Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 29 JULY 1884

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LEGISLATIVE COUNCIL.

Tuesday, 29 *July*, 1884.

Sale and use of Poisons Bill.—United Municipalities Act of 1881 Amendment Bill—committee.—Marsupials Destruction Act Continuation Bill—committee.—Message from His Excellency the Governor—Appropriation Bill No. 1.—Marsupials Destruction Act Continuation Bill—resumption of committee.—Divisional Boards Endowment Bill—committee.—Registrar of Titles Bill—second reading.—Public Officers Fees Bill—second reading.—Succession Act Declaratory Bill—second reading.—Intercolonial Probate Bill—second reading.

The PRESIDENT took the chair at 4 o'clock.

SALE AND USE OF POISONS BILL.

The HON. P. MACPHERSON presented a Bill for regulating the sale and use of poisons.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday, 12th August.

UNITED MUNICIPALITIES ACT OF 1881 AMENDMENT BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL (Hon. C. S. Mein), the PRESIDENT left the chair, and the House went into Committee to consider the Bill in detail.

Preamble postponed.

Clause 1 passed as printed.

On clause 2—"Disposition of revenue of joint boards"—

The HON. W. H. WALSH said that, as hon. members knew absolutely nothing about the Bill, he thought it ought to be referred to a select committee for consideration. They had heard nothing of the grievances or defects the Bill proposed to alter, though it might be a very necessary measure. He had nothing to say against the Bill, because he knew nothing about it, and in that respect he was like nineteen members out of twenty.

The POSTMASTER-GENERAL said that hon. gentlemen, while admitting that the Hon. Mr. Walsh knew nothing of the Bill, would agree that he was wrong in assuming that, because he knew nothing about it, other hon. members were ignorant. If the hon. gentleman had been in his place last week he would have heard the measure discussed on its second reading, when its necessity was generally admitted. He should be glad to explain any portion the hon. gentleman did not understand.

The HON. A. C. GREGORY said he was sorry to find that the Hon. Mr. Walsh had not taken the trouble to read the papers on the subject. Hon. members who travelled were no doubt aware of the existence of certain irregularities in the speed at which they went, and that, occasionally, such things had been heard of as travellers being stopped at certain boundaries. The consequence was, that some divisional boards and the city of Brisbane met together at the advice of the Colonial Secretary, and endeavoured to form a united municipality to regulate the traffic. They held meetings, but did not come to any exact conclusion, because the Act would place the city of Brisbane in a minority. Under the Act, that municipality could send only one representative, and as each division could send one representative also, it was necessary that something should be done to make the measure work more equitably. There was provision under the Act for making good a loss, but none for distributing a profit. In consequence of those defects, the five suburban boards addressed the Colonial Secretary, suggesting certain amendments in the law with regard to traffic. The Government, however, took a more comprehensive view, and prepared the measure now before the House, which would enable the United Municipalities Act to be brought into operation.

Clause put and passed.

Clause 3 passed as printed, and preamble put and passed.

The House resumed. The CHAIRMAN reported the Bill without amendment; the report was adopted, and the third reading made an Order of the Day for to-morrow.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider the Bill in detail.

Preamble postponed.

On clause 1—"Continuation of Act 45 Vic., No. 4"—

The HON. W. H. WALSH said that, if the Bill were passed in its present form, there would be two Acts on the statute-book clashing with each other. The Act of 1881 said, "This Act shall come into operation and take effect from and after the first day of January, 1882, and shall remain in force until the end of the year 1884." That Act had not been repealed, yet the Bill said, "The Marsupials Destruction Act of 1881 shall remain in force until the 31st day of December, 1885." He thought it would be necessary to insert in the 1st clause the words "notwithstanding anything to the contrary." If that were not done the two Acts would clash, and there was no telling which would prove the stronger.

The POSTMASTER-GENERAL said the two Acts would not conflict. Even if they were inconsistent, it was well known that, in the construction of statutes, the one of later date always prevailed. He did not intend to propose an amendment to his own Bill, because he considered it surplusage.

The HON. W. H. WALSH said he would try to induce hon. gentlemen to take a common-sense

view of the matter. The first clause of the Bill was simply a repetition of the clause in the old Act, which said, "This Act shall remain in force until the end of the year 1884." All the sophistry and all the argument of the Postmaster-General could not alter that fact; and judges and magistrates would rule accordingly. It was of no use shutting their eyes to the fact that they were committing an egregious blunder.

The POSTMASTER-GENERAL said he was much obliged to the hon. gentleman for reading the clause of the old Act, which provided that it should remain in force till the end of 1884. That provision, however, was not at all inconsistent with the clause under consideration, which provided that the Act should continue in force for a year longer, and something beyond that. The clause said, "The Marsupials Destruction Act of 1881 shall remain in force until the 31st day of December, 1885, and thereafter until the end of the then next session of Parliament."

The HON. A. H. WILSON said he did not rise for the purpose of opposing the Bill, but to draw attention to a petition he had in his possession which was respectfully worded and most influentially signed, but which, he was sorry to say, he could not make use of, advocating the introduction of flying-foxes into the Bill. How that was to be done he did not know, but perhaps some hon. member could help him. It was a well-known fact that there was no country better adapted to the growing of fruit of all kinds than Queensland; but, after the fruit arrived at a certain stage, it was attacked and destroyed by flying-foxes. Formerly these animals only attacked the softer fruits, but now nothing was free from them. If a clause could be inserted in the Bill dealing with the subject, it would be a very great assistance to the colony.

The HON. J. F. McDOUGALL said it was within his knowledge that every marsupial board in the colony had been communicated with and asked for suggestions for the improvement of the Bill. Other pests besides the marsupials might be introduced into the Bill, but the Government of the day had not thought proper to do so for the reason that this was simply a measure for the continuance of the original Act. He thought an amended Act should have been introduced; but, failing that, the Act of 1871 should be continued, because the country had derived very great benefits from it in the past, and, if it was discontinued, all the good that had been done would be undone. He had, therefore, great pleasure in supporting the Bill.

Clause put and passed.

On clause 2—"Short title"—

The HON. J. C. HEUSSLER said the Hon. Mr. Wilson had spoken of the introduction of a clause for the destruction of flying-foxes, and he should like to hear the question ventilated. He had heard a great deal of the destructive habits of the flying-fox, and perhaps the Hon. Mr. Walsh could inform the House how those animals could be introduced into the Bill.

The POSTMASTER-GENERAL said the question as to the advisableness of introducing flying-foxes into the Bill had been suggested, but, as far as he could judge, the occasion was altogether inappropriate. This was a Bill to extend the provisions of the Marsupial Act, and had nothing to do with flying-foxes. With regard to the observations which fell from the Hon. Mr. McDougall, he might mention to him that he had informed the House, on the second reading of the Bill, that the Government were unable to bring in a comprehensive measure dealing with the question this session. Other larger and important measures were before the Legislative, which had been engrossing public attention, and he felt quite sure that it would be absolutely impossible to bring in a comprehensive measure during this session with the slightest probability of carrying it through both Houses. It would be remembered that, on a previous occasion, when a Bill had been introduced in 1880 dealing with the subject before the House, the opposition displayed towards it was so strong and so far successful that the previous one was allowed to lapse, and the country remained without a Marsupial Bill for twelve months. The matter was one which he had taken a large amount of interest in in past years, and, if a Bill should be introduced dealing with other branches of the subject, he should be glad to give it all the assistance in his power.

The HON. W. FORREST said the Act of 1881 had worked very beneficially, and it was better to have half-a-loaf than no bread. If any amendment was attempted, the chances were that they would have no Act at all. He quite agreed with what had fallen from the Postmaster-General, and he hoped the House would allow the Bill to pass in its present form.

The HON. W. H. WALSH said he had not intended to say another word, because there was no doubt the Bill would be very valuable if passed, but it was far more valuable that they should preserve their independence. Were they constantly to be told, as the Hon. Mr. Forrest had told them, that they would endanger the passing of a certain measure if they differed from something that had been done in another Chamber. He should have thought that the Hon. Mr. Forrest would be the last to argue that they should submit to a bad measure for prudential reasons, and because it had come to them from another place. He was not going to oppose the Bill. He wanted to improve it; but when he was asked to accede to it on the ground that if he did not it would offend another Chamber, then he said he would resist the measure in its entirety.

