

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

...
**Legislative Assembly
11th August 1863**

...
Extracted from the third party account as published in the
Courier 12th August 1863

The SPEAKER took the chair at twenty minutes past three, and read prayers.

PETITION.

Mr. GROOM presented a petition from 210 German residents of Toowoomba, praying that a German immigration agent should be appointed, and moved that the petition be received.

The motion was put and passed.

REMOVAL OF BRISBANE POLICE.

Mr. BLAKENEY asked the Colonial Secretary,—(1.) By whose directions a certain number of the Brisbane police force were sent to Ipswich during the late election for that town? (2.) Whether any requisition was sent by any of the magistrates of the Ipswich district for the attendance of the said police, and if so, by whom? (3.) What was the amount of the expenses for the police so sent, and from what fund was same paid?

The COLONIAL SECRETARY, in reply, stated that he was not aware that any of the Brisbane Police were sent to Ipswich at the time mentioned by the hon. member.

INSOLVENT LAWS.

Mr. BLAKENEY asked the Colonial Secretary,—Whether it is the intention of the government to introduce, during the present session, any bill for the amendment of the insolvent laws of this colony.

The COLONIAL SECRETARY replied that the government had a bill prepared on the subject mentioned by the hon. member, but that it was not intended to introduce it during the present session.

CIRCUIT COURT AT GAYNDAH.

Mr. MACKENZIE asked the Attorney-General,—Whether it is the intention of the government to establish circuit courts at Gayndah.

The ATTORNEY-GENERAL, in reply, stated that such was not the intention of the government; but that it was intended by him to introduce a new system of circuit courts some time next year.

TOWNSHIP OF ST. LAURENCE.

Mr. DOUGLAS asked the Secretary for Lands,—The date when the survey of the township of St. Laurence was received by the Surveyor-General, and whether it is the intention of the government to sell any land there.

The SECRETARY for LANDS, in reply, stated that the surveys referred to had been received in March; and it had been arranged that the sale should have taken place in July; but in consequence of the non-receipt by the land agent of the tracings the sale had been deferred.

REPRESENTATION OF MINISTERS.

Mr. LILLEY moved "(1.) That the presence in this house of four official members of the Executive is a violation of certain resolutions passed by the Legislative Council, and affirmed by this house, whereby it was stipulated, and has not yet been abrogated, that one of such four official members of the Executive, for whom supply has been granted under her Majesty's Civil List Amendment Act, should represent his Excellency's government in the Legislative Council. (2.) That this infraction of a resolution, and of an honorable understanding between the two houses, is, in the opinion of this house, unworthy of his Excellency's advisers." He said, in bringing forward the motion, he thought it was only due to himself to inform the house that he did so without any factious motives. He sincerely regretted that any necessity should have risen for his doing so; but he thought in common with other representatives of the people that there was a deliberate design on the part of the government to set at nought the resolutions of the house, and generally to act contrary to the spirit and practice of responsible government. It would be remembered by hon. members that a resolution was passed by that house condemnatory of the conduct of the hon. Colonial Secretary, in leaving the colony, and still retaining office, which conduct was declared to be unconstitutional. That resolution was passed by the house without a division; and when he (Mr. Lilley) saw that fact before him, and the infraction which had since been committed, he considered that they were justified in apprehending that the ministry intended to set the resolutions and decisions of that house at defiance. By referring to page 194 of the records of the parliament hon. members would find a resolution passed by the Upper House asking for the presence in that chamber of a responsible minister of the Crown, and at page 199 it would be seen that on the motion of Mr. Watts a fourth minister was appointed, who was to hold a seat in the Legislative Council. Previous, however, to the consent of the house being granted to the proposed new appointment, a deal of discussion took place on the matter, the opposition being afraid that the presence of another minister in the Legislative Assembly would give the government an undue preponderance in that chamber. He remembered that by no one had that argument against the appointment been urged so forcibly as by his hon. friend—the present Minister for Lands. At all events, it was manifest on the face of it that the appointment had been made in compliance with the request of the Legislative Council, and in order to take some of the work off the hands of the Colonial Secretary. He remembered well, too, that although the resolutions were adopted by the house in June an express stipulation was made to the effect that the appointment should not be made until January, the salary having been voted in the following session. However, those who knew the exact state of parties at the recent dissolution of parliament would know how much the government had been pressed for a vote; and the government, pinched by necessity, had, in contravention of their agreement, brought the hon. Attorney-General back to the Legislative Assembly.

The ATTORNEY-GENERAL: They did not bring me back—I came back myself.

