

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 6 AUGUST 1884

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LEGISLATIVE COUNCIL.

Wednesday, 6 August, 1884.

Succession Act Declaratory Bill—third reading.—Bills of Exchange Bill.—Divisional Boards Endowment Bill—committee.—New Guinea and Pacific Jurisdiction Contribution Bill—second reading.—Grants and Leases to Deceased Persons Bill—second reading.—Intercolonial Probate Bill—committee.

The PRESIDENT took the chair at 4 o'clock.

SUCCESSION ACT DECLARATORY BILL —THIRD READING.

On motion of the HON. P. MACPHERSON, the Bill was read a third time, passed, and ordered to be transmitted to the Legislative Assembly with message in the usual form.

BILLS OF EXCHANGE BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly, returning the Bill with amendments, in which they requested the concurrence of the Legislative Council.

On the motion of the POSTMASTER-GENERAL (Hon. C. S. Mein), the consideration of the message was made an Order of the Day for Tuesday next.

DIVISIONAL BOARDS ENDOWMENT BILL—COMMITTEE.

On the Order of the Day being read, the House went into Committee to further consider the Bill.

On clause 2, as follows:—

"Whenever the whole or any part of a division under the said Act has been, or shall hereafter be, constituted a municipality under the provisions of the Local Government Act of 1878, the amount of endowment payable to such municipality shall be computed as if such municipality had still continued to be a division under the provisions of the said first-mentioned Act."

The HON. W. FORREST said that when the clause was before the Committee on a previous occasion he opposed it, but he had since decided to withdraw his opposition, and he would give his reasons. The Divisional Boards Act of 1879 provided that when any portion of a division became a municipality under the Local Government Act of 1870 the endowment should continue. The primary object of the endowment was to assist sparsely populated districts in constructing and maintaining their roads and bridges and other local works, and he was under the impression that municipalities did not require that assistance. But the return for which he moved last week gave such information as to convince him that, if he persisted in his amendment, certain portions of divisions that had become municipalities would not be able to help themselves. At the same time, there were a few cases where they were quite able to shift for themselves; but rather than inflict injury on those who required assistance he intended to withdraw his opposition to the passage of the Bill.

The HON. W. H. WALSH said he objected to the Bill *in toto*. They were led to believe, when the Act was passed providing for the constitution of boards and other local bodies, that the special object of its promoters was to relieve the public exchequer from claims on account of the construction of local public works. But there was no doubt that they were simply merging into political institutions, and according to the amount of pressure they could bring to bear on the Government would be the demand on the public exchequer. He did not hesitate to say, notwithstanding the great respect he had for the Ministry of the day, that the Bill was a political one, necessitated by the pressure brought to bear on the Government. And what were the consequences? So long as they subsidised those boards, shire councils, or municipalities, so long would they render the efforts of those bodies more effete. Who would have sanctioned the passage of the first Bill if they had been told that they would have been asked to pass the Bill now before Committee? Would they not have resisted the subsidy entirely?

The HON. J. TAYLOR: No.

The HON. W. H. WALSH said he knew he should get such a remark from the hon. gentleman. Was he not chairman of two or three of those boards?

The HON. J. TAYLOR: Yes.

The HON. W. H. WALSH: And was he not a supplicant for those subsidies?

The HON. J. TAYLOR: No.

The HON. W. H. WALSH: Had he ever opposed one? And had he not, as chairman of those boards, a large fund to his credit at the present moment?

The HON. J. TAYLOR: No.

The HON. W. H. WALSH: And was he not going to vote for a further amount?

The HON. J. TAYLOR: Yes.

The HON. W. H. WALSH: No doubt he would. Did he not want to swell still more the large amount placed at his disposal? He did not hesitate to say that seven-tenths of the people of the colony derived no benefit from the Divisional Boards Act, but were called upon to pay the taxation necessary to support the boards. They were promised, when the Divisional Boards Act was introduced, that the object of the measure was to make local improvements entirely dependent on the contributions of the local residents, who were to have the management of their own roads and the expenditure of the money raised entirely among themselves; but the

Bill before the Committee led them further than ever from such a fact. The inhabitants of a district were called upon to subscribe a mere pittance compared with what the people of the colony were compelled to subscribe towards the improvement of the roads about Toowoomba. He could not help mentioning that place, because the Hon. J. Taylor was looking so much at him. For that rich district, where there was one individual who could defray, without trouble to himself, the whole of the cost of keeping in repair the roads of the district, the whole colony was called upon to contribute a larger expenditure than before. They were asked to give a double endowment for another five years, notwithstanding the fact that they were lured on to pass the first Bill on the express condition, grudgingly agreed to at the time, that at the end of five years such roads and such localities should for ever cease to become a cost to the general revenue of the colony.

