

**Record of the  
Proceedings of the Queensland Parliament**

...  
**Legislative Assembly  
18<sup>th</sup> July 1860**  
...

Extracted from the third party account as published in the  
Moreton Bay Courier 19<sup>th</sup> July 1860

---

The Speaker took the chair at half-past 3 o'clock, and opened the proceedings with prayer.

**LEAVE OF ABSENCE TO GOVERNMENT OFFICERS.**

Mr. WATTS asked the hon. the Colonial Secretary, (1.) What period of servitude will authorise a Commissioner of Crown Lands, Native Police Officer, or any other officer under the Crown to leave of absence? (2.) If it is their intention to make any regulation for the guidance of officers asking for such leave?

The COLONIAL SECRETARY replied that as a general rule there was no exact period of servitude taken into consideration as a reason for granting leave of absence. In nearly all matters of this kind the Government were left entirely to their own discretion, and of course in granting leave of absence, they were influenced mainly by the good conduct of the officer. There was a rule, however, by which Government officers could claim six weeks' leave of absence in a year, but even that was conditional on their making sufficient provision for the discharge of their duties during absence.

**POSTAL COMMUNICATION BETWEEN BRISBANE AND THE CLARENCE.**

Mr. TAYLOR asked the hon. the Colonial Treasurer, whether it is the intention of the Postmaster-General to call for tenders for postal communication, by sea, between Brisbane and the Clarence River, in New South Wales, for the year 1860?

The COLONIAL SECRETARY replied that it was not the intention of the Government at present to call for tenders such as the hon. member had referred to. In consequence of the peculiar circumstances attendant on separation, Grafton had not yet been declared a port of entry, and hence any vessel entering under existing circumstances would be liable to seizure.

**SWEARING IN OF MAGISTRATES.**

Mr. TAYLOR asked the Honorable the Attorney-General, whether it is necessary for magistrates, who held commissions before the new commission appeared, to be sworn in again.

The ATTORNEY-GENERAL replied that the question was one involving a legal opinion which, as a member of that house, he was not fairly called upon to give, but as the information sought for might be interesting both to hon. members and the public generally, he would briefly state what he conceived to be the law of the case. According to our old English statute, Justices who had taken the oaths of office, and once exercised the functions pertaining to it, were not required during the same king's reign to be resworn, no matter what number of new commissions might be issued. Such being the case, it was not necessary that those gentlemen already on the Commission of the Peace should again go through the ceremony of taking the oaths of office.

**INTERNAL COMMUNICATION.**

Mr. BUCKLEY, without notice, moved that a message, borne by himself and Mr. Raff, be conveyed to the Legislative Council, requesting the attendance of the Hon. Captain O'Connell,

the Hon. Mr. Compigne, and the Hon. Mr. Bigge, for the purpose of being examined before the select committee now sitting on internal communication.

Carried.

## PETITION.

Mr. BROUGHTON presented a petition from Mr. John Smith, but, owing to an informality, it was withdrawn.

## LEASING OF LAND TO MR. NORTH.

Mr. BROUGHTON moved—"That there be laid upon the table of this house all papers and correspondence relative to the leasing to Mr. North certain Crown lands, now in the occupation of Mr. John Smith, of Wivenhoe, with the view to Mr. North purchasing the same by pre-emptive right." It was supposed that in leasing the lands in question to Mr. North a serious injustice had been done to Mr. Smith, and it was with a view of ascertaining the precise merits of the case that he now asked for the returns specified in his motion.

Mr. MACALISTER remarked that the returns alluded to had been laid before the New South Wales parliament prior to separation.

The COLONIAL SECRETARY said the government had no objection to the production of the returns, which were now being copied, and would honestly be laid on the table of the house. They were, however, very voluminous, and if the hon. member would call on him during office hours, a selection might be made which would save a great deal of unnecessary labour.

Mr. BROUGHTON expressed his willingness to comply with the suggestion, and the motion was therefore put and passed.

