

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 25 MAY 1864

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LEGISLATIVE ASSEMBLY.

Wednesday, 25 May, 1864.

Receipts and Expenditure of Electric Telegraph Lines.—Provincial Government Bill.—Resignation and Return of Mr. Henry Jordan, Emigration Commissioner.—Rivers and Harbors.—Leichhardt Election.—Correspondence relative to 3 feet 6 inches gauge Railways.—Grammar Schools Act Amendment Bill, read 2^d.

RECEIPTS AND EXPENDITURE OF ELECTRIC TELEGRAPH LINES.

Mr. TAYLOR moved, pursuant to notice,—“That there be laid on the table of this House returns showing—(1.) Amounts expended in salaries and contingencies of the several electric telegraph stations throughout the Colony, in each month, from the 30th April, 1863, to the 1st May, 1864. (2.) Each month's receipts at the various electric telegraph stations, distinguishing paid, and on Her Majesty's Service, business, from the 30th April, 1863, to the 1st May, 1864. (3.) A statement of receipts and expenditure of electric telegraph lines now open, including the amounts paid to the adjoining colonies for the transmission of intercolonial business.” He asked for the returns, because he saw from the plan shadowed forth by the Government, that they did not intend to make any other telegraph lines to the distant parts of the Colony, unless the various districts requiring them guaranteed five per cent. on the outlay. He did not think that was justice to the outside districts. The returns would show that the lines now worked yielded scarcely any per centage upon the working expenses; and, if populous districts could not pay for the lines, he could not see why the Government should tax the outside districts so heavily where the lines were equally necessary.

The COLONIAL SECRETARY said he had much satisfaction in producing the returns which the honorable member for the Western Downs asked for; and he believed they were of a nature which would be satisfactory to the House. The honorable member said the Government ought to extend the advantages of the telegraph system to the outlying districts without a special charge to those districts, because the lines in the most populous districts did not pay. That was an argument as much against as in favor of his motion. If the lines were not a good investment in the populous districts, why should the Government continue to extend them where they would not pay? He thought the plan proposed by the Government this year, of accepting a guarantee from the inhabitants of distant places requiring a

telegraph, would be found to work very well. Referring to the question of the honorable member for the Leichhardt (Mr. Sandeman), he said that probably a telegraph to Taroom would do more business than many others to the westward. It could be constructed at a moderate cost, probably £1,500. Five per cent. per annum on that would be £75, which the district would have to guarantee, with the addition of a small amount for working expenses. The business might amount to £100 per annum; and in so far as it produced near that sum, in so far would the guarantee be reduced; so that practically the inhabitants would have to give a very few pounds for the luxury and convenience of the telegraph. At the Peak Downs there was a large population, and, through the diggings, it must be regarded as a place of importance; it was, therefore, desirable that the Government should have every facility for communicating with the district, and particularly for police and other purposes, and that would be a paying line. The guarantee plan had been tried for the first time in this country, on account of the success which had attended its adoption in New South Wales, where districts had come forward very freely and guaranteed a per centage on the outlay of telegraph lines for their advantage. Of course, the Government would allow the messages on Her Majesty's service to be considered in the total proceeds of the lines, and he believed the residents would have a very moderate sum to pay. He hoped the honorable member (Mr. Taylor) would not press the Government, at the present time, to extend branches to the westward, until it was ascertained how far they would pay. The extension to Dalby would pay, because there was a great deal of traffic on that line, and indeed, as a rule, the further the telegraph lines were extended the better they would pay. He might state to the House that the cost of constructing telegraph lines had been materially reduced by the system the Government had adopted of getting separate tenders for the rough bush work of clearing the line; they now constructed them at half the cost that they could a year or two ago. The returns which he produced in answer to the honorable member's motion showed that the sum of £4,438 had been received into the Treasury during the year, and that the value of the business of the Government was £1,078, making a total of £5,516, and leaving a balance in favor of the department of £446, after all expenses and salaries had been paid. The House would observe that was not a clear balance, as the £1,000 expended for Government business was very good expenditure indeed. The department, he thought, considering the great difficulty of establishing a telegraph system, was in a very satisfactory state. The expense would be proportionately diminished as every hundred miles of additional extension was made.

Mr. TAYLOR made a few remarks in reply, and advocated the claims of the western districts, whose traffic centred at Goondiwindi. The motion was agreed to, and the returns were ordered to be printed.

PROVINCIAL GOVERNMENT BILL.

Mr. DOUGLAS rose to move for leave to bring in a Provincial Government Bill. He defended himself from some remarks which the honorable member at the head of the Government made on a former occasion, when he (Mr. Douglas) gave notice of this motion. The honorable Colonial Secretary appeared to consider that it was unseemly in him to have brought it forward. The subject was, however, one of the highest importance, and having carefully perused the Provincial Councils Bill of the Government, which did not appear to him to meet the requirements of the times, he had attempted to draft a Bill which, he thought, would meet the case. He was not so presumptuous as to think the Bill he wished to introduce would be entirely satisfactory to the House, but he did not think it was any presumption on his part, to offer suggestions upon which a suitable measure might be framed. He had hoped that the House would be prepared to give some further consideration to the subject of provincial government, and, possibly, to incorporate, at least, some of his ideas, in the Bill which had been introduced by the honorable Minister for Lands and Works. It appeared to him, therefore, that though the course might be somewhat unusual to admit two Bills on the same subject, and at the same time, and to expect the House to give them consideration, still under the circumstances, it might be authorised. He observed that the Provincial Councils Bill stood for second reading on the following day, and that the Municipal Institutions Bill was to be read a second time on the 2nd June. If he understood those Bills, it was necessary, first, that the House should come to a conclusion upon the principle of the Municipal Institutions Bill, because all the principles of that Bill were incorporated in the other; and that, unless they could pass the former through certain stages, they could not go on with the latter. The House might, if they went no further, allow the Provincial Government Bill to be printed. It had occurred to him that then the whole subject might be referred to a select committee of the House. His Bill differed very much from the Government measure. He had incorporated in it some of the clauses of the Government Bill, some from the Provincial Committee Act of New Zealand, and some of his own; which might assist to fill in what the Government considered to be a skeleton measure.

