

Mr. BRYCE regretted that a Bill of this importance should have been brought before the notice of the House on such scanty information, and when honourable members were in possession of so little information as to the sentiments of the colonists themselves. It was true that a certain number of parliamentary papers had been presented, but the information which they contained was, he thought, hardly sufficient to enable the House to appreciate the whole bearings of the question, and to understand what were the feelings with which the proposals had been received in the colonies during the last few months. He thought it would have been valuable to the House if the Colonial Office had prepared a sort of explanatory memorandum giving a view of the whole matter and a justification of the whole Bill. When the House of Commons was asked to undertake a function so large as that of drawing up a Constitution for communities already great, and which were likely to become considerably greater in the future, it ought to approach a task of that kind with a due sense of responsibility and on accurate information and knowledge. He thought, also, there was no evidence to show that this Bill or draft Constitution had really been satisfactorily discussed and considered in the colonies themselves. It appeared to have emanated in the first instance from a small coterie of Prime Ministers, and the House had nothing to show them that the best minds of our colonies had been properly brought to bear in the consideration of the subject. The Bill would have come before the House with greater authority if it had reason to believe that proper pains had been bestowed upon it, and that proper efforts had been made to obtain full publicity and discussion for it in the Australian Colonies themselves. He thought that the circumstances he had mentioned made the position of the Imperial Parliament not quite a satisfactory one in dealing with this matter. He regretted that a measure of this importance should be treated so lightly by the House and the country, and should be hurried through at the fag-end of a long session. In considering the character of the Bill, and its liability to a certain line of criticism, he said it was clear that it was a very scanty, fragmentary, and imperfect sketch of a Federal Constitution. Looking even at that important clause which provided that any one colony could withdraw from the Federation, he said if the House were free to debate the subject at length a great deal of time might be spent over the consideration of this clause alone; because a Federation which offered to any member of it the right to withdraw as soon as its wishes were not gratified was clearly a Federation of the feeblest and most transitory kind. He was content, however, that they should pass the Bill in the form in which the colonies had asked us to do so, and as a matter of favour to them; but the responsibility for its formation would substantially rest more with them than with us. He looked with more hope to a federation between the Executive authority here and the colonies than to a federation among the colonies themselves. The real value of this Constitution seemed to him to lie in the provision which it made for the introduction of uniform legislation among the different colonies, and particularly for the introduction of a uniform system of legal process and of private law in those matters in which the inhabitants of different colonies were most likely to come into relation with one another. The experience of the United States, which was the great source of experience in these matters, showed how much could be obtained by having a uniform system of legislation on certain subjects of common interest. It would be, for instance, of immense advantage for the United States to have a uniform law of marriage and divorce. It was one of the great difficulties which legal reformers had to deal with in America; and he was glad to see that the Federal Council had power to legislate on these subjects, on quarantine, on bills of exchange, and other matters. As regarded the utility of the Federal Legislature, if he might so call it, for the purpose of introducing a uniform system of private law, he thought it would be very desirable to increase the size of the Council. But, in that as in other respects, he looked upon the Bill more as a first sketch than as a complete Constitution; and he could not help believing that further legislation would be required, and that the outline contained in that measure would have hereafter to be filled up by and developed in various particulars.

The motion was then agreed to, and the House went into Committee on the Bill.

Clauses up to 14 inclusive were agreed to.

On clause 15,

Mr. BRYCE moved the insertion, after "copyright," of the word "bankruptcy." Bankruptcy was one of those subjects on which it was found particularly desirable to have uniformity of legislation among different States, and it was a matter to which the powers of the Council might be very well extended.

Colonel STANLEY hoped that the amendment would not be pressed. When the Council was formed its attention would doubtless be directed to that question, which he believed was within the scope of the Bill as it stood.

Mr. BRYCE thought it might be desirable to emphasize that point, but would not press it if the right honourable gentleman objected.

The amendment was withdrawn, and clause 15 was agreed to, as were also clauses up to 28, without amendment. Clause 29 underwent some modification, and the remaining clauses of the original Bill were agreed to.

On the preamble,

Mr. W. E. FORSTER said that he did not wish to delay the passing of the Bill, but he desired to express his regret that the most important of the Australian Colonies, New South Wales and New Zealand, were not included in this Bill, because he thought that nothing like a complete Federation policy could be obtained without those two colonies giving their adhesion to it. He, however, thought that our union with the colonies could not be injured or damaged by the confederation of the colonies among themselves, and that the way in which this Bill had been passed would conduce to all the colonies joining in the movement hereafter, which would be lasting and for the good of the whole.

The preamble of the Bill was agreed to, and the House resumed.