Record of the
Proceedings of the Queensland Parliament
...
Legislative Assembly
3rd August 1860
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Extracted from the third party account as published in the
Moreton Bay Courier 4th August 1860

The Speaker took the chair shortly after 10 o'clock and read prayers.

QUESTIONS.

Mr. WATTS asked the question standing in his name as follows:—"When Government intend issuing a commission to enquire into the charges against the Commissioners Boyle and Halloran, and where the commission will be held for that purpose?"

The COLONIAL SECRETARY replied that it was the intention of the Government shortly to appoint such a commission, and that, in the case of Mr. Halloran, the inquiry would take place at Maryborough. In the case of Mr. Boyle, the commission would sit principally in Brisbane, but would have the power of removing the scene of inquiry elsewhere, if they should consider such a course necessary.

CROWN LANDS.

The COLONIAL SECRETARY gave notice that he should, on the following day, move for leave to bring in a bill to provide for the alienation of Crown Lands.

ADJOURNMENT OF THE HOUSE.

The COLONIAL SECRETARY moved that the 33rd Standing Order be suspended, in order that he might move that the house, at its rising, do adjourn until the next day (Saturday) at ten o'clock. The Legislative Council would meet at that time in order to receive the Land Bills sent down to them by the Assembly, and it was his intention to move, next morning, that the house at its rising do adjourn until Tuesday the 21st August. (Hear.)

Mr. BUCKLEY seconded the motion for the suspension of the Standing Order, which was then put and passed.

The motion for the adjournment of the house till next (this day), was then made by the COLONIAL SECRETARY, and agreed to.

LEASES OF CROWN LANDS.

The ATTORNEY-GENERAL gave notice that he should, on the 21st of August, move for leave to bring in a bill for the "Alienation of Crown Lands now under Lease."

CULTIVATION OF COTTON.

Mr. BUCKLEY asked, without notice, Whether it was the intention of the Government to make any provision in the Crown Land Sales Act, in the shape of either land or money, for encouraging the growth of cotton?

The COLONIAL SECRETARY said that it was the intention of the Government to introduce a clause which would have the effect of meeting the object in view, and which he hoped would meet with the concurrence of the house.

SCAB IN SHEEP BILL.

The ATTORNEY-GENERAL postponed his motion for the second reading of this bill until the other orders of the day had been disposed of.

APPROPRIATION BILL.

On the motion of the COLONIAL SECRETARY, the house resolved itself into a committee of the whole, for the consideration of the Appropriation Bill for 1860.

The whole of the clauses were passed without amendment, and, the house having resumed, the bill was reported accordingly.

ADJUSTMENT OF ACCOUNTS WITH N. S. WALES.

The COLONIAL SECRETARY moved the postponement of the third reading of this bill, and that it should stand an order of the day for next day.

ELECTORAL LISTS COLLECTION ABOLITION BILL.

On the motion of the COLONIAL SECRETARY, the house resolved itself into committee of the whole for the consideration of the provisions of this measure.

Clause 1 was passed without alteration.

In clause 2 an amendment was proposed by the ATTORNEY-GENERAL, and carried, after a slight debate, in which Mr. BLAKENEY and others took part.

The ATTORNEY-GENERAL then proposed a new clause, intended to provide for the insertion upon the electoral roll of the names of those parties whose distance from a court of revision might prevent their making a personal application.

Mr. FERRETT moved the addition of a proviso, which should meet the case of parties residing more than twenty miles from a court of revision, and who might not be able, either from flood or other unavoidable accident, to succeed in registering. He thought it hard that such people should be disqualified because their application might happen to be delayed.

Mr. O'SULLIVAN would ask whether it was contemplated to exclude men from voting when their names were omitted by the carelessness or negligence of officials. He knew that fourteen or fifteen votes were rejected at Ipswich, because the names of the parties were not on the roll, and although they had sent in their claims at the proper time. When the matter was enquired into, it was found that the claims of these parties had been allowed to knock about on the floor of the court, and had been swept out by the policeman.

