**Record of the**
**Proceedings of the Queensland Parliament**
**...**
# Legislative Assembly
# 27th June 1861
**...**
Extracted from the third party account as published in the
Courier 28th June 1861

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THE SPEAKER took the chair at a quarter past three.

## SURVEYS OF LIEUT. HEATH.

In answer to a question of Mr. WATTS, the COLONIAL SECRETARY stated that the government would be shortly in a position to publish lithographic maps of the surveys of Lieut. Heath of the coast and harbour.

## DURATION OF THE SESSION.

In reply to a question of Mr. BLAKENEY, the COLONIAL SECRETARY stated that as far as the government were concerned there was no reason for extending the session beyond the end of July. No doubt certain private bills would be shortly brought forward, but it was not likely that the discussion upon those bills would extend to a very lengthened period.

## DUTIES OF CLERKS OF PETTY SESSIONS, &c.

In reply to a question of Dr. CHALLINOR, the COLONIAL SECRETARY said it was the duty of Clerks of Petty Sessions to attend at their offices between the hours of 10 a.m. and 4 p.m. (2.) In addition to their duties as clerks to the bench they were in most cases charged with the duties of land agents. (3.) The Chief Constables were responsible for all matters connected with the management of the constabulary, and the preservation of the peace of the district. (4.) The sergeants have special charge of the several patrols, and are immediately answerable for the division under their charge.

## LAND AT SOUTH BRISBANE.

In answer to a question of Mr. FERRETT, the COLONIAL SECRETARY stated that the government were not at present in a position to furnish returns of the corporation value of all the land sold in South Brisbane. They would, however, make a request to the corporation to furnish the information desired by the hon. member.

## POLICE PROTECTION ON THE BALONNE.

In reply to Mr. FERRETT, the COLONIAL SECRETARY said that the government had received intimation of the desirability of establishing a mounted patrol on the Balonne River, but before they could do so they must first have a vote of the Assembly for that purpose.

## REVENUE AND AUDIT BILL.

On the motion of the COLONIAL SECRETARY, this bill was read a third time, passed, and transmitted to the Legislative Council for the concurrence of that body.

## SOUTHERN BOUNDARY OF QUEENSLAND.

A message was received from the Legislative Council, expressing their concurrence in the resolutions with reference to the southern boundary of Queensland, recently passed by the Assembly.

## REAL PROPERTY ACT.

The ATTORNEY-GENERAL moved the third reading of this measure.

Mr. MACALISTER begged to move that the order of the day be discharged, and the bill be re-committed with the view to the reconsideration of clause 13. This clause created the office of a Master of Titles instead of the tribunal of two lay commissioners and a solicitor, as in the original act. He objected to the clause in its present shape, on account of no qualification being stated as necessary to

the party holding the office. There would be nothing to prevent the executive from appointing to the office a barrister or attorney who had only yesterday passed the examination. It was a well-known fact that parties bred to the legal profession who had passed and been duly enrolled in the profession, occasionally took to other modes of life subsequently. Some became soldiers, some sailors, and in a neighboring town he believed that a gentleman of the legal profession held the high office of poundkeeper. He argued that some proviso should be inserted in the clause to guard against the office being bestowed upon a person whose antecedents did not fit him for the post. In the Supreme Court Bill a clause existed, rendering necessary that the Judge and the Master in Equity should be, the former a barrister, and the latter a barrister or solicitor of a certain number of years' standing. This office of Master of Titles was a high judicial office, and therefore he thought that a clause should be inserted in the bill, rendering it necessary that the person holding the office should be a barrister or solicitor of at least five or six years' standing.

The ATTORNEY-GENERAL thought that the proposition came from the hon. member with very bad grace. Some time ago that hon. gentleman had said on the hustings at Ipswich that he had seen the draft of the measure, and that he had no fault to find with it. He had, just before the measure came on for discussion, resigned his seat; by his own act he had absented himself when the bill was before the house for discussion and now at this stage he came forward and made objections to the measure. He (the Attorney-General) had taken a great deal of trouble to explain this bill to the house, both on the occasion of the second reading and also in committee, clause by clause. Indeed, on some occasions he had had immense difficulty in hunting up a quorum to get on with the measure, and had it not been for some hon. members who stuck to him in his endeavours to get on with the bill, it might have been delayed until now. When this particular clause was before the house, he had deferred its consideration for five days in order that hon. members might have ample time to think it over, and also in order that it might not be passed in a thin committee. On the occasion of the clause being passed, the hon. member for Fortitude Valley did not speak, but the clause was passed after a long debate. Was it a sufficient cause to re-commit the bill because the hon member for Ipswich fancied that some person whom he did not like might get the situation? Even in the case of the Judge of the Supreme Court, it was only necessary that he should be a barrister of five years' standing. It was not to be supposed that because it was not forbidden expressly by the bill, the Executive would take a lawyer out of practice from the army or navy to put him in this situation. On this very point, in the committee on the bill, he (the Attorney-General) had some difficulty in showing the hon. members for Ipswich and North Brisbane (Messrs. Cribb and Blakeney) that a layman would not do for the office, and that it was necessary it should be filled by a lawyer. If he thought for one moment, when the time came for making the appointment, that an unfit man had been appointed, he (the Attorney-General) would at once resign.