THE HON. SIR A. H. PALMER: Who promised that?

THE HON. W. H. WALSH: The introducers of the Bill.

THE HON. SIR A. H. PALMER: I introduced the Bill, but I did not make that promise.

THE HON. W. H. WALSH said he was afraid they would have to come to the conclusion that the hon. gentleman was very badly reported.

THE HON. J. TAYLOR: You are wrong. Look at the Act.

THE HON. W. H. WALSH said he had seen the Act. Was it not of five years' duration?

THE POSTMASTER-GENERAL: No.

THE HON. W. H. WALSH said that he, at any rate, as a taxpayer, was led to believe that it was. But if it were not intended to exist only for five years, what was the necessity for the Bill before the Committee? How would the honourable, learned, and gallant member get over that difficulty? The Postmaster-General was ably advised by the Hon. Sir A. H. Palmer, but he could not explain the necessity for the measure in the face of the fact that the present Act was not intended to exist for five years only. The Bill was perfectly useless, and he would ask hon. members to assist him in throwing it out.

THE POSTMASTER-GENERAL said he mentioned last week that the hon. gentleman's memory was inaccurate, and his remarks on the Bill before the Committee showed that his memory was not only inaccurate but probably somewhat convenient. He (Hon. Mr. Walsh) thought that those who participated in the discussion on the Bill introduced in 1879 would not have the curiosity to go back and see what the hon. gentleman said on that occasion; but he would remind the hon. gentleman, by extracts from *Hansard*, what his views were then, and it would be observed that they stood in remarkable contrast to what he said that day, which after all was only a second edition of what he said last week. No doubt the hon. member regretted the good old days when Ministers for Works paid flying visits to constituencies during the time approaching an election, and made lavish promises in reference to roads and bridges, with a view of getting supporters returned to Parliament. But those times had gone by, and the Divisional Boards Act had thus accomplished, to a large extent, the object of its framers. When the Bill was under discussion in that Chamber, the Hon. Mr. Walsh spoke earnestly and often on the matter, and he would read a few extracts from his speeches:—

"As he said on a previous occasion, in connection with the vast expenditure the Government were now going to for the purpose of making railways, it was most inopportune that, while they were lavishing millions of pounds upon a particular class of the community in order to carry iron roads to their doors, at the very same time when the people of the colony were never in

a worse position for additional taxation, they were going to compel the majority, the poorer portion of the people, to put their hands in their pockets to pay for making of their own roads."

To-day the hon. gentleman complained that it was proposed to continue the contribution towards their construction for another period of five years.

"He repeated that a more inopportune moment was never pitched upon by a Government for introducing a novel and coercive measure like the Bill before the House—and an expensive measure. There seemed to be nothing whatever just in it, as far as those persons it intended to benefit would come under its operation. What was sauce for the goose was sauce for the gander.

"THE POSTMASTER-GENERAL: Hear, hear!

"MR. WALSH: If they were going to tax persons for the purpose of making ordinary roads, he would say, *pavi passu*, that they were bound to tax those persons who would benefit so much by the railways."

Again, the hon. gentleman said—

"If he saw that the Government were meting out equal justice; if they endeavoured only to keep up the roads of the colony, to accelerate transit between places; if he felt that they called upon all portions of the colony equally to contribute to their own roads, he would gladly support the Government in such a measure; but until they called upon persons in the outside districts to contribute fairly to the roads which the whole colony was making for a few, they were not justified in calling upon the residents of the inside districts to make their local roads."

And further—

"He (Mr. Walsh) contended the Bill was the commencement of taxation. It was for taxing most unrighteously a certain portion of the colonists, and would exempt that portion of the colonists who could best afford, and who should most justly afford, to submit to it. That was the most pernicious kind of taxation that was ever introduced by any Government. It was an invidious taxation, which called upon those who so unwillingly contributed to the gigantic railways to put their hands in their pockets to make their own roads."