## CHARGES AGAINST COMMISSIONER BOYLE.

Mr. MACALISTER moved—"That an address be presented to the Governor, praying that his Excellency will be pleased to cause to be laid on the table of this house copies of all correspondence between the government and Robert Fitzgerald Esq., of Springfield, in the colony of New South Wales, or any party on his account, preferring charges against Mr. Henry Boyle, Commissioner of Crown Lands for Maranoa." He explained that Mr. Fitzgerald, a member of the Legislative Council of New South Wales, secured in the year 1848 a run on the banks of the Balonne River, forty miles in length. Some short time after, Mr. Fitzgerald gave instructions to his superintendent to build a cottage and other improvements thereon, which involved altogether a very large expenditure. The parties, however, engaged in making these improvements were ignorant of the exact boundary line at one end of the run, indicated by a tree marked "F," and hence the improvements extended in one direction beyond the limit contemplated in the forty miles. In 1852 the error was rectified so far that Mr. Commissioner Whitby gave Mr. Fitzgerald an amended description of the run, under which the latter continued in occupation until the arrival of Mr. Commissioner Boyle in 1855. That officer had not been long in the district when he managed to secure for himself—not directly—but in such a manner as to show that his own interest was alone consulted—all that portion of Mr. Fitzgerald's run containing the improvements alluded to. Every word of this Mr. Fitzgerald had signified his willingness to prove by evidence if the house required it. Now the question arose whether it was right that an officer who could be guilty of a transaction such as this should be any longer retained in the public service. Of course he was aware that before any final decision ought to be arrived at a full investigation into the whole circumstances of the case should be made and with that object in view he had suggested to the Colonial Secretary that morning the propriety of appointing a commission which he understood the government were prepared to sanction.

The motion having been seconded.

The COLONIAL SECRETARY expressed the willingness of the government to produced the papers asked for, and to appoint the commission suggested. He added that according to the papers the boundaries and not the river Mileage were adhered to, and that Mr. Commissioner

Boyle had distinctly denied the charges preferred.

The motion was then put and passed.

### MR. COMMISSIONER HALLORAN.

Mr. MACALISTER moved the resolution standing in his name as follows—"That that portion of the correspondence now on the table of the house containing charges preferred by Mr. Andrew Wedderburn Melville, against Mr. Halloran, Commissioner of Crown Lands, and Police Magistrate, Wide Bay, be printed." He did not know whether the government would pursue the same course with this motion that they proposed with regard to the last, but he presumed that they would do so. With regard to the charge brought by Mr. Melville, he could only say that it was one of the grossest and most nefarious that had ever come under the notice of a legislature. There was no rule more stringent than that which required that no public officer should abuse the trust reposed in him by interfering with the rights and privileges of the public. Mr. Halloran had not only done this, but he had interfered in the purchase of land at sales, and had endeavored, by direct and indirect means, to prevent parties from obtaining the lands to which they bid. The gentleman making the complaint was not only well known to the mover, but also to other members of the house, and he was known to be one of the most honest and upright men in the whole district of Wide Bay. It appeared from the petitioner's statement that a certain land sale was held in Maryborough towards the latter end of last year; that that land sale was duly announced in the 'Gazette' and in the local papers; and that Mr. Halloran, in his capacity of police magistrate, not only knew when the sale was to take place, but also where the land to be sold was situated. If, therefore, there had been any desire on the part of the government to withdraw any of the land, Mr. Halloran ought to have been acquainted with it, and should have made it public before the sale took place. That, however, was not done. When the sale took place, there was a certain portion put up at the upset price of £2 10s. per acre, and for this piece Mr. Melville bid. To his surprise he found that the land agent, the Clerk of Petty Sessions, was his antagonist, and that he answered every bid of Mr. Melville's by a higher, rising shilling by shilling. And where was Mr. Halloran all this time? In an adjoining room, awaiting the result. The bidding went on in this way until it had reached as high as £6 10s. per acre, which was Mr. Melville's offer, and at this stage the land agent rushed into the room where Mr Halloran was seated, and, to the surprise of Mr. Melville and every one else, returned with the announcement that the land was withdrawn. He (the speaker) maintained that this was a gross abuse of authority. It was true that power was given to such officers to withdraw land from sale, but that power was only to be exercised in cases where the land put up was required for public purposes, or where the land was likely to go for less than it was really worth, and not in cases where the Commissioner was anxious to get possession of the land himself. To do Mr. Halloran justice, however, it must be remarked that he was clever enough to prepare a justification of his conduct, and he did so afterwards by saying that the land was required by a certain Mr. Phipps, but nothing was said at the time of the sale about Mr. Phipps or any other person, and nobody knew who Mr. Phipps was. Mr. Melville asserted that the land was withdrawn by Mr. Halloran for his own purposes, and very properly affirmed that there should be a strict investigation. It was highly discreditable that such charges should be preferred, and he (the speaker) thought that they should be strictly enquired into, in order that, if they were incorrect, the parties informing might be punished, and if true, the parties offending should be dismissed from the public service.

Mr. WATTS seconded the motion, and suggested that various other charges preferred against Mr. Halloran should be included in the motion. One of those charges was that Mr. Halloran was in the habit of keeping a number of horses, and letting them out to the constables under his charge. It was very easy for a Police Magistrate to make work for constables, and supplement his income by lending them horses for a consideration. Another charge was that Mr. Halloran had taken possession of a mare and foal, for which a man had been summoned before the court on warrant, had kept them for some three or four years, and then charged the owner, when he applied for them, at an enormous rate for keep &c.. He (Mr. Watts) thought that all these cases ought to be inquired into.

