Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 16 AUGUST 1864

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LEGISLATIVE ASSEMBLY.

Tuesday, 16 *August*, 1864.

Cabulture Cotton Company.—Board of General Education.—Marriage Bill, read 2°.—Jury Bill, read 2°.

CABULTURE COTTON COMPANY.

Mr. BELL moved—"That in the opinion of this House the Cabulture Cotton Company should be placed upon the same footing as other cotton-growing companies, in being allowed to claim grants of land in proportion to the amount of their expenditure, in accordance with the written opinion of the Attorney-General on the subject, dated August 29, 1862. That the Executive be empowered to take the facts into consideration, and effect an equitable adjustment of the company's claims." The honorable member proceeded briefly to review the circumstances under which the resolutions of 1861, for the encouragement of cotton growing by capitalists and companies were passed. Under these resolutions certain regulations were published, having the force of law. Clause five of these regulations was to the effect, that when a tenth part of the land had been planted with cotton, and a sum in proportion of £5,000 to 640 acres expended in clearing, fencing, cultivating, &c., the deposit of two shillings an acre should be returned, and the deed of grant be issued by the Government to the occupiers. It was under these regulations that the Cabulture Cotton Company was formed. But twelve months after that company had come into operation, the Attorney-General at the request of some other proposed companies, gave a written opinion as to the legal interpretation of these regulations. That opinion was to the effect that, according to the true interpretation of the clause, out of a block of 640 acres 64 had to be planted within two years, and £500 had to be expended for the purposes specified in the clause. (The honorable member here read the opinion in question.) Afterwards, Mr. Macalister, the Minister for Lands, had been written to, in his professional capacity, with a request that he would give an opinion on the subject. The letter was from Mr. Henry Scott, of Redland, who had taken up land in 1861, and who believed himself in a condition to claim a grant of land. He stated in his letter that by the sixth clause the occupier was bound to cultivate a tenth part of his 640 acres, and also to expend £500; and he desired to know whether he was bound to spend the latter sum on the whole amount of the land, or whether it might be included in the improvements on the amount of land which had to be cultivated according to the regulation. (The honorable member here read a letter from Mr. Macalister, giving an interpretation of the regulations similar to that embodied in the Attorney-General's opinion.) After these opinions had been given, other companies and private individuals had acted upon them and got grants of land much larger in proportion than the Cabulture Company had at first claimed. This company would, therefore, be placed at a disadvantage, unless their present claim were taken into consideration. It was clear that the Cabulture Company did not know at first the effect of the regulations, and he hoped that there would be no disposition on the part of the House to say that the company should be in an inferior position owing to their ignorance of the proper interpretation of the regulations. He simply desired that the Executive should be asked by the House to consider the claims of this company, and give them as fair a position as other companies under the regulations. The Executive at present did not think themselves entitled to entertain the claims of the company, and he, therefore, appealed to the House in their behalf. The only dark side of his motion was, that clause one might be deemed to do away with any title of the Cabulture Company to additional land; but when they fairly read the clause, and considered the position of the company, such an idea would not be entertained. That clause said that all the land referred to should be in one block, and not less than 320, nor more than 1,280 acres in extent. Now the Cabulture Company might have claimed, as others had done, for a much larger amount of land, by dividing, and claiming, each shareholder, as a separate individual. Each individual would then have had a grant of land against his own name. But the Cabulture Company was not aware of this at the time, as it was not until twelve months after their formation that the legal interpretation of the regulations was given by the Attorney-General and Mr. Macalister. He trusted the House would deal with the claim as a question of fairness and equity.

The SECRETARY FOR LANDS AND WORKS attributed no blame to the Cabulture Company, several of the members of which were members of the House, for attempting to get as much as they could from the Government. He blamed them, however, for trying to take little advantages of the regulations framed for a good purpose, and for endeavoring to pick holes in them. The honorable member who had just sat down stated that he desired only that the House should take an equitable view of the case. The fact, however, was, that the Cabulture Cotton Company, instead of asking for 1,280 acres, to which they were entitled, made a demand for 12,500 acres. That was actually the demand referred to in these resolutions. He was not prepared to state that the amount asked for, if apportioned among the individual shareholders for land taken up in their individual names, and cultivated, would be an unfair thing; but the regulations as regarded individuals, and as regarded a company, were distinct. The object of one was to encourage individuals in the pursuit of cotton growing. The company, to show that they

should be placed in a better position than the regulations fairly entitled them to, should show that they had carried out these regulations in the same manner as though they were each individual proprietors under the regulations. The first clause quoted by the previous speaker stated that the land should be in one block, not less than three hundred acres in extent, nor more than twelve hundred acres. He would take his stand on that clause, and he would defy them to deduce from it any right on the part of the Cabulture Cotton Company for the extra land which, by the resolutions, they now asked for. The utmost extent they could demand was 1,280 acres, and the least 320 acres. If each individual shareholder had applied as an individual, no doubt each individual, under the regulations, would have been entitled to a grant. The Cabulture Company, however, went into the matter with their eyes open, and were not so shrewd as some other companies which were subsequently founded. The Cabulture Company, at the time they took up the land, never dreamed that they were entitled to claim more land.

