

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**THURSDAY, 9 SEPTEMBER 1880**

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## LEGISLATIVE COUNCIL.

Thursday, 9 September, 1880.

Railway and Tramway Extensions Bill.—Census Bill—first reading.—Post Card and Postal Note Bill—committee.—Rabbit Bill.—Adjournment.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

## RAILWAY AND TRAMWAY EXTENSIONS BILL.

A message was read from the Legislative Assembly, announcing that this Bill had been passed by the Assembly, and was now sent up to the Council for their concurrence.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time and its second reading made an Order of the Day for Wednesday next.

## CENSUS BILL—FIRST READING.

A similar message was read from the Legislative Assembly, transmitting the Census Bill.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time and its second reading made an Order of the Day for Wednesday next.

## POST CARD AND POSTAL NOTE BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the House went into Committee to consider the amendments made by the Legislative Assembly in this Bill.

The POSTMASTER-GENERAL said, although he did not propose to ask the Committee to dissent from the amendments made by the other House, he was sorry to say that only one of them was, in his opinion, an improvement, and that was the additional clause that had been inserted. It was not deemed necessary to insert that clause when the Bill was originally proposed, because there was a clause in the principal Act that referred to obscene letters. Still, the clause as inserted was an improvement, as it extended the provisions respecting indecent and obscene articles to prints, paintings, photographs, lithographs, engravings, books or cards, and so on. The other amendments he thought were not improvements. The amendment in clause 12 did not carry out the object intended, because it said—

“Proof that the defendant is the writer of the address of the letter on which the stamp is affixed shall be *prima facie* evidence that he is the person who affixed the stamp thereto.”

A man might be the writer of the address, but not the writer of the letter; and it would be very hard to prove, if they only got the outside envelope of a letter, that the man who wrote that wrote the letter itself. He did not think, however, that the matter was so serious as to necessitate returning the Bill to the Assembly. It would be seen, also, that clause 15 had been expunged. That was not a very important clause. It simply provided powers necessary to keep the premises of post offices free from interruption. The power already applied to the post office here, and, in consequence of some disturbance that took place at Toowoomba or some other provincial town, it was thought desirable to extend the same power to postmasters in other parts of the colony. The other House, however, did not think it desirable to keep the clause. He begged to move that the amendment of the Assembly in clause 12 be agreed to.

The HON. C. S. MEIN said he just rose to put himself right with respect to a matter that had been referred to in the other branch of the Legis-

lature. It was only a trifling one, but he might just as well explain it. In the discussion on clause 12 in the Assembly, the Colonial Secretary said that the clause was no part of the original Bill, but was inserted by an hon. member of the Council learned in the law. Now, he (Mr. Mein) happened to be the only member of the legal profession who took part in the discussion on the Bill, but he was not present when it went through committee, and was not responsible for the phraseology of this clause. No doubt the Colonial Secretary fell into the error through having been informed that the principle intended to be carried out by clause 12 originated with him (Mr. Mein). The Postmaster-General did find a recommendation from him in the office, to the effect that an amendment in the law was desirable in the direction contemplated by clause 12, and the Colonial Secretary had evidently assumed from that that he (Mr. Mein) was the framer of the clause; but he had nothing to do with the framing or phraseology of it. The meaning of the clause was very apparent, though no doubt, the phraseology might be improved; and he was inclined to think with the Postmaster-General that the amendment was not so valuable as the clause as originally framed;—but perhaps it would be unwise to interfere with the alteration of the Assembly. He could see that there were difficulties both ways. Merchants and others very often wrote letters, and did not attend to the posting of them; it was left to clerks in the office to write the address and fix the stamp. It would be hard if they imposed upon the writer of a letter the obligation to prove that he did not affix the stamp; whilst, at the same time, it would be equally hard to punish a boy for writing an address when the master afterwards put the stamp on it, though generally speaking it would be probable that the person who wrote the address fixed the stamp.

The POSTMASTER-GENERAL said it was often hard to prove who was the writer of a letter. He could quite endorse what the Hon. Mr. Mein had said with regard to the phraseology of the clause. Probably the mistake in the Assembly arose from a statement of his (the Postmaster-General's). When the Bill was under discussion in this House he observed that the originator of it was the hon. gentleman opposite (Mr. Mein), and, at that time, he was under the impression that it was the hon. gentleman's own clause. He confessed that he did not give it the examination that he ought to have done. He was so satisfied with the ability of the Hon. Mr. Mein with regard to framing clauses in an Act of Parliament, that he confessed he was inclined to take them rather too much upon trust. This clause was handed to him by an officer of the department, and he at once saw the object of it.

The HON. C. S. MEIN: I never drew up any clause at all.

The POSTMASTER-GENERAL said he had seen Mr. Mein's memorandum since the discussion occurred in the other House, and he found the terms of it were not the same precisely as he had been led to believe they were.

Question put and passed.

The remaining amendments of the Legislative Assembly were agreed to without discussion.

The House having resumed, the Chairman reported that the Committee had agreed to the amendments of the Legislative Assembly, and the Bill was ordered to be returned to the Assembly with the usual message.

## RABBIT BILL.

On the motion of the HON. F. J. IVORY, this Bill was read a third time and passed, and returned to the Legislative Assembly with the usual message.

## ADJOURNMENT.

The POSTMASTER-GENERAL moved—  
That this House do now adjourn.

The HON. G. SANDEMAN moved, as an amendment, that the words "until next Wednesday week" be added. He did so because he believed it was the intention of the other House to adjourn over next week. The ceremony of opening the railway to Roma took place next week, and there was also the Show at Toowoomba, which was generally considered a holiday.

The amendment was agreed to, and the House adjourned accordingly at half-past 4 o'clock until Wednesday, the 22nd instant.

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