

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

...
Legislative Assembly
1st July 1862

...
Extracted from the third party account as published in the
Courier 2nd July 1862

THE SPEAKER took the chair at twenty minutes past three.

PETITION.

Mr. HALY presented a petition from one Edward Chapman, of Sydney, proprietor of a run called Princhester, in the northern districts, pointing out that the Government had laid out a township on the said run; that the township included several improvements he had made on his run; and that he had been debarred from exercising the pre-emptive right, to which he was entitled. The petitioner prayed that the matter should be enquired into and justice done towards him. On the motion of Mr. HALY the petition was received.

IMMIGRANTS BY "CITY OF BRISBANE."

In reply to a question asked by Mr. HALY, without previous notice,

The COLONIAL SECRETARY stated that the Government had been misled with reference to the destination of the City of Brisbane. In his December letter, the Emigration Agent stated that the City of Brisbane had sailed for Brisbane, and would call at Maryborough, where such of the immigrants as were destined for that port would disembark. In this January letter he stated that the vessel had sailed direct for Maryborough. The captain now said that he had been instructed to come to Brisbane, for which place all his cargo and most of the passengers were shipped. The Ariadne was to sail for Wide Bay in August, and other vessels would be laid on from time to time for Keppel Bay and Port Curtis. The Government would give free passages to persons by the City of Brisbane and other desirous of taking service at Maryborough and the neighbouring districts.

PETITION.

Mr. WATTS presented a petition from the Attorney-General praying that he might be heard at the Bar of the House with reference to charges which had been brought against him by the Government in the course of a debate which had taken place in that House on Friday, 26th ult.

The SPEAKER drew attention to the fact that the petition was not strictly in accordance with the standing orders, as it referred directly to a debate which had taken place in that House. It was his duty to point this out to the House, and hon. members could then take what steps they thought fit in the matter.

The COLONIAL SECRETARY, on behalf of the Government, might state that he had no objection to the reception of the petition. It appeared that the Attorney-General desired to set himself right with the committee as to certain matters which had transpired the other day. At the same time he (the Colonial Secretary) might also state that he made no charge, and that he had made none against the Attorney-General. (Hear, hear.)

Mr. WATTS then moved that the petition be taken into consideration to-morrow.

The motion was then seconded and carried.

ASSESSMENT ON STOCK.

Mr. FERRETT, without notice, asked the Colonial Secretary if it was the intention of the Government to enforce the assessment on cattle, under the Pleuro-pneumonia Bill, in cases where parties owned less than one hundred head.

The COLONIAL SECRETARY said that it was not the intention of the Government to enforce such assessment. Assessment had been tendered that day to the Government, and had been refused.

MINISTERIAL INTENTIONS.

Mr. RAFF asked the Colonial Secretary—"If it were the intention of Ministers, after the rejection of their most important measures, by both branches of the Legislature, to continue to carry on the Government without an immediate appeal to the country?"

The COLONIAL SECRETARY: The Government has no reason to doubt that it possesses the confidence of the Assembly, and hopes that there will be no further impediment to the passage of measures through the Legislative Council. The Ministry, therefore, has no intention at present of appealing to the country. (Laughter.)

RETURNS OF RUNS.

Mr. MOFFATT asked the Secretary for Lands and Works whether he would be prepared to complete the Returns relative to Runs, ordered to be laid upon the table of this House on the 1st May, 1862, before the close of this session?

The MINISTER for LANDS said that the returns asked for being very voluminous, they could not be completed for one week yet.

PRACTICE OF PARLIAMENT.

The order of the day next on the paper was the following:—Mr. R. Cribb to move—(1.) "That the constitutional practice in the Imperial Parliament is, that if a Member of the House of Commons who is a member of any department of the Government should resign his appointment and take office in another department, he by that act vacates his seat. (2.) That any departure from that practice by the Queensland Legislature would be unconstitutional and highly objectionable, inasmuch as it would deprive the electors of their constitutional right of an opportunity of approving or disapproving of the step taken by their representative."

When this order of the day came on, the SPEAKER ruled that the motion could not be entertained, being in direct contravention of the Constitution Act.

Mr. R. CRIBB was prepared to withdraw this motion, and said that he intended to bring the same matter in a different form before the House.

STATE SUPPORT TO EDUCATION.