And so on for about four pages of *Hansard*. That was slightly inconsistent with what the hon. gentleman had been saying on the Bill before the Committee; and so ill-informed was the hon. gentleman upon nearly every subject on which he had ventured to address that House, that in his (Hon. Mr. Mein's) experience there was not a single measure that had come on for discussion this session in which he had not shown by his wrong, imperfect, or inaccurate information that he knew little or nothing about the matter. The hon. gentleman had, that afternoon, displayed absolute ignorance with regard to the endowment provided by the Divisional Boards Act. Every other hon. member in that House knew that the provisions of the Divisional Boards Act and the municipal law were perpetual in their operation so far as regarded endowments; that the Divisional Boards Act provided that divisions should receive an endowment of £2 for every £1 raised by taxation for the first five years, and thereafter at the rate of £1 per £1 in perpetuity; and that the Bill before the Committee proposed to extend the double endowment for a further period of five years. He (Hon. Mr. Mein) mentioned this, not for the information of hon. members generally, but for the information of the Hon. Mr. Walsh. Experience had shown that, in the case of divisional boards with a large territory under their control and important works to carry out, there were many instances in which the money expended by them on important and necessary works would be thrown away, unless the boards were assisted by the State by a double endowment for a further period. He considered the proposal in the Bill was a reasonable one, seeing the amount of relief divisional boards had afforded the Government.

THE HON. W. H. WALSH said the manner in which the hon. the Postmaster-General had referred to him was exceedingly unbecoming on his part, and was certainly unnecessary. The hon. gentleman was probably the weakest member of the Government, and was probably unable to

see the effect of the course he (Hon. Mr. Walsh) was pursuing in endeavouring to remove the means of divisional boards bringing pressure to bear on the Government. He (Hon. Mr. Walsh) did his duty to his country; the hon. the Postmaster-General did not do so. He (Hon. Mr. Walsh) had nothing to gain and nothing to lose by his action in that Chamber, and was not paid for what he did. When the hon. gentleman attacked him as an independent member of that House in the way he had done, he would tell the hon. gentleman that he (Hon. Mr. Walsh) considered himself, from the independent position he occupied and the long time he had been in the country, probably a superior adviser not only to the Government, but to the country and to the hon. the Postmaster-General himself, and he would not submit to the kind of dictation or insult which had been offered to him that afternoon. He had a duty to perform to the country and he did it, prompted by his conscience—not as the hon. gentleman did, prompted by the position he occupied as a paid servant of the country; and he would not submit to the extraordinary dictation with which the hon. the Postmaster-General had visited him under the sanction of that Committee. He had the greatest respect for the hon. gentleman except when he attempted to lecture him (Hon. Mr. Walsh), an older and a wiser man, as he was constantly doing. He had no doubt that if the Hon. J. Taylor got up and said something adverse to the opinions of the hon. the Postmaster-General that hon. gentlemen would also be reprimanded; or that if the great and renowned traveller, the Hon. Mr. Gregory, made some remarks with which the Postmaster-General did not agree, the representative of the Government would reprove him likewise and say something that would be received by that House with derision and contempt. He would, however, implore the hon. the Postmaster-General to believe that they were as capable of advising the House as himself, and as incapable as himself of receiving castigation or reproof from younger members. Had not the hon. gentleman made an exposure of himself, when he attempted to read, in what he thought was a jocose mood, the remarks he (Hon. Mr. Walsh) had made on a former occasion when the Divisional Boards Bill was under discussion in that House? Did not every word he (Hon. Mr. Walsh) then said prove what he had said that afternoon in opposing the Bill before the Committee? Did not the hon. gentleman cover himself with confusion by reading those remarks? Had he (Hon. Mr. Walsh) altered one jot or one iota from the position he took up in reference to the Divisional Boards Bill? That measure was inaugurated under false pretences. He knew that, and was endeavouring to warn hon. members that it would not reduce local expenditure by Government. Did he not say that divisional boards and shire councils would become the greatest political institutions of the country; that as those institutions became powerful they would bring pressure to bear on the Government? And was not the Bill now before hon. members an exemplification of what he said? He unhesitatingly denounced the Bill as a political measure which was brought in in accordance with a promise given by itinerating Ministers, during their travels through the colony. Could the hon. the Postmaster-General deny—could any hon. member in that House deny—that the Bill was the outcome of promises made by Ministers at dinners given to them throughout the country? Was not that measure directly opposed to the policy they were first asked to consider—a proposal to remove the charge for local works from the public revenue? He defied any hon. gentleman to prove to the contrary. He foresaw—it required no great amount of genius to do so—what would be the

