAL: The fees were to be paid to the justices, and were an imposition upon the appellant against the justices' decision. There could be no doubt about the constitutional power of the Council to insert the fees; but the matter was so unimportant that it was not worth raising a quibble about it.

The Hon. H. G. SIMPSON moved that the blanks in the schedule be filled up by the insertion of figures taken from the English Act, as follow:—

THE SCHEDULE.

	<i>s.</i>	<i>d.</i>
For drawing case and copy, where the case does not exceed five folios of ninety words each	10	0
Where the case exceeds five folios then for every additional folio	1	0
For the recognizance to be taken in pursuance of this Act	5	0
For every enlargement or renewal thereof	2	6
For certificate of refusal of case	2	6

Question—That the figures be inserted—put and passed.

The House resumed, and the Bill was reported with one amendment.