Mr. LILLEY resumed: Of course he did know whether he had to deal with the Attorney-General or the government; but he had not the slightest doubt that the resolutions had been infringed. It had been urged by the government, in defence of their position, that a resolution of the house was binding only during the session in which it was passed. He, however, disagreed with that proposition, and in support of his argument quoted from Hansard and Lord John Russell to prove that it was not in the power of the executive to override or abrogate any resolution which might have been come to by the house. If the resolution was to be questioned or set aside, it was the duty of the house to do so, the government having no power to act in the matter, and he could challenge any one member seated on the opposite benches to prove to the contrary. He could inform those hon. gentlemen who intended to vote with the government on the question before the house, that they did so upon their own responsibility, and that the day would come when they would repent having done so. If the resolutions passed by that house were only binding during the session in which they were passed, what would become of the many resolutions—such as those referring to the grant of land for the purpose of cotton-growing, &c; and again, he supposed that the one censuring the Colonial Secretary was also dead, so that it was possible that hon. gentlemen might go away again; and if so, he (Mr. Lilley) trusted that he never would return. That house would be merely a shadow, and not even that, were they to allow their resolutions to be set

at nought at will by the government. No pressing necessity had been shown for the unconstitutional proceeding, and it must be apparent to everybody, that it was done merely for the purpose of propping up a weak government, by giving it an additional vote, or at the mere caprice of that government. Were not the many resolutions already passed with reference to the questions of education, immigration, the Crown lands of the colony, and others been looked upon as laws. They might just as well have four irresponsible agents who would be empowered to set all laws and regulations aside, as to allow the present state of things to continue.

Mr. BLAKENEY seconded the motion.

The ATTORNEY-GENERAL said that the motion before the house consisted of two distinct questions, but the answer he had to make was so complete that it would perhaps not be necessary for him to divide those questions. The hon. gentleman who had brought the motion forward had no right to come before that house and condemn the government for following out what was really proved to be but a practice of the Imperial Parliament. That hon. member could not succeed in showing that a guinea was more than a guinea, or that a shilling was more than a shilling. He had never in his address informed them what the meaning of the word resolution, as applied to the practice of parliament, really was. If the ministry had done wrong it was only proper that they should be made to suffer; but he denied that the ministry had done wrong. It was absolutely necessary to know what was the signification of the word resolution. The hon. gentleman then proceeded to demonstrate the difference between the meaning of the terms sessional orders and standing orders, quoting from Hansard in support of his argument, which was to the effect that resolutions of the house were only binding during the session in which they were passed, but should a resolution appear to be a wise and good one, acting beneficially to the country, it was competent that it should be continued, although it might legally be upset at any time after the expiry of the session. If, therefore, such resolution was not binding after the arrival of a fresh session, how much less would it be after a dissolution had taken place. He should like to know, then, how it could be asserted that the action taken by the government had injured the country or been derogatory to the house; and if not, what right had the hon. member to place the word "unworthy" as applied to the government in his resolution. A resolution was generally framed on account of material before the house at the time; and it was easy to see the justice of the principle laid down by Hansard, limiting the time for such resolution to be binding. It was very probable that circumstances might alter—things might arise, rendering it desirable that a rule made to-day should be relaxed to-morrow—the wisdom of the law on the point was apparent. If the resolution was found to be good it would be renewed; if it acted badly it was not. He thought hon. members would agree with him in the belief that he had succeeded in showing, that in a legal point of view the hon. member who had brought the motion forward had no *locus standi* whatever. The government had done nothing more than, being of opinion that the resolution was not working well, bring the fourth member of the ministry into the Assembly, and he contended that, by so doing, they had committed no breach of law or privilege, either in a legal or a parliamentary point of view; and he thought that, as the government had acted according to law, the resolutions then before the house should not pass. It might be said those resolutions were beautifully worded: the fine Roman hand of a special pleader could not be mistaken in them. He must, however, maintain that as it could be shown that the action of the government had been perfectly legal, it was impossible that they would have been guilty of any dishonorable conduct. To his humble understanding, such a conclusion was apparent, and he believed the sense of the house was in his favor. Certain hon. members might not think it judicious that four members of the ministry should be in the Assembly; but when it was found that the business of the country was getting on so much better they ought to be unanimous in noting that the conduct of the ministry in the matter was deserving the highest approval of the whole house. When they found that bills, the passage of which was indispensable for the public good, were passed, instead of as formerly been thrown out, it was evident that the opposition were beaten on their own grounds—that the ministry had all along been actuated by a desire of benefitting the country. He had, he thought, plainly proved that the ministry had not infringed any law; and he had no doubt but that should a debate ensue, his hon. colleagues would be able to show the house that what had been done had been calculated in every way to benefit the country.

Mr. BLAKENEY spoke at some length to the question. He argued that the ministry had been guilty of a breach of faith, which they still adhered to. It was understood at the time the resolutions appointing a fourth minister were agreed to that his presence in the Assembly would give an undue proportion of votes to the government—such a proportion as would endanger the liberties of the country. The hon. Attorney-General appeared to be on very good terms with himself, and had been very facetious; but he had, at the same time endeavored to mislead the house as to the real question at issue. It was true that resolutions of the house might be questioned, but he (Mr. Blakeney) denied that the Executive had the power to question them—they must be questioned by the house itself, and he should certainly be surprised if any hon. gentleman opposite could quote a precedent in which a resolution came to by a deliberative Assembly, had been set aside by the mere *ipse dixit* of the Executive. He must maintain that the resolutions were more than a mere sessional order, in spite of the arguments to the contrary of the hon. and learned Attorney-General; and that they should continue in force until revoked by an order of that house.

