

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

...
**Legislative Assembly
12th May 1863**
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Extracted from the third party account as published in the
Courier 13th May 1863

The SPEAKER took the chair at twenty-three minutes past three o'clock.

MESSAGE FROM HIS EXCELLENCY.

The following message was received from his Excellency the Governor, and was, on the motion of the COLONIAL TREASURER, ordered to be printed:—

"G. F. BOWEN, GOVERNOR, "Message No. 3.

"In accordance with the provisions of the 54th clause of the 'Constitution Act,' the Governor herewith submits for the consideration of the Legislative Assembly the estimates of expenditure for the year 1864, with additional supplementary estimates for the years 1862 and 1863.

"Government House, Brisbane, 12th May, 1863."

PAPERS.

The COLONIAL SECRETARY laid the following papers upon the table:—(1.) Statistical register of Queensland for the year 1862. (2.) Correspondence respecting the Intercolonial Tariff Conference.

They were, upon the motion of the COLONIAL SECRETARY, ordered to be printed.

THE MINISTER FOR LANDS.

The COLONIAL SECRETARY said that in consequence of a bereavement sustained by his hon. colleague the Minister for Lands, it would be necessary to postpone all motions standing in his name for the present week until the week after.

LAND SALE AT TOOWOOMBA.

Mr. GROOM, in the absence of the Minister for Lands, asked the Colonial Secretary whether any arrangements have been made by the government to provide a supply of lithographic plans of the lands proclaimed for sale at Toowoomba, on the 10th June next?

The COLONIAL SECRETARY, in reply, said that lithographs showing the lands for sale at Toowoomba, on the 10th June next, were forwarded to the land agent for distribution on the 5th instant.

POLICE PADDOCK, DRAYTON.

Mr. GROOM asked the Colonial Secretary whether it is the intention of the government to comply with the request of the memorial, addressed to the Surveyor-General by the Corporation of Drayton, relative to the sale of the land set apart as a police paddock in the town of Drayton?

The COLONIAL SECRETARY, in reply, said The government has not determined upon the desirability of selling the police paddock at Drayton.

PROTECTION OF IMPORTED GAME.

Mr. COXEN moved for leave to introduce a bill to provide for the protection of imported game.

Mr. GROOM seconded the motion, which was put and carried.

The bill was then read a first time, and the second reading fixed as an order of the day for that day week.

DURATION OF LEGISLATIVE ASSEMBLY.

Mr. BLAKENEY moved for leave to introduce a bill to shorten the duration of the Legislative Assembly of Queensland.

Mr. R. CRIBB seconded the motion, which was put and carried.

The bill was then read a first time, and the second reading fixed as an order of the day for Wednesday week.

FEES AND EXPENSES OF MESSRS. JONES AND BLAKENEY.

Mr. RAFF moved "that the papers now on the table of the house, being copies of commissions issued to John Gore Jones and Charles William Blakeney, Esquires, together with the returns of fees and expenses paid to them respectively, be printed." Hon. members would recollect that one of the hon. and learned gentlemen who was involved in the motion he had the honor to bring before the house, was the first to introduce the subject to them. However, the matter had apparently been allowed to drop, and he (Mr. Raff) did not move in it until he found that neither the hon. member to whom he had just referred nor any other hon. member intended to go further into it. In his opinion the adoption of such a course would be scarcely creditable to the side of the house to which the two hon. and learned members to whom he had referred and himself belonged, seeing that the papers contained matter which it was probable would come under the consideration of the Committee of Elections and Qualifications. Under those circumstances, he thought the house would agree with him as to the desirability of the papers being printed. He hoped that he should be acquitted of entertaining the slightest personal feeling in the matter; he had brought the motion forward solely from a sense of duty, and he had sincerely hoped that it had fallen to the lot of some other hon. member to do so. He had nothing further to urge, but believed that the house would agree with him as to the necessity which existed for following the matter up.

Mr. LILLEY seconded the motion.