Mr. BLAKENEY agreed with Mr. O'Sullivan that some provision should be made to meet such cases.

Mr. FERRETT said that the cases referred to by the hon. member for Ipswich had brought to his mind a circumstance which he would mention. He himself had sent in a claim for a man, and when the revision day came he found that the name was not on the list and although the office of the clerk of petty sessions was searched, the claim could not be found. That single vote might have carried the election, and if clerks of petty sessions were allowed to act in this way, they might almost have the result of an election in their own hands. In the case he referred to, the man was deprived of his vote, and when enquiry was made, it was called a clerical error, whereas it was really chargeable to the neglect and incompetence of the clerk.

Mr. WATTS agreed with all that had been said on the subject by other members. At no later a date than the last election he was himself a sufferer from such carelessness. He supposed himself to be an elector for West Moreton, and rode 72 miles to record his vote, but when he came to the spot he found that his name had been omitted, although he had himself seen it on the list when it was exposed to view at the church doors.

The COLONIAL SECRETARY thought the difficulty might be met by a second revision of the roll in the first place, before that document was considered complete and final. It should not be forgotten that the roll, when once formed, would remain as a stand, to be added to or taken

from year by year by claim of objection, when the revision court was held. The cases which had been referred to doubtless arose from gross carelessness on the part of the clerks of petty session, and should have been visited either by the infliction of the fine provided in the act, or by censure from the government, or by removal from office.

Mr. TAYLOR thought it would all depend upon the elector himself whether he was disfranchised or not, and he (Mr. T.) did not see how he could be deprived of it, if he only took proper precaution The gross cases referred to had occurred under the slovenly regime of New South Wales, but he hoped things would be found to be different now.

Mr. O'SULLIVAN said that the personal case of the hon. member for Drayton and Toowoomba proved that it did not always rest with the elector himself.

The ATTORNEY-GENERAL said the cases like those referred to undoubtedly inflicted a great hardship on those who were disfranchised, but he thought the want might be met by the addition of a very simple proviso to the clause already proposed. The hon. and learned gentleman then read a proviso he had prepared, which empowered the bench of magistrates sitting at the court of revision to add any names that might be omitted by the carelessness or negligence of the officer of the court.

The proviso appeared to meet the wishes of those members who had spoken on the question, and Mr. FERRETT withdrew his amendment.

Mr. BLAKENEY suggested that certain other clauses of the Electoral Act should be included in the bill before the house, in order to avoid referential legislation.

The COLONIAL SECRETARY said this was only intended to be a short bill to repeal previous legislation on the one subject of collecting electoral lists, and he thought it was not desirable to meddle further with the Electoral Act until a new one was brought before the house.

The new clause was then put and passed as clause 3 of the bill, and, after a slight amendment in the 4th clause, the preamble was also agreed to.

The CHAIRMAN then left the chair and reported progress, after which the adoption of the report was carried on the motion of the COLONIAL SECRETARY, and the third reading fixed as an order of the day for Tuesday, 21st instant.

CENSUS BILL.

On the motion of the COLONIAL SECRETARY, the house again went into committee for the purpose of considering the amendments made by the Legislative Council in the above bill.

The amendments were of a merely verbal character, and referred only to the 10th clause. Their adoption was moved by the COLONIAL SECRETARY, and agreed to without remark.

EDUCATION BILL.

The house then went into committee upon this bill.

Clause 1 was passed without alteration.

Clause 2 was slightly amended on the proposition of Mr. RAFF, and clause 3 was also amended on the motion of the same gentleman, and the clause, as altered, as put and passed.

Clauses 4,5, and 6 were put and passed without amendment.

On clause 7, relating to the powers of the board for giving assistance to primary schools, being proposed,

Mr. RAFF moved, in addition to a verbal amendment, the omission of the words "provided that no assistance shall be given to any school which shall not be open to children of all classes and creeds during five hours of each school day, of which there shall not be less than five in each week, during which hours secular instruction alone will be given." He was aware that certain hon. members were in favor of expunging the whole clause, but he thought the object such members

had in view—the positive abolition of the denominational system—would be met by the adoption of his amendment, inasmuch as it would be then provided that every primary school applying for assistance should fulfil all the requirements of the board.