result of the Divisional Boards Act, and his fears—he would not say his prognostications—had been painfully fulfilled. He repeated that the Bill under consideration was a political Bill, and that, notwithstanding the rigmorale references of the Postmaster-General, he was doing his duty to the country in opposing it. That he was inconsistent or had an utterly oblivious memory he denied. He laboured under no such defects. As to the charge of inconsistency, he wished he could forget the inconsistency of the hon. the Postmaster-General; he wished he could forget how the hon. gentleman had supported the McIlwraith Ministry in the past, and the support he was now giving to the Griffith Administration. When the hon. gentleman charged him with being inconsistent, he aroused suspicions in his (Hon. Mr. Walsh's) mind with regard to the motives of the hon. gentleman himself.

The Hon. J. TAYLOR said he was sorry the Hon. Mr. Walsh had lost his temper, and trusted he would not be followed in that line by the hon. the Postmaster-General. He was also sorry that the Hon. Mr. Walsh's memory was so defective as it was; but he was not going to quarrel with the hon. gentleman, for they were very dear friends. That the Bill was a political Bill he denied. In his opinion it was one of the very best measures that could be introduced. The Divisional Boards Act had been the means of doing away with a great deal of the trickery that they used to see in getting money voted by Parliament for a particular district or constituency. He paid under that measure taxes to the amount of £400 or £500 a year, and was therefore in a position to speak from a pretty independent standpoint. Some boards had been foolish enough to double the amount of their assessment, because they were afraid that the double endowment would not be continued after the first five years. He told them that they were doing very wrong, and that no Government could stand who refused to bring in a Bill like that before the Committee.

The Hon. W. H. WALSH: What is that but political pressure?

The Hon. J. TAYLOR said it was not political pressure; it was simply an act of justice. He was a member of two divisional boards which worked very well without appealing to the Government. One of them was in rather a low state as regarded the funds, and the other had a surplus in the bank at fixed deposit. He had heard it said that those boards which had a balance in the bank should not be dealt with in the same way as other boards; but he did not agree with that opinion, because such boards had only exercised carefulness, and when the wet season set in they would have plenty to do with the money they had saved. If man had made the seasons instead of God, the weather could not have been more favourable for the Divisional Boards Act. They had had no wet weather, no floods, since the Act was passed in 1879. He must say that he supported the Bill most willingly; and he was quite certain that if his hon. friend, the Hon. Mr. Walsh, had any experience, either as a chairman or member of a divisional board, he would find that the boards had done a vast amount of good. He did not believe for one moment that it was a political Bill in any sense of the word.

The Hon. A. C. GREGORY said the Bill was an excellent one, and reflected great credit upon the Government. He remembered that when the Hon. Mr. Walsh was Minister for Works the hon. gentleman, by his own personal exertions and by judicious arrangements, inaugurated a scheme for the construction and maintenance of roads under what were practically divisional

boards, though they were not designated by that name or constituted as at present. Great credit was, he thought, due to the hon. gentleman for the admirable manner in which the scheme was worked. He (Hon. Mr. Gregory) not only spoke of his own knowledge when he said this; he had heard persons in different parts of the country say that the arrangement worked well. Hon. members knew that under the Divisional Boards Act the boards were working admirably, and he thought that, so far from the Act giving rise to any political mismanagement, it put log-rolling out of the way, because now, instead of a Minister having £50,000 or £100,000 placed in his hands to deal out according to the exigencies or impotunity of the applicants, who besieged him in every direction as he travelled over the country or pestered him by deputations at his office, a certain sum was appropriated and divided according to the provisions of an Act of Parliament. Under the latter system no district would receive a larger share than it was entitled to. He approved of the proposal to extend the period for the payment of the double endowment for a further term of five years.

Question put and passed.

On clause 3—"Short title"—

The HON. A. C. GREGORY said he would like to ask the hon. the Postmaster-General whether he thought the title of the Bill was sufficient for the preamble. He (Hon. Mr. Gregory) had a little doubt on the matter himself. It was, of course, a matter of form. Hon. members were aware from the history of the Bill that it originally consisted of clause 1, and that afterwards another clause was inserted with the view of making the measure the more complete.