The COLONIAL SECRETARY said it was the desire of the government to furnish every possible facility for enquiries of those sort. With regard to the charge brought by the hon. member for Ipswich the government thought it would be necessary to retain the papers relating thereto until the executive had looked into the matter, and could form an opinion upon it, but the remainder would be laid on the table forthwith.

The question was then put and passed.

### CHARGE AGAINST MR. BOYLE.

Mr. MACALISTER moved that the petition of David Perrier, presented by him on the 17th instant, be printed. The motion had been almost met by the answer given to the previous motions inasmuch as it involved certain charges against Mr. Commissioner Boyle. The petition was a short one, and was entitled to consideration because of the charges it conveyed.

Mr. FERRETT seconded the motion.

The COLONIAL SECRETARY said that, with regard to this petition, he was unable to give any opinion upon it, because no representation of the grievance had been made by the petitioner to the government. At the same time, he should be happy to lay all papers bearing on the subject before the house.

Mr. MACALISTER explained that he knew nothing further about Mr. Perrier's application than that the petition was placed in his hands as one of the members for Ipswich for presentation to the house.

Question put and passed.

### DURATION OF THE SESSION.

Mr. GORE moved the resolution standing in his name as follows—“(1.) That in the opinion of this house it is inexpedient that the present session should be protracted beyond the middle of August next. (2.) That this house will afford favourable consideration to any proposal for her Majesty's government for the despatch of as much of the public business as possible up to that time. (3.) That this house pledges itself during the remainder of the session to sit as frequently, and as many hours a day as may be necessary to pass such measures as may be proposed. (4.) That in the opinion of this house a second session before this month, of March, 1861, is inconsistent with the other engagements of members of this house.” He did not wish, in bringing forward these resolutions, to put his own opinion before the house, but he had put the resolutions on the paper because he wished to prepare the house for a contingency that would soon arise, when seven or eight hon. members would have to withdraw themselves for the purpose of attending to their business in the country. He had mentioned the middle of August in his first resolution because that was about the time when the presence of the country members at their stations would be almost indispensable, and hon. members must admit that, by that date, they ought at least to be able to see daylight through the conclusion of their work. With regard to the second resolution he thought it would not be asking too much in suggesting that the Colonial Secretary should give them some idea as to the programme of business for the remainder of the session. there could be no object in withholding any such information, as parties were not yet formed in that house, and there were many members who were able to afford many valuable suggestions, by accepting which the views of the government might be considerably modified on certain subjects. By affording this information, the house would be enabled to shape its course through the business, and thus secure a maximum of good to the country, and a minimum of benefit to themselves. He thought that too much stress was laid upon the value of the labours of select committees, in which he did not altogether believe. He thought the one now sitting upon the government departments was extremely undesirable, and with regard to the judicial enquiry committee, it appeared to him, from what he had heard in the committee room that morning, to be merely a question as to whether a judge—

The ATTORNEY-GENERAL rose to order. He believed the house could take no cognisance of what had transpired in committees, until the reports were before the house.

The SPEAKER ruled to the same effect, and

Mr. GORE proceeded to remark upon the question that had been raised as to the illegality of passing two sets of estimates in one session. A short prorogation had been thought necessary, but he did not agree with that view of the case, and quoted as a precedent the course pursued upon one occasion by the House of Representatives in New Zealand. He denied that hon. members could not do otherwise than agree to the third resolution, for he thought they had had no cause to complain of hard work yet, when they had not met for business on two successive Fridays. The fourth resolution could only be regarded as a mere matter of opinion as to time. He thought that April, May, June, and July would be the months that could best be devoted by hon. members to the duties of the house, and when the quorum would be most likely to be regularly secured.

Mr. TAYLOR seconded the motion.

Mr. RAFF opposed the resolutions, and submitted to the house that the effect would be to assert that the business of the country must be made subservient to that of certain members of the house. He thought that their duty was to look first to the business of the country, and then to the convenience of hon. members. The hon. member seemed to complain of what of work, but for his (Mr. Raff's) part he thought he had his share. Day by day he was sitting on committees below stairs from ten till two o'clock, and then attending the house afterwards, so that he could not join in the complaint of the hon. member. The hon. member had referred to select committees, and had alluded specially to that sitting upon the departments, but he thought the hon. gentleman should have stated his objections at the time when the house considered the advisability of appointing them. With regard to the resolutions themselves the speaker characterised the first as proposing an impossibility; the second as proposing to do something that the house had already done; the third as altogether unnecessary; and the fourth as embodying the principle that the business of the house must succumb to that of hon. members. The hon. member had also threatened them with the want of a quorum, but it was to be hoped that members would attend long enough to get through the necessary business.