The HON. T. L. MURRAY-PRIOR said he did not intend to oppose the Bill in any way, but he merely wished to say that he, as one of the members of that House, did not agree with the Marsupials Destruction Act. He had always been of opinion that it would be more fair for persons whose runs were infested with marsupials to destroy them themselves; that the tax fell rather too heavily upon some, and too lightly upon others. The Bill having gone so far, and the House having the assurance of the Postmaster-General that a more comprehensive measure would be brought in, he was content to wait, and judge either for or against it when brought forward. He thought it right to mention this, because, if he were silent and allowed the Bill to pass without a word, it would be said in future that he had consented to the present Bill, and, therefore, could not consistently oppose any similar measure which might be brought forward. He might say that he agreed with his hon. friend, Mr. Walsh, in his observations upon the Hon. Mr. Forrest's speech, but he did not think the Hon. Mr. Forrest intended that interpretation to be put upon his words. If the House believed that certain measures were right, it would be far better to lose them altogether for a time than merely to pass them because they had been assented to in another place.

The HON. W. FORREST said the Hon. Mr. Walsh had put words into his mouth which he never used. He (Mr. Forrest) had said that, for the reasons given by the Postmaster-General—and that hon. gentleman had told them that the other House had no time to deal with a more comprehensive measure—it would not be wise to amend the present Bill for fear of losing it altogether. He thought a majority of the members of that House agreed with the Bill, and they had got the best Bill that the other House could

give them for the present. If they sent it back again he believed they would get nothing at all in the shape of a Marsupial Bill.

The HON. P. MACPHERSON said that there was a great deal of force in the observations of the Hon. Mr. Heussler. Attorneys had been declared gentlemen by Act of Parliament; why should flying-foxes not be declared marsupials by the same process?

The HON. A. H. WILSON said, after what the Postmaster-General had told the House, the Bill seemed a very one-sided affair. It was almost legislating for a particular class. The farmers and fruit-growers had been thrown aside altogether, and they were legislating now solely for the pastoralists. If the Postmaster-General would pledge himself to bring in a Bill during the present session dealing with the whole subject, he would be quite satisfied, but he did not think it was fair or honest to introduce a Bill such as the one before them, and consequently ignore all other classes of the community.

The POSTMASTER-GENERAL said the hon. gentleman could not have understood him when he talked about the Bill not being fair or honest; and he (the Postmaster-General) did not believe the hon. gentleman had read the Bill. The Bill was one to extend the provisions of a statute which nearly everyone admitted was absolutely necessary in the interests of the pastoralists. Whatever the Legislature might take in hand in the future, the subject of the flying-foxes had no connection whatever with the present Bill. He suffered very much himself from the flying-foxes, but he did not think it right to come to the Legislature and ask it to relieve him of the incubus. A great many persons complained of the native foxes, whilst others considered them a very great assistance in keeping down the marsupials. What he was asking the House to consent to was the continuation of the measure dealing with marsupials, which would lapse at the end of the year.

The HON. J. F. MCDOUGALL said, had he heard the remarks of the Postmaster-General upon introducing the Bill, he would have been quite satisfied with his reasons for not introducing a more comprehensive Bill this session; and what had been done seemed to be the only thing that could be done under the circumstances. The whole colony, he believed, had agreed as to continuing the Act in its present shape. Of course, there were many other animals equally destructive as the marsupials were to the pastoral tenants, and they ought to be included in the next Bill brought forward. Amongst other animals there was the bandicoot, which was very destructive to the small farmers; and he hoped to see the whole subject dealt with in the next Bill brought before the House.

The HON. W. GRAHAM said he could not agree with the hon. gentleman who had just sat down, that the reasons given by the Postmaster-General for not introducing a better Bill were satisfactory. There had been ample time to bring in an amended Bill, and he did not agree with those who said that there would have been a difficulty in passing such a measure. As the Hon. Mr. Macpherson had said, the flying-fox could be made a marsupial by Act of Parliament, and he thought a Bill of the kind that had been attended to would be a most useful measure. He noticed on the business-paper several Bills dealing almost exclusively with legal matters, and he regretted to see that Bills which not more than five members in the House should discuss were put before the House to the exclusion of measures equally important. The old Act had been alluded to, and statistics quoted on the second reading of the Bill, to show what had been done, and he certainly should have thought that this would have been a good opportunity for making such amendments in the Bill as had been suggested that afternoon.

The HON. W. H. WALSH said the Government introduced a Bill which anybody could write in three or four minutes. They admitted that it was not comprehensive, and then said that other things would be provided for next session. But a very few words would have made provision against the grievance brought forward by the Hon. Mr. Wilson. He would like to know who was the promoter of the Bill. There was not a single member of the Government, he would do them the justice to say, who knew an atom about its character or quality. The marsupial pest was not to be named on the same day with that of the flying-fox. Often had he tried to get up a kangaroo hunt on his run, but without success, yet he had to pay £10 or £20 annually for the destruction of a pest which did not exist. He would suggest that the measure be postponed in order that the flying-fox might be included. People had to pay for the destruction of marsupials where they did not exist, and now that the flying-fox nuisance was brought forward hon. members were told that the Government had no time to consider the matter till next session. He wished there were marsupials on his run, seeing that he was taxed for their destruction. But, as it was, he had to pay because the bad management of neighbours allowed marsupials to increase. The Bill was merely a premium to the indolence of Crown tenants who did not take proper precautions to prevent marsupials from becoming a nuisance.

The HON. T. L. MURRAY-PRIOR said he was rather surprised at flying-foxes being introduced into the discussion. Those who had travelled to Mount Victoria knew that, in the evening, flying-foxes were to be seen coming from their haunts by myriads. They flew 80 or 100 miles, and then back again to the scrubs whence they came, and it would be impracticable to exterminate them. Nothing was done in that way with respect to the orchards about Sydney.

The HON. W. H. WALSH: Yes, there is.

The HON. T. L. MURRAY-PRIOR said he did not think there was an Act in New South Wales including the flying-fox. If the people who lived near the scrubs infested by flying-foxes could find out their habitat they could easily be destroyed, but he did not think the country should be taxed for what people should do themselves. It was a great pity that the people should depend on the Government to provide everything for them, instead of banding together to help themselves. In the old days if there was a bit of road out of order people used to take their shovels and set it right, but now people expected the Government, or the board, or the municipality to do everything for them. They should be taught to help themselves, otherwise they would not succeed as the Anglo-saxon race had succeeded hitherto.

The POSTMASTER-GENERAL said he was sorry the discussion had been unnecessarily prolonged. He anticipated that the Bill would have gone through committee without discussion; but the question raised by the Hon. Mr. Wilson had led to some remarks which must be answered With regard to what fell from the Hon. W. Graham, he might say that he knew something of the marsupial plague.

The HON. W. GRAHAM: I did not say you did not.

The POSTMASTER-GENERAL said that, instead of lawyers impeding legislation on the subject, they had been most prominent in their efforts to bring about legislation. The persons

who had been obstructionists in the matter had been the pastoralists themselves. He (the Postmaster-General) took a warm interest in the discussion on the subject in the year 1880, and used his strongest efforts—sitting on the Opposition side—to pass a measure which was defeated by the supporters of the Government, who were themselves pastoralists. He could not help thinking that the recollection of the Hon. Mr. Walsh on the subject was as inaccurate as the inference he drew, in regard to the motives which induced the Government to bring in the measure. Under the Marsupials Destruction Act of 1881, where the funds in hand were sufficient for present requirements, a proclamation could be obtained prohibiting further assessment. If the district where the Hon. Mr. Walsh's run was situated was free from marsupials there need be no further assessment in that district. The hon. gentleman wished the House to believe that he was compelled to contribute towards the destruction of a pest which did not exist. With regard to flying-foxes, what he (the Postmaster-General) said was that the Government were so pressed with other business that it was impossible for them to bring in a Bill dealing with the matter; but he said that if the Hon. Mr. Wilson thought the question was of such importance to the public that there should be legislation, he would be happy to assist him in passing a measure.

The HON. W. GRAHAM said the Postmaster-General had misunderstood him. He did not say that legal talent had been employed to impede the passing of the Marsupial Act. He simply called attention to the business-paper, and remarked that out of the six Bills set down, four of them were legal Bills. That was what he intended to convey, and he did not think the Postmaster-General was so slow of comprehension as to render a remonstrance necessary. He would counsel the Hon. Mr. Wilson to take the Postmaster-General's advice with a grain of salt, because if the hon. gentleman were to bring in such a Bill, someone would have to pay—it would become a Money Bill. After the hon. gentleman had carefully prepared the measure, someone would stand up, point out the fact to him, and his labour would be lost.