Mr. JORDAN thought the clause should be omitted altogether, as with the amendments by which it had been mutilated it was now meaningless. Without the clause the bill would be perfect. He thought they should not deal with the denominational system at all, nor countenance it in any way. He also objected to the non-vested system proposed to be continued, as it had worked badly in New South Wales, and even in this neighbourhood.

The COLONIAL SECRETARY preferred the amendment of Mr. Raff to the suggestion of Mr. Jordan, to omit the clause. He thought denominational schools should not be refused assistance from the government if they were brought under the supervision of the board; if they were brought under the national regulations, they would be national schools to all intents and purposes. As long as they afforded the proper secular instruction, he thought they might reasonably be permitted to impart religious instruction.

Mr. SULLIVAN liked nothing about the bill, and believed the sole object of Mr. Jordan was to crush the denominational system altogether. He did not understand the term bigot as it had been used. If he were firmly convinced of the truth of his own principles, and endeavored to carry the out, that was no reason why he should find fault with other people for holding conscientiously to their opinions. The hon. member for North Brisbane (Mr. Jordan) on a previous occasion, when this bill was under consideration, had likened the denominational system to some frightful nightbird. He did not understand why the system should be considered so hideous, even as it had been carried out in this colony. Again, the hon. member Mr. Blakeney, in speaking of Ireland, gave out that the national system had been the cause of the progress of education in Ireland. Now it was well known that it was not long ago when the people were not allowed to go to school at all, and when the law forbade them to be educated. They had, therefore, to get their education as they got their whiskey in Ireland—Illegally. Again the system in force in Ireland, though called national, was for a long time in reality denominational, and purely so. But it had been altered, however, from time to time till it had become so objectionable to the Catholic population of Ireland, that the clergy of the present day had all joined in protesting against the continuance of the system. He considered that if Mr. Raff's amendment were carried, the children of thousands would be deprived of all the benefits that might be derived from the establishment of government schools here.

Mr. BLAKENEY, in reply to Mr. O'Sullivan, said that that gentleman went back a hundred years to talk of a time when it was illegal to educate Roman Catholic children. He (Mr. Blakeney) had merely referred to a period comparatively recent, and spoke of his experience of the beneficial working of the national system in Ireland. A great change took place in the condition of the working classes after the establishment of that system, under which the country, which formerly was almost destitute of means of acquiring education was now one of the best supplied with schools in the world.

Mr. LILLEY had not spoken on the second reading of the bill, and would offer but a few remarks now. He had had considerable experience of the workings of both systems, and regarded the national as decidedly the best, because of the more scientific modes of teaching adopted in the national schools. The reason why that system had not advanced as rapidly as it might have done was because the clergy kept aloof from the national schools. In those schools the peculiar tenets of the various sects were not taught, and hence the clergy discouraged them altogether. But because the clergy wanted to have the children instructed in sectarian schools, was that any reason why the state should not afford sound secular instruction to the children? was that any reason why the children should be kept to wander about the streets, as was the case in many of the large manufacturing towns in England, uncared for and uninstructed by the state? He was amused at the statement made by the hon. member for East Moreton (Mr. Buckley) that the chartist riots in Birmingham and Manchester were the results of the establishment of night schools in those places. He never understood that instruction in reading,

writing, and arithmetic, induced people to become riotous and revolutionary, but always considered that it was the pressure of want upon the people that forced them to rise against the political institutions of a country, fancying that they caused all the mischief. He thought no schools should be supported under the national system if they did not conform to the national rules and regulations. If that were not done every petty religious section would have its small school, with interior teachers as had been the case in England, where often the most interior men were selected to fulfil the duties of schoolmasters.