Mr. LILLEY, pursuant to notice, moved the following resolutions:—"(1.) That, in the opinion of this House, it is desirable to appoint Commissioners in Queensland to take evidence and obtain information relative to the nature and operation of the various systems of education receiving State support in Great Britain, America, Continental Europe, and the colonies. (2.) That such inquiry be conducted with a special view to the establishment of general education, with regard to both common schools and educational institutions of a higher class, upon a just and permanent basis within this colony. (3.) That such Commissioners be instructed to report the evidence and information obtained by them, with the result of their inquiries, and with such recommendations thereon as they may collectively or individually deem advisable, to his Excellency the Governor and the Executive Council, by whom the same shall be laid upon the table of the House. (4.) That an address be presented to his Excellency, embodying the foregoing resolutions, and desiring him to issue a Commission under the Great Seal of the Colony, appointing for the purposes above-mentioned such persons as he, with the advice of the Executive Council, shall think fit." He said that it was not his intention to provoke a debate upon

the relative merits of the different systems of education, but he considered that such a commission as that indicated might make to that House highly valuable recommendations. At the present time, both in Great Britain and in Victoria, and the other colonies, strong efforts were being made to settle the Education question on a satisfactory basis. In the mother country, the proceedings of the Privy Council were being very strictly overlooked and recommendations were being made with a view to the reform of the present system, so as to make it more truly carry out the principles of national education. He used the words national education advisedly, and he had his own ideas as to what really constituted national education. In two recent debates in that House a great diversity of opinion had been expressed with regard to the question of what really constituted national education. He considered that hitherto both here and in England serious mistakes had been made in the course of our endeavours to carry out a practical system of national education. He laid it down as a broad general principle that whilst it was most undesirable to support sectarian institutions, yet any system of education which ignored or tended to discourage religion was an imperfect one. This, perhaps, had to a certain extent, been a mistake in the view in which we regarded national education here. In carrying out that system we were too apt to act as though we regarded religion as a great danger instead of a great blessing. We could not ignore the fact that the community was divided into different sects; that two denominations constituted the majority of the community. He did not indeed consider that we were called upon to discourage the growth of religious communions in our midst. Without, however, at present expressing an opinion upon the merits or defects of our present system of education as now administered, he begged to point out to the House that his resolutions simply asked for enquiry upon this important subject. They asked that the best information from all attainable sources should be procured and laid before the House and the country. This commission would sit in Queensland, and examine persons conversant with education in Queensland; and also any persons who might be here who had an opportunity of observing systems of education in other countries. It would be their duty to collect both from men and books all information of practical value on the subject. The appointment of such a commission would involve no material expence, and much valuable information might be derived from it. In England lately attention had been directed to this subject, and much valuable information obtained by Mr. Lowe and others. It was desirable that we should, at the present stage of our career, review our position, and if we found that our present system worked well and carried out the principles of national education we could continue it. If, on the other hand, we discovered defects, we should be in a position to remedy them. This commission should give recommendations as to the leading principles to be observed, which might be embodied in a statute, instead of our having regulations, as at present framed, and altered at the caprice of a Board. It would be the greatest honor which could be attained by that Parliament if they were successful in establishing a good system of education in the colony.

The COLONIAL SECRETARY believed that the resolutions had been brought forward in good faith, and with the conviction that the labours of such a commission would throw more light upon this subject than was at present attainable. As a member of the Government, however, and also as a member of the Board of Education, he could not see his way to voting for these resolutions. A great many of the observations made by the hon. member upon what should constitute State education, applied he (the Colonial Secretary) believed, to what really would be the education in this colony under the present system, if that system were properly administered. The commission would, no doubt, collect a great mass of evidence which would have the effect rather of confusing men's minds upon this subject, which he (the Colonial Secretary) maintained was naturally a most simple one, than of solving any doubts. For the last three sessions that House had from time to time addressed itself to the subject of education, and he believed that they had all, collectively and individually, arrived at certain ideas as to what such education should be. The House, he believed, desired to see an alteration made in the recent practice adopted in administering the system. In some cases they desired that non-vested schools should receive support. The members of the House had got as far as they were likely to get after reading any number of Blue Books on the subject. Neither he nor his colleagues had made up their minds that the present system was not suited to all the requirements of the colony. That system had yet to have a fair trial, and he believed that it would meet all the requirements of the colony.

The House then divided upon the resolutions with the following result:—

Ayes, 8.		Noes, 14.	
Mr.	O'Sullivan	Mr.	Herbert
	Haly		Mackenzie
	Coxen		Macalister
	Blakeney	Dr.	Challinor
	Watts	Mr.	Taylor
	M'Lean		Warry
	Jones		Richards
	Lilley		Fleming
			Ferrett
			Royds
			Raff
			R. Cribb
			B. Cribb
			Moffatt

SALARY TO GAOLER.