Mr. TAYLOR was not present in that house when the resolutions were passed, and it had certainly been his intention to have opposed the appointment of a fourth minister; but it had been represented to him that should one of the three ministers be absent from illness there would be only two left to fight against the whole house. He could not help thinking that the opposition were, in a manner of speaking, throwing spears instead of shooting guns. Why did they not come forward manfully, and bring in a vote of want of confidence, instead of putting upon the paper such motions as the one then before the house, and others which he saw upon the paper to be moved that day. No doubt it was the last dying effort of the opposition to obtain office, and perhaps he might say, small blame to them. There was a good salary to be obtained, and a large quantity of patronage. He must, however, object to some of the language made use of by the hon. member for Fortitude Valley. That hon. member surely did not imagine that a man of his (Mr. Taylor's) substance was to be browbeaten into voting in the manner the hon. member wished; but there were other hon. members who perhaps might be wavering, not possessed of the firmness of mind which he laid claim to; and the consequence might be that those hon. members might possibly be led away. However, he hoped that no debate would ensue on what was evidently a party question, and that when the resolutions were thrown out, the other motions to which he had referred would be withdrawn. If the opposition had really the good of the country at heart why did they not come forward before instead of waiting for three weeks. It was his intention to vote against the resolutions.

Mr. DOUGLAS would proceed to answer the remarks of the hon. member (Mr. Taylor) as to why the motion then before the house had not been brought forward at an earlier period of the session, and his inquiry as to why a distinct vote of want of confidence had not been moved. The motion then before the house, as was necessary, had received due consideration, and been on the paper for a fortnight, and a very reasonable objection had been urged to rushing incontinently into such an important matter; they had, in fact, refused to follow the example generally shown in such cases by the hon. Secretary for Lands. In his opinion, the motion before the house was tantamount to a direct vote of want of confidence; and the other motions on the paper referred to by the hon. member for the Western Downs, all involving votes of want of confidence, were in his (Mr. Douglas's) opinion sufficient evidence that there must be something to justify them in placing such a motion on the paper. He would refer to the remarkable observations of the hon. Attorney-General, that nothing dishonorable would be done by the government; and could like to know whether in the Imperial Parliament the question of honor was not looked upon as being superior to everything else, and that a mere question of law was, he maintained, recognised as being second. He should like to know whether amongst nations it was recognised that a mere point or quibble of law was to hold place before national honor. As to what had fallen from the hon. gentleman opposite, as to circumstances arising to justify the alteration of resolutions come to by that house, he (Mr. Douglas) maintained that the hon. member should show that such circumstances had existed, which certainly had not been done. An honorable understanding had been come to—upon what he might term a species of condition the Civil List Amendment Act had been agreed to—that condition had not been complied with, and he considered that it lay with the house to vindicate its own honor. The vote before the house was undoubtedly one of want of

confidence, and it would be a disgraceful act of pusillanimity on the part of the house were it not to be passed. Referring to a previous case, he would remind hon. members that the Colonial Secretary—who might be looked upon by the country as the chief exponent of that house—had been accused and condemned of unconstitutional conduct; and if the house allowed its determinate opinions to be set aside, it would be evident to the people that it cared not for its own honor; and if paid officials were allowed to dominate over its decisions, its functions might as well cease at once, or become altogether subservient to the Executive. Because a vote of want of confidence was brought forward, that vote must not be considered as being necessarily factious; and if hon. members voted against the one then before the house, it would be evidence to the country that they preferred men to principles. That the ministry had many qualities which entitled them to a certain amount of respect, he would not deny, but he believed them to be utterly mistaken in their views of policy. At present they possessed their seats in spite of the opposition, and of his Excellency the Governor, who had been led into many acts contrary to his wishes by his responsible ministers.

The SPEAKER here called Mr. Douglas to order.

Mr. DOUGLAS would conclude by asking whether it was believed that there were not men on his side capable of forming an effective administration, especially if they had the same sources of favor in their hands as those passed by the present ministry; and he hoped that the motion before the house would be passed.

Mr. WARRY briefly expressed his intention of voting for the resolutions.

Dr. CHALLINOR supported the view that the resolutions respecting the appointment of a paid responsible minister in the Council were not binding on the present parliament. He maintained that the bringing the Attorney-General into the Assembly did not strengthen the hands of the ministry—(laughter and Oh, oh):—no doubt his presence strengthened their power in debate, but he put it to the house that the constituency that returned the Attorney-General would return another member to support the government. (Cheers from the ministerial side.)