Mr. BLAKENEY seconded the motion.

The SPEAKER said he had not seen the Bill of the honorable member, but he had very grave doubts if it could be introduced at this time, another Bill of the same nature

and the same substance being still pending. He cited authorities to support this opinion: "Cushing," p. 897, sec. 2,317; and "May," p. 279—and concluded by saying that the Provincial Councils Bill had been received by the House, and was going to its second reading on a subsequent day. In his opinion a second Bill was hardly in order.

Mr. DOUGLAS admitted that the object of his Bill was the same as that of the Government Bill, but the manner in which it dealt with the question was entirely different. In deference, however, to the Speaker's ruling, he would withdraw it.

The motion was accordingly withdrawn.

RESIGNATION AND RETURN OF MR. HENRY JORDAN, EMIGRATION COMMISSIONER.

Mr. MACKENZIE moved, pursuant to notice,—“That a select committee be appointed, with power to send for persons and papers, and sit during any adjournment of this House, to enquire into, and report on, the causes which have led to the resignation and sudden return to this Colony of Mr. Henry Jordan, late Emigration Commissioner for this Colony in England. Such committee to be appointed by ballot.” He said the question was one of such importance, and affected members on both sides of the House to such an extent, that he was quite confident it would meet with no opposition. The question of immigration had been very fully gone into last session, and the House had now before them correspondence which kept them up to what had passed during the interval. As to the return of Mr. Jordan, much might be said, but as he trusted that this would not be looked upon as a party question, he would just leave it in the hands of the House. He proposed that the committee should be appointed by ballot, not that it should be packed; and he trusted honorable members on both sides of the House would unite in appointing a committee who would be able to sift the matter to the utmost. He believed Mr. Jordan wished to be examined at the bar of the House, rather than before a select committee; but as there were other witnesses—one a member of the Black Ball Line—to examine, he thought it would be better that the whole subject should come before a select committee. It would be in the power of Mr. Jordan afterwards to petition to be heard at the bar of the House.

Mr. BLAKENEY seconded the motion.

The COLONIAL SECRETARY said, that after the manner in which the motion had been brought forward by the honorable member for the Burnett, he would lose no time in stating in a few words, that the Government would not object to the committee. With the honorable member for the Burnett, he was desirous that this case should be made clear; for he was himself in about the same amount of darkness as the honorable member

and the country were in with regard to it. There was something in it upon which he thought the committee would be called upon to express an opinion, as to the steps to be taken by the Government for carrying on immigration for the future. He should refrain from any remarks upon the conduct of Mr. Jordan, as to the manner in which his services had been performed, or as to his return. That would be done hereafter. But he might state, he did not think it would be proper that, under any circumstances, Mr. Jordan should be called to the bar of the House. He could not see, that in his position as a subordinate officer of the Government, that gentleman had any claim to be examined at the bar of the House. He could not see that his position was more than that of any other head of a department, and it would be an improper thing until the Government and the House were satisfied as to the reasons for his resignation, to depart from the usual course of dealing with civil servants. Therefore, he trusted that they should not hear of any such proposal, for he should be bound to resist it. He quite concurred with the honorable member (Mr. Mackenzie) in his desire to elicit every information about matters that were now shrouded in obscurity. He promised to give the committee every assistance in his power to that end. In conclusion, he thought it would be doubly advantageous to the Colony if the committee could sit at once, and not extend its enquiry unduly, so as to report in a short time. Every month that elapsed without completing the immigration arrangements was a month lost to the Colony.

At the suggestion of the SPEAKER, the number of the committee was limited to five, and the mover, and

The question was put and passed. The ballot was then taken, and the result was the appointment of the following members to form the committee:—Mr. Mackenzie, Mr. Coxen, the Colonial Secretary, Dr. Challinor, the Secretary for Lands and Works, and Mr. McLean.

RIVERS AND HARBORS.

Mr. BELL moved, pursuant to notice,—“(1.) That a select committee be appointed, with power to send for persons and papers, and leave to sit during any adjournment of this House, to enquire into and report upon the present state of the harbors and rivers of this Colony, and the steps necessary to be taken towards deepening and improving the same. (2.) That such committee consist of Mr. Macalister, Mr. Douglas, Mr. Sandeman, Mr. Mackenzie, Dr. Challinor, and the mover.” He wished to explain that he was not acting in the spirit of opposition to the conduct of the Government in connection with the subject under notice, as authorised by a resolution passed during last session. On the contrary, it was his desire to act with

them. Nor had he any desire to assist in plunging the country into an excessive or unnecessary expenditure upon works of an unproductive nature, such as the motion referred to. But it was for the purpose of obtaining the information and assistance which the committee would secure in regard to works which he thought were very necessary. He hoped the committee, if appointed, would distinguish between those works which were necessary and others which would, perhaps, brook delay. The rapidly increasing traffic on the northern coast of the Colony seemed to him to render it imperative that an enquiry should take place as to the best means of providing for the further protection of life and property. An increased traffic had also taken place upon the rivers of the Colony, which would necessitate a certain expenditure; and honorable members would agree with him that it was desirable to encourage the traffic, which might fairly be anticipated, through Torres' Straits and along the northern portion of the coast, which at present presented such difficulties, and was so little known to navigators. The House would do well to consider the whole subject, and to give authority for all necessary surveys in that direction. The present time was opportune for the consideration of the subject, as he found that a committee of the New South Wales Legislature had recently reported upon it; and it was now a question to be settled between this and the neighboring Colony where a lighthouse should be, on the coast near the boundary line—whether on Point Danger or Cape Byron—for by the report of that committee, they looked to us to participate in the expense of such a lighthouse. The honorable member further referred to the desirability of laying down buoys at the southern entrance of Moreton Bay; the want of a lighthouse on Breaksea Spit or Lady Elliott's Island; the propriety of clearing the Narrows, at Gladstone; and the necessity for improving and deepening the Fitzroy River.