Mr. MACALISTER: The hon. member has stated that this bill was in my hands some months ago. Will he inform the house if this clause was in my hands?

The ATTORNEY-GENERAL: No.

Mr. LILLEY thought that the remarks of the Attorney-General tended to couple him with the hon. member for Ipswich in his opposition to the clause. He begged to state such was not the case, as he quite agreed with the clause, and was, he believed, the first to suggest the creation of such an officer as a Master of Titles.

Mr. O'SULLIVAN had, when the bill was in committee, expressed his opinion that the spirit of the bill was to dispense with lawyers as much as possible. He had therefore advocated conferring the appointment upon some layman. At the same time, if a lawyer were appointed, he thought that some test should be applied to afford a guarantee for his fitness for the post.

Mr. R. CRIBB thought that as every lawyer had to pass an examination before he could enter the profession, this, to a certain extent, would prove a guarantee of his fitness. For his own part, he thought that a man might be 20 years in the profession, and yet not be better adapted for a post than a man who had been admitted yesterday.

Mr. RAFF opposed the re-committal of the bill. At the same time he thought that the hon. member for Ipswich (Mr. Macalister) was perfectly justified in expressing an opinion upon any portion of the measure which he thought capable of improvement. He was surprised at the warmth of tone adopted by the Attorney-General.

Dr. CHALLINOR, when the bill was in committee, had used the same line of argument as that employed by the hon. member for Ipswich. This master of titles had distinct and very responsible duties, and he therefore thought that it was necessary some guarantee should be provided that a

professional man of some experience should be appointed to it. The examination alluded to by the hon. member for North Brisbane was not a sufficient guarantee, as men of very superficial knowledge often “crammed” themselves for such examinations. He was willing to bear testimony to the assiduity of the Attorney- General, and the anxious desire evinced by him to explain to the house the exact working of the bill. The pledge, however, of the Attorney-General, that he would resign at once, were an unfit person to be appointed to the post, was, in the absence of any other guarantee, highly satisfactory. He thought, however, that that hon. gentleman had no right to call into question the conduct of the hon. member for Ipswich for having expressed his opinion upon the bill.

The COLONIAL SECRETARY would vote for the guarantee proposed by the hon. member for Ipswich, if he could think that any good would result from it. He believed, however, that the salary was not sufficiently large to induce a professional man of high standing with a large practice to accept the office.

The amendment of Mr. Macalister was then put and negatived, and the bill read a third time and passed.

## IMMIGRANTS PER “FORTITUDE” AND “CHASELEY.”

Mr. R. CRIBB moved,—“That the petiotion presented by him on the 26th instant, from certain immigrants by the ships ‘Fortitude’ and ‘Chaseley’, be printed.”—Carried.

## TRADE OF BRISBANE

Mr. R. CRIBB moved,—“That the return laid on the table of this house, relative to the arrival and departure of vessels in the port of Brisbane in the year 1861 be printed.” He wished to found a motion on those returns, either for the abolition of pilotage dues altogether or partially. —Carried.

## CHURCH OF ENGLAND SCHOOLS PETITION.

Mr. MOFFATT moved,—”That the petition presented by him on the 26th instant, from certain members of the Church of England, be printed.”—Carried.