Mr. WATTS, pursuant to notice, moved, without remark, the following resolution:—"That this House will to-morrow 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 the sum of £100, to supplement the salary of the Gaoler of the Brisbane Prison, for the year 1862."

Mr. JONES seconded the motion.

The COLONIAL SECRETARY wished to make one or two remarks. At an earlier period of the session he had informed the hon. member that he was in favor of an increase of salary being given to this officer, who was highly efficient, and he (the Colonial Secretary) considered underpaid. (Hear, hear.) He was not now, however, in a position to support this motion, the House having distinctly affirmed the principle that they would this year accede to no increases. (Hear, hear.)

Mr. WATTS opposed the motion. However deserving this officer might be, it would be invidious, after the principle referred to had been laid down, to raise the salary of one officer, and not of another. He hoped that the vote given by the House on this motion would dispose of the other resolutions on the paper asking for sums of money. The Treasurer had told them that he had no funds, and after this declaration it was ill-advised for hon. members to come down to that House and ask for additional sums to be placed on the supplementary estimates.

Mr. JONES contended that the principle which was said by the head of the Government to have been laid down by the House, had not been strictly adhered to. There had been some few exceptions which tended to prove the correctness of the general rule, and this was one of them. In the case of the Curator of the Botanical Gardens, an officer who was underpaid, an increase was granted, and the principle referred to by the Colonial Secretary very justly departed from.

Mr. TAYLOR pointed out that this sum was asked for 1862; the increase referred to by the hon. member was granted for the year 1863.

Mr. WARRY expressed his intention of withdrawing the resolution, seeing that the feeling of the House was evidently against the motion. He could not understand the justice of the principle asserted by the hon. member for Drayton and Toowoomba. He (Mr. W.) could not see the justice of giving boys under age £300 a year, while a man holding a most responsible situation, an efficient officer, and one who had been for years in her Majesty's service, only received £250.

The motion was then withdrawn.

SPICER'S PEAK ROAD.

Mr. McLEAN moved:—"That this House will, on Wednesday 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 1862 a sum not exceeding £1000, to complete the new road from Spicer's Peak to Crighton's Inn." He said that all the money which had been voted for the road between Brisbane and Warwick had been spent upon the top of the range, and the sum he now asked for was necessary in order that a particular portion of the road, which was then in an unfinished state, should be completed. Upon every road in the colony, except the one to which he referred, a deal more money had been expended than had been voted; and in justice to the important district of Warwick he thought the House could not but adopt the motion. He did not accuse the Government of partiality. He believed that no application had been made by the inhabitants of the district. If the money were granted a saving to the country of some £6000 might perhaps be effected, as the money already expended on the road would not have been spent in vain. Warwick and its neighborhood was capable of supplying the whole of the colony with wheat. He had seen as many as sixty bushels of wheat produced on one acre in that district, and if the communication were opened up he believed great benefit would result to the colony.

Mr. JONES seconded the motion. There was no road in the colony more entitled to this investment now asked for. Under the able management of Mr. Clinton, the road across the main range had been made more practicable, and a better road over a more difficult piece of ground could not be found in the colony. This thousand pounds now asked for would render all the rest of the money which had been spent on this road really available. He knew well the spot for which this expenditure was asked. There were a number of gullies at the top of the range, and these gullies were impracticable in wet weather. There was a range to the right of the present road, and by cutting a road at the top of this range, it was asserted that a saving of five miles could be effected. As a matter of economy, and in order not to render valueless the work already done on this road, he trusted the House would sanction this expenditure.

The MINISTER for LANDS opposed the motion, and urged that if the hon. member who had introduced it had only considered the amounts already spent on this road at Spicer's Peak, he would have paused before bringing such a motion forward. The estimates already passed by that House had been carefully framed, and although economy had been studied as much as possible, yet a large sum had been voted by the House in connection with public works. It was the desire of the House that the Government should not permit the expenditure to exceed this revenue. It would be impossible to effect this object if, after the estimates had been framed and passed, resolutions of such a character as that now before the House were entertained. (Hear, hear.) In answer to the observations of the mover of this resolution, he (Mr. Macalister) was prepared to show that more money had been spent on this road at Spicer's Peak since separation than had been granted for all the northern districts. In 1861 £2000 was granted for the road from Ipswich to Warwick, and of this sum £1967 was spent at Spicer's Peak. In 1862 there had been a vote of £4000 granted for this road, and out of this sum £3800 had been expended at this very Spicer's Peak. Thus nearly £6000 of public money had been spent at Spicer's Peak. For next year another £4000 was granted for this road. No doubt if the hon. member had made a pledge to his constituents in connection with this matter he was to a certain extent obliged to make the present motion; but he trusted that the hon. member would now see fit to withdraw it.