### MESSAGES FROM THE GOVERNOR.

At this stage of the debate, two messages from his Excellency the Governor were received; No. 15 signifying his assent to the "Disqualification of Officers' Bill," and No. 16 signifying his acquiescence in the request of the house that the sum of £2000 should be placed on the estimates for improving the navigation of the Brisbane and Bremer.

### RESUMPTION OF DEBATE.

Mr. BLAKENEY coincided in all that had been said by the previous speaker, and expressed his utter disapproval of the resolutions. Referring to the remark that had been made relative to the probability of their being unable to procure a quorum, he said that hon. members who could not attend to the duties attaching to their position as members of that house should resign their trust, in order that it might be given into the hands of those who would. The speaker also deprecated the tone in which the hon. mover had referred to the select committees, enumerated the benefits which were expected to result from their labors—one of those being that the government would be enabled to found measures of value upon the report that would be brought up.

The COLONIAL SECRETARY believed that the hon. member for Warwick had been actuated by the best of motives in bringing forward these resolutions, but they were resolutions that the government could not support, and he thought his hon. friend would act wisely in withdrawing them, his object having been accomplished by the discussion that he provoked. With regard to the facilities afforded to the government by the house he could only say that his hon. colleagues and himself were fully sensible of the consideration evinced, and as the hon. mover seemed to wish it, he had no objection to give an amended ministerial programme for the next few weeks. He thought the necessary business might be got through by the middle of August, or a short time after, especially as the only measure requiring lengthy discussion would be that

referring to the occupation of crown lands. Another measure urgently demanded was that which involved the constitution of the Supreme Court, for the house had, in view of its introduction, granted but £600 as the Judge's salary for this year. The Scab Act was also an important measure, and he could hardly think that hon. members engaged in a certain pursuit would disperse until it were carried. Then there was the act relating to the regulation of the Police Force, and it was also the wish of the government to introduce two short measures before the end of the session—the only having reference to the sale of lands, and the other to the disposal of lands which had already been held under lease,—both of which would be made as simple as possible, and at the same time suitable to the requirements of the colony. Allusion had been made to the estimates for 1861, and as to whether it would be legal to pass two sets of estimates in the same session. The Orders in Council which conferred a constitution upon this colony, required that there would never be an interval of more than twelve months between each session, and as it was imperative upon them to sit, there was no doubt but that, in future, all estimates would be passed at the proper time, especially as hon. gentlemen would have become more accustomed to work of that kind, and their passage through the house would not take up so much time. It was true that two acts of estimates had been passed in one session by the Assembly of New Zealand, but that was to meet an extraordinary emergency—the Colonial Secretary having to go home on business of importance connected with the colony; and although it might not be illegal there, such a course would not be open to this legislature. It ought to be remembered, however, that the estimates already passed might be truly regarded as arrears of the past year, and that the house had, in fact, been merely working off business that had accumulated upon their hands. He (the speaker) did not think it desirable that a prorogation should take place, and, if the estimates were passed, it ought to be so arranged that the house would not meet for the second session until March or April next—a period which would doubtless suit the convenience of hon. members. By that time he hoped that all the Government departments and the printing office would be much better up to the mark than now, and the house would have free scope for its strong disposition to proceed with the business of the country.

Mr. TAYLOR thought that instead of censure, the hon. member for Warwick deserved great credit, for having introduced these resolutions. He regretted that he had not had an opportunity yesterday of replying to the violent attack that had been made against himself by the Attorney-General. (Order. The hon. member was ruled out of order in referring to a past debate.) In resuming, he said the Attorney-General had stated that the house had nothing whatever to do with the work of country members; and that if they were not willing to attend to their duties as legislators, other more willing would be found to do so. He, with other country members, was ready to work if work was ready for them; but he was not willing to waste his time in Brisbane doing nothing. He had heard a great deal of talk with reference to the amount of work that had been got through since the assembling of parliament. For his own part he did not think the house deserved the credit it got for activity in transacting public business; and as for the large amount of work that had been done, he would like to know what it was or what there was to show for it. For the last two weeks they had sat for only a few hours on three days of each week. It was arranged also to suit the convenience of the Ipswich members that the house should adjourn at three o'clock on Fridays. Now he thought that if the convenience of the Ipswich members was to be consulted in this special manner the claims of hon. members from districts further off deserved some consideration from the house. They had wives and families whom they did not see at all, and were in a much worse position than those gentlemen who could go home conveniently once a week. If hon. members from the country were detained in town in this manner without constant occupation they would go astray and fall into bad ways. (Loud laughter.)

Mr. BUCKLEY said that the hon. member for Warwick had not done justice to the committees in stating that their labors were of inconsiderable value. He thought the departmental committee had most important duties to discharge, and that their labors would be of immense value both to the government and the country. He believed that such was the opinion of the government, and he was sure that no member of the Ministry would endorse the views that had been expressed by the hon. mover of these resolutions. He objected to the whole of the

resolutions, but particularly to the 4th, which proposed that a second session should not take place before the month of March, 1861. If such a resolution were agreed to and carried into effect, in March, 1861, the house would find itself called upon to vote money as they had done lately to meet past expenditure. He would oppose the resolutions and hoped they would not receive the countenance of the House.