Mr. JONES had not the slightest objection to the motion; he might say, indeed, that he hoped the matter would never drop. His reason for addressing the house on the question, was to state that the papers at present laid before them were incomplete, and it was desirable that before they were printed the necessary amendments should be made. It would be found that the Auditor-General had neglected to state the date on which Charles William Blakeney, Esq., had left Brisbane, and the date on which he returned. It was stated that that gentleman had been absent thirty-six days, during which time he had received two guineas per day for expenses, but had been paid no fee. As he (Mr. Jones) understood, the gentleman referred to had been absent eighteen days only, and had received four guineas per day expenses. At all events, the returns as laid upon the table of the house were certainly not the returns which had been asked for, and he thought that any returns asked for by that house should be made as complete as possible; they might very likely be referred to at some future time; therefore the utmost exactness was necessary in order that any reasoning hereafter made on them might not be on false premises. On these grounds, therefore, he should move, as an amendment, that previous to their being printed they should be forwarded to the Auditor-General, in order that that gentleman might insert therein the date at which William Charles Blakeney started, and the date at which he returned.

The amendment was seconded by Mr. O'SULLIVAN.

Mr. RAFF had no objection to the amendment, although did he not think there was any necessity for it, seeing that if, as he anticipated, the matter were to be referred to the committee

of elections and qualifications, every care would be taken to prevent any inaccuracies by the examination of the Auditor-General.

Mr. BLAKENEY said that from whatever source the information had come that he had received four guineas per day, he could assure the house that it was without foundation. It was some time since certainly, but still he believed that he had been absent nearer thirteen days than eighteen. He only regretted that another return had not been asked for, concerning his employment in the case of Mr. Henry Boyle, Crown Land Commissioner, whose conduct had been challenged as incorrect. In that case, he (Mr. Blakeney) had worked day after day for a week, and had received no fee whatever.

The amendment was agreed to, and the motion as amended was then put and carried.

CHIEF COMMISSIONER OF CROWN LANDS.

The COLONIAL SECRETARY would ask the hon. member for North Brisbane (Mr. Blakeney) to postpone the following motions standing in his name until some future date. The cause of the request was that the recent bereavement sustained by the Minister for Lands and Works prevented him attending: —(1.) That in the opinion of this house no necessity existed for the creation of a department of Chief Commissioner of Crown Lands. (2.) That the payment of the salaries connected with this department without a parliamentary vote and as an “unforeseen expense,” is contrary to the spirit of the 20th section of the Audit Act. (3.) That the conduct of the government in this instance was highly censurable, and contrary to the principles of Responsible Government.

Mr. BLAKENEY said that none regretted more than himself the recent bereavement of the hon. the Minister for Lands and Works; and therefore he had much pleasure in postponing the motion until that day fortnight.

MARRIAGE WITH DECEASED WIFE'S SISTER.

Mr. R. CRIBB moved for leave to bring in a bill to legalise marriage with a deceased wife's sister.

Mr. BLAKENEY seconded the motion, which was put and carried, and the bill was read a first time.

Mr. CRIBB then moved that the bill be printed, and its second reading fixed as an order of the day for that day fortnight, when

Mr. JONES rose and said, that although there could not be the slightest objection to the hon. member's introducing the bill, and recording his opinion upon the matter, there was every objection to putting the country to unnecessary expense by printing it. A bill to the same effect had been passed in another colony, but the Imperial government had refused to permit that bill to pass into law; therefore, nothing was plainer than that should the bill be passed by the house—a contingency in his (Mr. Jones') opinion not at all likely to arise, there was no prospect of its receiving the sanction of the home authorities. Whatever desire he might have to marry his deceased wife's sister, he should strenuously oppose the printing of the bill.

The question was then put, a division was called for, and the house divided with the following result:—

Ayes, 10.		Noes, 11.	
Dr. Challinor		Mr. Moffatt	
Mr. Coxen		Herbert	
Bell		Haly	
Richards		Ferrett	
Groom		Royds	
Forbes		Jones	
Lilley		Blakeney	
Warry		O'Sullivan	

R. Cribb } Tellers.
B. Cribb }

M'Lean
Mackenzie } Tellers.
Raff }

The SPEAKER said that it was a most extraordinary manner to deal with any question, after its having been allowed to reach the stage which it had, and he hoped that it would not be hereafter looked upon as a precedent.