The HON. A. C. GREGORY said the present was hardly the time to proceed with such a question as the destruction of flying-foxes. The flying-fox pest was a serious one, and one that ought to be dealt with in a separate measure. The same regulations and rules which applied to the destruction of marsupials would not apply to the destruction of flying-foxes. A very small part of the country which suffered from marsupials was plagued by flying-foxes, and the conditions of the country infested by flying-foxes were different from those of the country infested by marsupials; and there would be great difficulty in framing one measure to include both. It would be necessary also to make some sort of tax, which could not originate in that Chamber. He should support the clause as it stood, considering that flying-foxes should be dealt with by a separate enactment.

The HON. W. H. WALSH said he was very much inclined to think that it would be well for the Postmaster-General to make sure of the ground he was treading upon, especially when he delivered advice to the House. It was not the first time during the present session that the Postmaster-General had given the House advice that was not borne out by *Hansard* reports. He understood the hon. gentleman to say that at the time of the passing of the Act in 1880, he held the same opinion as he now did. He (Mr. Walsh) did not find that to be the case, but he found that in order to assist one of the strongest opponents of the measure, the Hon. Mr. Mein moved the adjournment of the debate on the Bill. He could not see that in any one point the Hon. Mr. Mein was an upholder of the Bill at all, and he could not help thinking that times changed and opinions changed with them, in matters of this kind. He objected to the Postmaster-General attempting to lay down the dictum that, because he agreed with a thing, that nobody else must be opposed to it. The Hon. Mr. Wilson and Mr. Gregory held very different views to those of the Postmaster-General, and he was sure his hon. friend, Mr. Prior, who was in a position to express an opinion, had a perfect right to do so. The Hon. the Postmaster-General seemed to set the matter at rest by at once announcing that the Government were in favor of the Bill, and no one had a right to express an opinion to the contrary. Now, if the hon. gentleman would look to page 245 of *Hansard*, of 1880, he would see a most egregious mistake committed by him.

"The Hon. C. S. MEIN said the Hon. Mr. Taylor was wrong in his statement with regard to the Pastoral Leases Act. The 23rd section provided that each square mile of country should be deemed capable of carrying 100 sheep, and twenty head of cattle; and the 26th provided that runs should be stocked to the extent of one fourth their grazing capabilities—so that a man had to keep on his run five head of cattle or twenty-five head of sheep per square mile."

Of course, the Hon. Mr. Mein was very wrong there. It was not so; and as regarded the working of the Marsupial Act, he was equally wrong. Then they found that far from agreeing with the Bill the Hon. Mr. Mein moved an amendment, and he was the only member who did so. On page 245, the Hon. C. S. Mein moved the omission of the word "forty," with a view of inserting "one hundred and sixty." He (Mr. Walsh) would simply go on to show that the Hon. Mr. Mein was not a great supporter of that Bill. Then came an altercation between Mr. Gregory and Mr. Mein, in which the former said to the latter, "I deny it." He wanted to show the Postmaster-General that this was a measure for discussion, and not for direction. The Postmaster-General would direct the House, and tell them that the matter had been agreed to in another Chamber, and that therefore it ought to be agreed to. He thought the Postmaster-General should invite hon. members to discuss the matter, and when they had discussed it, to arrive at the best possible conclusion they could come to. He also rose to defend his hon. friend, Mr. Wilson, who had not been properly treated. His suggestion was a very valuable one—that flying-foxes should be included in the Bill; but, because this was a Government measure, the Postmaster-General would allow no additions or alterations.

The POSTMASTER-GENERAL said he distinctly denied that he had taken up such a position; and the hon. gentleman must be aware that he never raised such an objection to any point that had been advanced that afternoon. He was sorry again to trouble the House, but the hon. gentleman's reference to what took place in 1880 would induce persons who did not enquire into the matter to think that he had then taken up a position opposed to the one he stated that afternoon he had taken up in regard to the Marsupial Bill. He might read a quotation from the observations he made at the time referred to, which hon. members would admit were not inappropriate. The Postmaster-General, in 1880, announced to the House that he intended to withdraw the Marsupials Destruction Bill in consequence of the opposition it had met with; and he (Mr. Mein) made the following remarks:—

"The Hon. C. S. MEIN said he was sorry to hear the Postmaster-General announce that, in consequence of the selfish action—avowedly selfish action—of a few

members of the House at that period of the night, it was his intention to abandon the Bill. He had a better opinion of that House than to believe that there could not be found in it a quorum of men who would not allow their interests in a matter of public policy to influence them in their decision. If gentlemen who felt that their pockets were concerned by the passage of a measure of this description would not assist legislation on the subject, he felt confident that they could find a quorum of members who were prepared to undertake the responsibilities of legislation. He could understand that gentlemen who were pecuniarily affected should desire the vote to go in a certain way. That was perfectly natural, but he thought that when they had used every legitimate effort to amend the law in the direction of making it not inequitable to themselves, they should consider that their duty to the country necessitated that they should not impede legislation for their own private advantage. Let them do everything in a legitimate way to protect their own interests; but when they had done that, and when there was a decided expression of opinion on the part of the representatives of the people that the legislation was necessary for the benefit of the country, they should sacrifice their private interests. He regretted that the Postmaster-General had determined to abandon the Bill; for he believed that, were it brought in at an early hour to-morrow, there would be a sufficient number of disinterested members present to pass it. Three years ago every pastoralist in the colony was crying out for a Marsupial Destruction Bill.

Honourable Members: No.

The Hon. C. S. MEIN said that every pastoralist who was not actuated by selfish motives, as the hon. members were who were opposing this Bill, desired the measure. Deputation after deputation came urging that legislation should be passed, and the legislation that was passed had been extremely beneficial in its effects; and he was quite confident that if the plague which had infested the north-western and southern part of the country had not been arrested by the action of the Legislature in passing the present Marsupial Act, those persons who were not materially affected by the invasion of marsupials would have appealed to the Legislature before this——

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—APPROPRIATION BILL No. 1.

The PRESIDENT announced the receipt of a message from His Excellency the Governor, intimating that the Royal assent had been given to the Appropriation Bill No. 1, 1884-5.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL — RESUMPTION OF COMMITTEE.

The POSTMASTER-GENERAL, continuing, said some other observations were made by him, and he concluded with the following remarks:—

"If they had no protection against marsupials for some years to come, they should have large portions of the territory overrun by the pest, and on that ground he regretted that the Postmaster-General should abandon this most salutary measure."

Those were his observations in 1880. They had not much weight then, but those who were in the House then would bear him out in saying that the opponents of the marsupial plague had no warmer supporter than he was.

The HON. W. H. WALSH said he should like, at any rate, that the leader of the House should be consistent. The Bill they had to discuss now was that for the continuation of the Marsupial Act, and the suggestion which led to the discussion came from the Hon. Mr. Wilson. He had expressed a wish that certain amendments should be introduced into the Bill, but the Postmaster-General thought it was his duty to oppose those amendments.

The POSTMASTER-GENERAL said he distinctly denied that. He had told the hon. gentleman that if he could assist any measure which might be brought in for the destruction of other pests he would be glad to do so, but he would not undertake to say that the Government would bring in a measure of the kind.

The HON. W. H. WALSH said, without making any diversion from the subject, he wished to quote what the hon. gentleman said in 1880 when a similar Bill was under discussion:—

"The Hon. C. S. MEIN said he was quite willing to accept eighty acres as the minimum, but he should ask the House, subsequently, to fix the minimum assessment on any run at 2s. 6d. instead of 5s., as proposed in the 11th clause."

And he wound up by saying—

"He thought this was a convenient time to discuss the question whether they should not make some provision for the destruction of native dogs."

Was that not an identical case in point? The Hon. Mr. Wilson thought that this was a convenient time for discussing the necessity of including flying-foxes in the Bill; but the Postmaster-General said "No." He (Mr. Walsh) said the Postmaster-General was inconsistent, and that was why he had drawn the attention of hon. gentlemen to this matter. In the year 1880, the Postmaster-General thought, when the Bill was being discussed, that it was a very convenient time to discuss the necessity for the destruction of native dogs; but in 1884, when the hon. gentleman proposed that the Bill should be prolonged, he thought it a most inconvenient time for the discussion of the suggestion of the Hon. Mr. Wilson in regard to the destruction of another pest.