Mr. TAYLOR would support the amendment of Mr. Raff. There was little difference between that amendment and the proposal of Mr. Jordan to reject the whole clause, as the one proposed to destroy the denominational system instantly, and the other to destroy it gradually; and as he was sure the denominational schools would not accept the terms offered under the national regulations, he thought it better to allow the system to go down graciously and gradually than to crush it at once. He had visited the National School in Brisbane yesterday, and was surprised to find, notwithstanding the regulations as to cleanliness, &c., that several of the children had neither boots nor shoes.

Mr. RAFF said his amendment did not provide for the death of the denominational system, but for the instant transformation of the schools under that system into national schools.

Mr. JORDAN could not vote for the amendment unless the hon. member would explicitly state what the house was to understand by it. He considered that the amendment would immediately transform all denominational into national schools, and what was the use of inserting a clause to provide for giving assistance to denominational schools. He considered the clause both unnecessary and pernicious, as it would lead to misunderstanding on the part of the heads of denominational schools, who would suppose they could apply for and receive state support for the teaching of their own peculiar religious dogmas. He desired to see the matter ended at once, and no provision made for the maintenance of the denominational system. He desired to see one great comprehensive system established, and no two antagonistic scheme left to contend with and impair the usefulness of each other. The national and the denominational systems could not flourish together, and the sooner the last shred of the latter was abolished the better.

Mr. O'SULLIVAN repeated his objections to the national system, and his arguments in favor of the denominational.

Mr. BLAKENEY, in reply to Mr. O'Sullivan, said he seemed to fancy himself the mouth-piece of the whole of the catholics of the country; but he had just learned that in the national school in Brisbane, out of 260 scholars one-third of the whole were catholics, and an application for a school had come from Dalby, where one-third of the scholars also were catholics.

Mr. WATTS would support the amendment of Mr. Raff, and would read it for the benefit of Mr. Jordan, who did not appear to understand. The clause was not meant to destroy the present denominational schools, but to give them the opportunity of putting them under the national system. In the denominational schools throughout the country the teachers generally were of a very inferior class, and he would advocate and support the national system. In this house the majority of the members were of the Church of England, and they supported the national system, although the clergymen of that church were generally opposed to it. He thought the proper place for children to receive religious instruction was at home from their mothers, and not at the schools from their masters.

Mr. O'SULLIVAN was surprised to hear from the hon. member for Drayton and Toowoomba that the children should be left to depend on their mothers for their religious instruction, for there were hundreds of children in this colony whose parents were the last persons who would give them religious instruction, but who rather trained them to vice and encouraged them in immorality. What religious instruction could they expect drunken and dissipated mothers to give their children?

The amendment proposed by Mr. Raff having been put, was carried; and on the clause as amended being proposed as part of the bill, the house divided with the following result:—

Ayes, 17.		Noes, 4.	
Mr.	Fitzsimmons	Mr.	Edmondstone
“	Thorn	“	Broughton
“	Richards	“	Jordan } Tellers.
“	Fleming	“	Lilley }
“	O’Sullivan		
“	Haly		
“	Coxen		
“	Moffatt		
“	Buckley		
“	Watts		
“	Taylor		
“	Ferrett		
“	Royds		
“	Pring		
“	Herbert		
“	Blakeney } Tellers.		
“	Raff }		

The COLONIAL SECRETARY proposed clause 8 as part of the bill.

Mr. RAFF moved as an amendment that the words from “the” in the 72nd line to “such” in the 73rd be omitted, and the words “of the board” inserted after “byelaws” in the same line.

Mr. JORDAN now saw that his hon. colleague Mr. Raff, was intending to continue the denominational system. By merely making the alterations he proposed in his amendment those schools would be permitted to exist all over the country, and religious dogmas taught at the expense of the colony.

Mr. RAFF thought his hon. friend was a little excited, and he therefore would not trouble the house with answering his remarks, which proved him (Mr. Jordan) to be labouring under some hallucination.

Mr. JORDAN was not excited; he was only astonished.

Mr. Raff’s amendment was then put and passed, and the clause as amended put and carried.

Clauses 9, 10, 11, 12, and the Preamble were then proposed separately by the COLONIAL SECRETARY, and carried without discussion.