Mr. O'SULLIVAN supported the resolution, and contended that the last speaker had failed to show that more money had been spent on this road than had been granted to the whole of the northern districts. The House had assented to a supplementary estimate for the extension of the telegraph wire from Toowoomba to Dalby, and the work for which money now was asked was one of equal importance. The Warwick people were as near to the navigation as the people of Drayton, and yet the former had to pay at double the rate which the latter paid for carriage. If the trifle now asked for were not granted, all the work already executed on this road at a great expense to the colony, was liable to be swept away by the next flood. The district of which the

road was the outlet was a most important one, and one capable of producing sufficient grain to supply the whole of Queensland.

Mr. WATTS contended that the difference in the rate of carriage from Warwick and from Drayton, alluded to by the hon. member (Mr. O'Sullivan), arose not from the difference in the state of the two roads, but from the fact that for every dray which passed over the Warwick road, ten passed over the road from Drayton and Toowoomba. He desired as much as any hon. member to see Warwick have its fair share of expenditure. When, however, he saw only £600 set down this year for the road from Ipswich to Dalby, he could not consent to vote for £1000 for a road which led to Warwick, and to no place but Warwick. If this resolution were carried all the members for the Western districts would at once come down for additional sums. (Hear, hear.)

Mr. TAYLOR said that the members of that House were supposed to enter it as representatives of the interests not of any particular place but of the whole colony. In this matter, however, the hon. member for Eastern Downs and the hon. member for Warwick had shown themselves to be mere delegates. No doubt those hon. members considered that they ought to take care of their own particular district. Those hon. members would be appearing soon at the Warwick races, and no doubt they thought this motion would make them on that occasion look well before their constituents. (Laughter.) He was delighted to find that the Minister for Lands and Works intended to oppose all future demands for more money that session. The House had done remarkably well already in voting large sums of money. No doubt the Minister of Lands had, before framing his estimate, travelled over the country, and examined closely all the works which were required—(laughter)—and it was absurd for hon. members after this to come down and ask for these paltry sums for particular places. He (Mr. T.) had been told that the mover of this resolution actually did not know where this place, for which he was asking money, was situated. It appeared that nearly £13,000 had been spent on this road since separation. The hon. member should be satisfied with this. The road was seldom used. For every dray which passed over it, twenty came down the main Western road. He (Mr. T.) would be prepared to authorise the expenditure at once of some of the money voted for this road for 1863. This course would prevent the works at present being carried on on the road from being suddenly stopped.

Mr. RAFF argued that such motions as the one before the House, if acceded to, would only increase the difficulty at present experienced by the Colonial Treasurer in his endeavours to make the income cover the expenditure.

Mr. McLEAN, in reply, expressed himself as not being astonished at the opposition of the hon. member for Western Downs (Mr. Taylor.) That gentleman, he had observed, scarcely ever rose in the House without making a personal attack on somebody. That gentleman—

Mr. TAYLOR rose to order. The hon. member ought to address himself to the Speaker, instead of turning round to him (Mr. T.) and addressing him as "that gentleman."

Mr. McLEAN begged to apologise for not addressing himself to the Speaker, and also for calling the hon. member for Western Downs a gentleman. (Laughter.) He would not offend again in the same manner. The district of which this road was the outlet, placed more money in the Treasury on account of land sales than any other district. He was astonished at the hon. members for Drayton and Toowoomba and Western Downs refusing this act of justice to a neighbouring district. The Minister for Lands had urged no arguments against the motion, and he (Mr. McLean) was prepared before that gentleman rose to admit the truth of all that he had stated. He (Mr. M.) had argued that the work already done on this road, at a great expense, would be rendered almost valueless unless this small additional sum were granted for its completion. It would be wise economy to grant a small sum to complete a good work. There were 40 men stationed on the road, and he believed that he was correct in stating that there were not funds to pay them after Saturday next. If they were to be put off the road, and the work left in its present incomplete state, the next flood which came would sweep in all away; and the money already expended might as well have been thrown in the river.

The motion was then put, and the House divided with the following result:—

Ayes, 8.

Noes, 13.