Mr. BELL said he did not think the question for the house to consider now was whether the government acted properly in bringing the fourth minister from the Council to the Assembly; the question was, whether the country had suffered any inconvenience by the change which the ministry had thought it desirable to make. He denied altogether the right of the hon. member for Port Curtis to tell hon. members how they should not vote on the question. (Hear, hear.) And, as he saw no inconvenience result to the country from the course the ministry had taken, he should vote in opposition to the motion. (Hear, hear.)

Mr. M'LEAN twitted members of the opposition with inconsistency. At one time, in the late Parliament, they had voted for four members of the ministry being in the Assembly; now, they objected to it. The ministry had grievously offended them because a constituency had been found to elect their Attorney-General. ("Hear, hear," and laughter.) He would vote against the motion.

Mr. WIENHOLT expressed the great pleasure that he felt at seeing the hon. members of the ministry treat the motion with the greatest contempt. (Laughter.) The hon. member proceeded to inform the house of his unbounded confidence in the government. An hon. member had mentioned the name of his Excellency the Governor; and he (Mr. Wienholt) might, with the leave of the chair, refer to him. The other day, when he called upon his Excellency, he told him that he believed in the present Government, and that if the opposition got in—(Uproarious laughter.)

The SPEAKER called the hon. member to order. He must not mention the name of the Governor in such a way in debate. (Continued laughter.)

Mr. WIENHOLT bowed to the ruling of the chair. He was glad that the vote of want of confidence had been brought forward. It was his intention to have left the house if any more discussions took place without bringing the question to an issue. (Hear, hear.) He was perfectly tired of them. If more time was wasted in the manner that it had been since the house met, he had no hesitation in saying that he must leave. (Laughter, and "Hear, hear.") He could not be day after day dealing with factious matters. ("Hear, hear," with laughter.) He should vote against the motion.

Mr. LILLEY replied at some length, and took occasion to advise the hon. member who had last addressed the house to go to “the country”—to the place from whence he came. (Laughter.) But, not to be led from the question by the ingenious sophistries of the Attorney-General, he said that while maintaining that he was not actuated by factious motives in bringing forward the motion, it depended upon the way in which the ministry took it, whether or not it was a vote of want of confidence (“Hear, hear,” and “No.”) He quoted from the proceedings of the late Assembly to show that the resolutions of the Council had been concurred in by the Assembly (doing this in refutation of the persistent denials of the Attorney-General.) He also quoted from May, p.408, to show that resolutions of practice had ruled for a century and a half in the British parliament. The subject of the present motion was a resolution of policy—a resolution of good faith between the two houses; and, he contended, there ought to be no question as to the force of such a resolution. The absence of a precedent, for which the ministry had asked, proved what he asserted. The hon. member warned the ministry that the time was approaching when they would have to answer for their endeavors to stultify the action of the parliament, and to undermine the legislative independence of the country. (Cheers and counter cheers.) He had no doubt that the people of this colony would hold their own in spite of the insidious attempts upon the constitution by the ministry. There was no example in constitutional history, no example in law, of the executive, by their own will, setting aside a resolution of parliament on a matter of policy. If the Attorney-General held such loose notions as that, the ministry could do no wrong; we should not after this be surprised to hear that ministers were setting aside the constitution and the will of parliament in their own private interests. But he was not done yet; his research was not at an end; and he should, sooner or later, call upon them to answer for their conduct in many ways that they had not heard yet. This very matter which he had brought before the house showed the cloven foot. *Ex pede Herculem*. The ministry said there was the resolution of the house; but the will of the executive over rid it.

After some words of explanation from the ATTORNEY-GENERAL, in which he was followed by Mr. LILLEY,

The SPEAKER put the question, and took occasion to say that he would be very much obliged to hon. members if they would not so frequently interrupt one another. He reminded hon. members of their duty to the chair when “order” was called.

The house divided, and the motion was negatived.

Ayes, 11.		Noes, 14.	
Mr. Blakeney		Mr. Herbert	
Lilley		Moffatt	
Mackenzie		Macalister	
Kennedy		Sandeman	
Douglas		Royds	
Raff		Taylor	
Warry		Edwards	
Edmondstone		Challinor	
Stephens		Coxen	
Pugh	} Tellers.	Cribb	
Groom	}	Bell	
		Wienholt	
		Pring	} Tellers.
		M'Lean	}

BRISBANE GAOL AND LUNATIC ASYLUM.

Mr. PUGH moved, pursuant to notice,—“That this house will, on the 13th instant, resolve itself into a committee of the whole house, to consider of an address to his Excellency the Governor, praying that his Excellency will be pleased to cause to be placed on the additional

supplementary estimates for 1863, and on the supplementary estimates for 1864. (1.) A sum equal to 2s. per diem as additional pay to the turnkeys of the Brisbane Gaol and Lunatic Asylum. (2.) A sum of £50 as an addition to the annual salary received by the gaoler of the Brisbane Gaol." He regretted that he had to bring forward such a motion, simply because of the waste of time involved in discussing small questions like this, but he thought the motion was justified by what was set forth in the petition that he had the honor of presenting to the house some days ago, from the persons most interested.