## CHURCH OF ENGLAND SCHOOLS.

Mr. MOFFATT, in rising to move the resolutions standing in his name, regretted that the subject had not fallen into abler hands. He desired hon. members to divest themselves of the idea that this was a sectarian movement, or that there was any wish on his part to upset the act of last session as regarded education. Such was not the intention of the petitioners, nor was such his intention. That act was carefully considered by the house, and although when it was before them he had expressed himself opposed to some portions of it, he was now quite willing to acquiesce in that measure. He thought, however, that the course pursued in carrying the measure into operation, was not such a course as the house anticipated, when they were passing the bill. He arrived at this conclusion by a consideration of the manner in which the board had been appointed, and in which they had discharged their duties. It did clearly appear, on reading the petition, that a certain sect of the community had been deprived of education. It was plainly intended, at the time of the passing of the act, that all denominational schools then in existence should receive aid as non-vested schools, provided they complied with the spirit of the act. Now, every application for aid by these petitioners had met with a positive refusal, or the offer of a compliance with it had been accompanied by such clogging conditions that the petitioners found it impossible to accept the aid under such circumstances. At St. John’s school, North Brisbane, 73 children were being educated; the building was of such a description that the inspector of the board of education found no fault with it. Yet, notwithstanding the managers of the school agreed to accept the regulations of the board and inspector, all aid had been refused. The reason given for the refusal was that there was already a school in Brisbane under the direction and control of the board. This school referred to by the board he believed now to be full, and unable to meet the demands of the town; yet in spite of this, aid was refused to St. John’s school. In Fortitude Valley, there was another Church of England school, in which the daily attendance averaged 130 children. This school was in operation at the time when the Act was passed, and the inhabitants were desirous that it should be continued under the Act. Application was made to the board for aid, and in this case also the applicants met with refusal, although the refusal was given in a somewhat indirect way. The application was put off from time to time, and the teachers in the school were thus led to believe that aid would eventually be granted. At length a communication was sent down from the board, stating that they intended to establish a school in the Valley, and that therefore they did not deem it necessary to grant aid to this school already in existence. At this time the board had no room or building of any kind, and they were compelled to rent premises in a particular locality most unsuitable to such an institution.

The other school was in consequence deprived of any aid at all. In a school at South Brisbane there was an attendance of 62 children, and a lengthy correspondence had taken place between the managers and the Board of General Education. Aid had certainly been offered, but under conditions of such a nature that it could not be accepted. The conditions referred to had been stated in the public press, and were not what they ought to have been. No doubt if the Board could have established a school in that locality themselves they would not have offered aid even under those conditions. The school at Ipswich, having an attendance of 174, had applied for aid and received none. A great delay had taken place in answering the application, which was excused under the plea that the Inspector was absent on business. All these schools were of course in a very languishing condition owing to the refusals and delays of the board, and he (Mr. Moffatt) thought that the time was come to have this matter set at rest. The hon. member here proceeded to argue that the board exacted conditions at variance with the spirit of the act by which they were appointed, and in support of his argument he quoted a portion of an article published in one of the leading local journals soon after the act was passed. He was aware that the Colonial Secretary had written to the Lord Bishop of Brisbane soon after his lordship's arrival in this colony, drawing attention to this act and urging him to take advantage of its provisions. He (Mr. M.) thought a mistake had been made in the constitution of the board. It appeared to have been the desire of those who held the appointment in their hand, to give to every sect a representative at the board, and the fact of representing the population of the country was lost sight of. Three fifths of the population of the country consisted of Protestants and Roman Catholics, who, although contributing so largely to the annual educational grant, were not able to get any support for their schools. The conduct of the board was arbitrary and unfair. The spirit which actuated them was evinced in their omission of the sixth rule of the New South Wales bye-laws, which omission they had been compelled by the Executive to rectify. The powers of the board ought to be defined by Act of Parliament, and they should not be permitted, as now, to frame rules overriding the spirit of the Act under which they were appointed. The hon. member concluded by descanting on the hardship to which teachers in these schools had been subjected by the manner in which the board had treated applications for aid. At a cost of not more than £600 per annum a very large number of children were receiving education not inferior to any obtainable in the schools under the Board of Education. It was the peculiar attribute of that house to enquire into grievances and afford redress for the same. He trusted, therefore, that the house would accede to the resolutions he now begged to move:—

"That a select committee be appointed, with power to send for persons and papers, and sit during any adjournment, to enquire into the matter of the petition of a large number of members of the Church of England, setting forth certain disabilities and grievances under which they labor, owing to the refusal of the Board of General Education to grant assistance to non-vested schools, contrary to the provisions of the Act of the Legislature, passed during the last session, such committee to consist of the honorable Attorney-General, Mr. Royds, Mr. Watts, Mr. Blakeney, Mr. Fitzsimmmons, Dr. Challinor, and the mover."

Mr. BLAKENEY seconded the motion.