Mr. R. CRIBB rose to move that the house do now adjourn until the next day at three o'clock. His reason for doing so was, to express his astonishment at the extraordinary manner in which his motion had been treated by the government and the house. In all his experience—which was not little—of home and colonial parliamentary practice, he had never seen anything of the like attempted. He was astounded. The hon. member for Warwick had stated his reason for opposing the motion to be his desire not to see the money of the colony wasted in printing the bill then before them. He (Mr. Cribb) must congratulate that hon. member upon having saved the country the expense of printing half-a-page of foolscap, whilst, at the same time, he had not the slightest hesitation in bringing up volumes—he (Mr. Cribb) might say to be printed—which were not calculated to do one-tenth of the good that would be done by his little bill. It was most extraordinary how the government could walk over to the other side of the house, and thereby deliberately insult an independent member, who represented the feelings and wishes of the community outside. (Ironical cheers.) There might perhaps have been some excuse had the government shown any reasons—(Hear, hear, from the Colonial Secretary), —but they had not done so. At all events, he believed that it was competent for him to move for the second reading of the bill at some time or other before the session was concluded, and he certainly should do so, when perhaps the bill would pass without dissent, and be sent home for approval. He would beg to withdraw his motion for adjournment.

The COLONIAL SECRETARY said that after the very animated remarks of the hon. member, it would be as well to make some explanation. The government had listened to the arguments of the hon. member for Warwick, and had voted accordingly. It was evidently impossible that he (the Colonial Secretary), as a member of the government, could have for a wife a deceased wife's sister. (Laughter.) He therefore claimed his right, as an independent member, to vote on whichever side he pleased. He did not wish to conceal from the hon. member that he was opposed to the bill; and thought that its being rejected then would save the hon. member a deal of protracted suffering, which he would have experienced had he waited until it was brought on for a second reading. (Laughter.)

The SPEAKER said that the tone of the late speakers fully exemplified what he had said as to the very unusual manner in which the bill had been dealt with.

Mr. JONES would sincerely apologise for any breach of parliamentary practise of which he might have been guilty; but he really felt so strongly the absurdity of forcing the bill on the house that it was a mere waste of time—

The SPEAKER here called the hon. member to order.

Mr. JONES wished it to be distinctly understood that he had risen merely to apologise. The matter then dropped.

VAGRANT ACT AMENDMENT BILL.

Mr. GROOM would beg leave to withdraw the following motion standing in his name:—"To move for leave to introduce a bill to amend the vagrant act." It was his intention to introduce a new bill altogether at some period during the present session.

THE REV. W. M'GINTY.

Dr. CHALLINOR moved—"That, in the opinion of this house, it was not the meaning and intention of the legislature, in passing the 'State Aid Discontinuance Act, 1860.' that any minister of religion, who at the time of the passing of the said act was in receipt of a stipend paid by the