Mr. GROOM seconded the motion.

The COLONIAL SECRETARY was sorry to be obliged to oppose the motion, because the persons who were immediately interested in it occupied a position under his immediate supervision. He was perfectly satisfied with the way in which they discharged their duties. The gaoler was a competent gaoler; and the turnkeys were efficient turnkeys. Instead of raising their salaries, it appeared to him that labor was so much lower that, if need were, persons could be appointed to their offices at salaries below what those officers were now receiving from the government. He should be sorry to come to the house and propose that their salaries should be reduced; but he thought that the country had a right to some of the benefits which arose from the altered state of the labor market. (Hear, hear.) Persons came regularly to his office who would be glad to take situations at much less than 6s 6d a day, which the turnkeys were getting; and those persons having been in the Irish constabulary and similarly engaged at home, would certainly make efficient warders and turnkeys. The government were therefore bound to oppose any augmentation of their salaries. With reference to the proposed augmentation of the salary of Mr. Sneyd, the governor of the gaol, he said that another £50 a year would make that officer's salary equal to that of the chief gaoler of New South Wales, who had a very much larger prison to control, and of course very much larger duties and responsibilities. It should be remembered that Mr. Sneyd was in receipt of a pension from the Sydney Government, which was quite independent of his salary. He was very glad that Mr. Sneyd was able to perform the duties, but he did not feel called upon to support any increase to his present salary.

Mr. WARRY supported the motion.

Mr. BLAKENEY informed the house that Mr. Sneyd's pension had been discontinued by the New South Wales government two years ago.

Mr. TAYLOR opposed the motion. It was unfair to the government for hon. members to be continually coming down to the house with motions for money grants.

Mr. PUGH, seeing that the feeling of the house was against him, asked leave to withdraw his motion.

Motion by leave withdrawn.

POWERS OF JUSTICES OF THE PEACE.

Mr. GROOM moved for leave to introduce a Bill to limit the powers of Justices of the Peace in certain cases.

The motion was put and carried, and the second reading of the bill was made an order of the day for Tuesday next.

WITHDRAWAL.

Mr. BLAKENEY withdrew the following motion standing in his name:—"That an address be presented to the Governor, praying that his Excellency will please to cause to be laid on the table of this house, a copy of the letter from the Under-Colonial Secretary to Mr. Wm. W. Macalister, communicating his dismissal as Acting Clerk of the Bench for the town of Ipswich, and the reply, if any, of Mr. Macalister to said letter?"

STOCKHOLDERS ON THE WARREGO.

Mr. RAFF moved;—"That the petition of certain stockholders on the Warrego, presented on the 7th instant, be printed."

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

POLICE MAGISTRATE AT CONDAMINE.

Mr. KENNEDY moved, in pursuance of notice—“(1.) That, in the session of 1862, this house voted a sum of £500 for the salary of a Police Magistrate at Condamine. (2.) That, notwithstanding this vote, the government appointed a Police Magistrate who resides at Dalby, a township situated eighty-three miles from Condamine, for which town and district the money was voted. (3.) That in the opinion of this house, such action on the part of the government is irregular, and a mal-appropriation of the public funds.” After a few remarks, the hon. gentleman said the people of Condamine had asked for bread in the shape of a police magistrate, and the government had given them a stone, or such fruit as “like the Dead Sea fruit, which tempts the sight, and turns to ashes on the lips.” The district for which the magistrate was asked, he might say, was important, and required a police magistrate for that part alone. (No, no.) He said, “Yes.” He could enumerate some of the opinions expressed outside in reference to the appointment. The Secretary for Lands, while acting Colonial Secretary, appointed a gentleman of high attainments; but the appointment was not in accordance with the opinions of his constituents. He spoke entirely apart from sectarian bias (a laugh), when he stated that the gentleman who was a member of the Church of Scotland, and exercised the functions of his office occasionally as such, should not have been appointed. All such appointments were highly dangerous in such a community as that of Queensland, as they were calculated to raise up animosities. He put it to the house whether a clergyman was a fit man to take a public position—a gentleman fresh from sectarian teaching. It was a most obnoxious system of state-aid. (Laughter.) He would not close the public service against a retired divine, but while any were in active service he thought it was wrong to appoint them to such appointments as that in question. In the case of the Rev. Mr. Sinclair it was a fact that he had officiated in his ministerial capacity since he was appointed. That was state-aid. (Oh, oh.) He objected to the whole proceeding as it was calculated to bring discredit upon the people, inasmuch as it was improper for a clergyman who might differ in creed, &c., from the bulk of the people to preach one day, and adjudicate from the Bench on the next. (Oh.) As to the claims of Dalby being paramount, he would say that the amount asked for Dalby had been refused before that for Condamine had been asked. He held that the money as expended now was a mal-appropriating of the public funds. (Oh.)

Mr. BLAKENEY seconded the motion.