Mr. GROOM seconded the motion.

The SECRETARY FOR LANDS AND WORKS said he had no intention of opposing the motion of the honorable member for West Moreton. On the contrary, it afforded him much pleasure to observe that the honorable member took a deep interest in all matters connected with the improvement of the rivers and harbors of the Colony. At the same time, he labored under some apprehension as to the difficulties that surrounded the enquiry, and the uncertainty of any practical result. In answer to some of the honorable member's statements, he referred him to the records of the Legislative Council, which would inform him that the only way to improve the navigation of the northern coast to Torres' Straits was by the erection of lighthouses; the southern entrance was already buoyed off and used as far as practicable; and everything that was necessary had been done

in Moreton Bay until there was a channel cleared to admit vessels up as far as Lytton. It would be useless for the committee, therefore, to go into that subject. With regard to the improvement of the rivers, and especially the narrows on the Fitzroy, he agreed with the honorable member. The Fitzroy River was of the greatest importance to the Colony, and it behoved the Government at the very earliest opportunity to take steps for clearing it; indeed, steps had been taken to enable the Government to proceed to action. A report upon the navigation of the Fitzroy, as far as it could be cleared, had been prepared for the Government. He promised to render the committee all the assistance in his power, but despaired of accomplishing anything until the appointment of a department which should have at its head an engineer of harbors, for which he had made provision in the Estimates. Honorable members must know that the Government were not engineers. He must say that latterly he was not satisfied in acting upon information derived from the sources at his command; and he thought it was impossible that the House could be satisfied until an engineer of harbors had been appointed. In point of economy, it would also prove useful, because it was not to be forgotten, that during the last year, a great expenditure in connection with the dredging operations at the bar had taken place, of which the responsibility had been thrown upon Ministers without their having had a competent head of a department to apply to on the subject.

Mr. DOUGLAS said he should be very glad if the enquiry to be conducted by the proposed committee should result in obtaining any valuable information on the subject. He agreed, however, to a certain extent, with the honorable Minister for Lands and Works, that the House were not likely to obtain any reliable information until a competent officer had been appointed, upon whom they could depend for a sound professional opinion. He thought it would have been better if some reference to the lighting of the coast had been made in the motion before the House. The constituency which he represented were very anxious that some steps should be taken in that direction. Lighthouses on some of the prominent points of the coast would be very serviceable, and would contribute more to the safety of life and property than any other expenditure; and some of them, he thought, might be proceeded with without waiting for the report of an engineer. Mr. Plews' report, referred to by the honorable member, Mr. Macalister, ought, he thought, to have been laid upon the table of the House; and in reference to the clearing of the river near Rockhampton, that document would probably afford all the information that was required. Several accidents had occurred lately at Breaksea Spit, and it was high time that some steps should be taken to prevent similar casualties. A large

amount of money had been authorised during the previous year for dredging operations, most of which had been expended on the Brisbane River bar, a very small portion only of the vote having been spent for the benefit of the northern ports.

The motion was put and passed, the name of Mr. R. Cribb having been substituted for that of Mr. Mackenzie, on the motion of the last named honorable member.

LEICHHARDT ELECTION.

Mr. DOUGLAS moved, pursuant to notice,—
 “That, having regard to the letters now on the table of the House from the returning-officer for the Leichhardt electoral district, a grave question arises relative to the legality of the election of Edmund Royds, Esq., for that district, and this House is of opinion that the matter should be referred to the Committee for Elections and Qualifications, to report on the legality of such election.”
 He said it would be in the recollection of the House, that after the appearance of the proclamation in the *Government Gazette*, of May 10th, he had drawn the attention of the House to certain irregularities which it was popularly believed had occurred in connection with the election of Mr. Royds. On that occasion he had moved for the correspondence which had taken place between the Speaker and the returning officer for the Leichhardt. Only a portion of the correspondence in connection with the election had been produced, and that consisted of the letters of Mr. Scott. It appeared that this gentleman, in a letter dated March 3rd, drew the attention of the Speaker to certain facts in connection with the election. He pointed out the great area of the electorate, and with regard to Port Denison, which formed a portion of the electorate, he expressed a fear that it would not be possible to hold an election there on the 14th April, in time to return the writ on the 10th May. It appeared from another letter, of March 29th, that Mr. Scott had not been able to reach Taroom on the day appointed for the nomination, owing to the floods on the Dawson. They heard nothing then from Mr. Scott until April 11th. In the meantime, on the day originally appointed for the nomination, there were certain persons in Taroom prepared to nominate a gentleman whom they considered more fit and proper to represent the district than Mr. Royds. (Cries of “Name.”) He would not name, but honorable members might accept his word that such was the case. Those persons were there on the day appointed, as he was credibly informed, prepared to nominate a candidate in opposition to Mr. Royds, but finding no returning officer, they left. A period of a month elapsed, and the whole district and nearly the whole Colony inferred, that the election for the Leichhardt had lapsed. There being no returning officer at the place on the day appointed, there could be no election. However, they found that

on the 11th April, Mr. Scott wrote to the Speaker, that under the thirty-ninth and fifty-eighth clauses of the Electoral Act of 1858, he had convened a public meeting for Thursday, April 14th, for the nomination of a member. As that letter was dated 11th April, Mr. Scott could only have given a very short notice of his renewed attempt to effect the representation of the Leichhardt. The whole question narrowed itself into a small compass. The election having lapsed, was it competent to fix another date of election? He (Mr. Douglas) believed that it was; but it was clearly necessary, as it was indeed very patent, that over the whole electorate, due notice should have been given of the new date of election. It was impossible that, in the short time allowed, the inhabitants of the whole of the vast district of the Leichhardt could know the change in events which had taken place, or have due notice of the election. He considered that under these circumstances, a grave case had arisen for the consideration of the House. It might, and no doubt would be, urged, that the better course would have been for some elector to lodge a petition against the election, and the matter might then be referred to the Committee of Elections and Qualifications. But he also considered it was competent for the House to consider the validity of any election. In this case, a question both for the House and the country had arisen. Was the proclamation of the 10th of May sufficient to render the election valid, under the circumstances detailed? The Act said, that "impediments of a merely formal nature" to the validity of an election, could be removed by such a proclamation; and the question which he conceived the House had to decide was, whether the objections to the election were of a merely "formal" nature? He thought not; and if such were the case, the proclamation of May 10th was not sufficient to do away with the informality complained of by him. He had brought the matter forward apart from any party considerations, and he considered the House would be justified, under the circumstances detailed, in entertaining his resolutions, although no petition had been presented.