government should, so long as he resides, and is ready and willing and desirous to officiate within the colony of Queensland, be deprived of such stipend when prevented from officiating, against his will, and without any fault of his own; and, consequently, that the Reverend William M'Ginty is entitled to the stipend claimed by him under the provisions of the said act, and that it ought to be paid to him." He did not wish the house to pronounce an opinion upon the conduct of Dr. Quinn in having taken steps to prevent the Rev. Mr. M'Ginty from officiating; but he wished to show that a large amount of injustice had been done to the latter gentleman by being deprived of the stipend to which he was entitled by the terms of the State Aid to Religion Discontinuance Act. He thought that the published evidence of Dr. Quinn himself would be sufficient to prove to the house the injustice of the present motion. It appeared that on the 5th June, 1862, a letter had been written by the Vicar-General of the Roman Catholic Bishop to Mr. M'Ginty, depriving him of his mission, and, as he had been appointed to no other, the assumption was that he had ceased to officiate within the colony. A few days afterwards a deputation from the rev. gentleman's congregation had waited upon the bishop to urge upon him the desirability of Mr. M'Ginty being still allowed to remain where he had ministered successfully for so many years. [the hon. member here read the address to the bishop, and the bishop's reply, as reported in the 'North Australian.'] The bishop had, whilst acknowledging the merit of Father M'Ginty, refused to grant the prayer of the petition. He would refer to correspondence which had taken place between the bishop and the government with regard to the State-aid Discontinuance Act. [he hon. member then quoted largely from the correspondence referred to.] That measure was carried through the house by the Colonial Secretary, and the part of it to which he referred was in his (Dr. Challinor's) opinion inserted for the protection of the vested rights of clergymen who had for some time previous been officiating; it was certainly not intended to perpetuate a trifling endowment to the churches to which those clergymen belonged. But admitting the right of bishops to possess a certain indirect control in the matter, it was clear from the documents quoted that up to time of Father M'Ginty being deprived of his mission he had given every satisfaction both to his congregation and to his ordinary. If any reason had been assigned for his abrupt dismissal, he then, in his (Dr. Challinor's) opinion, had a right to appeal to that house when his character was attacked, or in any other matter which affected him civilly. He would next refer to an opinion given by the hon. and learned Attorney-General on the matter, that in order to receive the stipend a clergyman must be officiating under legal authority. Now the clause of the act had been framed in such a manner as to prevent the endowment being looked upon as a sort of pension or sinecure, and required that the recipient must be living and officiating within the colony. He (Dr. Challinor) should, therefore, like to know what meaning was given to the word "legally." He objected to the canons which might be promulgated by the Church of Rome being looked upon as law, but it appeared that in this instance such had been done. He would direct the attention of the house to the clause in question. [the speaker here quoted again from the act.] He would like to know if the government had been satisfied that Mr. M'Ginty had failed to comply with the conditions therein prescribed. It had clearly been proved that he had fulfilled his duties in a manner which had been approved of by his congregation and the bishop; and to illustrate his (Dr. Challinor's) argument, he would read him an opinion given by Judge Lutwyche in the case of Messrs. Fleming and Sandeman. [the speaker then proceeded to quote the document referred to, in order to show that when, through no fault of his own, Father M'Ginty ceased to officiate, it should be considered that he acted up to the spirit of the act]. The house must consider that the act referred simply to the discharge of the clerical functions—the clerical relations—subsisting between the clergyman and his flock; for there was no reference whatever to the relations existing between the clergyman and his bishop. It could never have been intended that the stipend of a clergyman should cease when he was stopped by his bishop from officiating, against his will. He submitted to the house that in the case of a clergyman (as in the present case), through no fault of his own, being absolutely precluded from officiating, such clergyman could not be held to have ceased to officiate under the construction of the provisions of the act already referred to. Officiating must mean the officiating within the power of the clergyman to perform, and not the officiating under circumstances over which he had no control, though ready and desirous to officiate. The legislature could not have intended that the stipend should depend upon the performance of functions which rendered the recipient amenable in the highest degree to the censure of his ecclesiastical superior. In conclusion, the hon. member expressed his conviction that the house would support his motion.

Mr. B. CRIBB seconded the motion.

The COLONIAL SECRETARY said that while he would compliment the hon. member for West Moreton on the manner in which he brought the motion before the house, and the ingenuity with which he had arrayed the arguments in favor of the motion, he regretted that he was not able, from his position as a member of the government of Queensland, to vote with him. He did not conceive that he could vote for the motion without expressing an opinion as to the reasons which might have actuated the bishop, or the circumstances under which the gentleman who was the subject of the motion had ceased to officiate. (Hear, hear.) Nor could he do so, and give his reason for doing so, without entertaining some of the arguments the hon. members had advanced. He did not consider that it was a proper course for any member of the government to approach any matters of ecclesiastical jurisdiction. (Hear, hear.) The case was, however, very simple. It was this:—the government had it, under the hand of the Rev. William M'Ginty, that he did not officiate after the 6th of June, 1862. The Act of Parliament said, that so long as a man "resides and officiates," he should be paid the stipend, and have no right to receive it after he "ceased to officiate." Having admitted that he was not officiating, the government were bound to take a stand there. They did not consider the merits of the case; they were bound to take the admission of the Rev. W. M'Ginty that he did not officiate after the 6th June. That was the law of the case. He was glad that the honorable mover had not come forward in his place in the house and stated that the government fell short of their duty in carrying out the law. The course they had taken admitted of no doubt. He (Mr. Herbert) thought it was in the power of the house to pass a resolution—he would not pledge himself to that opinion—to the effect, that in the opinion of the house the equity of the case rested with the gentleman who was willing to officiate. (Hear, hear.) But he could not say that he could give his vote with that, because it involved a question of opinion. He believed the gentleman named in the motion was a very respectable gentleman, and deserving of the high consideration in which he was held; but how could that house know that a person placed in such a peculiar position as he was in, had not been guilty of misconduct or immorality. ("Oh, oh!" and "hear, hear.") He did not say that the rev. gentleman was guilty—they all knew that he was not—(hear, hear); but how could the house say that a person so situated did not officiate from some such cause? That was all he wished to say on the subject. (Hear, hear.) He thought it was an open question with the government. Referring to the letter he had written explaining the act, he said the Attorney-General had done the same in giving his opinion—although his hon. colleague had taken a view, in giving his explanation, which was unnecessary, it was a sound one. He could not vote for the motion of the hon. member.