Clause put and passed.

Preamble put and passed.

The House resumed. The CHAIRMAN reported the Bill without amendment; the report was adopted, and the third reading made an Order of the Day for to-morrow.

DIVISIONAL BOARDS ENDOWMENT BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider the Bill in detail.

Preamble postponed.

Clause 1 passed as printed.

On clause 2—"Provision in case of division being converted into a municipality"—

The HON. W. FORREST said he was opposed to the clause, from beginning to end. The Local Government Act of 1878 provided an endowment of £1 for £1, but the Divisional Boards Act of 1879 provided for an endowment of £2 for £1; and the clause, if passed, would be retrospective. Certain divisions, or portions of divisions, had elected to come under the Local Government Act of 1878—he said "elected," because there was no law compelling them to do so—and now, by a sidewind, it was proposed to give them a double endowment. The parts of divisions to which he had referred thought when they separated that the Local Government Act suited their requirements better than the provisions of the Divisional Boards Act, but, now that they found they could receive a double endowment, they wished to come under the Divisional Boards Act again. It was accepted as an axiom that a man could not both eat and have his cake; but if they passed the Bill they would upset that, because they would enable divisions or portions of divisions that had become municipalities, to do so. He knew the clause was only put into the Bill to placate two or three places that had come under the Divisional Boards Act, and a few others that intended to do so when they found they could get a double endowment. In many cases, portions of divisions would sever from remaining portions, leaving them to struggle on as best they could. He objected to the clause as holding out a premium to a certain portion of a division to do an injustice to another portion; and because it would, by a sidewind, give a

double endowment to municipalities. It would also be unfair to municipalities which did not come under the Act, and which would therefore receive only a single endowment.

The HON. A. C. GREGORY said the Hon. Mr. Forrest was of opinion that the Bill would extend the period during which divisional boards, which afterwards became municipalities, would receive a double endowment; but clause 234 of the Local Government Act provided that a double endowment should be paid for five years after the incorporation of a municipality under the Act, and exactly the same provision was made with reference to divisional boards under the Divisional Boards Act. If a divisional board became a municipality, the amount of endowment would not be extended, because if the board had been in existence, say, two years, and then changed into a municipality, it would receive the larger endowment only for the remaining three years. The Bill would simply have the effect of doing a just thing towards those portions of divisions which had come under the Local Government Act. There were certain provisions in that Act more applicable to the suburbs of cities than the provisions of the Divisional Boards Act; and in one case, at least, it had been found better to form a municipality under the Local Government Act. Such matters as breadth of footpaths, and regulation of back-yards, drainage, and a variety of other matters, which belonged to suburban and city property, were better dealt with under that Act than under the Divisional Boards Act; and he did not see why, because a portion of a division adopted the rules under the Local Government Act for the sake of greater convenience—he did not see why it should be debarred from an equal extension of endowment to that given to divisional boards.

The POSTMASTER-GENERAL said the Hon. Mr. Gregory had anticipated his remarks. He would point out that the position the Hon. Mr. Forrest had taken up was quite illogical. He admitted that divisions were entitled to the endowment of twice the amount of their rates, for a period of ten years after their incorporation; and, if he admitted that, how could he be consistent in saying that a division which formed itself into a municipality should not also be entitled to the endowment? It was recognised that divisional boards had relieved the Government of a very large amount of responsibility and expenditure. They had undertaken works which would be practically inoperative unless the endowment they had been receiving was continued. Why, therefore, should they penalise a division for trying to carry on its operations in a more satisfactory manner by getting itself put under the operation of the Local Government Act of 1878? The hon. gentleman was willing to give the double endowment to any ordinary division; but if, for the purposes of its own convenience, it converted itself into a municipality, it should be put into the same position as its cognate institutions. The Bill had been very well considered, and he thought hon. members, after the explanation they had heard, understood it thoroughly.

The HON. W. H. WALSH said that no consideration whatever was shown in the Bill for those persons who derived no benefit whatever from the taxation under it. This Bill purported to be a Bill for the endowment of divisional boards, but the divisional boards did not extend over the whole colony; and yet people in the outside districts, who were not under the operation of the Act, were taxed for the benefit of those who were. They had no right to levy a tax upon people in the western districts to improve the roads about Toowoomba, Toowong, or even the Municipality of Brisbane. It was manifestly unjust. The supposition in this Bill was that the people would tax themselves for the benefit of their own districts; but he said that persons a thousand miles away, who had never seen a road-mender in their district, would be called upon to subscribe to improve the streets of Brisbane, the roads of Toowong, or the lanes and highways and byways about Toowoomba. He repeated again, it was manifestly unjust, and they should rather shorten the duration of the Act than lengthen it. Further than that, he maintained that the Postmaster-General, in his position as constitutional leader of that House, had no right to submit a Bill for the consideration of hon. members which infringed the rules of the House. The title of the Bill was, "A Bill to amend the law relating to Endowments of Divisional Boards." Now, would hon. gentlemen read the clause under discussion? It provided for something quite outside the scope of the divisional boards, and on that ground he did not think they should even take the Bill into consideration at all. If those in another place would not follow the constitutional practice of the House of Commons or the House of Lords—if they would not take the glorious old country as an example—at any rate, let that House do itself the honour of saying that they would endeavour on all occasions to enforce the constitutional practice. The Bill had no business to come before them under its present title, and, if they were determined to do their work constitutionally, they would not discuss the present clause. He knew very well that there were individuals—he would not say in that House, but in the country—who would clutch at anything, submit to any infraction of constitutional law or parliamentary practice, so long as they could obtain a subsidy from the Government. He should vote against the clause. No amendment that could possibly be put could justify its insertion in the Bill; and he trusted that the majority of the House would support the Hon. Mr. Forrest in his objection to it.

The HON. J. F. MCDOUGALL said he thought that the objection the Hon. Mr. Walsh had taken was fatal—that the clause was entirely foreign to the Bill. The hon. gentleman's arguments to his mind were conclusive, and their plain duty was to strike out the clause.

The POSTMASTER-GENERAL said that if there was anything in the Bill which the title did not cover, it was competent for the House to alter the title at the proper time. The Standing Orders were very explicit on that point, and if hon. members would turn to Order No. 63 they would find that—"If the Bill be passed, its title shall be settled." That was the time to make any alteration in the title. Then again in "May," page 536, it said:—"In the Lords the original title of the Bill is amended at any stage at which amendments are admissible, when alterations in the body of the Bill have rendered any change in the title necessary." If hon. gentlemen thought that the title was not sufficiently comprehensive, it was quite competent to dealt with it; but it would be absurd for them to say that they could not agree to the clause because it was foreign to the Bill. If it was proposed to deal with the clause at all, they should reject it altogether; but do not let them evade the question by saying that the clause was too comprehensive for the limited character of the title. With regard to the question raised by the Hon. Mr. Walsh, that hon. gentleman forgot what the scope of the Divisional Boards Act was. It was true that there were some isolated districts where the provisions of the Act had not been extended; but the

reason for that was that there was not a sufficient population to enable it to be properly worked. The country was taxed, nevertheless, for the construction of roads and bridges in those districts, and the whole community had to pay for them. If the hon. gentleman's argument was carried to its extremity he might object to providing out of loan for the construction of the electric telegraph line to Normanton. They knew that that line was being worked at a loss to the country, but they did not ask the residents along the line to provide for the interest on the loan for the construction of that work. They all admitted that, in the interests of the community, local works must be pushed on; and the object of this Bill was to give as much assistance to the local authorities as possible. The intention of the Bill was to recognize the exertions that local institutions had made towards the construction of public works; and it was proposed to encourage these local institutions by subsidising them for the further period of five years. He would not go over the old ground again, and he hoped hon. gentlemen would not see the necessity to amend the clause in any way.

The HON. J. F. MCDOUGALL said he would like to ask the Postmaster-General how many municipalities would come under the provision of the second clause.

The POSTMASTER-GENERAL said he thought there were only two or three—Gympie, Toowong, and he was inclined to think there was another. It would be really penalising those three municipalities for having taken on themselves larger responsibilities. They would be saying to them, "You have undertaken enlarged responsibility by coming under the Local Government Act, and making yourselves into municipalities. If you had been foolish enough to remain under an Act which did not facilitate the operations of your corporations, you would have profited by the provisions of this statute; but we will see that you do not get the benefit extended to other institutions." That would be most illogical, and most unfair.

