

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 17 AUGUST 1864

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LEGISLATIVE ASSEMBLY.

Wednesday, 17 August, 1864.

Rev. John Dunmore Lang, D.D.—Matrimonial Causes
Jurisdiction Bill, read 2^d.

REV. JOHN DUNMORE LANG, D.D.

Mr. DOUGLAS moved, pursuant to notice,—
“That this House will, to-morrow, resolve
itself into a Committee of the Whole, to take
into consideration the petition of the Rev.
Dr. Lang, of Sydney, presented by the Hon.
the Colonial Secretary on the 2nd instant,
with a view to the adoption of an address
to His Excellency the Governor, praying,
that in recognition of the services rendered
to this Colony by Dr. Lang, during a series
of years, in promoting the separation of
Queensland from New South Wales, His
Excellency will cause to be placed on the
Supplementary Estimates for this year, a
sum not exceeding ——— pounds sterling, as
a grant to Dr. Lang.” He said he had been
in hope that the honorable member at the
head of the Government would have taken
upon himself the responsibility of moving in
this matter, as he was inclined to believe,
from what had fallen from the honorable

member on a former occasion, that he was personally favorable to the prayer of the petition. He (Mr. Douglas) would have been glad if that course had been pursued, as the petition would then have had the individual support of that honorable member and the support of the Government. It was, however, perhaps as well that the petition should be brought under the notice of the House by an independent member. He considered it unnecessary to press the matter upon the House at any length. The prayer of the petition set forth the nature of the services for which compensation was claimed. The petitioner was well known to the people of Australia; he had been the advocate of every movement connected with their liberties, civil and judicial, and he had upon all occasions boldly supported his principles. He (Mr. Douglas) thought it would be conceded, on all sides, that Dr. Lang was a man of masculine intellect, gifted with more than an ordinary force of character and perseverance, and that he had devoted a great deal of his time and ability to the service of his adopted country. No doubt he had come in contact with many persons who had been opposed to him in politics, but they had recognised his foresight, and had been impressed with the zeal he had displayed in furtherance of the interests of this Colony—qualities which, now that the reverend gentleman was in his old age, he (Mr. Douglas) thought should be recognised, as he felt sure they would be, in a far greater degree, at some future date. He thought Dr. Lang came before the Legislature of the country with a just claim for their consideration. He had identified himself for a number of years with the agitation which had at length resulted in separation. He had expressed the opinion, so far back as twenty years ago, that this Colony should be separated from New South Wales, an opinion which was then neither understood nor reciprocated. He, however, triumphed at last, and the Colony was reaping the benefit of his exertions. He (Mr. Douglas) had no desire to depreciate the efforts made by other gentlemen on behalf of the same cause, especially those of Mr. Marsh, without which the result might never have been attained. But the name of Dr. Lang had been associated with the names of all those who had struggled for separation and independence, and he thought it was but right that his claim should be recognised. In committee, he should be prepared to give his individual opinion as to the amount of compensation he should judge to be a sufficient recompense, and would only, in conclusion, express his opinion that the reverend gentleman, who was now falling into years, should, before he passed away, receive, either in the shape of a considerable grant of land or of money, some adequate compensation for the valuable services he had rendered to the community. Possibly the reverend gentleman had at times advocated his opinions

with a warmth that was not always justifiable, but no one could have failed to recognise his noble principles and straightforward independence.

The COLONIAL SECRETARY said he had waited to see whether any honorable member not connected with the Government would address the House on the subject of Dr. Lang's petition. When he received it, he did not feel himself in a position to ignore the services of Dr. Lang; and, although the Government had not thought it desirable to make this a Government question, they did not consider it out of place to recognise the claim. He thought, if it were only for the work on Queensland which Dr. Lang had written, the services of that gentleman were deserving of compensation. That book, which was now in its second edition, had no doubt assisted materially to promote emigration to the Colony. His opinion was that the most appropriate way to recognise the efforts which Dr. Lang had made to further the interests of the Colony would be to give him a large-sized land order. Dr. Lang might fairly claim to have been the promoter of the land order system, and compensation in the shape of a grant of land would, perhaps, best meet his wishes, while it would least interfere with the revenue of the country. He should, therefore, be prepared to make a suggestion of that nature in committee.