The COLONIAL TREASURER must oppose the motion, as he considered that it would be most unfair to put on trial the members of a board which had existed only a few months, without adducing any evidence to justify such a proceeding. He objected to this motion, inasmuch as it emanated from but one section of the community, and indeed he might say from one member of that section. He thought that he should be able effectually to disprove the allegations contained in the memorial. This was evidently a question between certain members of the Church of England and the Board of Education. The board had had no application from, or dispute with, the members of any other church. He accepted the hon. member's (Mr. Moffatt) disclaimer of a wish to revive the denominational system, but he (Mr. Mackenzie) could not accept that disclaimer on behalf of those parties who induced the hon. member to bring this matter forward. (Hear, hear.) He thought that the present motion was an attempt, to use a phrase often employed in that house, to introduce the thin end of the wedge of denominationalism. (Hear, hear.) He (Mr. Mackenzie) had last session urged upon his colleagues the necessity of getting this question finally settled before the dignitaries of the church arrived. The sequel proved that in this he had acted rightly. He was not surprised in the least at these resolutions. On the contrary, he should have been surprised if resolutions of some such nature had not been presented to the house. He was prepared to show that from the first the Anglican Bishop was not prepared to accept any conditions upon the matter. From the outset the Bishop was opposed to the National System of Education. Indeed he had made complaints that the government did not wait until his arrival to settle this matter. Had the government waited until his arrival, he (Mr. M.) thought that it would not have been very difficult to have foreseen the result. Of course the government could not be responsible for his long detention in England. He had lately listened to a very eloquent discourse of the Bishop of the Anglican Church, who

expressed an opinion to the effect that as far as he had been able to judge at present, the abolition of State-Aid had *not* produced unsatisfactory results in this colony. He (Mr. M.) thought that such was the case; the Voluntary System had worked most satisfactorily, even beyond his most sanguine expectations. He was prepared to maintain that the constitution of this Board was not so defective as had been represented by the hon member (Mr. Moffatt) and also that in the cases adduced as grievances that the Board had acted rightly. It was true that the Board had made the mistake alluded to by the hon. member in drawing up the regulations, but when the matter was brought under their notice by the Executive, the members of the Board at once gave way. The clause in the act was to the effect that the National System here should in all respects be assimilated as nearly as possible to the National System as established in New South Wales. (The hon. member here quoted the clause.) Our regulations now with regard to non-vested schools, were the same as those in New South Wales. The regulations with regard to non-vested schools were a kind of excrescence upon the National System proposed by Mr. Plunkett, to do away as much as possible with the antagonism between the two systems of education at that time in existence. That gentleman found that a very large amount of money was being expended on education, whilst the two Boards of Education were working as much as possible against each other. The government of the day objected to the alterations he proposed, and subsequently a dispute arose between him and the government arising form these very regulations, and he was dismissed from the chairmanship of the Board. The Board of Education, it would be seen by the act passed last session, possessed certain discretionary powers to make rules and bye-laws, subject to the approval of the Governor and the Executive Council; it being also necessary that these rules be laid before Parliament. On compliance with these rules, the act set forth that the Board should grant aid to the schools making application. Now, a meeting was held at North Brisbane at which certain complaints were made against the Board, and he would read to the house the report of the speech of the Lord Bishop of Brisbane on that occasion, by which it was evident tha under no conditions which the Board were justified in offering, was the Bishop prepared to receive aid for the schools under his jurisdiction. (The hon. gentleman here read the report of the speech referred to, in which the reverend prelate was made to say that unless certain points were conceded, he did not see how the Church of England Schools could remain connected with the Board; that they ought to be allowed to educate their children in their own way; and that he could never countenance any system of instruction of which the reading and teaching of the Bible did not form a part). He (Mr. M.) respected these views advanced by the Bishop, but believed that in the face of these views it would be seen that the Board of Education could not have acted otherwise than they had done in the matter. It would be seen, by what he had just read, what were the terms upon which the Lord Bishop was prepared to receive aid from the board. Moveover, the schools which were called denominational schools were not in reality denominational schools. In the school at Fortitude Valley, where there used to be an attendance of 120, but 74 of these children belonged to the Church of England, whilst the remainder were Roman Catholics, Presbyterians, and Wesleyans. At the school at South Brisbane about a quarter of the pupils did not belong to the Church of England. Some time ago he was informed by a clergyman of the Church of England that two thirds of the pupils at the school at North Brisbane belonged to other denominations than the Church of England. He had expressed surprise to his informant, and asked whether religion was taught in these schools according to the tenets of the Church of England. The gentleman replied, “O yes, the parents do not object.” He (Mr. M.) said that although the parents might not object, yet those who had to maintain these schools would object if they knew that such a state of things was in existence. This petition might lead the house to infer that the national system of education was unpopular with the majority of the members of the Church of England. Such was not the case, as the following statistics would prove. Out of the 353 pupils educated at the Primary School at North Brisbane, 110 belonged to the Church of England. At the Warwick school a large proportion of the pupils belonged to the same denomination. At Drayton, out of 47 pupils, 30 belonged to the Church of England. Indeed two fifths of the whole of the children educated at the national schools belonged to the church of England. He attached but little weight to the fact that 700 names had been appended to this petition. It had been hawked about all over the colony, and these 700 after all were but a small proportion of the 10,000 persons in the colony belonging to the Church of England. It was well known, moreover, how a number of signatures could be obtained to almost any petition. (The hon. member here read a letter from Gladstone, addressed to the Editor of the *Queensland Guardian*, which set forth that the petition in question was being circulated in that town “on the sly,” and had met with but slender support amongst the members of the Church of England.) The petition set forth that the Denominationalists had by their exertions been enabled up to the present time “to erect schools, collect books, and organize an efficient staff of competent teachers.” The latter statement he (Mr. M.) denied most emphatically. He believed that the Bishop had brought out two schoolmasters, of whose attainments he (Mr. M.) was not in a position to give an opinion, and one