Mr. BELL: Yes, that's what I say.

The SECRETARY FOR LANDS AND WORKS: Well, the honorable member admits that when the company started, they knew they had a claim to only 1,280 acres. Yet now they came down and asked the Government to give them 12,500 acres. At what time did the Cabulture Company discover that they had a right to 12,500 acres? They had no claim, as they well knew, and the fact was, that they were so satisfied with their right to the 1,280 acres, that they had already applied at the Survey office for their deeds of grant for this land under the regulations. He would like to know, after a transaction had been fairly and honorably closed between two parties—after the liberality and magnanimity of the Legislature had enabled this company to go into cotton-grazing—whether it was right that they should now come forward and make extra demands? He was told he had used the term cotton-grazing, and he doubtless did so, owing to connection of ideas as regarded the cotton company and the honorable member for West Moreton. If the Cabulture Company had spent a greater amount of money than was required by the regulations, such a circumstance did not affect the Government. It gave them no right in law or equity to an additional grant of land.

Mr. BELL, in reply, said that he was afraid the Secretary for Lands and Works had met the innocent resolutions which had been moved, in rather a hostile spirit. The resolutions he had proposed were not intended to ask for legal possession, on behalf of the company, of all that they claimed, but merely that there should be an equitable consideration of whatever claims they made. It was not asked by the resolutions that the fact should be admitted that the company were entitled to certain grants of land, but that, for their satisfaction, it should be ascertained whether they were, or were not, in the same position as companies established after them. They desired, in fact, that their case should be fairly considered by the Executive. With that explanation of the wishes of the company, he would leave the matter in the hands of the House.

The motion was negatived, without a division.

BOARD OF GENERAL EDUCATION.

Mr. DOUGLAS moved the following resolutions:—"(1.) That the Board of General Education, having failed to frame regulations calculated to give full effect to the Education Act of 1860, the operation of the said Act has thereby been confined within limits which are not sufficient to provide for the promotion of primary schools in Queensland. (2.) That an humble address be presented to His Excellency the Governor, praying that he will draw the attention of the Board of General Education to the foregoing resolution." He had no doubt that some honorable members had been alarmed by the possibility that he would raise a discussion on the general merits of the national and denominational systems of education, as they were termed. Such was not his intention. He wished to avoid those terms as much as possible. They were terms which, he believed, were very little understood by people who used them, and the mention of them gave rise to feelings of warmth, which it was not his desire to contribute to. At the same time he would not shrink from approaching this subject, as it was one upon which it was most desirable that the House and the country should be informed. The Colony had adopted a system which, it was believed, would have worked satisfactorily, and he desired to bring forward a few facts as to the merits of this system, as he believed that, under the present administration, it had not contributed what it ought to have done towards the general education of the country. (The honorable member proceeded to refer to the actions of the board, and the Act upon which their proceedings were based.) In 1860 an Act was passed to provide for primary education in the Colony. The preamble set forth that it was expedient "to make further and better provision for the establishment and maintenance of schools, and for the promotion of primary education" It was to be hoped by this Act, that the two rival systems which had been hitherto in force and were considered antagonistic, would be amalgamated; and, in order to effect this object, a Board of Education was formed, under which it was hoped that the two systems would be amalgamated, and all rivalry cease. It was thought that by this step, they would really meet all the educational requirements of the country. The two most important clauses of the Bill were the sixth and seventh. The sixth empow-