The POSTMASTER-GENERAL said the Committee could call the Bill anything for the sake of brevity. The question raised might apply to the preamble of the Bill, which he was inclined to think was not comprehensive enough. The Legislative Assembly had had the matter under discussion, and had decided that it was sufficient.

Question put and passed.

On the CHAIRMAN proceeding to read the preamble,

The POSTMASTER-GENERAL said it had been the practice in that Chamber ever since he had been a member of the Council, after all the clauses of a Bill had been read, to make a proposal that the preamble be read, and it was then read; after which the question, that the preamble as read stand part of the Bill, was put. It had always struck him that there was a more rational way of dealing with the matter than reading a long preamble through. They did not read the clauses through. All that was read was the marginal note, and he thought it would be sufficient if the same course were adopted in regard to the preamble of a Bill. In connection with this subject, he noticed that it was usual to move that the preamble be postponed. Now, their Standing Orders appeared to deal with that, so that the proposal was really unnecessary. Standing Order 56 said:—

"In a Committee of the whole House, the question shall be put on each clause of the Bill separately; leaving the preamble to be last considered."

As their Standing Orders contained that provision he thought they ought to dispense with the first motion that the preamble be postponed, and that, after the whole of the clause had been dealt with, the Chairman should refer to the preamble without reading it. It would be convenient to come to some understanding on the subject, and so avoid that roundabout way of proceeding with the business to which he had referred.

The HON. W. H. WALSH said it appeared extraordinary to him that a Minister of the Crown should propose that the Committee should consider, in a discussion on the preamble of a Bill, whether they would conform to the Standing Orders. They were sitting as a Committee and not as the House, which alone had power to decide matters of that kind. To determine whether the Standing Orders should be adhered to or altered was entirely outside the duties of that Committee. There was no more strict rule laid down than that it should confine itself to the duties specified by the Orders of the House. But, putting aside the incongruity and impropriety of bringing the question before the Committee, which occupied an *effete* position so far as that subject was concerned, he would remind hon. members that he had again and again warned them not to give too much heed to advice in altering the practice of the House. The practice of the House was as nearly as it possibly could be the practice of a House that had existed for several hundred years, and that practice was made and matured by the consolidated and matured wisdom of the greatest minds that England had produced. One of the requirements of that practice was, he presumed, that the preamble of a Bill be read; and really it was no great trouble—no great tax upon their time—that it should be read. And he had never seen a more inopportune moment for attempting to disturb their Standing Orders than that, because the preamble of the Bill before the Committee was opposed to every argument advanced by the hon. the Postmaster-General and the Hon. James Taylor. He implored hon. members not even in the House, and certainly not in Committee, to attempt to alter the Standing Orders, which were the defence of the strong against the weak. Especially when a strong Government was in power should they resist all attempts to break down the bulwarks they possessed in the Standing Orders, and the precedents and practices they endeavoured to follow.

The POSTMASTER-GENERAL said the Hon. Mr. Walsh based his remarks on the assumption that he (the Postmaster-General) was asking the Committee to act at variance with the Standing Orders; but he, on the contrary, said that the practice followed by the Chairman was opposed to the spirit of the Standing Order, and invited an expression of opinion on the subject from hon. gentlemen. The Chairman was about to go through a certain form, and some hon. gentleman had expressed the opinion that the form was unnecessary. The Hon. Mr. Walsh set himself up as an extreme oracle, and he was willing to consider that the hon. gentleman had a large amount of knowledge on the subject, but he had not caught the spirit of his (the Postmaster-General's) remarks.

The HON. A. C. GREGORY said the question was, whether it was desirable that they should continue the practice of reading the preamble in full, or, as was done in the case of clauses, require only the marginal note to be read. No doubt considerable time and trouble would be saved, if the duty of reading the preamble at length were not imposed on the Chairman. Although it had been the practice hitherto to read the preamble at length, he thought it would not be contrary to the Standing Orders to dispense with the practice. The Standing Orders simply said the preamble should be considered last.

The HON. W. H. WALSH said he wished it to be understood that, in Committee, they had not the power to criticise the practice of the House or even of the Committee itself. All such matters must be introduced in the House,

The Committee only possessed power to discuss subjects relegated to it by the House, and the Postmaster-General was the last person who should introduce in Committee matter not relegated to it by the House. Beyond the discussion of the Divisional Boards Endowment Bill they could not go, and the more hon. gentlemen confined themselves to their duty the more they would cover themselves with respect and clothe themselves with power.