schoolmistress, whom he believed to be a very competent person. But hitherto one of the great complaints against the Denominational Schools was that the teachers were inefficient. In nominating trustees for these schools, two laymen and one clergyman were usually appointed, and the latter was invariably found very jealous indeed of any control attempted to be exercised over the school. In St. John's school some time back a schoolmaster was appointed who it was discovered some time afterwards was a Roman Catholic, and an emissary from Roman Catholics in Melbourne. This, of course, did not militate against his efficiency as a schoolmaster, but such a person was not the person to be appointed to teach in a Church of England School. (The hon. member here proceeded to explain the reasons why one of the applications, viz. that, as we understood, from the South Brisbane School, was refused. A disturbance in the precincts of the house, however, rendered his remarks quite inaudible in the gallery. We understood him to say that the board had promised to grant aid to the school in question, on condition of an additional teacher being appointed, but that subsequently the other usual conditions imposed by the board were rejected, and aid was accordingly withheld). With reference to the application from Fortitude Valley, a petition had been received from a very large number of the inhabitants there praying for the establishment of a National School, and the board had not felt justified in refusing the application. Just previously to this petition being received, the board had replied in answer to the application from the Church of England School, that they were not in a position to grant aid to a school held in a place of public worship. A building was in the course of erection for the National School in Fortitude Valley, and in the meanwhile premises had been rented. The school was prospering and well attended, and would be more numerously attended than it was at present if it were not that the Bishop and his clergy endeavored to dissuade parents who belonged to the Church of England from sending their children to this school. The Bishop of Brisbane had applied for aid for five schools, four of which were in the boundaries of the town of Brisbane. The board had received from the master of the school at Kangaroo Point, a statement to the effect that the Bishop would insist upon him reading the Bible to the pupils. This was but another proof of the necessity of having stringent regulations, in order to prevent the undue interference of the clergy. He distinctly denied the assertion of the hon. member (Mr. Moffatt) that the school at North Brisbane was full. It could accommodate many more pupils, and another school was in the course of erection. The composition of the board had been blamed. Each member of the board represented a different denomination, and inasmuch as the chairman was a member of the Church of England, that church was adequately represented. Some persons contended that the Executive should have the control in their hands. What would be the effect of this, if the present Executive who were all members of the Church of England, had the power vested in them? And, looking around him at the "coming men," he could see that perhaps in some future Executive the preponderance there might be as detrimental to that church, as in the case of the present Executive it might prove to other churches. (Hear, hear). Again, it was proposed that the Anglican Bishop and the Roman Catholic Bishop should have a seat at the board. (Hear, hear, from Messrs. Blakeney and Moffatt.) He (Mr. M.) fancied he saw himself sitting at such a board with two Bishops. (Loud laughter.) The hon. member concluded his speech by bearing testimony to the assiduity, attention to their duties, and spirit of concord which prevailed in the present board. He believed the Education Bill passed last session was the most popular measure of the session. Neither by the press nor the public had any complaints been urged against it. He felt it his duty to strenuously oppose any attempts to undo the good which was being effected by that measure. From every town in the colony applications had poured in upon the board, and it was with the greatest difficulty they could find funds to meet these applications. They did not wish however to check the spirit thus evinced, and consequently they had come down to the house this session, and asked for a larger grant for educational purposes. He had always been against the denominational, and in favor of the national system; and he felt assured that the cause of education would be materially injured were any attempt made to support the two systems together. Sooner than see the government attempting to support the two systems, he would, much as he should regret to do so, support the abolition of any state assistance to education.