Mr. HALY approved of the resolutions, and hoped that if they had no other result they would induce the government to place plenty of business on the paper and endeavour to bring the session to a close as speedily as possible.

Mr. MACALISTER objected to the tone and manner of the hon. member for Western Downs in speaking of the Ipswich members. He denied that any undue favor had been asked for or granted to the members from Ipswich, who were just as willing to work, and who did as much work, as any other members of the house. The resolutions then under discussion showed him how the time of the house was frittered and trifled away, and how much of it might be wasted in irrelevant discussion. Two hours had already been spent fruitlessly in debating the resolutions brought forward by the hon. member for Warwick. The resolutions were utterly worthless, and he could only imagine on reading them that the hon. mover was either the mouthpiece of the government, or that he was willing to place such implicit confidence in them that he would accept all their measures without question of any kind. He regarded the working of the select committees as of the greatest importance, and considered that although in consequence of the committees some of the business of the house had been in many instances delayed, the delays would be of advantage rather than otherwise in the end. He believed the government had an inclination to push forward the business of the country, although they did not manifest such a voracious appetite for business as the hon. member for the Western Downs.

The ATTORNEY-GENERAL would not give a silent vote on the resolutions before the house. He did not see what right gentlemen who told their constituents on the hustings that they were willing to come to town and devote their time and attention to public business, had to rise up in the house and say, in the middle of a session, that the house should adjourn to allow the representatives of the people to go and attend to their own private business. With regard to the second resolution, he conceived it was unnecessary, as its provisions had been complied with already; and as for the third resolution requiring the house to pledge itself to sit as frequently as possible during the remainder of the session, the house was doing so now, and he considered therefore the resolution unnecessary. The requirements of the colony might render it necessary for the house to sit to the end of the year, and he thought it would be absurd to bind it to close the session at any particular time.

Mr. BROUGHTON thought that those country members who were constantly complaining of want of work should busy themselves to remove the evil of which they complained. Why could they not introduce some important resolutions, or bills even, and create some work for themselves?

Mr. GORE in reply said that the discussion of his resolutions had sufficiently served his purpose in introducing them, and he would, therefore, with permission of the house, withdraw his motion. The hon. member for North Brisbane (Mr. Blakeney) had supposed that he held out a threat that if the house did not adjourn soon the country members would go away, and the house for want of a quorum, would be forced to adjourn. He did not threaten; he only stated what he believed would be the inevitable consequence of a prolonged session. He saw, however, from the disposition of the house, that there was very little chance of their getting away to their homes before September, and he would make his arrangements accordingly.

### CORRESPONDENCE.

The COLONIAL SECRETARY laid upon the table returns in answer to addresses of the house praying for correspondence between the government and Mr. Commissioner Halloran and Mr. Boyle, respectively.

## POSTPONEMENT.

Mr. WATTS, in consequence of the lateness of the hour, and the important bills that were on the paper for discussion that evening, postponed till tomorrow the notion standing in his name with regard to the granting of leave of absence to Commissioners of Crown Lands and others.

## EAGLE FARM RESERVOIR.

Mr. EDMONSTONE moved that this house will, on Thursday next, resolve itself into a committee of the whole, to consider of an address to the Governor, praying that his Excellency will be pleased to cause to be placed on the supplementary estimates for 1860, a sum not exceeding £100, for the purpose of fencing in and repairing the reservoir at Eagle Farm. He said that the reservoir referred to was in a populous district, whence Brisbane derived the principal part of its dairy produce. It was apparent to every one that in such a locality it was absolutely necessary that there would be a constant supply of good water; and as the reservoir was on a Government reserve, and was, therefore, Government property, he thought the house would not object to grant the small sum he had asked for for meeting the wants of the people. There was no water nearer the locality than what could be procured from a creek two miles off; and as the reservoir was already fenced in on three sides, and was only open to the road, he thought there would be no legitimate grounds for refusing to accede to his resolution.

Mr. BUCKLEY seconded the motion.

The COLONIAL SECRETARY said that as the hon. member had only asked for a small sum, for the expenditure of which he had made out a good case, he would only say that on behalf of the Government he would be happy to assent to the resolution, and allow the house to go into committee upon it.

The question was then put and passed.

## CENSUS BILL.

On the motion of the COLONIAL SECRETARY, the Speaker left the chair, and the house resolved itself into a committee of the whole to consider the Census Bill. The 13th clause having been withdrawn, the other clauses were passed consecutively; and the bill, with amendments, having been reported to the house, it was adopted, and the third reading fixed as an order of the day for Tuesday next.