Mr. Lilley

Colonial Treasurer

Moffatt		Colonial Secretary	
B. Cribb		Minister for Lands	
Coxen		Dr. Challinor	
M'Lean		Mr. Taylor	
O'Sullivan		Ferrett	
Royds	} Tellers.	Haly	
Jones	}	Fleming	
		Raff	
		Edmondstone	
		R. Cribb	
		Blakeney	} Tellers.
		Watts	}

STANDING ORDERS.

On the motion of the COLONIAL SECRETARY, the House resolved itself into a committee to consider the following proposed new standing orders, embodied in a report of the Standing Orders Committee—"1. (To be substituted for Standing Order No. XV.)—No member shall absent himself during the session for more than three consecutive sitting days of the House at a time, without express leave of the House, and any member infringing this order, and, after having been ordered to attend in his place on the day following such three consecutive sitting days, continuing to absent himself without excuse offered to and accepted by the House, shall be held guilty of contempt, and be liable to a fine of £20. 2. (To follow Standing Order No. VI.)—Any member calling the attention of Mr. Speaker, or of the Chairman of Committees, to the fact that there is not a quorum of members present, shall be held to be present during the counting of the House, whether he be so present or not."

The COLONIAL SECRETARY, in moving the adoption of the first of the above orders, said he did so as a member of the Standing Orders Committee, not as a member of the Government. The Government had no interest in the matter one way or the other.

Mr. O'SULLIVAN strongly opposed the proposed rule as arbitrary. It displayed in its framing narrow mean principles. He desired to go in and out of that House as he liked, and to be answerable to his constituents alone for his actions as a member of that House. If such a rule were passed he would not continue a member of that House.

Dr. CHALLINOR opposed the adoption of the new rule. Occasions might arise which would prevent him from attending that House for four or five days, and he should consider it a great hardship to be subjected to such a punishment as that proposed. The question of attendance and non-attendance was one between a member and his constituents, and not one between a member and the House. He might have less objection to the rule if it mentioned seven days.

Mr. JONES opposed the motion, and stated it as his impression that the new rule had been proposed at the instigation of the Government, who desired to deprive the minority of what little power was given to them by the Constitution of the country. The rule was a capricious one, framed for a special purpose. In no free Assembly in the world was a similar rule in existence.

The SPEAKER distinctly denied the allegation that this rule emanated from the Government, or was framed for any party purpose. At the commencement of the session, and also since then, great inconvenience had arisen, owing to the absence of a quorum, and the rule was framed to compel the more regular attendance of members.

Mr. R. CRIBB opposed the rule, and denied that anything had happened to justify the introduction of such a rule.

Mr. WATTS proposed as an amendment to strike out the word "three," and to substitute the word "seven." The rule as it stood was too stringent; but at the same time he considered some alteration in the present orders was required.

Mr. TAYLOR expressed himself strongly in opposition to the first of the proposed rules. It would operate most harshly upon country members, if it were attempted to be carried into effect. It would virtually disfranchise the country districts, as country gentlemen could never be induced to take seats in the House under such terms.

Mr. HALY denied that it would disfranchise the country districts. As a country member, he was in favor of the rule. He and other country members, who attended to their duties, had already been put to great inconvenience by the conduct of those members who did not attend to their duties.

Mr. JONES pointed out that the amendment of Mr. Watts practically would have the same effect as the rule now in existence, and the latter hon. member then withdrew the amendment.

Mr. FERRETT argued in support of the new rule, and was not surprised at the course pursued by the hon. member for Western Downs, who had not been in the habit of paying so much attention to his public duties as the other country members of that House.

Dr. CHALLINOR believed that if the rule were carried it would preclude any men but those who had made their fortunes from offering themselves as members.

Mr. O'SULLIVAN said that the Standing Orders Committee who brought the rule forward was composed of the tail of the Government.

Mr. WATTS, as a member of that committee, repudiated that charge, that it was composed of the tail of the Government. He (Mr. W.) was quite as independent a member as the hon. member who brought this charge.

Mr. COXEN also, as a member of that committee, expressed his regret at hearing such observations from the hon. member (Mr. O'Sullivan). The members of that committee were chosen by the Speaker. If insinuations of this character were made it would be difficult to get hon. members to give their time to attendance at select committees. He (Mr. C.) might retort upon the hon. member that he was one of the tail of the Opposition.

Mr. JONES said that the Government at present were virtually ruled by the Opposition, and that the Opposition might be considered as the head of the Government. Those gentlemen, therefore, who sat on the Government side might very aptly be called the tail of the Government.

After some further observations from Messrs. TAYLOR and WARRY, in opposition to the motion, it was negatived without a division.