Mr. CRIBB would suggest that the whole question of the carrying out of the National School system should be made a matter of inquiry by a committee, and would, therefore, move an amendment to that effect. The matter of National Education was one of great importance to the colony. This year £10,000 was voted for one system, and some thousands for another, and this with a population of little more than 30,000. He knew of no other country in which such important functions as those committed to the Educational Board were committed to a body who were nominally responsible, but really irresponsible, and had always said that if the government must educate the people, the board should be the Executive Council, because all moneys voted by parliament should be expended by the government, who were responsible to the parliament. The Colonial Treasurer said the motion was the putting in of the thin end of the wedge to bring in the Denominational System. He did not believe that it

would be so; if he did, he would oppose it with all his heart. The petition prayed for an inquiry into certain alleged grievances, which inquiry it would not be right to refuse, without evidence to show that such grievances did not exist. The National Board were voted £7000 last session, and now, before the year was over, came down to the house for another £3000. It was, therefore, imperative upon the house to ascertain whether it was agreeable with the constitution that money should be so spent, the more especially as the maintenance of this system entailed an expense of six or seven shillings per head upon every man, woman, and child in the colony. It was well known that he was opposed to spending public money for educational purposes, but he denied that he was adverse to the increase of knowledge, for though his own education might be limited, he would be willing to do much for the education of his fellow creatures, but not by compulsory taxation. The result of such a system was, that for every pound expended but one shilling's worth of good was obtained. In the much praised national school of this town, the fees were so excessive as to be laughed at. He had been told by a laboring man who had three children, whom he wished to place in that school, and on taking steps to do so, was told that the weekly fee for the eldest, who was eleven years of age, would be one shilling and sixpence, for the second one shilling, and for the third sixpence; and this for a class of education that could be obtained for less without any assistance from the state. The system involved a waste of public money, and tended to carry out a large system of jobbery and injury to the colony at large, though beneficial to a few individuals. It had been said that the regulations were the same as those of New South Wales, but those rules were not applicable to this colony, inasmuch as an equal sum was devoted to the denominational system, under which parents disagreeing with the national system could get their children educated. He did not advocate the motion with a view to advocate the denominational system, but because he thought that the house should not object to inquire into the alleged grievances. He would therefore move as an amendment, that the following words be added to the first resolution—namely, "and to inquire into the mode in which the regulations and funds devoted to primary education are administered;" and to the second to add the names of Mr. Lilley and himself.

Mr. EDMONSTONE seconded the amendment.

The COLONIAL SECRETARY did not consider that it would be desirable to establish the inquiry sought for so soon after the establishment of the system, although he did not agree with all that had been done by the National Board. He believed, however, that the board had done all they could to carry out the intentions of the act. Although they might have been wrong in their interpretations of it on one or two points, especially with reference to non-vested schools, he believed that the system of New South Wales extended its operations to non-vested schools, because such power was added on the first establishment of the National System in New South Wales, at the instance of Mr. Plunkett, in order that its operations might assimilate with those of the National Board of Ireland. In the dispute between the claimants for endowment to non-vested schools and the National Board, he believed that there had been less desire to give and take than was desirable. On the one hand the board required one or two points more from the church than they should have required, and on the other hand, more had been required from the board than should have been the case. He did not believe that the members of the Church of England who had come to that house for inquiry could ever agree to come under the National System. If so they must bear the expenses of another system. When the Bishop thought that it had become necessary to establish another system to go side by side with the National System, he would be ready to assist him from his own means, but would never come down to the house for assistance. He did not believe that a Board could be constituted better than the present one, whether it was containing the heads of denominations or consisting of the Executive. Nor did it matter whether the members were of any religion as the board was checked both by the Executive and the Parliament, and thus could not go wrong. He himself would not care about the board being composed of five Roman Catholics or five Dissenters, because if it committed an error such error would be brought under the notice of the government and the house. With regard to the remarks that had been made with reference to the mode of obtaining signatures to the petition, as instanced by the letter referred to, he deemed it only right to state that he had received communications from several persons who signed that letter withdrawing entirely certain expressions contained in it, and expressing their disapproval of it. He would not vote for the motion because he believed that the present board had not been constituted long enough to have been of that service to the colony that it would be.