Mr. JONES was sorry that he could not vote for the motion. He had no doubt that Father M'Ginty was a most estimable man, and greatly beloved by his flock; but, notwithstanding that, he was not now an officiating clergyman. The motion of the hon. member redounded to his credit as a good friend, but he (Mr. Jones) questioned very much if it reflected so much credit on him as a disciplinarian. He believed the hon. member (Dr. Challinor) was a member of a church that recognised no bishops, (hear, hear.) and he was probably not disposed to attach to the authority of bishops so much value as members who belonged to the Church of England or the Roman Catholic Church were disposed to do. The hon. member said in his motion that the Rev. Mr. M'Ginty was prevented officiating "without any fault of his own." Now he (Mr. Jones) asked the house to weigh those words carefully. Who was to decide that? Were they to rush in between the priest and his bishop? No doubt the bishop had found a fault in the clergyman to which they, as laymen, would not attach much importance, but which, regarded as a question of church discipline, amounted to a good and sufficient reason for the course taken, and would account for Father M'Ginty not being an officiating clergyman. ("Oh!") No doubt the bishop kindly withheld from stating the grounds. ("Oh!") He contended that it was not the province of the house to interfere between the priest and his bishop. Anything more indecorous, anything more unbecoming, anything that was more indicative of a feeling to trample upon the existing arrangements of the church, both Protestant and Catholic, could not be perpetrated in the Assembly. It was all very well for hon. members who had no respect for bishops to say they would step in and uphold an independent priest who defied his bishop. (Oh!) No hon. member could state to the house the bishop's reason for suspending the gentleman named in the motion. (Ironical "hear, hears".) It was perfectly true that up to a certain period (according to a document

which had been read to the house) the bishop approved highly of the zeal and ability with which the Rev. W. M'Ginty had upheld the interests of the church; but everything did not transpire at once. Were they to say that the Rev. W. M'Ginty had been dismissed "without any fault of his own?" The house ought, he thought, to pay some attention to the question before they were deciding. The hon. and learned member passed a high encomium upon the "opinion" given by the Attorney-General, and he approved of the course taken by the Colonial Secretary in recognising the bishop as a lawful authority; and, he proceeded to a conclusion by directing the attention of the house to the fact that the Rev. Father M'Ginty had an appeal to a higher tribunal from the decision of his bishop. If Father M'Ginty was right he would have made that appeal, and not have entrusted his case to the private friendship of gentlemen who might desire to break up the system of the Catholic Church. It was extremely unbecoming that he had not done so; and he (Mr. Jones) did not think it redounded to the credit or strengthened the case of a man, who set his superior at defiance, and ignored the ecclesiastical authority he was bound to acknowledge, that he was willing to be taken by the hand by gentlemen who might wish to make a tool of him, and trample on the discipline of the church. Father M'Ginty could go to the highest authority of his church—the authority to which a good priest and zealous churchman would appeal.

Mr. LILLEY differed with the hon. gentleman who had just sat down, and thought that the Rev. Father M'Ginty was entitled, at the hands of the house, to such an expression of opinion as would enable the government to give him his stipend. (Hear, hear.) Many of the reasons that had been advanced by the hon. member who had just sat down were very cogent arguments for granting the petition of the reverend gentleman, and acceding to the motion. The very fact that no member in the house could state the reasons why the bishop had suspended Father M'Ginty, would carry to his (Mr. Lilley's) mind the conviction that there were no reasons at all. (Hear, hear.) As to the statement that the reverend gentleman might have been guilty of great crimes and immoralities—

Mr. HERBERT rose to explain that he did not mean to say that the gentleman in question was capable of crime—he had afterwards explained himself, any person in such a position. He put the case hypothetically. (Hear, hear.)