ered the board to make regulations and rules, and provided,—"That all such rules and bye-laws shall be approved by the Governor and Executive Council, and shall be laid before both Houses of Parliament within one month after the next ensuing session; and shall be in accordance in all respects with the spirit of national education as hitherto carried on in New South Wales, *except so far as herein is otherwise provided.*" The seventh clause referred, he presumed, to the proviso, as it stated that the board might assist any primary school submitted to its supervision and inspection, and conforming to its rules and bye-laws. In these two clauses they had the amalgamation of the two systems exhibited, as contemplated by the Act. It was hoped that under the one administration they would have worked harmoniously together; and there appeared to him to be no reason why they should not do so. There was no reason why they should not have found it possible to harmonise the two existing systems, and at the same time maintain thoroughly the national system of education. But the board had not been successful in their work, and he would refer to certain figures to show that both the public and private systems of education in the Colony did not meet the educational requirements of the country. Here they were, again, in 1864—after nearly four years' experience of the measure—and they were entitled to consider what it had cost, and whether it had been administered to the advantage of the country. Referring to the return of the Registrar-General, they would find that the aggregate attendance at schools for the previous year had been 3,204, whilst the average attendance under the board had been 1,593. They could only arrive at an opinion as to what the board was doing by taking the average attendance; that was the real result of their labor. He said, then, that the bare fact of the average attendance being only 1,593 was, in itself, a condemnation of the present administration of the system. It was calculated that the number of children, between five and twelve, who ought to be attending some school, was 9,429. Considering the number of those who attended schools under the board, it was very small compared with what it ought to be, being only one-sixth of the whole number of children in the Colony who ought to be attending school. This could not be regarded as a satisfactory result of the system. Then he found that the number of children attending private schools was 2,248 in the aggregate. The return of the Registrar-General, as regards this attendance, was not so elaborate as could be desired; however, they might argue on a fair deduction, that out of this number the average attendance at private schools was over 1,100; so that the whole number of children attending public and private schools in the Colony, on the average, was only 2,693. This did not say much for our educational efforts hitherto. The purport of his resolution was, undoubtedly, that the board themselves were, to a certain extent, to blame for this effect. It was no doubt right that they should adopt the regulations of New South Wales, but, in so doing, they ought, according to the Primary Education Act of 1860, to have given fair effect to the non-vested system. But it was impossible that such could be the case when they found the board would not amplify the system, and would only give assistance to those schools in existence at the time of the passing of the Act. The board would only assist the non-vested schools in existence at the time.

The Secretary for Lands and Works: No, no.

Mr. Douglas: Such, indeed, was the case, and all new non-vested schools had been prevented by the board from coming under the system. Honorable members must not run away with the idea that these non-vested schools were denominational schools under another form. They were willing to comply with all the regulations prescribed by the board, which was considered to be a national board. They required only that the founding of the school and the *minutiæ* with regard to its working—which would not be opposed to the prescribed regulations of the board—should be entrusted to the founders of such schools. There were a number of schools of this character willing to conform with the regulations, which were at present by the board prescribed, on condition of sharing in the endowment which they had the power to confer. He could prove by figures that a large number of children received their primary education from private schools, which, under present circumstances, did not receive aid from the board. In Ipswich, 721 children were educated in private schools, and 473 in public schools. No doubt some of these 721 children attended small day schools which scarcely could come under the category of private schools; but he found in that town four elementary schools with an average of 129 scholars on the roll, and these schools ought to have the option, if they choose to submit themselves to the board, to apply to the board for aid, as the regulations now stood. In Brisbane there were 783 children educated at private schools. At three of the private elementary schools in that town there were 165 children on the roll. These also should be assisted by the Government. At Rockhampton also there were 143 pupils educated at private schools, whilst under the national system there were 278. At Drayton and Toowoomba the attendance at the national schools was only 83, whilst the private schools educated 176. At those towns he found there were three private elementary schools, with an average attendance of 55. At Warwick there were 178 names on the national school rolls, whilst one private school had 139 on its rolls. These facts had led him to the conclu-