The HON. J. F. MCDOUGALL said he took it that in future, divisional boards would come under the provisions of the Bill.

The POSTMASTER-GENERAL said they certainly would, for an obvious reason. But if the proposed amendment were made no division would in future become a municipality, however advantageous it might be to the corporation or to the inhabitants. It was not right that they should offer inducements to people to retain a system which was not so practically useful as the adoption of another system.

The HON. W. FORREST said the same thing struck people in a different manner from different points of view. The Postmaster-General pointed out that those portions of divisions which became municipalities, being patriotic and self-sacrificing, and desirous at great risk to themselves of benefiting the population generally, actually gave up a £2 endowment for a less one. But it struck him that instead of giving up anything they saw some benefit—that they would probably escape taxation to some extent. A small portion of a division adjoining a municipality could see that, by coming under municipal government, they would escape a portion of the taxation necessary for the construction of roads in a large division, and in their selfishness they left the rest of the division to do the best they could. As he said before, they were not obliged to become municipalities — they could have remained under the Divisional Boards Act. But assuming that they did not change their form of government for their own benefit, what would they have done if they could have foreseen the passing of a Bill under which the Postmaster-General said they would be penalised? Unless it could be proved that they would have done so, the contention that others would not become municipalities fell to the ground.

The POSTMASTER-GENERAL said he was surprised at the Hon. Mr. Forrest falling into such an error. By the first clause of the Bill, all divisions would get double endowments for ten years. If a division, on becoming a municipality, ceased to get the double rate, it was repugnant to common sense to suppose that portions of divisions would be formed into municipalities. As long as they could get the double endowment, they would submit to a little inconvenience in regard to the mode of government. The suggested amendment, if passed, would discourage divisions from becoming municipalities, by restricting the operation of the Bill to clause 1. If they did not pass clause 2 no division would become a municipality until ten years elapsed, when the endowment would be equal in both cases.

The HON. T. L. MURRAY-PRIOR said it appeared that the discussion would go on for some time, and he would suggest a way out of the difficulty. In order to allow those who were interested in the measure to make up their minds, he would propose that the Bill be postponed for a short time. He thought the Postmaster-General would consent to move that the Chairman report progress, and ask leave to sit again to-morrow.

The POSTMASTER-GENERAL said he did not wish to force the Bill through against the wishes of hon. members. He was quite sure that the more consideration they gave to the measure the more they would be convinced of the justice of clause 2; and he therefore cheerfully complied with the suggestion of the hon. gentleman. He moved that the Chairman leave the chair, report progress, and ask leave to sit again.

The HON. W. H. WALSH said he did not know the object of the motion, except to allow the Hon. Mr. Murray-Prior time to discuss the clause. But they were not fighting about the clause; it was the principle on which they differed—whether the provisions of the Bill should apply to an Act which was foreign to the measure. Surely hon. gentlemen did not want time to consider that? If a week were allowed, the Hon. Mr. Gregory would talk the Hon. Mr. Murray-Prior over completely, and he would talk over the Hon. Mr. Forrest also, with his skilful, clever, argumentative powers. He could even talk the Postmaster-General over if necessary. He objected to the delay as being fatal to the adoption of the principle for which he contended.

The HON. T. L. MURRAY-PRIOR said he could not help answering the Hon. Mr. Walsh, when he implied that he was to be talked over, and then found fault with the Postmaster-General for acceding to the reasonable wishes of a portion of the Committee. It was the part of the Postmaster-General to pass his Bills, and if he thought he could pass them better by submitting to those wishes he did not see why any fault should be found. He (Hon. Mr. Murray-Prior) would be led away neither by what the Postmaster-General might say, nor even by what his astute friend, the Hon. Mr. Walsh, might tell him. He should be glad to hear the arguments of both hon. gentlemen, but he should form his own opinion on what he heard.

Question put and passed.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

REGISTRAR OF TITLES BILL—SECOND READING.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said that under the existing law the Registrar-General was charged not only with the supervision of all the statistical records of the colony, but also with the administration of the Real Property Act, and of all matters affecting the registration of deeds relating to real property. The work of both departments had increased at a very rapid rate during the past few years. Most hon. members would probably remember that he introduced a measure in 1876 to amend the Real Property Act of 1861, and that the Bill was referred to a select committee for inquiry and report. Before that committee very strong evidence was given showing the necessity for the separation of the departments under the Registrar-General. The committee, however, brought up no report on the subject. In 1879, however, a commission was appointed by the Governor to inquire into and report upon the working of the Real Property Act, and a very influential minority of that commission pointed out that they considered that the evidence before the commission was in favour of immediately separating the statistical from the real property branch by the creation of a separate department under a Government statist, to whom should be entrusted the general statistics of the colony. That portion of the public—particularly professional men having business with the Real Property Office—had had it forced upon them that some change such as that suggested by the minority of the commission of 1879 was absolutely necessary. The supervision exercised over the Real Property Office by the Registrar-General was entirely nominal, the whole of the work in that office being relegated to one or more deputies who were responsible to nobody except their direct superior; and the public gained very little information, if any, of real property matters by direct reference to the Registrar-General. The increase of work in that office since 1879 had been enormous; it had actually doubled in that short interval. In 1879 the number of operations under the Act were 6,537, whilst in 1883 they had increased to 12,003. The revenue derived from the office also showed a proportionate increase during that period. In 1879 the income from fees was £5,127 5s. 2d., while for the half-year ending the 30th of June last it was £5,069 1s. 10d.—practically double what the income was only six years ago. The department was one of the few in the Public Service that was worked at a considerable profit. The expenditure in connection with it for salaries and other purposes was £3,628 a year, or about one-third of the whole income. The necessity of such a change as he had already indicated had been forced upon the Government, and they thought the most desirable way of effecting it was by the measure now before the House. The object of the Bill was twofold—first, to create a new department under an officer to be styled the Registrar of Titles, who should have the entire administration of the Real Property Act and all matters relating to the registration of deeds; and, secondly, to enable copies of transcripts of records relating to land in this colony, the originals of which were in the head office in Sydney, to be made available for the purposes of evidence in courts of law in Queensland. The necessity for this latter provision arose from the fact that documents affecting land in this colony were registered in New South Wales before Separation took place. Copies of the records were afterwards sent up for the purpose of reference, but there was no means at present by which those transcripts could be made legal evidence in a court of law. Under the Real Property Act facilities were given for proving titles registered in this colony before a court, certified copies being admitted in evidence; and the Bill before the House made a similar provision in reference to the transcripts to which he referred and which were now in the Registrar-General's office. He did not think it was necessary to say anything further on the measure. If any matter required elucidation he would be glad to explain it if the Bill got into committee, which he had no doubt it would. He moved the second reading of the Bill.

The HON. A. C. GREGORY said it was his intention to support the Bill, because he knew it was a very important and necessary measure. The fact was that the qualifications required by an officer charged with the superintendence of a department such as was proposed to be placed under the Registrar of Titles were quite distinct from those required for the office of Registrar-General, where the statistical work of the colony was carried on. He had a little knowledge of the practical details in those matters, as, although he was in another department at the time, he had had to arrange the details for a census. He had also had to assist in the original arrangements for working out the registration of deeds in the colony, and obtaining transcripts of titles registered in New South Wales previous to Separation. As the Bill made provision for making those documents admissible as evidence in courts of justice, he might mention, for the information of hon. members, that great care was taken in the transcription of them, and that the chief clerk in the Surveyor-General's office was directed to personally examine and compare them with the originals before they were brought to Brisbane. That officer was employed on this examination for several weeks in Sydney, and made a thorough examination of all the necessary documents so that the transcripts might be depended upon for accuracy. He quite agreed that the work of supervising the registration of titles would completely occupy the time of one person, as the work in the Real Property Office had increased to an enormous extent, and, for the reasons he had stated, he would support the second reading of the Bill.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the committal of the Bill was made an Order of the Day for to-morrow.