The COLONIAL SECRETARY said he was not sufficiently acquainted with the style of the hon. gentleman for the Maranoa to decide whether he had been speaking against time; but he inclined to the opinion that he must have been expressing the opinions of his constituency in moving the resolutions standing in his name. He (the Colonial Secretary) would take the hon. members motions seriatim, and first, he might mention that when the vote in 1862 was granted, it was on the distinct understanding that the gentleman to be appointed as Police Magistrate was to do duty at Dalby and the Condamine. (No, no.) He cared not what was said to the contrary, it was a fact, and was clearly stated on the floor of that house, and was understood by all. The gentleman was to reside at Dalby also, for the reason that it was very difficult to get a bench at that place, whilst it was a matter of no difficulty worth mentioning to get one at Condamine. The hon. gentleman's own station was within a few miles of Condamine, and several other magistrates were always to be obtained without much doubt. Before he went to England he had approved of the appointment, and with regard to the administration of justice by the gentleman appointed, he was happy to say nothing could be more satisfactory. Mr. Sinclair was most regular in his attendance at the bench at Condamine once during each month, and he could not for some time understand the hon. gentleman's objections until he found the whole truth creeping out in his remark about religion. (Hear, hear.) Before the appointment of Mr. Sinclair he was aware that the clerk, chief constable, and police in authority at Condamine were all Roman Catholics, and perhaps if the magistrate appointed had been of the same persuasion there would not have been any complaint. As to the police magistrate of Drayton and Toowoomba attending elsewhere, it was impossible, as the duties of these two places were sufficient for one gentleman, and prevented him from attending to any other place.

After a few remarks from Messrs. BLAKENEY and COXEN,

Mr. MACKENZIE said, he did not believe the government would appoint any gentleman from sectarian motives, (Hear, hear,) and he regretted that sectarian ideas had been introduced into the debate. He knew the facts in connection with the appointment in question, and would tell a plain unvarnished tale of the whole affair. The fact was that the vote of the house had been for a police magistrate at Condamine, and as a proof that Condamine was meant, he might tell hon. members that the police magistrate of Drayton and Toowoomba was sufficient to officiate at Dalby. There was only one point he really disagreed with in connection with the appointment, and that arose because he believed the duties of a clergyman and those of a police magistrate were incompatible. He thought, therefore, with all due respect to the gentleman holding the position, that the appointment was not a good one.

The SECRETARY for LANDS and WORKS was astonished to hear the remarks of the hon. member, especially as that gentleman had heard that the appointment had been approved of by the head of the government before he went to England, by a distinct understanding of the house, and when the hon. member was a member of the government. He denied that a better man for the position could be found in the country.

After a few remarks from Dr. CHALLINOR,

Mr. TAYLOR said he would take all the responsibility of having recommended Mr. Sinclair for the appointment, and he was glad to be able to congratulate himself upon having recommended one good public servant. The best magistrates in England were clergymen, and the government had not heard one complaint against Mr. Sinclair, nor had there been any letters written, or complaints made through the public journals, concerning that gentleman, which was a proof of his efficiency. He hoped, however, to see the time when a similar amount per annum would be placed on the estimates for a police magistrate at Dalby as well as at Condamine. (Hear, hear.) And when that vote was passed, he hoped the hon. member for North Brisbane (Mr. Blakeney) would receive an appointment. (Laughter.) He would like to see the resolutions withdrawn.

Mr. LILLEY said his experience of clergymen as magistrates was that they were tyrannical, (No, no), rather strait-laced, and did not look upon the sins of a repentant sinner with the eyes of men of the world. He knew Mr. Sinclair, and thought him a thoroughly good man. He would not go as far with the hon. mover of the resolutions, as the third one would take the house, as he could not quite see where the mal-appropriation of the public funds existed.

The ATTORNEY-GENERAL was sorry to find the time of the house wasted by frivolous motions being placed on the paper. He did not deny that there was pleasure in listening to the hon. member for North Brisbane, who did the heavy tragedy business, nor to the man who perpetrated the light comedy from Fortitude Valley; but he did hope a stop would be put to it. As to the gentleman appointed, he had done his work well, and the proof of it was that before he had been appointed his (the Attorney-General's) office had been inundated with complaints and requests for legal opinions from Maranoa; since the appointment complained of not one had been received, and that he regarded as a strong argument in favor of the gentleman who had been appointed.

After a few remarks from Mr. M'LEAN, Mr. WARRY, and Mr. WIENHOLT,

Mr. KENNEDY briefly replied, and withdrew his resolutions.

INTESTATE ESTATES DISTRIBUTION BILL.

Mr. BLAKENEY moved the second reading of the "Real Estate of Intestates Distribution Bill," which was carried.

The bill was read a second time, and its committal made an order of the day for Tuesday next.

SUBDIVISION OF LAND BILL.

Dr. CHALLINOR moved the second reading of this bill. He said that principally on sanitary grounds, and for the proper formation of streets, he called upon hon. members to support the bill.