sion, that in the exercise of their discretion in the administration of the Act, the board had not taken upon themselves a full share of responsibility. They should remember that the vote which annually accrued to the board consisted of the contributions of the people at large, who might justly expect to have a share of the proceeds of their taxation. The Minister for Lands and Works would perhaps argue that if the people did not avail themselves of the system it was no fault of the board; that as the system had been provided by the state, the people should avail themselves of it. He (Mr. Douglas) had no objection to our present system—he never had; but he could not overlook the fact, and the House also could not overlook the fact, that a large number of the people of the Colony did not avail themselves of that system. He would not now ask them to consider why the people did not do so; he would merely state that the fact itself was there patent before them. He would ask whether the board was not to blame under these circumstances, for not sufficiently amplifying the system; for not trying to include various schools, rather than to exclude them from the circle of their operations? As he had taken exception to the action of the board, it was but right that he should endeavor to show in what direction its injurious tendencies were displayed. In the first place, he thought they made a great mistake in altering one of their regulations, published on the 4th June, to the effect that in "special cases" the board should grant two-thirds of the cost of buildings and apparatus, &c. This regulation was revoked, and another one published on the 4th July, to the effect that "the board may grant according to their discretion" any sum they choose, in special cases, to buildings, &c. It was unwise to leave the power open in this manner. It would be better for the board to take the absolute and undivided responsibility upon themselves of providing schools altogether in localities where schools were demanded. Say, for instance, where the population exceeded 500. He would rather see this power conferred, than that mentioned in the regulation referred to. The board had to consider the separate merits of each case. In South Brisbane, which was said to be a poor community, the board had not required that the private subscription of one-half towards the school should be complied with, but had accepted a smaller sum. If they acted thus with South Brisbane, how could they refuse any community in the interior of the Colony? They could not refuse in other cases to diminish the amount of contribution required. He himself having been connected with the Board of General Education, might be permitted to explain why he no longer conscientiously could consent to administer under the Act. It was simply on the ground that the board refused to alter that portion of the non-vested school regulations which applied to schools previously in existence. If they had done so, and had, at the same time, required some guarantee that those schools that did apply were *bonâ fide* schools—not mere mushroom schools, springing up one day, to obtain the Government subsidy, and then falling away;—if they had done so, they would, in his opinion, have made a concession, it might be, which would have been gladly accepted by many of the proprietors of those private schools, and which would have largely increased the efficiency of those schools. It was almost impossible, under the present regulations, that private individuals in the country could establish schools. There were certain stations, Yandilla, Jondaryan, Clifton, and others, where there were large numbers of children, for whom schools were needed; yet, it was not possible for them to get schools, for the Government had sold all the land, and there was no ground on which to erect a school, and the proprietors would not consent to alienate land for the purpose. Under the non-vested system, however, all could be done that was required—schools could be erected by those interested—they could get efficient masters and aid from the Government to support them. But under the present regulations, that was impossible; because the schools could not be in existence before the passing of the Act. He did not wish to open up the discussion of the respective claims of the national and denominational systems of education; but he thought that in Queensland they had signally failed to do that for the education of the country which they ought to have done. He found that not only was a large proportion of the children of the country uneducated, but a large proportion of those who were educated, were educated not by the state, but by private effort. He trusted to hear something from the honorable member opposite, who was chairman of the board, that would lead him to hope that there would be some change. He did not think that the honorable member need imperil what he was attached to—the national system. That system was not, he (Mr. Douglas) thought, one calculated to remain exactly in its present position. He should be glad to have some assurance from the honorable gentleman that some advance would be made on his part towards placing the system on a somewhat better footing than it was now on.

Mr. BLAKENEY seconded the motion.

The SECRETARY FOR LANDS AND WORKS said it was not his intention, nor would the House expect of him, that he should follow the honorable member through the whole course of his observations. That honorable gentleman, in opening his statement, asserted that his object was not to create any feeling of dissatisfaction with the national system of education—that he had no intention of raising any antagonistic feeling between the two systems of education; and, at the same time, the honorable member