The ATTORNEY-GENERAL rose to oppose the motion, not because he thought the House had no power to deal with such a question, but because he considered the question as to this election resolved itself into a mere matter of law. If the legality of the election could be proved, there was no reason for granting the committee asked for. He would address himself to the question of the legality of this election under the Electoral Act. He would first, however, observe, that it was a remarkable fact that no petition had been lodged against this election; but he did not blame the honorable member for Port Curtis for taking the matter up upon his own account. He believed that honorable member to have acted conscientiously in this matter, but he

thought he would be able to prove that everything in this election had been done according to law. As no one appeared to have been aggrieved, that was the only manner in which he could meet these resolutions. He did not deny that the actual day of nomination was not the day originally fixed by the writ. But a certain power in particular contingencies was vested in the returning officer, who, on this occasion, had used the law as it stood; but had acted, not under the 39th clause, as had been represented, but under another clause? What were the facts of the case? Why, through no fault of his own, but through what might be termed the act of God—through the inclemency of the weather, the returning officer was unable to hold the nomination at the day fixed. By the 58th clause of the Electoral Act, 22nd Victoria, No. 20, it was stated that "no election for any electoral district shall be void, in consequence of any delay in the holding of the election at the time appointed, or in the taking of the poll, or in the return of the writ, or in consequence of any impediment of a merely formal nature. And the Governor, with the advice aforesaid, may adopt such measures as may be necessary for removing any obstacle of a merely formal nature, by which the due course of any election might be impeded. Provided that the validity of such election, and the measures so taken, shall be forthwith declared by the Governor by a proclamation for that purpose published in the *Gazette*." It would be observed that there was a difference made between the "holding of the election" and the "taking of the poll;" but this difference applied only to cases in which a poll was demanded. When no poll was demanded, as in this instance, the election became complete on the day of nomination when the unopposed candidate was declared duly elected. By the 58th clause it was clear that no election could become void in consequence solely of delay in the holding of the election; and in this instance there had been no delay in the taking of the poll. That was not the first case of the same nature which had arisen. The election of the Speaker (Mr. Elliott) had been held at a later day than that appointed in the writ, and the informality had been rejected in the same way as in the present case. The legality of that election was never questioned, and he (the Attorney-General) had never supposed it could be. He admitted that two wrongs did not make a right, but he believed that the honorable member for Wide Bay (Mr. Elliott) had a perfect right to his seat. The 58th section had been especially framed, so that elections held under such unavoidable and exceptional circumstances, should not be deemed illegal. In this case no petition had been filed against the return. Even assuming some informality had taken place, which he did not admit, the proclamation of His Excellency obviated the informality. But he

(the Attorney-General) did not think that in this instance the proclamation was necessary. If the House held this election to be informal and illegal, he should certainly like to hear the ground upon which that opinion was based.

MR. BLAKENEY said he must differ with the law laid down by the honorable member who had just spoken. He must, at any rate, challenge one observation, viz., that if the House assented to the motion, the election for the Leichhardt would be declared illegal. The motion before the House simply stated that, owing to certain informalities in the conduct of the election, a serious question had arisen for the consideration of the House, upon which it was desirable that they should have further information. For his part, however, he held that the election was both illegal and informal. The thirty-seventh clause of the Electoral Act stated that "on the day of nomination named in the writ the returning officer shall preside at a meeting to be holden at noon at the place named for that purpose in the writ." He could find nothing in this Act to remedy that omission, and he thought he should be able to prove, and the Government would be obliged to admit, that it was an omission. Upon reference to the Electoral Act then passing through the House, it would be found that the terms employed to remedy that difficulty were as follows:—"No election shall be declared void in consequence only of there having been no returning officer at the time of the issue of the writ, or of any delay in the nomination." That was in the 69th clause of the new Bill, but there was not a word of it in the existing Act. He argued that the case with regard to the election of the Speaker at Maryborough, was quite different. In that instance Mr. Elliott and his opponent met at Maryborough to contest the election, but owing to the delay in the passage of the steamer, the writ did not arrive at the time appointed. Accordingly the two contending gentlemen agreed to fight the election out when the writ arrived, and not to endeavor to upset it subsequently on account of this informality. He was sorry to find that the correspondence asked for was one-sided, inasmuch as all the communications made by the Speaker upon this subject had not been supplied. He believed, if the complete correspondence had been produced, it would have been found that the Speaker's views with regard to this election coincided with those of the mover of this resolution. On the 11th of April, Mr. Scott wrote that he had convened by public notice a public meeting at Taroom, for the purpose of holding a nomination and election. He did not state how that notice was given. The Leichhardt was, it should be remembered, a very large district—one, perhaps, larger than any five or six in the territory. It was a fact that two gentlemen were present at Taroom on the day of the original writ of