It was very undesirable that blocks of land should be allowed to be cut up into minute allotments, so that small streets and alleys should be formed.

The COLONIAL SECRETARY supported the motion. He believed it would prove to be a very useful measure.

Mr. LILLEY believed the intention of the mover to be a very good one; but there were certain objections to be raised against it, inasmuch as some of the clauses were retrospective. The hon. member here proceeded to quote the clauses referred to. It would be seen that a man who had possession of a piece of land which had been subdivided would not be in full enjoyment of it. It would be hard upon the poor man who had already purchased a small piece of land on which to build a cottage. He thought it would be better to wait until the proposed Building Act was passed.

Dr. CHALLINOR having pointed out that a proviso existed whereby the bill was prevented from being retrospective.

Mr. LILLEY withdrew his objection, but thought the bill would require a deal of amendment in committee.

Mr. GROOM supported the motion.

The ATTORNEY-GENERAL did not think clause 2 had a retrospective effect. The only difficulty was that of alienation; a man buying two acres cut up into half acres, would lose a chain.

Mr. TAYLOR thought the bill was a very good one; but wanted to know if the government would have power to make back frontages, as they did at present, half a chain wide?

The motion was then put and passed, the committal of the bill being made an order of the day for Thursday next.

ACCLIMATISATION SOCIETY.

On the motion of Mr. GROOM, the house resolved itself into a committee.

Mr. GROOM moved an address be presented to the Governor, praying that his Excellency will be pleased to cause to be placed on a supplementary estimate for the present year, a sum not exceeding £500 as a grant in aid of the Queensland Acclimatisation Society, for fencing, clearing and improving the Society's depot in York's Hollow.

Mr. TAYLOR proposed an amendment to the effect that the sum be reduced to £250.

Mr. GROOM thought it was for the benefit of the colony that the Acclimatisation Society was established, and hoped the hon. member would withdraw the amendment.

The COLONIAL SECRETARY thought something should be voted to the society.

After some observations from Mr. PUGH,

Mr. TAYLOR said he did not believe that any good would be done to the colony by the society; it would be a sort of curiosity for the Brisbane people to admire.

The original motion was put and passed, the house resumed, and the report was ordered to be received to-morrow.

PUBLICANS' ACT.

The MINISTER for LANDS moved—That this house will, on Wednesday next, resolve itself into a committee of the whole to consider the desirability of introducing a Bill to amend the Licensed Publicans' Act. He might mention that the motion was merely a formal one.

Mr. M'LEAN seconded the motion, which was put and passed.

RAILWAYS BILL.

The house went into committee upon the above bill.

On clause 1 being proposed, Mr. MACKENZIE moved an amendment, the words after the word "made" in the fourth line be omitted, with the view of inserting the words "as hereafter to be specified."

Mr. DOUGLAS supported the amendment. So long as the general principle was recognised that what was applied to one particular part of the colony should be applied to the other, was all that his side of the house required. Mr. Fitzgibbon was as ignorant as the child unborn of the difficulties to be encountered in forming a railway from Gatton to the Main Range, therefore he thought it would be well that no particular line should be specified for some time to come, or until they had some better idea of the cost of the work.

Mr. TAYLOR said the house should remember that the hon. member for Rockhampton had been sent down by his constituents as a determined opponent to railways. He (Mr. Taylor) should oppose the amendment.

The SECRETARY for LANDS and WORKS said there might not be much principle involved in the first clause of the bill, although it was one on which the government felt bound to insist upon. He did not see what was the object of the hon. member for Port Curtis; for the objections he urged had all been anticipated on the second reading of the bill. His speech was precisely the same which was made by the hon. member the other night. He (Mr. Macalister) did not know whether it was intended to give the same speech on every clause; but he trusted that the hon. member would not expect the government to get up in reply to it every time. With reference to the hon. member's remarks about Captain Clarke's report, he begged to say that any report from that officer must be seven or eight years old, drawn up at a time when railways cost £35,000 a mile in Victoria; and it was of no value to the consideration of the present question. He expressed the determination of the ministry to oppose the amendment of the hon. member for the Burnett, who seemed to have come forward with a determination to oppose railways altogether. ("Hear, hear," and "no, no.") However, his amendment should come on for discussion when the ninth clause was before the committee. In affirming the second reading of the bill the house did more than affirm the general principle of railways. (Hear, hear.) The lines laid down in the bill were affirmed by the house. (Hear, hear.)

Mr. BELL would support the clause as proposed.

Mr. RAFF thought that the amendment would make the bill a general measure which, he understood, was the desire of the government (No, no, from the Colonial Treasurer.) From what he had heard, he believed it was the intention of the ministry to make some alteration in the bill, which they had not yet courage to declare. (Ironical cheers from the Treasury benches.) Perhaps the 9th clause was to be struck out. ("That's it," from the Attorney-General.) He could not understand the inconsistency of hon. members opposite, who opposed the amendment, after all they had said about having the general principle of railways affirmed, when the second reading of the bill was discussed.