## STATE-AID ABOLITION BILL.

On the motion of the COLONIAL SECRETARY, the Speaker left the chair, and the house again resolved itself into committee for the consideration of the State-aid to Religious Abolition Bill.

In moving the first clause, the COLONIAL SECRETARY stated that it was a question for the consideration of the committee whether or not land should be granted by the government for sites for churches and parsonages to such religious bodies as might apply for them. The question was one on which he felt strongly, as he considered it would be for the benefit of the country if the government were enabled to grant sites in central positions to religious denominations for the creation of places of worship. It was advisable that the churches should be built in convenient places, where they would be frequented by the people generally. It would add to the beauty of the towns if the churches were built on the best sites; and as the grants would never amount to a larger area, in any one instance, than an acre or half an acre, the power proposed to be reserved by the government was really very small and he did not think that any religious denomination would be disposed to object to it.

Mr. BUCKLEY, in reply to remarks that had fallen from the Colonial Secretary, stated that he objected entirely to grants of land for religious purposes. It was essential to strike at the root of the matter; and therefore he would oppose any attempt to give power to the government to give free grants for religious purposes. He thought, however, that the government should have the power of reserving certain lands for church purposes, but should require payment for them from



the religious bodies that might make application for them.

The ATTORNEY-GENERAL stated that it would be advisable to make the bill complete; as it was proposed to repeal the whole of Sir Richard Bourke's Act, which provided that land as well as money grants should be given for religious purposes by the government. The bill before the house provided for the abolition of state aid in every shape, but if hon. members desired its continuance in grants of land for building purposes they would have an opportunity of considering the question when the Land Bill came before the house for discussion; as that bill provided that the government should have power to grant sites to religious bodies for church purposes.

Mr. TAYLOR said he had supported the motion of the hon. member for Drayton and Toowoomba in favor of state aid to religion; but as the house had decided against the motion, he felt bound to accept the opinion of the majority, and would therefore oppose any proposal to grant land to the churches, since it had been determined that no money grants should be made in aid of religion. It had been said that certain denominations would not accept money, and he thought on the same principle they would be bound to refuse to accept land. He therefore considered that if it were desired to adopt the voluntary principle in its entirety, no grants of land or money should be made by the state in aid of religion.

Mr. WATTS thought if state aid were to be abolished it should be abolished in every shape, and that only a complete measure for its discontinuance should meet with the approval of the house. As his motion for grants of money for religious purposes had failed, he felt it his duty to accept the decision of the house in favor of the voluntary principle, and would therefore oppose the granting of land as sites for churches or parsonages. He himself was in favor of state aid, but desired that the voluntary system, which had met with the approval of the house, would not only have a fair trial but be put to the severest test possible in order to try its worth, and to bring it to its proper bearings.

Mr. GORE had opposed the motion of the hon. member for Drayton and Toowoomba in favor of state aid, but would support the bill now before the house, as he considered it was merely voluntarism run mad for any gentleman to object to the granting of mere sites for churches because he objected to the granting of an annual stipend from the site for the support of ministers of religion. As cemeteries were provided by the government for the burial of the dead of the respective religious denominations, he did not see why sites for churches should not be granted to the living. The hon. member for East Moreton had stated that he was opposed to state aid in every shape to religion. He stated, however, that he was willing to allow the government to reserve certain lands for church purposes, no doubt to be granted at a certain fixed price. He did not see, therefore, how the hon. member was consistent in his advocacy of state aid; for if the government had power to reserve sites for churches, and to part with them at a fixed price, it was evident that those who availed themselves of the grants would be, to all intents and purposes, recipients of state aid.

Mr. BROUGHTON could not see why sites should be refused to religious denominations for churches if they were granted to Mechanic's Institutes or to Jockey Clubs. He had opposed the granting of an annual sum of money for the support of religion; but would not object to the granting of land which involved no annual expenditure, and would entail no additional burdens on the country.

Mr. JORDAN thought that the hon. member for Drayton and Toowoomba desired credit for the straightforward course he had pursued with reference to the question before the house. He had advocated state-aid in the first instance, but when he found the feeling of the house against it, he had stated his intention of abiding by the decision of the majority and of opposing all grants of whatever description from the treasury in aid of religion. He (Mr. Jordan) considered that the general feeling of the country was opposed to state-aid; and while the government proposed to do away with money grants, he did not see why they did not carry out their principles and refuse grants of land. He believed that the bill was only a half measure and would not meet the wishes of the people with regard to the question at issue. If the government were prepared to admit that state-aid was not calculated to benefit religion, why did they propose to reserve the power of