contended that the non-vested system was not a denominational system, while he maintained that the Primary Education Act was intended to carry out the two systems of education—the national and denominational systems. It appeared to him (Mr. Macalister) that the honorable member had to some extent misunderstood the Act. He did not agree with the honorable member, that it was the intention of the Primary Education Act to carry out the two systems of education. He thought if the Legislature had ever intended to establish what was known in New South Wales as the national system, and, at the same time, to establish in this Colony what was known as the denominational system, the Act itself would have contained some expression on the subject. It contained nothing of the kind; on the contrary, the Act recognised but one system of education, and that was the national system. And, when it came to speak of what were termed non-vested schools, there again it repeated that those schools should be conducted according to the spirit of the national system of education. So that, in point of fact, the honorable member had been laboring in the course of his observations—evidently desirous of concealing the fact—to make out that the denominational system was positively established under the Primary Schools Act; yet he (Mr. Macalister) submitted to the House, the honorable member had entirely failed to do so. When somewhat driven to extremity on the subject, the honorable member took refuge in the assertion that the non-vested system, although not the denominational system, was really promoted by denominationalists. That might be all very well, but still a non-vested school, if promoted by any denomination whatever, would no longer be a national school, nor connected with any national system of education, and for that reason would no longer be entitled to be regarded or recognised under the Primary Schools Act as a national school. To put his meaning more plainly in another way, they had only to look at the New South Wales Act and the national system there, on which the Queensland system was based. There were three systems there—the denominational, the national, and the non-vested. The non-vested system was simply an excrescence introduced to carry out the system in the country districts where denominations did not exist. The honorable member was not very desirous of making out to the House that the non-vested system was not a denominational system, but he wanted to make out that the national system ought to be thoroughly worked out under this non-vested proviso. He had stated that the system had failed—that the number of children educated in the Colony was not anything equal to the population. He (Mr. Macalister) thought he might admit that fact without at all admitting the inefficiency of the national system of education. If the honorable member, when he asserted that the system had not come up to his expectations, had proved that any other system introduced into the Colony was superior to it, or that he could introduce any other system that would be superior to it, then there might have been something which he (Mr. Macalister) should be at once prepared to admit wrong in the national system as carried out in this Colony. But the honorable member had done nothing of the kind. If the House would recollect that last year, according to the report of the board, the system of education we had, had attracted an increase of not less than 32 per cent. on the attendance of the previous year, they would observe that this single and simple circumstance alone was quite sufficient to take the ground from under the feet of the honorable member (Mr. Douglas), when he asserted that the system was inefficient. But, supposing it had been inefficient, and supposing that he (Mr. Macalister) could not have referred to the increase of attendance, as establishing the advancement of education as connected with the system, was any honorable member in the House ignorant of the fact that the population had within the last two years actually doubled—that it had trebled? yet the honorable member (Mr. Douglas) took the whole population of the Colony at the present day, in contending that the system had not been carried out. That was an unfair mode of reasoning. As regarded the board, the honorable member forgot to tell the House, what he knew as a late member, that the board had before them not less than twenty-four applications from districts where people were anxious to see the system established, and to send their children by hundreds to those schools. The honorable member declaimed at great length upon the fact that the board had lately altered a rule; and in the same breath, he told the House that the board had not done enough—that ours was not such a system of education as suited the Colony—and that the board had not carried out the Act in the way that they ought to have done. Yet the board, in order to give assistance to those twenty-four localities which had been mentioned, and to carry out the system of education in every district where it was not possible to have schools, unless by their aid, had altered their rules. What they were doing to extend the system, and to educate the children of the Colony, the honorable member told them was wrong.

Mr. Douglas: No, no.

The Secretary for Lands and Works: Well,—that if they were not inefficient now, that they were doing something that was most unwarrantable—that was most unlawful. The honorable member, in order to depreciate the efforts of the Board of General Education, and the schools in connection with that board, made some reference to private schools. Now he (Mr. Macalister) would lay this

assertion down, and he thought it was correct, that there were not two efficient schoolmasters in this Colony in private schools who had not passed the Board of Education. He believed that no teacher ever landed in this Colony who did not make application to the board to take his examination, and to employ him, before he attempted to do anything on his own account; and he had no hesitation in saying that, upon enquiry, it would be discovered that the teaching in those elementary schools to which the honorable member (Mr. Douglas) had referred, was teaching only in name; that it was nothing better than collecting the children to keep them out of bad habits, and that the whole amount of teaching that they received was absolutely nothing. The honorable member referred with an air of victory to the circumstance that, as he stated, no less than seven hundred children were in the town of Ipswich acquiring tuition at private hands. The honorable member might be better informed than he (Mr. Macalister) was.

Mr. DOUGLAS: I took the figures from the Statistical Register.

The SECRETARY FOR LANDS AND WORKS: If he took them from that, he was better informed. The returns from the private schools were returns of no reliability; they might be true, or they might be false; they had been proved over and over again to be most untrue, while the returns of the national schools were made, at the peril of dismissal, by the masters. He did not believe that number of children wanting education. He did not think that all the schools of Ipswich could bring together the number of children receiving education, in its true sense, that were to be found in the school of the Board of General Education. The honorable member had also referred to other places, Rockhampton and Brisbane, where there were private schools; but he did not attempt to show that the education was anything, or that the numbers educated were very great; while the facts put forward by the Board of Education were, that their schools were established: that their number were increasing every day; that they were affording a cheaper system of education to the rising population than was ever offered under any system in the Colony before; that the education was not only efficient, but that the efficiency of it was secured by the admirable test of examination that was supplied to every teacher in their schools. The great difference between the teachers under the Board of General Education, and those under the Denominational Board of New South Wales, was simply this: under the system established in Queensland, the teacher found he could assume and maintain for himself a position, which once acquired, created respect in the minds of the children he was teaching, and the consequence of it was success in the cause in which he was engaged; while in New South Wales, unfortunately for the denominational system, it too often happened that the teachers were placed in their positions for other purposes than for the teaching of the young, and that they were the hangers-on of certain individuals who had been pandered to by the teachers themselves; these, moreover, never having paid that attention to the teaching of children which was necessary to a proper discharge of their duties. He did not throw out reflections on any parties in particular, but he thought it was a pity that at this date, when our system had been established only four years, that session after session, and year after year, it should be made the subject of attack in the House, before it had really had an opportunity of being tested throughout the country. It was an injustice to the system, and the more so when the very parties that adopted the course to which he alluded, and whose representative the honorable member undoubtedly was, were unable to show that they were doing anything for the system. He would not detain the House with any further remarks.