PUBLIC OFFICERS FEES BILL—SECOND READING.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said he laid upon the table of the House a few days ago a schedule showing the fees payable to public officers under statutory authority. He had no doubt that hon. gentlemen who had perused that document had found it both interesting and instructive, and somewhat surprising. Though he was aware himself that a large number of officers in the Public Service, particularly clerks of petty sessions, were in the habit of receiving remuneration from fees, he certainly was not aware until he saw the schedule, which had been compiled in the office of the Colonial Secretary, that the distribution of fees was so large. In some departments of the Service a rule had been laid down to the effect that, when an officer received fees for work done in office-hours, those fees should be paid into the public Treasury. That was the case with the Crown Solicitor when he gave certificates for the transfers of runs, or in matters dealing with the estate of deceased persons.

It was also the case with officers of the Supreme Court who received fees for affidavits sworn during office-hours. When the attention of the Government was drawn to the extensive manner in which fees were received by different officers, they at once felt that some alteration in the practice was desirable. It was really a difficulty to ascertain how much remuneration some officers actually received for the services they were rendering to the country, and it was considered that it would be much more satisfactory if all officers were paid a specific salary for the performance of the work they had to do for the Government. For a long time past, he had been aware that clerks of petty sessions had been in the habit of receiving fees, which, he thought—and he believed other members of the profession also thought—were not fairly chargeable. It might not be generally known that a person who desired to recover 5s. in the small debts court must pay fees amounting in the aggregate to 6s., all of which were, he believed, payable to the clerk of petty sessions and the bailiff who served the summons. The clerk of petty sessions got 1s. for drawing the plaint, 1s. was charged for serving it on the defendant, 1s. was charged for entering the plaint, the bailiff received 2s. for serving the summons, and he believed the extra shilling was made up by some fabulous mileage fee for the distance that the bailiff travelled in serving the summons. Those fees were within his experience, and were charged in every case—whether the summons was drawn out by a solicitor or not—and were unquestionably really oppressive. It was difficult to ascertain how much those officers received in that way as remuneration. The work was done during office-hours for the benefit of the public, and the public ought to get the benefit of the moneys with which they were debited. The Government, therefore, proposed by the measure that, in all cases where an officer of the public received fees for the performance of his duties, those fees should be paid into the public Treasury; and, to recoup the officers for the loss they would sustain, provision would be made upon the Estimates in each case for an increase of salary, which the Government would endeavour to make about equal to the remuneration the officer had been receiving. He thought no possible exception could be taken to that, especially as by so doing they would get rid of the anomaly which at present existed, of a subordinate officer receiving a total remuneration greater than his immediate chief. In many cases the post of clerks of petty sessions in country towns brought in a larger salary in the aggregate than the police magistrate received in the same town. He begged to move that the Bill be read a second time.

The HON. W. H. WALSH said some explanation was required from the Postmaster-General in connection with a statement he had made. The object of the Bill was to do away with fees, and not to reduce the salaries of clerks of petty sessions. The hon. gentleman said that in some cases the salaries of clerks of petty sessions were greater than those of the police magistrates. Was he correct so far in quoting the hon. gentleman ?

The POSTMASTER-GENERAL said, as far as the Government were able to judge, they found that in many towns, such as Maryborough and Rockhampton, the clerks of petty sessions, owing to the quantity of work passing through the small debts courts, received probably more than their immediate superiors.

The HON. W. H. WALSH said that bore out the information he had received—that in certain places, such as Ipswich, Rockhampton, and probably Brisbane, and one or two other places, the clerks of petty sessions received more than the police magistrates themselves. He thought they were given to understand by the Postmaster-General that it was the intention of the Government not to alter the emoluments of these officers, and still to continue the practice of paying them better than their superiors, and that he was trying to obtain the sanction of the House to the Bill by saying that it was not to make any alteration in existing circumstances. The Postmaster-General said there was a grievance—that clerks of petty sessions were paid better than police magistrates; and he (Mr. Walsh) said that by no act of theirs should they continue such a state of things. Whatever they did, if they made any alteration in the law, it should be to insist upon the superior officer being better paid than his subordinate.

The HON. J. C. HEUSSLER said that he had not intended to say anything upon this subject. He had understood the Postmaster-General to say that there would be an equitable alteration as regarded the salaries of persons at present receiving fees. He had also understood him to say that any fees that were collected would be devoted to improving the position of those who were not well provided for at the present time. He thought there should be a fixed salary for clerks of petty sessions and all other officers, and he could not see that tide-waiters should not be exempted from the operation of the Bill, because their overtime working could be paid at per hour.

The HON. G. KING said the Bill now before the House dealt simply with the payment of fees into Consolidated Revenue, and he presumed that the question as to what was to be done hereafter was an open one.

The HON. A. C. GREGORY said, judging by his experience, he certainly very much objected to officers of the Civil Service receiving fees. Out of the payment of fees culminated at times something that was less legitimate, and he was therefore himself under the impression that the Bill before the House was a very proper and suitable one, and would be conducive to the efficient working of many of the departments of the Public Service. In many instances, too, officers in the Service who were supposed to be on an equal footing were in reality very differently situated, on acoount of the large amount of fees received by one and the small amount by another. Some clerks of petty sessions especially had received very large amounts, and had had practically an unreasonably large emolument. He hoped, as the Postmaster-General said, that the salaries would be reasonably arranged, and that each class of officer would be paid according to the duties he had to perform. There was one class of fees which he thought would very well bear revision. He referred to those received by the district receivers in insolvency. Those men received fees in certain cases which swallowed up the whole of an estate, and, in fact, closed up the business in an almost summary manner. It would be very desirable, therefore, if the Government would look into that branch of the subject. Of course what he had mentioned had no reference to the Bill before the House. He had pointed it out, thinking it was worthy of notice.

The HON. A. J. THYNNE said the Bill before the House did not affect any great question of State, but it was a Bill affecting the regulation of the Government offices. Now, as the Bill was introduced at first, the schedule of fees which was distributed with it was applicable enough; but there had been an amendment made in the Bill which extended the application of it to fees which were originally not intended to be affected. The principal effect of that amend-

ent would be to compel the commissioners for affidavits of the Supreme Court to keep a regular account of the moneys they received, and pay them into the Treasury. He thought that was a course which would be productive of a great deal of inconvenience. At the present time commissioners for taking affidavits were, with two exceptions, confined to Government officers. Judges' associates and a few other officers were the persons usually chosen for administering oaths, and the fees they received were considered an addition to their salaries. The reason why they were almost exclusively employed was because they were getting only moderate salaries. If the Government intended to make good the loss of income those officers would suffer from being obliged to pay fees into the Treasury, the colony would probably lose a considerable amount of money. He could not estimate the amount annually paid to commissioners for taking affidavits in Brisbane, but he supposed it was about £200 or £300. Government officers could not be expected to take more trouble than private individuals who held the position of commissioners for taking affidavits. They received their fees, and nothing further was heard about them, but a Government officer was obliged to keep accounts and to pay the money into the Treasury, and it was more than the commission was worth to take that trouble. The commissioners were not servants appointed by the Government, but by the Chief Justice of the Supreme Court. There was another thing that might create some difficulty. If the Government required the fees received by bailiffs of the small debts court to be paid into the Treasury it would be difficult to get men to do the work. It had been a source of complaint that these officers were allowed only 3s. 6d. a day for each man in possession, under an execution warrant.

The POSTMASTER-GENERAL: Three shillings, according to the statute.

The HON. A. J. THYNNE said it might be too much from one point of view, but it could not be expected that men worthy of being entrusted with the execution and process of law would do the work at that rate of pay.

The POSTMASTER-GENERAL: They are pecially excepted by clause 2.

The HON. A. J. THYNNE said he had not observed that. Nothing was said about the charges of bailiffs of the Supreme Court, but he presumed there would be payment into and payment out of the Treasury, and that there would be a separate staff of officers to keep the accounts. With regard to receivers in insolvency, no doubt the charge seemed high where an estate exceeded £2,000—namely, £1 per day. But the receiver had to take possession of the estate immediately the petition was filed. As soon as the adjudication was made, which was within a couple of days, his functions as receiver ceased. In the meantime, he was put to considerable trouble, and, considering the value of the property for which he was responsible, the charge for two or three days' occupation was not so excessive as it might appear at first sight. As a matter of principle, the idea of paying officers a regular salary instead of by fees was a good one, but they ought to see that officers would suffer no loss of income by the change. But he was afraid the result of the measure would be a loss instead of a saving to the Government. Suppose they paid the clerk of petty sessions at Ipswich, for instance, a salary in proportion to the average amount received by him for a series of years, members for other places would scarcely let them pay smaller salaries to other clerks of petty sessions, in places where the population was greater than that of Ipswich. When extra work suddenly arose in particular parts of the colony the extra fees were only in proportion to the work performed, and some clerks of petty sessions had for months been compelled to work day and night to get through their work. Not only that, but in some cases they had to pay for the assistance of extra clerks out of their own pockets. If the Government paid those officers sufficient to recoup them for their loss of income, and provided them with necessary clerical assistance, no one could complain; but the difficulty would be to so arrange it that no injustice would be done.