On the adoption of the second Standing Order being proposed by the COLONIAL SECRETARY, Messrs. R. CRIBB and CHALLINOR spoke at some length in opposition to, and Mr. FERRETT defended the motion.

On a division being called for, the motion for the adoption of the new standing order was carried by a majority of thirteen to ten. AYES.—Messrs. Taylor, Haly, Ferrett, Royds, Moffatt, Macalister, Mackenzie, Herbert, Richards, McLean, Watts, Coxen, and the Speaker. NOES.—Messrs. Lilley, Jones, O'Sullivan, Warry, B. Cribb, R. Cribb, Fleming, Raff, Edmondstone, and Challinor.

On the motion of the COLONIAL SECRETARY, the Chairman left the chair, and reported to the House that the committee had come to a resolution.

The COLONIAL SECRETARY moved that the report be adopted, but, at the suggestion of Mr. O'SULLIVAN, the adoption of the report was postponed to Thursday next.

ADDITIONAL JUDGE.

Mr. McLEAN moved that the Speaker leave the chair, and the House resolve itself into a committee of the whole for the consideration of the following resolutions, received from the Legislative Council:—“(1.) That in the opinion of this House it is highly expedient that, for the more effectual and due administration of justice, a sufficient Court of Appeal should be, without further delay, established in this colony. (2.) That, in order to create the said Court of Appeal, an additional Judge should be forthwith appointed. (3.) That it is desirable that the said Judge should be selected from the Equity branch of the bar of England, in the manner recommended by his

Grace the Duke of Newcastle. (4.) That the foregoing resolutions be transmitted to the Legislative Assembly for their concurrence. (5.) That an address be presented to his Excellency the Governor embodying the same."

The MINISTER for LANDS seconded the motion.

Mr. R. CRIBB would move, as an amendment, that the House resolve itself into a committee of the whole for the purpose of considering the resolutions in six months' time. There was no evidence to show that the colony required another Judge, and if the first resolution were adopted and carried out in its integrity a third Judge would have to be appointed. Two Judges could not form a Court of Appeal, and therefore the resolution would have no force. One Judge was perfectly capable of performing the work of the colony, and the appointment of a second Judge would cause a deal of additional expense for which there was not the slightest necessity. He did think that hon. members would agree with him as to the advisability of allowing the matter to stand as it was.

Mr. LILLEY seconded the amendment.

Mr. WATTS said that the hon. member who had moved the amendment had not given any reason for so doing. It was absolutely necessary that some steps should be taken so that justice could be dealt with out in every portion of the colony, which could only be done by the establishment of either district or circuit courts. One of the principal causes of separation from New South Wales had been the difficulty of obtaining justice, persons having often to travel 500 or 600 miles for that purpose, and he would ask hon. members if they were to follow such an example as that. People in the interior and to the north would evidently have just cause for complaint if justice were to be continued to be concentrated in the precincts of Brisbane, and he would like to know how the extension of justice could be effected under the present circumstances of the colony. It was well known that they were not in a position to afford three Judges, and with reference to what had been stated by the hon. member (Mr. R. Cribb) as to two Judges not forming a Court of Appeal, he (Mr. Watts) maintained that there would be a Court of Appeal, inasmuch as the Chief Justice could have a casting vote. As it at present stood, the Privy Council was the only Court of Appeal, and unless a person was possessed of plenty of money, it was impossible that he could obtain justice through this channel. He thought that it was their duty, in common fairness to the people, to provide for the extension of justice.

Mr. McLEAN said every hon. member must be aware of the rapid strides that Queensland was making now—of the large influx of wealth and population that was coming to her shores. There were no less than twelve ships, loaded with merchandise, and bringing many immigrants, on the road to the colony now. In spite of all that, some of the patriots in that House were doing their best to prevent the establishment of proper tribunals wherein the differences of the colonists might be settled. In his opinion, such a course of proceeding was not patriotism at all. It was one of the cherished institutions of Englishmen that a proper check should be placed on every one—from the highest to the lowest. New South Wales paid nearly double the amount for the administration of justice that was expended in Queensland for that purpose. With regard to the description of Judge required, he did not think a better plan could be adopted than to get one of her Majesty's most eminent lawyers—the Attorney-General or the Lord Chancellor to select some man of character, learning, and ability from the English bar to fill the office, so that justice could be dealt out fairly to all. The new Judge should not be taken from either side of the House—he should not be a partizan. It was admitted that the extension of justice could not be effected unless many more district or circuit courts were established, and it was impossible for any one man, no matter how active or clever he might be, to attend to circuit courts at Rockhampton, Maryborough, Warwick, Toowoomba, and Ipswich; besides, it was possible that at no very remote period a circuit court would have to be established at Surat. It was all very well for the hon. member for North Brisbane to declare that there was not the slightest necessity for a second Judge—that hon. gentleman could always find the Judge in Chambers; but he (Mr. McLean) maintained that the same facilities for obtaining justice should be given to the man on the Burdekin as to the man at Brisbane—to the man at Rockhampton as to the man in Fortitude Valley. In New South Wales and Victoria, the administration of justice cost double the sum that it did in Queensland, and surely the people of Queensland were as well able to take care of themselves as were any