Mr. DOUGLAS would like to say a few words in reply. He wished briefly to assure the House that he did not appear on that occasion as the advocate of "certain parties." He merely wished to state his individual opinion, that Bishop Tufnell and Bishop Quinn had been looked upon as possessed of some kind of demoniacal influence, which it was feared would infect the whole Colony; whereas he thought that those gentlemen were highly educated and virtuous men, who deserved great respect at the hands of the colonists. He stated this, because people in Queensland had got into the habit of looking upon these gentlemen as incarnations of evil. Whatever the circumstances might be, whenever their names were mentioned, a sort of creeping horror was expressed of those two gentlemen. He was of opinion that the national system was one that might be most successfully carried out, but he found a considerable proportion of the population did not accept it, as at present administered; and then the question arose, whether, because certain people chose to hold certain opinions on definite points of doctrine, those opinions should be considered so noxious, that people holding them should be prevented from disseminating them? The persons holding such opinions, merely asked for a certain amount of assistance to enable them to increase the efficiency of the secular instruction they imparted. He would trespass so far upon the House as to allude to some statements which had been made by honorable members who had spoken in opposition to the motion. An honorable member had stated that he (Mr. Douglas) had not fairly stated the case, in reference to the number of scholars educated under the two systems, because he had not taken the last census and compared it with the returns made at the previous one. He was not

amenable to this censure, because he found that the returns he had quoted were made up to December, 1863, and the last census was taken on 1st January, 1864. The board might well take upon itself the responsibility of building school-houses in the outlying districts, where it would not be necessary to build schools of brick or stone—a wooden building being amply sufficient for all purposes. In such cases, he thought that the board would be justified in taking upon itself the whole cost of the erection of the school buildings. But in the case of towns, where private, primary and competitive schools existed, it would be wise to admit them, if possible, into the educational system. The Minister for Lands and Works had stated that there were no efficient private schools in the Colony, and that the education afforded by such schools were of a very inferior character. He (Mr. Douglas) admitted that such was, perhaps, the fact in some cases. The education was not of the character it would be, if the aid and inspection of the board were obtained for these schools. Still, he knew that there were in Brisbane unendowed schools conducted under most efficient management. He had no particular feeling towards the class of religionists who carried on these schools, but he must bear testimony to the efficient manner in which some of them were conducted. He would invite any gentleman, who cared to interest himself in the subject, to visit one of the schools to which he referred, namely, that conducted by the Sisters of Mercy, and satisfy himself as to the way in which it was conducted. He was quite confident, that if his honorable friend, the Minister for Lands and Works, were to visit this school, and listen to the examination of the children, he would be of opinion that the ladies who conducted the school were carrying on the system of education most efficiently. A complaint had been made that persons who conducted private schools were not willing to submit themselves to the test of examination applied to the masters appointed under the board. But he submitted fearlessly, that was the very thing they desired to obtain. All that gentlemen holding his opinion desired, was, that their schoolmasters should be brought up to the proper standard, by being placed under the superintendence and inspection of the board. At several stations in the Colony there was a desire to procure schoolmasters for the instruction of the children, under the national system, but it was found impossible to do so as the proprietors of the land would not alienate it; and in these cases it was desirable that they should be able to appoint their own schoolmasters who would at the same time be subject to the board. It would be highly desirable that in cases of this sort, no one should be appointed who would be offensive to the proprietors of the land. These gentlemen were desirous of obtaining the assistance of the board, and viewed the question quite apart from any denominational leaning. He would divide the House on the motion, and, although he did not expect a majority, he was confident that the results of mooting the question would be good. With regard to what had been said about sectarian prejudice, he (Mr. Douglas) professed that he had no objection to be regarded as a sectarian. He remembered that when he first came to the Colony, the *Sydney Morning Herald*, which was the leading paper in the colonies, was headed with the motto, "Sworn to no master, of no sect am I." Such a motto seemed to him to be simply ridiculous. They were all sectarian, and he maintained that the interests of the country were best carried out where the freest expression of individual opinion, consistent with the public good, could be given. He did not consider it desirable to foster unnecessary competition between the vested and the non-vested schools, but he thought that where both could be made to contribute good to the country, they should allow the non-vested schools to share in the assistance granted by the Government. He conceived that when, as a member of the board, he had attempted to make a change in the system, he had only done his duty, and the resolutions before the House were brought forward in accordance with the view he then entertained.