On the motion of the COLONIAL SECRETARY, the Chairman reported progress, and the report was adopted; the third reading of the bill being ordered for Tuesday 21st instant.

POSTPONEMENT.

The third reading of the Unoccupied Crown Lands Occupation Bill, and of the Tenders’ Regulation Bill, was postponed on the motion of the COLONIAL SECRETARY till to-morrow, as the bills had not yet been printed.

SCAB IN SHEEP BILL.

The ATTORNEY-GENERAL, in moving the second reading of this bill, said it was almost identical in form and provisions with one which had been introduced into the new South Wales Assembly. That measure had given great satisfaction in New South Wales, and he thought its introduction here would be attended with the best results. Under the New South Wales Act considerable sums had been levied on the Queensland squatters, who had not received any benefit from their contributions. As this was the case, he considered that when the question of debt came to be settled, that this colony was entitled to receive a portion of the funds collected under the Scab Act by the New South Wales government before separation. The 20th clause provided that until that money could be obtained, the government should have power to advance

sums that might be required for the purposes of the act from the consolidated revenue.

Mr. TAYLOR said if clause 4 were carried out it would be frequently evaded, and it was particularly arbitrary. He alluded to the provision requiring every sheep introduced by sea to be shorn and dressed. If this were done after a long voyage, the shearing and dressing would in all likelihood give valuable animals the catarrh, and destroy them.

The ATTORNEY-GENERAL had thought the clause arbitrary, but had taken the opinion of two squatters of large experience, who said that it ought not to be expunged, and that the bill would be of little value without it. He was sure from the arguments of the hon. member for Western Downs that he knew very little about sheep. He had often imported sheep, and had never found them injured by shearing and dressing. It was absolutely necessary to pass such a bill as the one before the house, and it was absolutely necessary to shear and dress imported animals. He thought the bill an excellent and a just one, and that with a few important amendments it would prove itself highly advantageous to the squatting interests.

Mr. MOFFATT said, with reference to the 4th clause, he did not consider it arbitrary, or that any clause of the kind could be too arbitrary, nor did he think that any sheep farmer would object to it. He had imported sheep coastwise from New South Wales, and write a requisition to the inspector, who did not answer or attend. He thought the attendance of such an officer should be compelled by the bill. He thought the bill should include all sheep with the Cumberland disease now raging on the border of the colony.

Mr. HALY agreed with what had been said in reference to the benefits to be derived by the passing of the 4th clause. He considered it would not be too stringent.

Mr. BROUGHTON thought the matter resolved itself into whether one importer should lose a few sheep worth a thousand pounds, or the colony lose millions of pounds. It would be, in his opinion, highly advantageous to combine the Scab and Catarrh Acts into one, for it was now very difficult to ascertain what they law really was, repeal after repeal of new clauses, as well as old ones, having been so often effected.

Mr. EDMONDSTONE would speak to one of the principles of the bill. He thought that store sheep, or sheep travelling from the northern districts or from the Clarence, should not be subjected to this law, it being quite unnecessary they should come under its operation. He trusted some clause would be introduced that would meet such cases as he had alluded to.

The question that the bill be read a second time, was then put and passed; and, upon the motion of the ATTORNEY-GENERAL, it was agreed that the house should go into committee upon it on Wednesday, 22nd instant.

APPLICATION OF MESSRS. W. AND J. NORTH.

Mr. BROUGHTON, pursuant to notice, moved—that a select committee should be appointed to enquire into the facts connected with the application of Messrs. William and Joseph North to exercise the right of pre-emption over the Wivenhoe head station and adjoining lands, and that such committee consist of Messrs. Macalister, Buckley, Thorn, Taylor, Watts, Ferrett, and the mover.

Mr. BLAKENEY, having moved that the committee be appointed by ballot, the following gentlemen were elected—Messrs. Broughton, Macalister, Ferrett, Fitzsimmons, Blakeney, Buckley, and Lilley.

The house then adjourned until to-morrow (this day) at 10 a.m.