people under the sun. He believed that, for the satisfaction of the country, another Judge should be appointed.

Mr. HALY would strongly support the resolutions. Many people had complained to him of the hardship of not having justice brought nearer to their doors, and not only his own constituency, but many other persons had impressed upon him the absolute necessity of the establishment of district or circuit courts, and there could be no doubt of the desirability of the appointment of another Judge—a man who would not be liable to be influenced by party spirit.

Mr. JONES would oppose the resolutions, and he would like to know in what manner the first resolution provided for the establishment of district courts. It was very possible that the propounder of the resolutions had some object in view, but he (Mr. Jones) could not conceive how that could be the establishment of district courts. There was no person in the colony who more than himself believed in the desirability of the establishment of a Court of Appeal—it was equally desirable both for the benefit of the colony and the Judge. But then the question arose as to how and when that Court of Appeal should be established. He considered that when even the services of another Judge were hardly necessary, that this young colony could not afford to pay for the establishment of a Court of Appeal. He hoped the day would come when such a court was required, and then the scheme should receive his entire support and concurrence. And how was it proposed to form the court? He would assume that a man every way competent—in fact, a man on a par, as far as ability was concerned, with the present Judge; and he would affirm that, as far as common law was concerned, he had never met with a more competent man than the present Judge in the whole course of his professional experience—were to be appointed. Suppose that one Judge tried a case, the other Judge tried a case, and that they differed—he would ask what satisfaction the public could expect to receive under those circumstances. Then the Judge that was to have two votes might possibly be a good equity lawyer—and it was well known that the members of the bar at home generally studied one branch of the profession, either equity or common law—would it not be a perfect farce for that equity lawyer, who might very possibly know but little about common law, to overrule the present Judge in a common law case. Two gentlemen—one experienced in equity, and the other in common law—would be sheer nonsense. He considered that until they were in a position to establish a full court, they had better not tamper with the matter at all. Besides, in what a position would a gentleman coming from England be placed in—believed in by one party, and not believed in by the other. Would that be a satisfactory state of affairs? It would make a rare spectacle for the public. If the matter were postponed for another session, he would cordially join in any endeavor that might be made to establish a Court of Appeal; but he thought they would be consulting the best interests of the colony if they waited a little.

The COLONIAL SECRETARY had been much pleased at seeing the resolutions framed in the manner they were. As to the impracticability of two Judges forming a Court of Appeal, he considered that Judge could much better reconsider any decision which he might have made, if he were assisted by a colleague, than when alone, and there could be no doubt but that, however much will and ability a Judge might possess, he could not be supported to possess sufficient physical strength to be able to attend all the circuit courts which it was proposed to establish. The Government had promised to establish circuit courts at Warwick and Rockhampton, which could not be done unless some accession were made to the judicial staff. With reference to what the hon. member for Warwick had said about an equity lawyer, he (the Colonial Secretary) was of opinion that, as already many heavy equity cases had been tried, it was not at all unnecessary that any new Judge who might be appointed should be well acquainted with that branch of the profession, besides, as equity lawyers not unfrequently possessed a great knowledge of both common and criminal law, he did not see why they could not obtain a gentleman competent to act not only as an equity Judge, but also as a common law and criminal Judge. He quite concurred with the hon. member for Warwick as to the desirability of the formation of a full court, but still he thought that by the appointments of a second Judge they would be taking a step in the right direction, and he quite disagreed with those hon. members who affirmed that it was impossible for two Judges to form a Court of Appeal. If the extension of the telegraph to Dalby was worth £2500, surely another Judge was worth £1500. He could go the whole length with the hon. member for

Warwick, that the court would not be complete unless there were three Judges, but, at the same time, he must maintain that it was impossible for one Judge to do the work of the colony.