The question was put, and negatived on division, as follows:—

Ayes, 8.	Noes, 13.
Mr. Moffatt	Mr. Herbert
„ Douglas	„ Macalister
„ Blakeney	„ Brookes
„ Coxen	„ Royds
„ Groom	„ Pugh
„ Wienholt	„ Edmondstone
„ Taylor	„ R. Cribb
„ McLean.	„ B. Cribb
	„ Bell
	„ Stephens
	Dr. Challinor
	Mr. Mackenzie
	„ Edwards.

MARRIAGE BILL.

The COLONIAL SECRETARY moved the second reading of this Bill. He said it was a Bill which was introduced into the Legislative Council by an independent member, and did not previously come under the supervision of the Government. He was, however, of opinion that it might, with a few alterations in committee, be made a useful measure. He thought the clause which related to the hours for performing marriages, and the position of persons empowered to solemnise marriages, would require modification and alteration. Taking the Bill in its entirety, however, he thought he might safely invite the House to read it a second time.

DR. CHALLINOR objected to the clause which limited the period for solemnizing marriages to what were called canonical

hours. He considered that to be an arbitrary provision, and should oppose it.

Mr. BLAKENEY said he thought the hours for performing the marriage ceremony might be safely left to the clergy of the different denominations. He thought the clause was calculated to reflect upon the clergymen, as it inferred that marriages had been celebrated at improper hours. The motion was agreed to, and the Bill read a second time.

JURY BILL.

The ATTORNEY-GENERAL: Sir, I beg to move the second reading of a Bill to consolidate and amend the laws relating to juries. This is a measure which originated in the Legislative Council, and has been placed in my charge to be presented to the Assembly. As far as I understand the Bill, it appears to be, with one or two exceptions, a re-enactment of the existing jury laws. But I must inform the House that some alterations have been made, which I presume the House will take into serious consideration. With the majority of the clauses I need not trouble the House, but there are one or two points to which I think it my duty to draw their attention. The first clause, which refers to the qualification of jurors, is not, I believe, objectionable, but the disqualification clause, I think, requires consideration, and I feel that I should not be doing my duty to the country, if I allowed the Bill to go to a second reading without offering some comments upon it. I shall not shrink from the task, and shall give my opinion as an independent member of this House, and also as a member of the Government. As a member of the Government, sir, I will say that, although the clause itself has been held to be objectionable by many, it is simply the re-enactment of an existing law. But, when I say this, I trust honorable members will not mistake me, and infer that I approve of such a re-enactment. I know this, that the colonial statute of New South Wales was kept in force by the Order in Council. But, in point of fact, the clause of disqualification was a dead letter, because no penalty was provided for its violation, and I know those persons who were disqualified by the statute, sat on juries every week, and no objection was made to them. The clause rendered certain persons ineligible, but did not prevent them from sitting. The question then arises, whether it is desirable for the Legislature to take advantage of a clause in an old statute, which has practically fallen into disuse, and re-enact it? Taking that view of the case, sir, if I offer an opinion upon the validity of the objections which have been raised, and the benefit which would accrue from the passing of so stringent a clause, I say that I do not think it should be passed in its present form. But I do think a clause should be passed, modified in its tone, to prevent, what undoubtedly would be a serious evil, a class of persons who have committed offences in this Colony from sitting as jurors to decide upon the crimes of others. I think, sir, few people will disagree with me upon that point. But I have yet to hear that any good will accrue from making a man go about with a ticket-of-leave printed on his coat, that every one may know who he is whenever he walks abroad. I am not one of those who approve of retrospective legislation, and I trust, therefore, that when this Bill goes into committee, I shall be able to submit a clause which will meet the case, and will encounter no opposition when it goes before another tribunal. I shall, therefore, make no further comments upon this point, but will introduce a clause in committee in place of clause three, which I trust will be accepted by the House. Then, sir, there is another point, which I believe has raised some question—the reading and writing qualification. It may be difficult to prove, when the lists are made up and the sheriff strikes off the numbers, whether a man can read and write and speak English, and I suppose when I remodel the clause, I shall have to devise some means of amending that portion of it. I believe, sir, that with one or two exceptions, this is a good measure, and that it will be useful in regulating the system under which juries are impannelled in this Colony. I wish that a larger circuit than thirty miles had been allotted within each district. I have been told that to extend it to fifty miles would cause a good deal of inconvenience. But when I consider that an unfortunate witness for the Crown may have to travel 500 miles, at the rate of sixpence a mile, because he has happened to see some transaction which he would have given £50 not to have seen, I cannot see why a juryman should not go fifty miles to do his duty to the country. I believe, sir, this is one of that class of Bills which can be remodelled to advantage in committee, and I now move that it be read a second time.