Mr. GROOM asked that the government should declare if it was their intention to amend the bill nor not; or did they mean to interfere with the 9th clause. He had voted for the second reading of the bill, on the understanding that the bill was brought forward in good faith.

Mr. PUGH supported the amendment.

Mr. M'LEAN maintained the desirability of carrying the line far enough into the interior to catch all the traffic, and sufficient to make it pay. He had the greatest confidence in the particular lines of railway proposed by the government.

Mr. KENNEDY supported the amendment. He thought that the government ought to give some further information to the committee as to their intentions now they were challenged. It could not be supposed that he was opposed to a railway to Dalby; but he should really like to know what they were going upon—whether upon the tramway surveys or not. He had heard in conversation with Mr. Fitzgibbon, a few days ago, outside the house, that the Tramway Company's surveys were worth three times as much to the government as they had paid for them, or they were worth nothing. (Hear, hear.) If the government thought those surveys sufficient for the railway, let them say so; he would be happy to vote with them if they did. (Hear, hear.)

Mr. WIENHOLT supported the clause as it stood.

The ATTORNEY-GENERAL contended that the second reading of the bill by a majority of the house affirmed the principles of the bill. The house had affirmed two great principles contained in the bill. The first of these was contained in clause 1, which provided for the construction of a main trunk line; and the second principle was contained in clause 9, which provided for the extension of the provisions of the bill to other lines of railway whenever required by the country, and when sanctioned by the house.

Mr. DOUGLAS said that in the very candid explanation given by the Attorney-General, he had distinctly asserted that the railway from Ipswich to Dalby, provided for in the first clause, should be made without surveys; and that the 9th clause provided for those beautiful and visionary railways to the north, which must be made with surveys. ("Hear, hear." "No, no," and laughter.)

The ATTORNEY-GENERAL denied that his words would bear the interpretation put upon them by the hon. member for Port Curtis.

Mr. RAFF, with a view to get some clear statement from the government, proposed to make an amendment on the amendment of his hon. friend the member for the Burnett, to this effect—that railways be made "throughout the colony, including a line from Ipswich to Toowoomba."

The SECRETARY for LANDS and WORKS pointed out that by the 9th clause, the government were bound to lay before the house "copies of the plans, sections, and books of reference, of every railway which it is intended to construct."

Mr MACKENZIE withdrew his two previous amendments, and moved the adoption of the following in lieu thereof—that all the words after "Ipswich and Toowoomba" be struck out, and the following inserted in lieu thereof—"and such other lines as may hereafter be provided."

Mr. SANDEMAN said he could support the last amendment of the hon member for the Burnett.

This last amendment was agreed to, and the clause as amended was passed.

Clauses 2 and 3, repealing the Moreton Bay Tramway Company's Act, and relieving the government from claims thereunder, was passed.

Clause 4, giving authority to the Governor in Council to appoint "Commissioners for Railways" was amended, on the motion of Mr. PUGH, by the insertion of words to this effect—That the person so to be appointed should be "the Engineer in Chief of Railways, who may be styled Commissioner of Railways."

Clause 5, enumerating that the other officers to be appointed should be—"a secretary, solicitor, and such engineers, surveyors, and other officers," &c., was, on the suggestion of Mr. Lilley, (which suggestion was adopted by the Secretary for Lands and Works) amended, by the elision of the words "secretary solicitor."

The 6th, 7th, and 8th clauses of the bill were passed without discussion.

Clause 9 was moved to stand part of the bill, as follows:—

"Copies of the plans sections and books of reference of every railway which it is intended to construct shall be from time to time prepared by the government and laid before parliament and whenever such plans sections and books of reference shall have been approved of by a resolution of both houses it shall be lawful for the Governor with the advice of the Executive Council to cause lines of railway with all proper works and conveniences connected therewith to be made in accordance with such resolutions and to make such rules and regulations and to give such orders and directions for the due carrying out and execution of such works and for the effective control and direction of the said commissioner and other officers in carrying out and executing the same as shall appear most expedient for the interests of the public."

Mr. DOUGLAS moved that the words in the first part of the clause, "which it is intended to construct" be omitted. (Hear, hear, and laughter, and Mr. Macalister: "Oh, we don't mind that.")

The amendment was agreed to.

Mr M'LEAN then moved that the following proviso be added to the clause—"Provided that nothing herein contained shall affect the provisions of clause one" ("Oh, oh," and disapprobation from the Opposition; cheers and laughter from the ministerial side of the house.)

Mr. BLAKENEY opposed the amendment.

The committee then divided, when it was found that there was not a quorum present. The members present were:—The Colonial Secretary, Attorney-General, Colonial Treasurer, Secretary for Lands, and Messrs. M'Lean, Bell, Royds, Cribb, Challinor, Taylor, Groom, Wienhold, Sandeman, and Edwards.

The CHAIRMAN having reported the absence of a quorum,

The house was adjourned until three o'clock next (this) day.