The HON. SIR A. H. PALMER said the Postmaster-General had no wish to alter any Standing Order. The Standing Order simply said:—

"In a Committee of the whole House, the question shall be put on each clause of the Bill separately, leaving the preamble to be last considered."

The question raised by the Postmaster-General was one of practice simply. The hon. gentleman had drawn the attention of the Committee not to the question of altering the Standing Order, but to the practice of reading the whole of the preamble. Sometimes, as in the case of a Bill which came before hon. members last week, the preamble was twice the length of the Bill, and what was the use of reading the whole of the preamble in such a case? He thought the Postmaster-General had drawn attention to the matter in order that hon. gentlemen might express their opinion as to whether the practice was a wise one or not. He differed from the Hon. Mr. Walsh, and was of opinion that it was quite proper in Committee to consider the practice followed in Committee. He did not know how the practice of reading the whole of the preamble had been instituted. It was never done in another place, and he could not see of what earthly use it was.

The CHAIRMAN said that ever since he had the honour of being Chairman of Committees, which was since the commencement of Parliament in the colony, it had been his practice to read the whole of the preamble. It was his duty now to follow that practice, and leave it for the consideration of hon. members whether in future he should read only the marginal notes.

The HON. W. H. WALSH said the explanation of the Chairman was quite correct, and the practice could not be altered except by order of the House. He was sorry to say that he was so far wrong as to differ from the Hon. Sir A. H. Palmer. He was of opinion that the matter should be referred to the House, with the view of being brought under the notice of the Standing Orders Committee.

The HON. J. C. HEUSSLER said that in a previous Parliament he had the honour of filling the chair, and during that time reference had been made to the inconvenience of reading a long preamble; but, as a matter of course, he followed the usual practice. It had been properly remarked that the question was only as to the practice followed in Committee, and that therefore the Committee should deal with the question. To attempt to alter a Standing Order would be a different thing. It was his opinion that they should deal with the preamble in the same way as they dealt with the clauses of a Bill, and read only the marginal note. He was sorry to observe so much useless discussion on small matters. He hated to see bad language used in Parliament, and he hated all the nonsense and ridiculous ways of going on which took up members' time and tried their tempers. Of course, hon. members sometimes got a little warm, but it was most improper that they should use bad language. He liked opposition as much as anybody, but it must be in keeping with parliamentary procedure. The Postmaster-General had been taken to task for agreeing with measures passed by the previous Government, but he was not to be blamed for that.

He (Hon. Mr. Heussler) sometimes agreed with measures brought in by the party to whom he was opposed. He always did what he thought his duty, and if he thought a measure would be good for the country he gave it his support, no matter by whom it was introduced. He would not forfeit his independent position in the Council, which he had occupied ever since he was a member of it.

The HON. G. KING said that, if he understood the Hon. Mr. Walsh rightly, he did not say it was unlawful for the Chairman to discontinue the practice of reading the preamble, but that the present was not the occasion on which the question should be decided.

The HON. W. H. WALSH said it was a question which had not been relegated to the Committee to decide.

The HON. G. KING said perhaps it would be better for the Chairman to read the preamble in the present instance, and for the Hon. Mr. Walsh to give notice of an alteration in the Standing Order.

Preamble put and passed.

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

NEW GUINEA AND PACIFIC JURISDICTION CONTRIBUTION BILL — SECOND READING.

The POSTMASTER-GENERAL said the Bill might be described as a corollary to certain propositions already agreed to by the House. Last night, when dealing with the Federal Council question, he referred to the House having agreed to resolutions passed by the Convention held in Sydney, which affirmed that it was undesirable for any islands in the Southern Pacific to be attached to any foreign dominion, and that, in the interests of Australasia, it was essential that such portion of New Guinea not held by the Government of the Netherlands should be attached to the British dominions. Lord Derby, in a despatch recently received by His Excellency the Governor, referred to those resolutions, and pointed out that, in a previous despatch, he explained that it was desirable for the Australian colonies to combine together effectively and provide the cost of carrying out any policy which it might be decided to adopt for the protection or government of New Guinea, or other places in the Western Pacific Ocean; and, further on, it was stated that the colonies would be expected to provide the requisite funds. The Convention had passed a resolution, which was recited in the Bill, to the effect that each Government should provide its share of the cost incurred in giving effect to the resolutions, but it was conceived that it would be premature for the Governments of the different colonies to pass any resolution indicating their willingness to contribute, unless they knew the feelings of the Imperial Government on the subject. The authorities seemed to have hesitated for a long time, but, owing to continued pressure, they were at last induced to take a decided step, which he anticipated would lead at no distant date to the annexation of that portion of New Guinea they wished to secure. In another part of the despatch, Lord Derby indicated the decision arrived at. Provision was to be made for a High Commissioner, or, at least, a Deputy Commissioner on or near the eastern coasts of New Guinea. He was to be furnished with a steamship and with a sufficient staff. The cost of that arrangement could not be accurately estimated; but if one or more colonies would guarantee the payment of £15,000, Her Majesty's Government would take steps for establishing