Mr. LILLEY accepted the explanation. The house were dealing with vested interests under an act of parliament, and it would be to jump to an unwarrantable conclusion to say that the bishop was right in withholding the permission to officiate from his subordinate priest when they had no reasons before them. It had been said that this was a matter of ecclesiastical jurisdiction. He would not interfere between the clergy in a matter of that sort. But it was enough for him to know that under the act vested interests were provided for. The very act that so provided for those vested interests did away with state support to religion; it was passed by the first parliament of Queensland, and declared that they should not interfere with religion. The act provided the stipends for certain ministers of religion so long as they reside and officiate in the colony, not for certain sects. Very fortunately this question came before the very parliament that passed the act, and they could say what was meant by "reside and officiate." They were very anxious, of course, that the parties entitled to stipends under the act should not pack up and leave the colony. It was said that Father M'Ginty had ceased to officiate; that gentleman himself said he had ceased to perform certain external duties in obedience to his diocesan superior—he had not resigned his position nor abandoned its duties—that he was always ready, present, and willing to perform those duties. What scandal of ecclesiastical discipline was this? Father M'Ginty had ceased to officiate in obedience to his ecclesiastical superior—he was acting in accordance with ecclesiastical discipline. The hon. and learned member entered fully into the legal bearings of the question. It should, he said, have been proved to the Governor in Council that the said duties had been culpably and willfully neglected; that Father M'Ginty had neglected to perform the duties of his office. The act so laid it down. As the necessary form had not been complied with, on that ground alone, he should vote against the bishop. (Laughter.) The bishop had stated simply that the Rev. Father M'Ginty had ceased to officiate. They had all a great respect for the bishop; but the law must be reasonably interpreted, and interpreted within the meaning and intention of the framers of the act. (Hear, hear.) He held with giving an equitable and reasonable and strictly legal interpretation of the State-aid Discontinuance Act; and though the Colonial Secretary had given one opinion and the Attorney-General another that was not considered right.

Mr. HERBERT explained that there were two grounds of objection to the payment of the stipend that might be taken. He took one; the Attorney-General took the other, which was as good as his (Mr. Herbert's).

Mr. LILLEY thought that the Colonial Secretary should have demanded legal proof on which to decide a case of vested interests, and not have decided it "in the absence of proof to the contrary" of what the bishops had stated. (Hear, hear.) With all deference to the opinions of other lawyers, and to the opinion of the Colonial Secretary, who was himself a lawyer, he (Mr. Lilley) would lean in his interpretation to the side of equity, and that side was the side of the Rev. William M'Ginty, and in support of the motion. (Hear, hear.)

The COLONIAL TREASURER said this case was one which had been under his notice previous to his becoming a member of the government, and he must say that the Rev. Father M'Ginty had always had his sympathy, so far as a member of the church could have it. He (the Treasurer) thought Father M'Ginty had been hardly dealt with by the bishop. He could also bear testimony that in the community in which he lived he bore a reputation unblemished, and that he was regarded as a most valuable minister of his church;—he had also done a great deal for the community of which he was a member,—he had done much for the religion of which he was a pastor,—and he (the Treasurer) believed that the reverend gentleman had done more than any other minister in this colony to provide for public worship, having, by funds raised by himself, built an edifice in Ipswich that was remarkable for its beauty—he had also by his own exertions raised a considerable sum of money for the erection of churches in other parts of the colony. Altogether, Father M'Ginty was a man entitled to the sympathy of the house, if any man was entitled to sympathy in the interpretation of the act involved in the discussion. But he (the Treasurer) was obliged to view the matter in a different light in connection with the resolution before the house. That resolution was remarkably worded; and he could not think it expressed the intention of the legislature at the time of the passing of the act. If the resolution had been less particular in its wording, and had been to the effect—that in the opinion of the house the stipend claimed by the Rev. William M'Ginty ought to be paid to him, the government would have been very glad to vote for it. But he could not vote for it as put forward in the house. It would be observed by the house that a certain form, duly certified, was to be sent in to the Treasury by the minister claiming the stipend, and it should set forth that the identical minister was officiating in the parish and discharging the duties for which he was to be paid the sum of £150 per annum. And it would be further observed that while on all other occasions the Rev. William M'Ginty was able to fill up that certificate and sign it, on a particular occasion he could not do so. His own sense of what was right was such that he could not sign it. The reverend gentleman called upon him (the Treasurer) and expressed himself that he could not certify that he had officiated in the parish; but he said that he was ready and willing to do so. There was no alternative but to tell him that the stipend could not be paid to him. It was intended under the act that those gentlemen who got the stipends should perform their respective duties. (Hear, hear.) He could give the house a similar case as that of Father M'Ginty. A minister of the Scotch Church, the Rev. Dr. Nelson, was entitled to a pension—he officiated and was doing duty in Ipswich at the very time the act came into law. That gentleman left Ipswich and went to reside in the interior. He sent in his application to the Treasurer, and with the result that attended Mr. M'Ginty's application. If the house had the power, he was not unwilling to believe it had, and would amend the motion, he should have no objection to vote for it as a private member. (Hear, hear.)