summons, for the purpose of nominating a gentleman in opposition to the Government candidate. Yet they were precluded from doing so, owing to the absence of the returning officer; and they therefore went away. Certainly the selection of Mr. Scott was a most unfortunate one. He would ask whether any notice was given at Peak Downs, or to the electors of Peak Downs, of the actual day of nomination? Ought not notice have been sent in due time to every polling place? In the case of the election of East Moreton, because the returning officer, by mistake, did not appear down at Cleveland on the day appointed, and because sufficient notice of the subsequently appointed day was not given, the election was declared invalid. The present was a more important case. The Government well knew that with so short a notice they could get in their own candidate. If, in so large an electorate, the Government were to be allowed to hold elections at this short notice, was not the whole of our system of representation a sham, a delusion, and a snare? Mr. Scott could not swim the river when there was a *bonâ fide* opposition candidate; but he came in afterwards and proclaimed a day of nomination, and the whole affair was settled in a nice little family-party style. The Government candidate succeeded, and the representation of the Leichhardt descended, as an heir-loom, to another member of the Royds family. If this system were carried on, there would be an end to all freedom of election in the Colony. He believed a deputation had come down from the electors of Port Denison to ask one gentleman to stand. (Cries of "Name.") Well, he was not afraid to name—Mr. Walsh was the party. No doubt the Government would do all they could to keep that gentleman outside the House. The deputation came down, and waited upon Mr. Walsh, at Degilbo, but found to their surprise, when they arrived, that the election had been settled some days since, and that they were too late. There were three or four hundred electors who thus had no chance of recording their votes. The member for Port Curtis had been taunted with the fact that no petition had been presented. But it should be remembered that communication between the metropolis and Port Denison was tedious, and a petition might yet be presented. If the House allowed this election to pass unnoticed, they would be establishing a precedent fraught with danger. Unless due notice were given, in the large and scattered districts, the Government, by aid of a friendly returning officer, could always feel secure of having the elections in their own hands.

MR. McLEAN said if the arguments made use of by the honorable member who had just sat down were admitted, scarcely any honorable member in that House could be said to have been legally returned; for if the fact of due notice not having been given

to all the electors at the different sheep stations, in a widely-scattered district, invalidated an election, but few elections were valid, and the honorable member for the Leichhardt would be found to be in as good a position as any other honorable member. How were the squatters on the Barcoo, the Warrego, and other remote places which were supposed to be represented by that honorable member, to be communicated with? It did not appear to him that the House had anything to do with the question as to whether the requisite notice had been sent or not. If the electors of Port Denison had a grievance, they had their remedy, and could submit it in the form of a petition, which was the only form in which it could be entertained by the House. If he had understood the honorable member for Port Curtis aright, he had stated that another candidate was present at Taroom, accompanied by his supporters. ("No!" from Mr. Douglas.) He (Mr. McLean) was credibly informed, that the gentleman to whom Mr. Walsh had written, and whom he had requested to support him, was the nominator of the sitting member, Mr. Royds. It appeared to him an extraordinary plea to set up, that, because unusually heavy floods had occurred to delay the election, it was therefore invalid.

The SECRETARY FOR LANDS AND WORKS said it would be more satisfactory to the House if honorable members would come to some distinct understanding as to the leading principle which was to guide them in deciding the question, because unless there was really a case to refer to the Elections and Qualifications Committee, it was useless to proceed with it. His honorable and learned colleague, the Attorney-General, had laid down the law on the subject, and had stated that in the absence of any petition or any further facts than were disclosed by the correspondence before them, the House could only be guided by the law of the land. He (Mr. Macalister) entirely concurred in that opinion, which had been assented to by the honorable member for Port Curtis. It was all very well for the honorable member for North Brisbane (Mr. Blakeney) to declaim about the purity of election; and no doubt that honorable member was himself one of the purest patriots in the House. It was all very well for him to say that the people of Port Denison had come to Mr. Walsh, and were told that the election was over; and that the people at Taroom were prepared to nominate him. These statements might or might not be well founded, but the House had nothing to do with them at this stage. There was no evidence before them. He was sorry that the member for Port Curtis had brought forward this motion and made a speech, as he had thus virtually prejudged a case which might come before him in his capacity of member of the Committee for Elections and Qualifications. He contended that the 58th clause of the Electoral Act, cited by the Attorney-General,

applied to this case. They had nothing to refer to a committee at present. The honorable members of the Opposition who had spoken had confounded the terms "election" and "polling." He did not question the "power" of the House to enquire into the matter, as the House had "power" to do almost anything. They might even make a woman a justice of the peace. He maintained, however, that nothing had been done in connection with this election which was not in accordance with law.

Mr. PUGH desired, at this stage of the debate, to ask the Speaker how his (Mr. Pugh's) position as member of the Committee of Elections and Qualifications, and the oaths which he had taken in that capacity, would affect him in giving a vote upon this question, which might, subsequently, on that committee be brought before him to decide upon.

Dr. CHALLINOR also desired an opinion from the Speaker on this point.

The SPEAKER said that he had no right to decide in such a matter. It must be left to the individual judgment of honorable members.

Mr. R. CRIBB said, if the question was put to the vote he should oppose it, as it appeared to him to be an attempt to convert the House into a court of enquiry. He did not consider that the question came properly within the functions of the House. If the electors of any district had a grievance, they ought to present a petition, and it would then be duly considered. He had also understood the honorable member for Port Curtis to say that another candidate, with his proposer and seconder, were on the ground. But what was the case? Why, that the proposer of the opposition candidate was also the proposer of the successful candidate. (Laughter.) The question appeared to him (Mr. Crabb) to have been brought forward for the purpose of creating a debate. For his part, he was of opinion that no illegality had been proved.

The COLONIAL SECRETARY supported the opinions which had been expressed by his colleagues, and thought even the honorable member for Port Curtis must admit that the law as laid down by them outweighed the arguments advanced by honorable members on the other side of the House. The subject had been fully debated, and the result was, that a very clever casuistical question had been raised. He thought the honorable member should withdraw his motion, if only to save the honorable member for North Brisbane (Mr. Pugh), and the honorable member for Ipswich (Dr. Challinor), from the distress of conscience which they would otherwise experience. At any rate, it would be better to postpone it until a petition against the validity of the election had been presented. He thought the honorable member for North Brisbane (Mr. Blakeney) was in error when he stated that three or four hundred electors in the Port Denison district had requested