granting land for religious purposes? If such a power were reserved the whole measure would be spoiled for the reservation would be regarded by the people generally as much more objectionable than the continuance of direct aid from the treasury of the state. He admitted that it was necessary that churches should be erected on good sites; but denied that government interference in the matter was at all necessary or expedient. The principle of the bill should be one of non-interference; and he believed the people wanted no assistance from the state in any shape or form, but merely desired that religion should be free, and that denominations should be left to rely on their own resources and on the good will of their respective supporters. It was ridiculous to assert that in a country like this, any difficulty would be experienced in obtaining suitable sites for churches. Hitherto there had been no difficulty, and he did not see any rational grounds for anticipating any. The present proposal does not abolish state aid but only alters the form of it and establishes it under a much more objectionable shape than the one at present in operation; for it reserves the right of the government to grant land in lieu of money, without in any way restricting that right. Under the present bill it would be quite competent for the government to endow a favored church with rich and valuable glebes that would return a handsome revenue, while it could assign to another a site in some out of the way back street that would be of little or no comparative value. In Melbourne, a certain church had sold an allotment, which it had purchased for £40, for no smaller an amount than £42,000; and he thought that if government reserved the right of granting building sites for churches, many similar instances would arise here, to cause jealousy and create endless discord and discussion. He concluded by expressing a wish that the house would make the measure complete by abolishing the whole system of state aid to religion, whether by direct money grants or by the still more objectionable form of indirect aid in grants of land.

On clause 1 being proposed,

Mr. JORDAN, after some discussion, moved an amendment to the effect that so much of the Orders in Council of 1847 as reserved to the Governor the right of granting lands for sites of churches and parsonages, &c., be repealed, that being, in his opinion, the worst feature of the state-aid system. His object was to make the preamble consistent with the act itself, which professed to be an act for the discontinuance of state-aid to religion. It was impossible to conceive the total abolition of state-aid to religion so long as the government had the power of granting lands for the building of churches, &c., and therefore he proposed to make the bill perfect by abolishing the power to grant land, as well as that of granting pecuniary assistance to religion. The hon. member then went into a history of land granted in the Australian colonies for the purposes of state-aid to religion, and showed that it had been a source of perpetual dispute among the various denominations, that in the earlier days of New South Wales the Church of England claimed to have the sole right to their disposal, and that it was not until after the matter had been referred home for decision that Sir Richard Bourke's act came into operation, and the lands thus granted were divided among the four denominations. Even then the disputes continued, and were likely to be continued here, were it not that Judge Lutwyche gave it as his opinion that all these lands should be regarded as the waste lands of the Crown, and ought, therefore, to be resumed by the government. Thus he maintained that the granting of land as an endowment to religion was the worst possible feature in state-aid.

The COLONIAL SECRETARY said that as he would have to support a clause in the Land Occupation Bill, empowering the Government to grant land for sites of churches and other purposes, it was impossible for him to support the amendment then submitted. He was of opinion that as the Government had large reserves in the various towns of the colony, they could not do better, when circumstances required it, than to grant a small proportion for the purposes of building churches, &c.

Mr. BLAKENEY also opposed the amendment. He had voted for the abolition of money grants to religion, for the simple reason that he could see no good resulting from them. But with regard to the granting of a small portion of land for the sites of churches he could see a great deal of good that might arise from such a practice, whilst he could see no harm the public were likely

to suffer in consequence. The real principle, however, was contained in the 20th section of the Lands Occupation Bill, which reserved to the Government the right of granting lands for various public purposes, and ought only to be debated when that measure came fairly under consideration. This bill merely withdrew state-aid and did not intend to provide for it.

Mr. GORE agreed to a great extent with the Colonial Secretary, but in order to make the bill consistent with itself he would vote for the amendment of the hon. member for North Brisbane.

The ATTORNEY-GENERAL had advocated the abolition of state aid to religion for the obvious reason that it was wrong to grant money out of the consolidated revenue for the support of various religions, thereby making people pay indirectly for the spread of religious doctrines in which they could not conscientiously concur. But the case was very different when the assistance proposed to be rendered assumed the shape of land grants for religious buildings. The amendment, however, ought to be rejected on other grounds. By assenting to the second reading of this bill they had virtually abolished state aid in toto. Although the orders in council gave the power to grant land for certain purposes, it did not necessarily compel the government to make those grants unless the circumstances were such as to warrant them in so doing. The proper time, moreover, for discussing and deciding this question was when the Bill for the Occupation of Crown Lands came under consideration in committee.

Mr. RAFF thought the present was the proper time for determining the question. The Attorney-General had only jumbled and confused the matter by inserting in the Land Bill a clause, the reverse of which ought to have been inserted in the bill then before the house. The granting of land in aid of religion could only be regarded as equivalent to the granting of money, and if the argument against the one was good for anything, it was equally good against the other. Such being his opinion, he maintained that the present was the proper time for settling the question.

Mr. FORBES was opposed to the amendment, as he saw neither reason nor argument in anything that had been advanced in its favor.