Mr. MACKENZIE suggested the withdrawal of the motion with a view to its amendment. He thought the feeling of the house was with the Rev. William M'Ginty. (Hear, hear.) The act to his mind was very plain. The stipend was given to parties who officiated. He would not admit that there were vested interests in those stipends. ("Oh!") Neither did he admit that the canons of the Romish church were law here; for the present case might be one of clerical despotism. While he was not sure that it would be correct if the motion were carried in the form suggested by the hon. the Treasurer, yet if it were so amended he should not object to it.

Mr. RAFF coincided with the views expressed by the mover of the motion and the hon. member for Fortitude Valley, and contended for protecting vested interests and keeping up the credit of the country. (Hear, hear.)

Mr. GROOM supported the motion, desiring that no part of it should be withdrawn.

Mr. BELL was strongly in favor of the motion as it was before the house, but would not object to it if amended. He looked upon the stipend as payment for services performed, and a position attained at the time the act was passed. (Hear, hear.)

Mr. FORBES thought that a great wrong had been done to Mr. M'Ginty, and the spirit of the act contravened.

Mr. R. CRIBB would support the motion in any form. He stated that the Rev. W. M'Ginty has appealed to the superior ecclesiastical authority from the bishop's decision.

Mr. WARRY strongly objected to the manner in which the Rev. W. M'Ginty had been deprived of his stipend on the mere dictum of one James Quinn, Roman Catholic Bishop. The parliament was the highest authority in this country, higher than bishops, catholic or protestant, and they would see justice done.

Dr. CHALLINOR, in reply, quoted letters written under the bishop's authority, inviting Father M'Ginty to officiate in Brisbane and elsewhere, which he did up to the 28th June. He produced these to prove that Mr. M'Ginty was not disqualified, nor had he ceased to officiate as a minister of religion. He declined to alter his motion, preferring to take the opinion of the house on it in its entirety.

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

Ayes, 15.		Noes, 3.	
Mr. Challinor		Mr. Blakeney	
Richards		Mackenzie	} Tellers.
Coxen		Jones	}
Bell			
Haly			
B. Cribb			
Groom			
Raff			
Lilley			
Ferrett			
Royds			
R. Cribb			
Forbes			
M'Lean	} Tellers.		
Warry	}		

The question was therefore affirmed. [The Colonial Secretary, the Colonial Treasurer, and Mr. O'Sullivan retired from the chambers when the division was called for].

HAWKERS' BILL.

On the motion of Mr. GROOM, the Hawkers' and Pedlers' Licensing Bill was read a second time, and ordered to be committed next day.

ADDITIONAL MEMBERS' BILL.

The COLONIAL SECRETARY moved for leave to introduce a bill to provide additional members of the Legislative Assembly.

The COLONIAL TREASURER seconded the motion.

Question put and passed. The bill was then brought in and read a first time, and ordered to be printed and read a second time on Thursday, the 21st instant.

POSTPONEMENTS.

In consequence of the absence of the Secretary for Lands and Works, the following orders of the day were postponed, on the motion of the COLONIAL SECRETARY, for a week:—
Railways Bill: Second reading. Police Regulation Bill: Second reading. Publicans Bill: To be further considered in committee.

The house adjourned at five minutes past six o'clock until three o'clock next day.