Mr. Walsh to come forward. He doubted whether the entire roll for the electorate contained that number of names. No doubt the Northern League had been very active in obtaining signatures to their petition, but signatures to petitions could in many instances be obtained at a small amount of cost. The honorable member had also been led into a grand mistake. The Northern League was a very influential body, and had made a praiseworthy effort to get some two hundred names added to the last electoral roll. Whether all these applicants were qualified or not, it was not for him (the Colonial Secretary) to state. Unfortunately the messenger of the league did not arrive until three or four days after the roll had been made up. Did any honorable member mean to say positively that Mr. Walsh was a candidate. He (the Colonial Secretary) believed that Mr. Walsh held too high an estimation of himself to have come forward under such circumstances. The fact was that Mr. St. George was originally selected by the Northern League as their candidate, and upon his refusal Mr. Walsh was chosen as an alternative—a *pis aller*, in fact. Mr. Walsh was scarcely the man to accede, under these circumstances, to accept the overtures of the league. The honorable member for Port Curtis had stated that a gentleman was prepared to nominate Mr. Walsh at the election, but the gentleman who had been asked to do so, when he found Mr. Royds in the field, gave his support to that gentleman in preference to Mr. Walsh, and actually nominated Mr. Royds. He (the Colonial Secretary) contended that although the details of Mr. Elliott's first election were different from those of the present case, yet the legal question involved was the same. If the honorable member (Mr. Douglas) succeeded in carrying his motion, and the Committee of Elections and Qualifications should unseat Mr. Royds, the result would be that during the session, when the Additional Members Bill came on for discussion, one of the most important northern districts would be to a great extent unrepresented.

Mr. BROOKES supported the motion, and complimented the Government upon the zeal they had displayed in defending their friends. He believed that a most dangerous precedent would be established if this election were allowed to pass without enquiry. It was not beneath the dignity of the House to enter upon such an enquiry. The election had, it was admitted, taken place under circumstances which prevented a large majority of the electors recording their opinions. He should vote for the motion if it were pressed to a division, although he had no doubt that the object of the member for Port Curtis had been attained by the discussion already elicited.

Mr. TAYLOR opposed the motion, and denied the truth of the insinuations of the honorable

member (Mr. Blakeney), that Mr. Scott was a Government hack.

Mr. BLAKENEY: I never made such a statement.

Mr. TAYLOR: The honorable member had certainly made this insinuation. He (Mr. Taylor) characterised the motion as a "dodge" to weaken the Government ranks, and expressed his regret that the opposition to the Government did not assume a more open and manly character.

Mr. DOUGLAS replied, and argued that the fact of his moving this resolution, did not in any way prove, as alleged, that he had arrived at a foregone conclusion in the case. He merely asked for enquiry. He denied the allegation of the Colonial Secretary that it was improbable that Mr. Walsh would have become a candidate under the circumstances. The gentlemen who had proposed Mr. St. George did not constitute the whole electorate, and there was no reason, on account of Mr. St. George's name having been mentioned in connection with the representation, to assume that Mr. Walsh would not have come forward. He argued that the Colonial Secretary made a mistake if he thought that his meagre addition to the number of northern members, in lieu of the promised comprehensive scheme of electoral reform, would conciliate the people of Rockhampton or the northern districts. As to signatures there to petitions being obtained at a small cost, he (Mr. Douglas) could assure the Colonial Secretary that in the present state of feeling existing there towards the Ministry, such signatures could be readily obtained without any cost at all.

The question was then put, and the motion negatived on the following division:—

Ayes, 4.		Noes, 12.	
Mr. Douglas	} Tellers.	Mr. Herbert	} Tellers.
„ Edmondstone		„ Moffatt	
„ Blakeney		„ Macalister	
„ Brookes		„ McLean	
		„ Stephens	
		„ Lilley	
		„ Taylor	
		„ B. Cribb	
		„ R. Cribb	
		„ Wienholt	
		„ Pring	
		„ Bell	

Messrs. Mackenzie, Royds, Challinor, and Pugh retired before the above division took place.

CORRESPONDENCE RELATIVE TO 3 FEET 6 INCHES GAUGE RAILWAY.

Mr. MACKENZIE moved,—“That an address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid on the table of this House all correspondence which has passed between the Engineer-in-Chief, the Secretary for Lands and Works, Sir Charles Fox, and other engineers, relative to the adoption of the three feet six gauge railway in this

Colony. Also, a copy of the contract entered into between the Queensland Government and Sir Charles Fox, for acting as agent for the purchase and transmission to this Colony of certain railway plant. Also, a copy of Sir Charles Fox's testimonials from the most distinguished member of the British Cabinet." He contended that the case submitted by the Government to Sir Charles Fox to report on, and the accompanying letters of the Government had not yet been laid before the House. The testimonial alluded to by the Minister for Lands and Works had also not been produced. A cabinet, not many miles distant from the English Cabinet, would, if reports were true, give Sir Charles Fox a testimonial of not a very flattering character.

THE MINISTER FOR LANDS AND WORKS said, that all the documents in relation to the Government and Sir Charles Fox had already been produced. The Government had made no contract with Sir Charles Fox; but the terms of payment had been left by Sir Charles Fox to the Government, and no doubt he would be liberally dealt with. He (the Minister for lands and Works) concluded by stating that the last portion of the motion was unintelligible.

MR. MACKENZIE replied that, with regard to this contract with Sir Charles Fox, it was evident, from the admission of the Minister for Lands and Works, that it was a loose way of doing business. (Hear, hear.) The testimonial of the "distinguished member of the British Cabinet" was referred to by the Minister for Lands and Works last session in one of his speeches.

The motion was then put and negatived, without a division.

GRAMMAR SCHOOLS ACT AMENDMENT BILL.