Mr. FITZSIMMONS regretted that having withdrawn the money grant in aid of religion they should now seek to withdraw the paltry and derivable from small grants of land for church sites. It was all very well for the people of Brisbane and Ipswich to advocate a doctrine of this kind, seeing that they were already in possession of their grants, but what was to become of the country districts, where religion was most required and least supported? It appeared to him that the passing of this bill betokened a darkling shadow over the best interests of their young colony. As he had stated the other night, their streets would be inundated with ruffian preachers. (Laughter.)

Mr. O'SULLIVAN had supported state-aid from conscientious motives, and he could not on this occasion swerve one iota from the principle he had previously affirmed. He did not agree with the assertion that Sir Richard Bourke's Church Act, which consisted of 11 clauses, restricted the granting of land by the government to a particular number of denominations. In abolishing pecuniary aid to religion he contended that the people of Queensland never contemplated the complete abrogation of the power reposed in the government to grant land for the building of churches, &c.

Mr. TAYLOR remarked that when this miserable measure was first introduced he stated that the ministers were not agreed among themselves as to its merits and the ridiculous subterfuge which they now resorted to in proposing to grant state-aid in the shape of lands convinced him that he was right. It was his intention to vote for the amendment in order that the voluntary principle might have a fair trial. He believed that the sooner this principle was tested the sooner matters would come to the worst and the sooner they would revert back to the old system. (Hear, hear, and laughter.)

Mr. THORN opposed the bill generally for reasons similar to those assigned by him on a former occasion.

Mr. FERRETT would support the amendment on the principle that when things came to the worst they would mend. (Laughter.)

Mr. WATTS expressed himself in favour of the amendment. He argued that land grants to religion ought to be abolished, for the same reason that money grants had been abolished. Under the order in Council, the Government might, if they thought proper, grant a thousand acres just as readily as one. The amendment was then put, and negatived on the following division:—

Ayes, 9.

Noes, 10.

Mr Gore		Attorney-General	
" Ferret		Mr. Blakeney	
" Taylor		" Fitzsimmons	
" Watts		Colonial Secretary	
v Buckley		Mr. Forbes	
" Thorn		" O'Sullivan	
" Jordan		" Haly	
" Raff	} Trs.	" Fleming	
" Edmonstone	}	Col. Treasurer	} Tellers.
		Mr. Royds	}

Mr. RAFF proposed an amendment making the continuance of state-aid to present ministers dependent on their continuing to officiate in their present congregations.

Mr. WATTS opposed the amendment on the ground that it would involve a gross act of repudiation, more especially as it was well known that one or two of the former clergymen now receiving state-aid would shortly remove from the colony.

The ATTORNEY-GENERAL said the amendment was illegal, and if passed he, as Attorney- General, would feel bound to recommend his Excellency not to give the Royal assent to the bill. Separation, and all the privileges attaching to it, had been granted to them on condition of their preserving intact existing contracts, and he therefore repeated that the adoption of this amendment would involve a gross breach of faith.

Mr. TAYLOR opposed the amendment for reasons similar to those advanced by Mr. Watts. He could not understand why a minister should be deprived of his salary simply because he might happen to preach to a congregation in the country instead of Brisbane.

Mr. O'SULLIVAN was of the same opinion.

After a few words from Mr. BLAKENEY and others, Mr. RAFF withdrew his amendment.

The COLONIAL SECRETARY then proposed the omission of the commutation clause, namely— "Provided also that it shall be lawful for the Governor with the advice of the Executive Council at any time to commute such stipends for a gross sum to be calculated upon the life of the recipient according to the average rate at which annuities shall at such time be granted by the chief offices of Life Assurance in Queensland and New South Wales;" which was carried, as also the clause as amended.

The second and last section was passed without opposition, and the house resumed.

The report was adopted, and the third reading was fixed as an order of the day for Tuesday next.

## TENDERS REGULATION BILL.

The COLONIAL TREASURER moved—That the second reading of this bill be postponed until the next day, his reason being the lateness of the hour (10 o'clock.)

The motion was carried on the following division:-

Ayes, 15.

Noes, 5.

Attorney-General	Mr. Ferrett
Colonial-Treasurer	" Blakeney

Mr. Macalister

“ Raff

“ Gore

“ Haly

Colonial-Secretary

Mr. Fleming

“ Edmonstone

“ O'Sullivan

“ Jordan

“ Buckley

“ Fitzsimmons

“ Royds } Tellers.

“ Forbes }

“ Thorn

“ Taylor } Tellers.

“ Watts }

## WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, the house went into Committee of Ways and Means, and passed a formal resolution, authorising the expenditure of £620, after which the house resumed, and the report was ordered to be received on Friday next.

The house adjourned at 10 o'clock until 3 o'clock the next day.