Mr. BLAKENEY: Sir, I have felt sincere pleasure in listening to the remarks which have fallen from my honorable and learned friend the Attorney-General, and especially in what he said about that very obnoxious clause in the Bill before the House. I am sorry that such a clause should have emanated from any person or set of persons in this Colony, for I hope and trust the days are gone by for class legislation. I do not, however, entirely agree with my honorable and learned friend, when he says that this measure is a re-enactment of a former Bill. It is only partially so, and sir, we must recollect that it is now nearly twenty years since the Act, which is now law, was passed in New South Wales. We have now a totally different state of society, and I had hoped that all these matters had been buried in oblivion, and that persons who might have committed indiscretions years ago would not have had them raked up in the present day. I am

truly delighted to hear my honorable and learned friend object to the third clause as a member of the Government, and as an independent member of this House. I believe, sir, it has been introduced more from private pique than from any desire to benefit the country. It has created a great deal of bad feeling abroad, and I trust that the clause which will be submitted to us in committee will have the effect of allaying that feeling. With regard to the reading and writing clause, I must remind my honorable and learned friend that it was introduced in the Upper House when he was a member of it. I quite agree with him that the clause will require some remodelling in committee. There is one point, sir, to which I wish to draw the attention of the House. In the forty-seventh clause a penalty is inflicted upon jurors making default before the Supreme Court or the Circuit Court, and the next section enables the coroner, sheriff, or commissioner to inflict a fine upon jurors for absenting or misconducting themselves. Now, strange to say, the mode of carrying out this penalty is not given, and we are obliged to go to the Audit Act to find it. Where the hardship now exists is that the judge in his discretion can inflict a penalty not exceeding £20. The usual fine inflicted is £3—what is the consequence? The penalty is found in the Audit Act, where it ought not to be, and omitted in the Act in which it ought to be, and the juror who pays this fine has also to pay £5 costs. I have prepared a simple clause to meet this case which will provide that a juror who has been fined by the judge, the coroner, the sheriff, or the commissioner, shall be summoned to appear before the Supreme Court, on a certain day, to show cause why the fine should not be inflicted. I think it is only right that a juror should, in certain cases, be fined a proper sum, but without being inflicted with the costs of court. In every other respect, sir, I believe this will prove an excellent measure, and will do a great deal of good.

Dr. CHALLINOR: Sir, I shall only trouble the House with a few observations upon this question. With regard to the third clause, I think we ought to look upon it in reference to principles and not individuals. It does appear to me that some such provision, although not so stringent in its character, is necessary. The clause does not, I fancy, apply only to one particular class—to those who have been sent out here; but to all classes of persons who have been convicted of crime here, and who may be convicted in this Colony hereafter. We know that those persons who have been sent here are few in number; but at the same time we cannot entertain a doubt that persons of that class are liable to be guided by their feelings in giving their verdict, and I think, therefore, we must not altogether overlook this clause. With regard to the reading and writing clause, I think it provides a fair criterion of intelligence, and that some step in that direction should be taken. The "reading and writing English," perhaps, refers to cases of Germans who have received letters of naturalization, and are liable to be summoned on juries. They are not able to read and write English properly, and may still be summoned as jurymen. I do not altogether think it right that they should be included in the lists; for looking to the verdicts given in many cases, we find that they are in direct opposition to the evidence. I do not intend to oppose the second reading of the Bill, but I have felt it my duty to express my opinion in reference to the third clause. I think, sir, the honorable member for North Brisbane (Mr. Blakeney) went a little too far in what he said. It is true that we have not now the same state of things which existed twenty years ago; but I do not know that the criminals of the present day are at all better than they were then. Crime is still crime, and will produce the same effects. I have no desire to act at all arbitrarily, but I think, in dealing with this question, we must separate individuals from principles. I think, therefore, we must have some modified version of the third clause.

Mr. PUGH expressed a wish that before the House went into committee upon the Bill, the honorable and learned gentleman who had charge of it would give honorable members an opportunity of perusing the new clause, which he proposed to insert, in a printed form.

The motion was then put and passed, and the Bill read a second time.