THE COLONIAL SECRETARY moved the second reading of the above Bill. He said that he had not often occasion to rise to move the second reading of an Amendment Bill, under circumstances similar to those which caused the introduction of the Bill then before the House. He had to move an amendment upon an Act, the operation of which had already proved a complete and remarkable success. Honorable members were, doubtless, aware of the circumstances under which the Grammar Schools Act had been passed, and that its provisions were calculated to materially assist in providing, at a reasonable rate, education of a character suitable to the requirements of a young community such as that of Queensland. The inhabitants of one district in the Colony had availed themselves of the advantages offered by the Act,—he referred to the police district of Ipswich, where the experiment had been found to succeed admirably. He would lay certain facts before the House, showing the remarkable progress made by the Ipswich Grammar School, a knowledge of which would, doubtless, act as an inducement to other

districts to follow the example which had been set. The school he referred to had certainly progressed very rapidly, and at the present time there were forty-eight pupils attending it; and he had been informed that there was every probability that by the end of the next quarter that number would be increased to sixty—it being confidently anticipated that at the close of the year there would be not less than seventy pupils attending the school. That, he considered, was a very remarkable statement, as evidencing a success much greater even than had been anticipated. He was glad that he had an opportunity afforded him of bearing testimony to the great efficiency exhibited in the management of the institution to which he alluded, and to the admirable manner in which the school was conducted. He had been called upon to act as examiner of the competitors for the scholarship which had been given during the past year; and he could assure honorable gentlemen that the attainments of some of the pupils—especially when it was remembered that the school had been in existence but a very short time, and that in this Colony it might be presumed that only limited means could be provided for acquiring a knowledge of the dead languages, history, and other of the higher branches of education—were first-rate, and he was very much gratified at the result of the examination. It was designed by the Bill then before the House to amend the Act at present in force, so that the means at the command of the trustees should be increased; that, in fact, the annual contribution paid by the Government should be doubled, provided that the amount collected by private subscription should also be doubled. He regarded with much satisfaction the action taken by the inhabitants of Ipswich in the matter; and the broad basis upon which they wished the school to be placed. Within four or five days he understood that a number of gentlemen had subscribed the second thousand pounds required, in order to enable them to take advantage of the amended Act, and had thereby displayed an amount of liberality worthy of commendation, and had set an example to other places which might be followed with advantage. Honorable members would understand that the people of Ipswich would be first compelled to double the amount subscribed by them before the Government would be called upon to double the sum annually given. He considered that nothing unreasonable was asked for, or what the House would feel indisposed to grant. At present in the Ipswich Grammar School there was only one permanently appointed assistant to the head master, although other masters were employed for teaching French, writing, &c. There was every reason to believe that it would be necessary before long to raise the number of masters, permanently appointed, to four, which number would not be larger than

would be required, supposing that seventy pupils attended the school, and he considered that might be reckoned as the average attendance for some years to come. He concluded by expressing his belief that the House could not spend a small sum of money in a better way than that proposed by the Bill; and he had therefore much confidence in recommending the measure to the favorable notice of honorable members.

The ATTORNEY-GENERAL seconded the motion.

Mr. R. CRIBB said he had a very disagreeable duty to perform; but he felt bound to oppose the motion, as he considered that the honorable Colonial Secretary had failed to show any sufficient reason why the amount of money required should come out of the revenue of the country. If the class of persons whose children were to be educated were poor, and only elementary instruction was to be afforded, he should regard the question in another aspect; but seeing that the parents of the children generally educated at grammar schools were well able to pay for that education, he did not consider that the public revenue should be burdened with the expense. If the Bill were passed some other towns would doubtless take the matter up, and what a drain upon the revenue of the Colony would be the result. He would move as an amendment that the Bill be read a second time that day six months.

There being no seconder, the amendment lapsed.

Dr. CHALLINOR said he quite objected to the statement made by the honorable gentleman who had just sat down, that the children only of wealthy parents attended grammar schools. At all events such had not been his (Dr. Challinor's) experience as regarded the Ipswich Grammar School. The boy who obtained the first scholarship at the late examination was the son of a bushman, and many other pupils were the children of poor people, who strained every means in their power to pay the fees required of them, in order that a good education might be obtained. There was no doubt but that the Bill before the House would prove a very useful measure; and he might state that the staff of masters at present engaged at the Ipswich school was not nearly sufficient; and there was no doubt but that the head master would not much longer be able to sustain the great efforts he had made and was making on behalf of the school. His health must fail; and he (Dr. Challinor) could assure honorable members that unless the staff was enlarged the school could not be carried on with advantage. Great difficulties had been experienced by the trustees in obtaining masters for the small salaries which they had been enabled to offer, and therefore any further means which might be placed at their disposal could not but have a beneficial effect. It was not a local matter, but one which affected the interests of the

whole of the Colony, and he trusted that the Bill would be passed.

Mr. DOUGLAS said he could cordially support the Bill before the House. The Bill, in his opinion, embodied an admirable principle, by encouraging to the utmost extent private efforts in the cause of education. It was likely that the prominence which was given to the matter might lead to the foundation of grammar schools in the more important towns of the Colony—Brisbane, Rockhampton, and Toowoomba. The honorable member for the Western Downs might find a vent for his redundant energy, and develop fully his philanthropic disposition, by assisting in promoting such a cause in behalf of the latter town. There was one point to which he (Mr. Douglas) would beg to direct the attention of the honorable gentleman at the head of the Government—the necessity of making some provision for the appointment of inspectors. It was very probable that the efforts of the members, who were generally selected from among the actual founders of the schools, and who at first were naturally much interested in their progress, would for some time to come render the appointment of trustees unnecessary; but as time passed that interest would subside, and he thought that if the inspection of the schools were handed over to the Board of National Education, or some similarly constituted body, some good would result. He thought there was no doubt but that the trustees themselves would hail the adoption of some such scheme, and considered that it would be very beneficial if the schools and masters were subject to some authority exterior to themselves. However, he merely made the suggestion, and would conclude by expressing his entire concurrence with the general principles of the Bill.

Mr. PUGH had much pleasure in supporting the Bill. It was certainly anything but a local measure, seeing that it was calculated to benefit the whole Colony. With reference to what had been stated by the honorable member for East Moreton, he (Mr. Pugh) was decidedly of opinion that it would be better to vote money for grammar schools than for extra police. He could not but express his opinion that it was a disgrace to the town of Brisbane that measures had not been taken by the inhabitants to found a grammar school. He would suggest to the honorable Colonial Secretary the propriety of reserving lands in towns for the purpose of endowing grammar schools.