the High Commissioner's jurisdiction, and rendering to the contributing Government an account of the expenditure incurred. Since that despatch was received the Government had intimated that they would follow up the suggestions of Lord Derby at once. The Premier communicated with the chairman of the Convention, suggesting that he should communicate with the other colonies and elicit their opinions on the subject, adding that he had drafted a Bill which he would introduce on the assurance that Victoria would co-operate. Since then communications had been received from the Premiers of Victoria and all the other colonies except New Zealand, intimating that they would participate in the contribution towards the £15,000. He had much pleasure in asking the House to assent to the Bill, which provided for the colony paying its share of the £15,000 out of the Consolidated Revenue. In view of the previous hesitating action of the Secretary of State for the Colonies, the present might be regarded as an unmistakable move on his part; and in passing the Bill they would take a decided step towards the accomplishment of what they all desired—the annexation of New Guinea to the British Empire.

The Hon. W. H. WALSH said he heartily approved of the principle of the Bill; but there was something in the 1st clause which was not in keeping with the dignity of the position which they should take up. The second paragraph of the clause said:—

"In case of any difference arising as to the amount of such contribution, the same shall be referred to and decided by one of Her Majesty's Principal Secretaries of State."

If they omitted those words and abided by the first portion of the clause they would better carry out what was due to themselves, and also to the mother-country and the other colonies. He was not captious on the subject: he simply made the suggestion to the Postmaster-General with a view to the improvement of the Bill.

The Hon. J. F. McDOUGALL said that he believed no member would offer any opposition to the measure, and he did not think it necessary that they should have a long debate on the subject. The sooner they passed the Bill the better, and it should have his cordial support.

Question put and passed.

The POSTMASTER-GENERAL, in moving that the committee of the Bill stand an Order of the Day for Tuesday next, said he would take that opportunity of referring to the remarks which fell from the Hon. Mr. Walsh. It was possible that a dispute might arise as to the relative amount of population at a given time, and a census might not be taken just then; under those circumstances, it would be desirable to have some external authority to settle any difference which might arise between the colonies themselves, and it was the practice on such occasions to leave the matter to one of Her Majesty's Principal Secretaries of State.

Question put and passed.

GRANTS AND LEASES TO DECEASED PERSONS BILL—SECOND READING.

The POSTMASTER-GENERAL said it was not necessary to make many observations in asking the House to approve of the measure. It was a principle of law that a grant to a dead man was absolutely void. Those who had experience in getting grants through public offices knew that it took a considerable time to get such a grant issued by the Government. If the intended grantee died before the grant was issued, complications might arise as to how the grant should be issued. He might have left a will devising his property to his widow or someone else during life, and afterwards to someone else.

In the colony, a grant was not framed in a complicated sort of way, but was made to an individual, his heirs, or assigns for ever; and cases had arisen which involved considerable expense, delay, and difficulty. The Bill was intended to meet cases of that description, and provided that, if a person died before the grant was issued, the grant should take effect the same as if he died just immediately after the grant issued. In that way the wishes of all testators would be carried out, and the present cumbersome procedure would be avoided.

The Hon. A. C. GREGORY said he knew of a case in which extreme inconvenience arose from a grant having been issued to a deceased person. Several years after the person's death, when matters in connection with his estate had to be taken into consideration, it was discovered that the original grant was worthless. He intended to support the Bill, because it could do no harm and might result in great good.

Question put and passed, and committal of the Bill made an Order of the Day for Tuesday next.

INTERCOLONIAL PROBATE BILL—COMMITTEE.

On motion of the Hon. P. MACPHERSON, the President left the chair, and the House went into Committee to consider the Bill.

Preamble postponed.