The amendment was then put, and the house divided with the following result :—

| Ayes, 16. | | Noes, 8. | |
|---|---|---|---|
| Mr. | Royds | Mr. | Herbert |
| | Ferrett | | Gore |
| | Taylor | | Raff |
| | Watts | | Fleming |
| | Forbes | | Macalister |

| | | | |
|---|---|---|---|
| Moffatt | | Lilley | |
| Edmondstone | | Mackenzie | } Tellers. |
| O'Sullivan | | Pring | } |
| Challinor | | | |
| B. Cribb | | | |
| Richards | | | |
| Coxen | | | |
| Fitzsimmons | | | |
| Warry | | | |
| R. Cribb | } Tellers. | | |
| Blakeney | } | | |

The house then divided on the original resolution, as amended, with the same result, and the COLONIAL TREASURER having demanded that the committee should be chosen by ballot, the following gentlemen were declared to be elected, namely,—Messrs. Moffatt, Challinor, Pring, Fitzsimmons, Blakeney, Royds, Watts, Forbes, and O'Sullivan.

## IMPOUNDING BILL.

Mr. GORE, on rising to move the second reading of the Impounding Bill, said that he should be able to deliver his observations upon the bill in the quarter of an hour that would elapse before the adjournment of the house for refreshment. With respect to the circumstances under which the bill came into his hands, he would state that at the instance of many of his constituents, he had made application to the government to bring in a bill for the amendment of the present Impounding Act, but in consequence of their not being able to introduce a perfect measure at present, he had been urged by the Colonial Secretary to bring forward the present one. He quite believed that it was not desirable to make a total change in the present impounding system, as had been done in Victoria and elsewhere, by the government taking the whole matter into their own hands, as the colony was not in a position to bear the expense of meeting the appointments of poundkeepers, and receiving the proceeds of the impoundings. Under these circumstances, it was, he thought, better to alter the old act, and make it as perfect as possible, without making a total change in the system. He trusted, in doing this, that the house would not consider the question as a party one, but would lay their heads together, and make the measure as perfect a one as they could. The hon. member then proceeded to explain the general principles of the bill clause by clause, the alterations it would make in the present act, and the several amendments to the bill, as originally proposed, which he intended to bring forward on the bill going into committee.

The house then adjourned for an hour, and on its re-assembling

Mr. TAYLOR made some observations on the bill, and his objections to several clauses, which could be altered when in committee.

Mr. WATTS believed that a great many alterations would have to be made in the bill in going into committee; for instance, the one relating the sale of fat stock three days after their being impounded, as it might result in great loss to the owners of stock by their having a beast imported or purchased at a large price sold for £3 of £4. With the clause making it compulsory upon persons who had taken possession of stray cattle to accept compensation for the injury sustained by them, if offered before driving the cattle to the pound he perfectly agreed, as he knew of many instances in which arbitrary gentlemen had persisted in driving such cattle to the pound, when offered compensation for the damage done by them. On the whole he thought the bill a great improvement upon the present act, although he would have preferred to have seen it repealed altogether, and a fresh one substituted.

Mr. FITZSIMMONS thought that the present act was a crying evil, for which from one end of the colony to the other a remedy was called, and by no parties was this remedy more called for than by the inhabitants of the towns. He had travelled through the country lately, and when staying at the towns on the Darling Downs heard complaints day after day expressed against the present Impounding Act. He knew a case at Drayton in which a person not responsible to the government, the bench, or the chief constable, or anybody, was making a fortune by the impounding of stock. Such being the case, it was high time to alter the law legalising a charge for driving cattle. He was against giving a farthing for driving, as it gave great encouragement to stock-keepers and others to act in a most arbitrary manner to the small owners of stock; and it was well known that squatters had privileges enough, without being allowed to make fortunes by such means out of the townspeople. Some squatters did that, were benefitted by the proceedings of their stock-keepers, and, as he said before, there were some who kept gentlemen about their places who had no means of living without taking advantage of the Impounding Act. (Cries of "No, no.") If he were challenged to the proof, he could give the name of a superintendent on the Darling Downs who had informed him of its being so. If the bill went into

committee, he was determined to propose such amendments as would remedy this practice.