Mr. BELL rose and said he would support the Bill. With reference to what had fallen from the honorable member of Port Curtis, as to the advisability of appointing inspectors, he (Mr. Bell) was clearly of opinion that it would be unwise at the present stage to make any alteration in the working of the Act, at all events not until it was more fully developed. As to what had been stated by the honorable member for East

Moreton, he (Mr. Bell) certainly thought that nothing better could happen than that every town in the Colony should place itself in a position to claim the advantages given by the Act—the money of the Colony could not be applied to a better object.

Mr. GROOM said he was prepared to give his cordial support to the Bill, believing as he did that the whole Colony would derive benefit from it. As to what had fallen from the honorable member for Port Curtis, with reference to the honorable member for the Western Downs, he (Mr. Groom) could inform the House that that honorable gentleman had offered to subscribe £250 towards the foundation of a grammar school in Toowoomba, and other gentlemen had done the same; so that there was every probability that before long the Toowoomba Grammar School would prove a formidable rival to grammar schools previously in existence. He (Mr. Groom) had much pleasure in bearing testimony to the great exertion made by the honorable member for the Western Downs in the cause of education.

The ATTORNEY-GENERAL would make a few observations on the measure before the House. He quite differed with the honorable member for Port Curtis as to the propriety of allowing the Board of National Education to interfere in any way with the grammar schools. The education afforded at the grammar schools was of a different class altogether to that provided by the national schools, and the inspection of the former ought to be conducted on different principles to those adopted in the case of schools under the control of the Board of National Education. He (the Attorney-General) approved of the system of national education, but that obtained at grammar schools might be termed a species of collegiate education, and therefore there was no analogy between the two. The honorable member for East Moreton had objected to the spending of the public money in grammar schools, on the principle that it would benefit only the class who could afford to pay for their own education. He (the Attorney-General) quite differed from that honorable gentleman. While the instruction imparted at a national school was adapted to fit the pupils for a certain sphere of life, that obtained at a grammar school fitted a boy to fulfil the duties of any position which he hopes, seeks, and strives to obtain. There was no doubt, too, but that the measure would be a reproductive one to the Colony—perhaps not exactly in a pounds, shillings, and pence point of view, although he was not so sure about that; but it would be calculated to rear up good men, who in the future would perhaps take up the position occupied by himself and other honorable members of that House in colonial legislation. The honorable member for East Moreton was, doubtless, honest in his opposition to the Bill; but he (the Attorney-General) thought that the honorable member

had failed to perceive the great benefit which would arise to the Colony, and to himself, from its adoption.

Mr. DOUGLAS rose to explain that he did not wish honorable members to understand that he was desirous that the National School Board should have any control over the grammar schools; but that some system should be adopted by which similar results to those secured by the system of inspection, adopted by the National Board, could be obtained.

Mr. BROOKES was prepared to accept the Bill as an instalment of the good things to come in the matter of education, and deplored the fact that no grammar school was in existence in Brisbane.

Mr. LILLEY supported the Bill, and said he could bear testimony to the truth of the statement made by the honorable member for Ipswich (Dr. Challinor) that the pupils of the Ipswich Grammar School were not all the children of persons who were in a position to pay for their education. He would instance one case in which a boy, the son of a widow who had been in very straitened circumstances indeed, had carried off one of the scholarships at the recent examination, and who he (Mr. Lilley) believed would still further distinguish himself at the school. He believed the real objection of the honorable member for East Moreton to the Bill was, that it did not provide for the voluntary principle; but that honorable gentleman must be aware that a great difference existed in that respect between education and religion. He (Mr. Lilley) most cordially agreed with the Bill, believing as he did that it was calculated to stimulate and quicken the educational feeling throughout the Colony, and not merely to assist private efforts. As far as Brisbane was concerned, that feeling did not appear to be alive, and he concurred with the honorable member for North Brisbane (Mr. Pugh)—it was a disgrace to the metropolis, that some steps had not been taken to establish a grammar school. He believed, however, a movement had recently been set on foot to obtain the amount of subscriptions required. As the father of a young family, he was personally interested in the question. There was no doubt the aid of the Colonial Secretary would be given to any movement in that direction. The question of education was, in fact, a common platform on which all parties could meet, and all party feeling should be sunk. In conclusion, he would express a hope that Queensland would ere long be in a position to show to other colonies an example of a widely extended system of grammar school education.

Mr. TAYLOR said the Bill had his most cordial support. He had just been informed that the honorable member for Port Curtis (Mr. Douglas) had taken advantage of his temporary absence from the House to cast a certain amount of ridicule upon the town he

had the honor to represent. If that honorable member thought he (Mr. Taylor) did not take a warm interest in the question of education, he was very much mistaken. He was also the father of several sons, and was anxious to see them well educated. He was only surprised that such an important town as Rockhampton had not taken some steps to establish a grammar school. He believed the Bill would have the effect of greatly extending these schools. Brisbane would probably have the honor of founding the second school, but the next would certainly be in Toowoomba, and when the railway was completed it would prove a powerful competitor. The climate of Toowoomba was a very fine one, and judging of the probable character of the school, from the style of the place, and the style of the men who were sent down from there,—(laughter)—he fully expected to see the little Stephens, Brookes, and Lilleys, sent up by rail to the Toowoomba Grammar School, and eventually turned out of that institution better men, perhaps, than their fathers. (Laughter.) He did not agree with the honorable member for Port Curtis, that these schools should be brought under the inspection of the National Board. He could see no necessity for any such inspection. The schools would naturally compete with one another, and those that were badly conducted would fall to the ground. Parents would send their boys to those schools which afforded the best instruction. He trusted that the Bill of 1860, with the amendments embodied in the Bill before the House, would be the law of the land, and if the Government continued to support the few schools already established, or about to be established, he had no doubt there would soon be a widely extended system of education in the Colony.

The motion was then put and passed, and, on the motion of the Colonial Secretary the House went into committee to consider the Bill in detail.