Question put and passed, and committal of the Bill made an Order of the Day for to-morrow.

SUCCESSION ACT DECLARATORY BILL —SECOND READING.

The HON. P. MACPHERSON said the Bill explained itself. The preamble recited—

"Whereas doubts have arisen whether the provisions of the 7th section of the Act of the first year of King James the Second, entitled 'An Act for reviving and continuance of several Acts of Parliament therein mentioned,' have been repealed by the Succession Act of 1867."

And the 1st clause went on to state—

"The provisions of the 7th section of the said first-mentioned Act are and have always been in force in the Colony of Queensland, so that if after the death of a father any of his children shall die, or shall have died intestate, without wife and children, in the lifetime of the mother, every brother and sister, and the representatives of them, shall have, and shall be deemed to have had an equal share with her in the surplusage of the estate of such intestate."

He might state that the Succession Act was an Act of the Legislature of 1867, which dealt amongst other matters with the consolidation of the laws relating to the distribution of personal estate. It embodied in it the provisions of the statute of Charles II., 22 and 23, chap. 10. That statute was amended by a statute of James II., but the amending statute did not appear in the Consolidation Act. A doubt had arisen with reference to the rights of mother, brothers, and sisters, under the circumstances; and in order to remove that and to save litigation he had introduced the Bill. He believed the legal members would be at one with him as to the necessity for the measure, and he therefore moved the second reading.

The POSTMASTER-GENERAL said he could assure the House that they would not act unwisely in adopting the measure, so far as he could see. He thought, however, that the provisions of the Act of James II. were still in force. Doubts had certainly arisen, owing to the phraseology of the Act of 1867, as to whether the provisions of the Act of James II. had been rescinded by that statute, but the prevailing opinion was that they were still in force. Even if they were in force, however, there was no harm in saying so twice over; and if they were not in force it was necessary that provision should be made in the interests of the representatives of dead men, to the effect contained in the Bill.

The HON. W. H. WALSH said he felt the greatest reluctance in saying anything at all that would tend to disparage either the ability or knowledge of his hon. friend Mr. Macpherson or the Postmaster-General. The Bill seemed to him to deal with a most important legal question—namely, as to the disposal of the property of a deceased person—and if it became the law of the land, might, by the interpretation of some future judge, lead to property being dealt with in a way that was against the wishes of a testator. And he maintained that, in considering an important alteration in the old custom and statutes of England, they should have something more to go upon than the advice

of a lawyer—something more than the advice of a layman ; in fact, something more than the advice of any one individual. The measure was not introduced by the Postmaster-General, nor was it fathered by the Government ; it was only accepted by them. It was, he had no doubt, an alteration of some fundamental principle in the law of England, and he thought hon. members should pause before they accepted the Bill. He had not a word to say against it as he knew nothing on the subject, but no sufficient reason had, he thought, been shown why they should sanction any interference with the law as it now existed in this colony and the country from which they had sprung. If the hon. gentleman who introduced the Bill would take a piece of advice from him, and if he wished to gather himself a little renown from passing a useful measure, as they were told that would be, he would recommend him to refer it to a select committee. That committee would take the best evidence that they could possibly get, and might then be in a position to assure the country that the measure was a salutary one. If the Bill would not bear investigation by a select committee they ought not to pass it. If it would bear such an investigation there would be plenty of time this session to send it through that ordeal. In his opinion a Bill like that under discussion should not be accepted by the House on the *ipse dixit* of even so learned a lawyer and such a reliable guide as they had in the Hon. Mr. Macpherson or the Postmaster-General. He repeated that hon. members knew nothing about what they were asked to assent to, and therefore he earnestly implored the hon. gentleman in charge of the Bill to adopt his suggestion and refer it to a select committee.

The HON. T. L. MURRAY-PRIOR said he agreed with a great deal that had fallen from the last speaker. Of course, not being a lawyer, he knew nothing about the Bill, and he presumed there were many members in that House who were in a similar position, and if they passed the Bill they would have to do so on the *ipse dixit* of the lawyers. He remembered that some years ago, when the statutes were compiled and were passed by hon. members of that House, they were introduced by a member who was not a lawyer, but who was assisted by a lawyer ; and when any hon. gentleman raised any objection he said, "Oh ! I can assure you the judge, or the Chief Justice, or somebody or other says this is perfectly correct." They afterwards found that the law in some cases was entirely changed by that compilation. There was no doubt they were in ignorance on the matter before the House, and, as the session had only just commenced, he did think that if the hon. gentleman in charge of the Bill would fall in with the suggestion of the Hon. Mr. Walsh it would be much more satisfactory to himself and to every member of that House.

The HON. A. J. THYNNE said the hon. gentleman who had spoken last did not appear to quite comprehend the purport of the Bill. Taking the case of a family where the father was dead and one of his children died intestate ; the question arose who was entitled to his property ? Was the mother entitled to the whole or was she only entitled——

The HON. T. L. MURRAY-PRIOR said he rose to make an explanation. He did not mean to offer any ideas he had on the subject, or to bring forward any arguments of his own on the Bill ; all he urged was that as a general rule a Bill of that sort, which was not understood by hon. members, should be referred to a select committee.

The HON. A. J. THYNNE said he was not alluding to that part of the speech of the hon. member. Assuming, as an illustration, that a father was dead, and one of his children died without making a will and without issue, the question arose whether the mother was entitled to the whole of that child's estate, or whether it was to be divided equally between her and the brothers and sisters. The question had not been evolved in the brain of his hon. friend Mr. Macpherson, nor did it suggest an imaginary case. During the last couple of years he had had to deal with a case, in Brisbane, that was exactly on all-fours with the one he had suggested, and that concerned property of a very considerable value. He submitted the case to the ablest counsel available, and it was a matter of very great doubt whether the law which the Hon. Mr. Macpherson proposed should be passed applied to Queensland, although it was in full force in Great Britain, and, he believed, in almost every British possession. It was merely by an accidental wording in the Consolidated Acts that the doubt had arisen whether the provision was in force in this colony. The Hon. Mr. Walsh said there was a danger that the passing of the Bill might have the effect of diverting property in a direction entirely foreign to the wishes of the testator, but he (Mr. Thynne) would point out that no such result need be feared, as it simply dealt with intestate estates. He would support the second reading of the Bill, as he believed it would be of much use, and save considerable trouble and annoyance, such as was suffered by the parties concerned in the case which he had mentioned.

The HON. A. C. GREGORY said a difficulty arose in his mind—namely, whether, if the Bill were passed, any transactions which might have taken place hitherto, under the impression that the provisions of the measure were not in force in the colony, would be disturbed. He thought it was undesirable that they should be disturbed, and that if the Bill was to go forward some amendment should be introduced in committee providing that it should not be retrospective in its operation.

Question put and passed.

The HON. P. MACPHERSON then moved that the committal of the Bill stand an Order of the Day for to-morrow.

The HON. W. FORREST said he would not oppose the second reading of the Bill, for various reasons, but, judging by the short debate that had taken place, he thought they wanted a little time for reflection. He therefore begged to move as an amendment that the committal of the Bill stand an Order of the Day for Tuesday next, so as to give members time to look into the matter.

Amendment put.

The POSTMASTER-GENERAL said perhaps the Hon. Mr. Macpherson would consent to the amendment, because it was desirable that hon. gentlemen should have an opportunity of investigating the matter. He could enlighten hon. members upon the point raised by the Hon. Mr. Gregory, and perhaps the Hon. Mr. Macpherson and he himself were at fault for not having explained the provisions of the Bill more fully. In Great Britain, since the time of James II., whenever a man died after his father and without a wife or children, his property was divisible equally between his mother, brother, and sisters, they all taking an equal share. When the Succession Act of 1867 was passed, the intention of the framers of that statute was to re-enact all provisions with regard to the succession to property of deceased intestate persons. They re-enacted all the provisions of the statute of Charles II., but they omitted to re-enact the

provisions of the 7th section of the statute of James. The Act of James was brought out here and was still in force when the consolidation was made. He himself had no doubt of it being still in force. Some lawyers, however, had doubts on this subject, and the doubt had been raised in the case to which Mr. Thynne had referred, where it was suggested that the intestate's mother was entitled to the whole of the property. Hon. members were all agreed that the provisions of the English Act were desirable ones; that it was not desirable that the mother should get the whole of the property. That was all that the present proposal was —not to make any alteration in the law, but really to declare that what the best lawyers had been of opinion was still in force, was in force, and to remove any doubt that existed upon the subject.