Mr. TAYLOR most emphatically denied the statement made by Mr. Fitzsimmons.

Mr. FORBES did not believe that any hon. member of that house would be guilty of such practices as those just mentioned, nor did he believe that they would keep persons on their stations to impound cattle. He looked upon the bill as a fragmentary measure, which he hoped would soon be made during next session. As it was, if the present bill were passed, many persons looking at it, and not knowing that many of its provisions were repealed, might be led into mistakes. He did not like piecemeal legislation, and thought that it would be better to repeal the old Act and bring forward a new one embodying the present amendments. However, so far as the bill went, he believed it was an improvement.

Mr. EDMONDSTONE believed that an alteration in the Impounding Act was much wanted. He agreed with the remarks of the previous speaker, that these amendments upon the present Act might cause much confusion, and that it would have been better to have repealed the present Act and substituted another. He thought, however, that if the amendments were bound up with the present Act this view would be met.

The COLONIAL SECRETARY thought that the house would do well to pass the measure before it, if only as a temporary measure. He himself would advocate the repeal of the whole Act, and the substitution of a more perfect measure, next year. In the meantime, the remedies proposed would, he believed, be of great benefit, and might be judiciously incorporated with the new act. There was an omission which might be remedied in committee, and that was the omission whether or not poundkeepers were to be the paid servants of the government, and placed strictly under the supervision of the magistracy, or to be prohibited from purchasing or holding stock, which latter especially the house would do well to consider, if only for the purpose of removing temptation.

Mr. FERRETT thought that the colony, the world, and the people at large were under obligation to the hon. member, Mr. Gore, for bringing forward this bill, which would do a great deal of good, and would therefore support its second reading. As they were not able to get a new article, and the public were obliged to put up with patchwork, he thought the government would do well to get the original bill printed, and have the present one appended to it. He did not, however, approve of all its provisions, and would endeavor to bring several amendments before the house when the bill went into committee. Having lived for a long time on the Darling Downs, and as no name had been mentioned, he, as a squatter, conceived himself included in the charges made respecting the squatters in the district, by the hon. member Mr. Fitzsimmons. Such a charge he indignantly denied.

Mr. COXEN believed some alteration in the present Impounding Act absolutely necessary. He had long been a resident on the Darling Downs, but had never heard such charges as had been made by Mr. Fitzsimmons against any squatters in that district. He believed an alteration highly necessary, and that was that poundkeepers should be placed under the control of the bench.

Dr. CHALLINOR believed the present Impounding Act acted injuriously to the inhabitants of the towns and suburban residents, from whom large sums of money were made by poundkeepers.

Mr. MOFFATT observed that during last session he drew the attention of the government to the present act, and from the answer he then received, expected that more perfect measure would have been brought forward this session. He was, however, willing to receive the present one as a partial measure which would be perfected next session. He had long been a resident of the Darling Downs, and within four miles of a pound, but had never heard of such proceedings being carried on by gentlemen in that neighbourhood. He believed it valuable as far as it went, and would therefore give his support to its second reading, reserving to himself the right to amend it in committee. He would like the poundkeepers to be paid servants of the government, find security, and hand over the pound fees to the government.

Mr. FITZSIMMONS was prepared to prove his statement, and would give the name of the gentleman he referred to to any hon. member who called upon him in the morning.

Mr. B. CRIBB supported the bill.

Mr. O'SULLIVAN knew that the Impounding Act was made the means of oppressive taxation in the neighbourhood of Drayton and Toowoomba, and that it was also in Ipswich. He knew also that there were superintendents who never came into the town he lived in for a spree until they had a mob of cattle to bring into the pound. He also knew of a superintendent having told his tailor that he could not pay him his bill until he got another lot of cattle to impound. He believed that the hon. member who introduced the bill had brought it forward in a conciliatory spirit, and therefore he was willing to support

the second reading of it.

The ATTORNEY-GENERAL supported the bill and expressed his willingness next session to draft a new bill incorporating the present amendment.

Mr. R. CRIBB thought it would be better to have had a new act instead of multiplying present acts on the same subject.

The bill was then read a second time, and its committal set down as an order of the day for Wednesday next.

## MESSAGES.

Messages were received from the Executive Council announcing their agreement with the amendments made by the Council on the Coroners' Bail on Manslaughter Bill, and the resolutions for the Cultivation of Cotton.

The house adjourned at twenty minutes past eight till three o'clock to-morrow, this day.