On clause 1, as follows:—

"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:—'Australasian Colonies' shall mean the colonies of New South Wales, Victoria, South Australia, Western Australia, Tasmania, and New Zealand; 'Probate' shall include 'Exemplification of Probate'; 'Letters of Administration' shall include 'Exemplification of Letters of Administration.'"

The Hon. W. H. WALSH suggested the insertion after "New Zealand" of the words, "and any other islands within the jurisdiction of Great Britain." Hon. gentlemen would see the significance of his suggestion.

The Hon. P. MACPHERSON said he had no objection to the proposed amendment.

The POSTMASTER-GENERAL said there was a good deal in the suggestion, but it might create a difficulty in regard to new colonies. They might not have competent courts of jurisdiction, or their laws with regard to the administration of the estates of deceased persons might be so imperfect that the exactions required in the mother-country and in the colonies under representative government might not be in force. He believed it would be better to pass the clause in its present state, and the provisions of the statute might be extended to new colonies as occasion might arise. The latter part of the clause, however, required amendment, and he moved that the words "Letters of administration with will annexed and exemplification of letters of administration with will annexed" be substituted for "Letters of administration shall include exemplification of letters of administration." The effect of the amendment would be that wherever a deceased person had left a will, and that will had been proved or letters of administration with will annexed taken out by persons having the requisite authority, the probate or letters of administration would be recognised in the colonies named. But where a person died intestate, those who wished to obtain administration would first have to obtain letters of administration in the ordinary way. Those persons whom a testator wished to be entrusted with administration would have it without going through the formal procedure in

another colony. In other words, the recognition by competent authorities elsewhere of the sufficiency of a testator's will would be availed of in the colony to the advantage of all parties interested.

Amendment agreed to; and clause, as amended, put and passed.

On clause 2—"Probates and administrations granted in the colonies to be of like force as if granted in Queensland on being re-sealed"—

The HON. P. MACPHERSON said he had some amendments to propose—alterations which were rendered necessary by the adoption of a suggestion made to him by the Postmaster-General that the operation of the statute should be extended to the United Kingdom. He had not thought that the principle of the Bill would meet with such hearty approval from the Postmaster-General, and he was very happy to fall in with the hon. gentleman's suggestion. He proposed to negative the clause, with the view of inserting a new clause giving effect to that suggestion.

Clause put and negatived.

The HON. P. MACPHERSON moved the following new clause :—

From and after the period at which this Act shall come into operation, when any probate to be granted by the Supreme Court of any of the other Australasian colonies, or by any court of record in the United Kingdom, shall be produced to, and a copy thereof deposited with, the Registrar of the Supreme Court of Queensland, such probate shall be sealed with the seal of the last-mentioned court, and shall have the like force and effect, and have the same operation as if it had been granted in the first instance in Queensland; and every executor thereunder shall perform the same duties and be subject to the same liabilities as if such probate had been originally granted by the Supreme Court of this colony.

Clause put and passed.

On clause 3—"Seal not to be affixed till duty paid"—

The HON. P. MACPHERSON said he wished to deal with clause 3 as with clause 2—negative the clause, and propose a new one.

Clause put and negatived.

The HON. P. MACPHERSON moved the following new clause to follow the clause last passed :—

The seal of the Supreme Court of Queensland shall not be affixed to any such probate until all such probate stamp and other duties, if any, have been paid, as would have been payable if the probate had been originally granted by the Supreme Court of this colony.

The HON. W. H. WALSH said he thought it would be better to leave the clause out, and get the member taking charge of the Bill in another place to have the clause inserted there. It undoubtedly provided for the exaction of duties, though they were not exactly specified.

The POSTMASTER-GENERAL said that at first he was inclined to agree with the Hon. Mr. Walsh, but on further reflection he felt convinced that if they did not retain the clause the Legislative Assembly might take exception to clause 2; because if they passed clause 2 without a saving clause they would be doing away with a large amount of revenue from probates. The clause did not vary a duty or levy an impost, but merely provided that the laws at present in force dealing with those matters should not be affected by the provisions of the Bill.

Clause put and passed.

Clause 4—"Commencement of Act"—put and passed.

Clause 5—"Short title"—was amended so as to read :—

"This Act may be cited as the Probate Act of 1884."

The preamble was passed with an amendment consequent on the alteration in clause 2.

The House resumed, and the CHAIRMAN reported the Bill with amendments; the report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

The House adjourned at five minutes past 6 o'clock.