The HON. T. L. MURRAY-PRIOR said it struck him that legal bills should be looked into, discussed, and not passed by the laymen of the House *nem. con.* upon the *ipsi dixit* of the gentlemen who might bring them in. It was the duty of every member to introduce a Bill if he thought it for the public good, but they should be careful not to pass too lightly over important measures.

The HON. W. FORREST, by permission, withdrew his amendment.

On motion of the HON. P. MACPHERSON, the committal of the Bill was made an Order of the Day for Tuesday next.

INTERCOLONIAL PROBATE BILL—SECOND READING.

The HON. P. MACPHERSON said he rose to move the second reading of a Bill to give effect in Queensland to probates and letters of administration granted in the other Australasian colonies on being resealed. A similar measure was in force in South Australia, Tasmania, New Zealand, and Western Australia. He believed that the passing of the measure in those colonies was the outcome of one of the intercolonial conferences. It was a Bill which would reduce the expenses of legal proceedings and obviate a great deal of inconvenience. The legal profession were generally credited with heaping up costs, but in this case he was striving to render the costs in this particular direction less burdensome and expensive. He thought if they were to have federation there was nothing that would bring it about sooner than the intercommunion of laws. and he thought measures of this kind would work in that direction.

The HON. J. C. HEUSSLER said he did not like the manner in which letters of administration were granted in this colony. It struck him that in certain cases Government should have an officer to take this matter in hand—for instance, a person died, and somebody jumped up and said he had a claim on the estate and took out letters of administration. He spoke feelingly on the subject, because in a case in which a partner of his was concerned some person who had no right or authority to do so took out letters of administration during his absence from the colony, and he was involved in a lawsuit which cost him £500 or £600. If there had been an officer of the State to attend to such matters, he would simply have handed over his accounts and there would have been no more difficulty. There was another thing he should like to allude to. Some time ago he was asked, in his capacity of German Consul, to take the administration of an estate of a person who was in the lunatic asylum. He (Mr. Heussler) declined the honour of taking charge of the estate, because there was no evidence that the person was a German subject, and, to his astonishment, a few days ago he heard that the owner of the shop in which the person lived took over the whole thing; and up to the present time nobody knew where it was. He was of opinion that a person of that description should be protected by the State, and that there should be a curator to take charge till the person was cured in the asylum. It would be worth while for the Government to look into the matters alluded to.

The HON. W. H. WALSH said he had considerable doubts as to whether the Bill should have been introduced in that Chamber. It appeared by the 3rd clause that express provision was made for the collection of revenue in the way of stamp and other duties. That was, he thought, foreign to their power, and certainly not a pleasant duty to perform. There was great difficulty in deciding what power hon. members had in that respect, and it was just as well to avoid the difficulty as much as possible. There was no doubt that clause 3 implied the collection of revenue or the charging of rates, and that was a power not inherent in that Chamber, and the exercise of which would not be tolerated by the other side. The clause said:—

"The seal of the Supreme Court of Queensland shall not be affixed to any probate or letters of administration granted in any of the other Australasian colonies so as to give operation thereto as if the grant had been made by the Supreme Court of Queensland until all such probate, stamp, and other duties, if any, have been paid as would have been payable if such probate or letters of administration had been originally granted by the Supreme Court of Queensland."

Had it emanated from the other Chamber, and come to them in that form, they could not have taken exception to the clause; but although the exact duties were not specified, they were initiating a Bill which would lead to the exaction of charges. He had done his duty in pointing that out to the President, the hon. gentleman in charge of the Bill, and hon. members generally. The greatest credit was due to the Hon. Mr. Macpherson for introducing the measure, which was absolutely necessary. They must applaud his motive, and agree that the Bill was one which ought to exist; but whether it was done in the proper way or not he would leave to the Chamber to determine. He could not help commending the Hon. Mr. Macpherson, and he was surprised that the Postmaster-General had not got up and done so.

The POSTMASTER-GENERAL: I have not had time.

The HON. W. H. WALSH said there had been plenty of time. He waited for the hon. gentleman to rise, but the President would have put the question if he (Hon. Mr. Walsh) had not spoken. They might as well show they were patriots when they had the opportunity. He should like to pose as a patriot himself: not that he would take anything from the Hon. Mr. Macpherson. The 1st clause said—

"In the construction and for the purposes of this Act, and of all proceedings thereunder, the following terms shall have the respective meanings hereafter assigned to them, except where there is something in the context repugnant to such construction, that is to say—"

Of course no one but a lawyer could understand that; but the next part he could understand—

"Australasian Colonies' shall mean the colonies of New South Wales, Victoria, South Australia, Western Australia, Tasmania, and New Zealand."

He begged to add the words "New Guinea." If the hon. gentleman would accept the suggestion he would immortalise himself—he would out-McIlwraith himself. It would be the first time New Guinea was introduced to the Statute-book of the colony.

The POSTMASTER-GENERAL said he had considered the question raised as to the competency of the House to deal with the measure. At the first blush, he was inclined to think it was beyond the scope of their admitted powers, but further reflection satisfied him that they were quite capable of dealing with the matter. It was not proposed to levy an impost or to vary one, but the stipulation was made that whatever the Legislature decided should be the fees payable ; therefore, he thought they had power to deal with the Bill. With regard to the Bill itself, he thought its policy a good one, but he had some doubts as to the expediency of extending its provisions so far as letters of administration. The law of the British dominions and dependencies was practically the same with regard to the manner in which wills were considered to be sufficiently executed, and it ought to be provided that a will proved in Great Britain should be accepted as sufficient in any Australian colony. With regard to letters of administration, difficulties might arise, as pointed out by the Hon. Mr. Heussler. The courts had the power to grant letters of administration to the creditors of an intestate, but the law in regard to dealing with estates of intestates varied in the different colonies. In Queensland, if a man died intestate, the whole of his realty was divisible among his next of kin as if it were personalty. In New South Wales the law went somewhat in that direction, but not so far; and in Victoria, he believed, but certainly in some of the other colonies, the old law of primogeniture prevailed. When the Bill went into committee he should probably move an amendment in reference to letters of administration. So far as probates were concerned, it was desirable that they should recognise proof in another colony as sufficient; but the person in whose favour the grant was made should be compelled to take all the responsibility in the same manner as if probate were granted first in Queensland—he should give the same bonds and enter into the same stipulations that he would faithfully administer the estate committed to his charge. It was possible that a man might have taken out letters of administration in New South Wales in the absence of parties having equal interest with himself resident in Queensland, and who would find it inconvenient to apply for letters of administration there. Hardship might therefore arise if one person had full power of dealing with the intestate estate in all the colonies. As he said before, the policy of the Bill was good, but he doubted whether it would be wise to go to the whole extent proposed by the measure in its present shape.

The HON. A. J. THYNNE said he had not given very much consideration to the Bill, and did not intend to address the House at any length, but there was one point that had suggested itself to his mind. In this colony the law of primogeniture as regarded land had been abolished, and a person who was the administrator of an estate became the legal representative as regarded freehold land possessed by the deceased person. It might happen that administration might be taken out by a person in New South Wales who was a naturalised British subject in that colony but was not naturalised in Queensland. In a case of that kind the administrator would not be entitled to register as personal representative in this colony in consequence of his incapacity to hold freehold property. He did not rise with any idea of opposing the Bill, as he would like to see it passed into law, but he thought it only fair to his hon. friend who was in charge of the Bill to give him immediate notice of any difficulties that hon. members thought might arise in connection with the working of the Bill, so that he might have full opportunity of considering them.

Question put and passed.

On motion of the HON. P. MACPHERSON, the committal of the Bill was made an Order of the Day for Tuesday next.

The House adjourned at twenty-five minutes to 9 o'clock.