Mr. O'SULLIVAN, at some length, opposed the resolutions, arguing that if a second Judge were appointed, two parties would be created, and a spirit of jealousy would be excited between the Judges themselves. Besides, new Court Houses would have to be erected, which would cost somewhere about £5000 each, and altogether too much money would be spent on law for a population of 34,000.

Mr. FERRETT considered that it was very desirable that a Court of Appeal should be established in the manner proposed.

Mr. WARRY would oppose the resolutions. He had heard Mr. Justice Lutwyche declare over and over again that he could do double the amount of work he was called upon to do.

Dr. CHALLINOR was much more favourable to the appointment of three Judges next Session than the appointment of two at the present time. He should oppose the resolutions.

The House divided on the amendment with the following result:—

Ayes, 8.		Noes, 14.	
Mr. Lilley		Mr. Herbert	
Warry		Mackenzie	
Raff		Macalister	
Challinor		Watts	
R. Cribb		M'Lean	
B. Cribb		Haly	
Jones	} Tellers.	Blakeney	
O'Sullivan	}	Richards	
		Taylor	
		Fleming	
		Coxen	
		Moffatt	
		Royds	} Tellers.
		Ferret	}

The original motion was then put and carried, and the House went into committee of the whole.

Mr. McLEAN moved that the 1st resolution be passed, whereupon Mr. O'SULLIVAN moved as an amendment that the words "without further delay," in the third line of the resolution be omitted.

The amendment was put and negatived, and the resolution as printed was carried.

On the second resolution being read, Mr. JONES moved as an amendment that the word "an," in the first line of the resolution, be omitted, with the view of inserting the word "two." Unless two judges were appointed, a deal of ill-feeling would be excited, and the interests of justice would be anything but advanced.

Mr. R. CRIBB supported, and Mr. O'SULLIVAN opposed the amendment.

The COLONIAL SECRETARY saw no necessity for any ill-feeling. The course proposed to be adopted had been successful in South Australia and New Zealand.

After some remarks from Messrs FERRETT and CHALLINOR,

Mr. LILLEY said he happened to know that two Judges had not given satisfaction in South Australia, and a third Judge had been appointed there some time before the requirements of the colony had demanded such appointment.

Mr. WARRY decidedly objected to any gentleman who might be appointed being allowed to have two votes.

Mr. TAYLOR opposed the amendment at some length, arguing that if a Court of Appeal formed of two Judges was a farce, a Court of Appeal of only one Judge was a still greater farce.

Dr. CHALLINOR said that he had known cases where the present Judge had revised and altered a previous judgment delivered by him.

The amendment was put and negatived, and the resolution as printed was carried.

On the third resolution being read, Mr. JONES moved amendments as follows:—That the words “Equity branch of the” be struck out; and that the words “or Ireland” be inserted after the word “England.” The amendments were carried.

The remainder of the resolutions were then put and passed, the House resumed, and the report of the committee was adopted.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

A bill was received from the Legislative Council for establishing Joint Stock Companies with limited and unlimited liability; on the motion of the MINISTER for LANDS, it was read a first time, ordered to be printed, and its second reading fixed as an order of the day for Wednesday, July 10. The Coolie Labor and Common Law Procedure Bills were reported with amendments. The Relief of Insolvent Debtors’ Bill was received, and on the motion of the MINISTER for LANDS read a first time, ordered to be printed, and its second reading fixed as an order of the day for Tuesday, 16th July.

EXTENSION OF TELEGRAPH FROM TOOWOOMBA TO DALBY.

Mr. COXEN moved that the Speaker leave the chair, and that the House resolve itself into a committee of the whole, for the consideration of an address to the Governor, praying that his Excellency will be pleased to cause to be placed on a supplementary estimate for 1863, a sum not exceeding £2500, to extend the telegraphic line from Toowoomba to Dalby.

The motion was carried and the House went into committee, when the resolution was passed, and the adoption of the report was fixed for to-morrow (this day).

CONSOLIDATED REVENUE FUND.

The COLONIAL TREASURER postponed the following motion standing in his name until to-morrow (this day):—“For leave to bring in a bill to authorize the appropriation, out of the Consolidated Revenue Fund, of certain sums to make good the supplies granted for the service of the years 1861, 1862, and 1863.”

SUPPLY.

On the motion of the COLONIAL TREASURER, the report of the Committee of Supply was agreed to.

WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, the House resolved itself into Committee of Ways and Means, and resolutions were passed with reference to appropriations from the consolidated revenue.

The House resumed, and the reception of the report of the committee fixed for to-morrow (this day).

The House adjourned at ten o’clock until three o’clock to-morrow (this day).