Mr. TAYLOR said he felt compelled to oppose the motion, whether it took the form of a grant of land, or a money compensation. It was stated by an honorable member when the report of the committee of 1860 was brought up that Dr. Lang would not receive either land or money if it were offered to him, and he (Mr. Taylor) was, therefore, surprised to hear that it was now contemplated to offer him such a remuneration. No doubt he would get a large sum of money, as he (Mr. Taylor) thought, very unjustly. It would be a precedent for other persons to act upon, and he was told that there were already two or three other pioneers of the Colony on the same track. (A laugh.) He must repeat his opinion that it would be a great injustice to vote away either land or money for such a purpose.

Mr. MACKENZIE said he thought the honorable member for Western Downs (Mr. Taylor) was laboring under an error in stating that Dr. Lang had expressed himself averse to receive such a recompense. He (Mr. Mackenzie) was at that time a member of the Executive, and he did not then think the temper of the House was in favor of any more substantial recognition of Dr. Lang's services, or he should have proposed it. He was usually opposed to claims of this nature, but in this particular instance he thought some recompense should be given, and he concurred with the honorable Colonial Secretary that it would be most appropriately given in the form of a land order.

Mr. LILLEY said he believed he was the person to whom the honorable member for the Western Downs had referred, and he feared the honorable gentleman's memory was rather at fault. When the committee was appointed, of which he (Mr. Lilley) was chairman, finding from the temper of the committee that no substantial recognition of Dr. Lang's services was likely to be accepted, he had contented himself with what he could get, and had brought up a report, the third paragraph of which stated, "that with reference to the valuable exertions of the Rev. Dr. Lang, in bringing about separation between Moreton Bay and New South Wales, and founding the new Colony of Queensland, they are of opinion that the thanks of this committee are due." The committee did give him that recommendation, and among its members was the honorable member for Western Downs (Mr. Taylor). He (Mr. Lilley) trusted that some such course as was suggested by the Colonial Secretary would be now adopted in recognition of Dr. Lang's services. Other men had received substantial acknowledgment in the shape of Government appointments; and he could see no reason why Dr. Lang should be made a solitary example, and receive no compensation for the valuable services he had unquestionably rendered.

Mr. TAYLOR desired to say, in explanation, that when the report of the committee was brought up, the honorable member for Fortitude Valley (Mr. Lilley) was asked whether Dr. Lang required any pecuniary compensation, and he said not.

Mr. LILLEY: The report speaks for itself.

Mr. BELL said he thought the present a fitting time to entertain the prayer of the petitioner. The Legislature were passing a measure which was intended to advance, by further steps, a system of immigration which had already proved a boon to the Colony, and which Dr. Lang had done much to bring about, in addition to his labors in the cause of separation. For his part, he felt great sympathy for the petitioner, and he thought the House would do well to recognise his claim, by giving him compensation, either in the form of a grant of land, or an adequate sum of money. He was of opinion that a grant of land would be the most appropriate.

Dr. CHALLINOR begged to call the attention of the House to the fact that Dr. Lang was not the only person who was entitled to claim compensation for the introduction of immigrants into the Colony. During the year 1860, a petition was presented to the Legislature by the immigrants who arrived in the ship "Chaseley." That petition was taken into consideration. The immigrants had received land orders from Dr. Lang; but, except in one instance, those orders were not acknowledged. Many of them had purchased land which they had expected to receive in return for the passage money they

paid at home. Many such cases could be brought up if it were necessary. He alluded to the fact, to show that if Dr. Lang's claim were recognised, the persons he referred to would advance similar claims for compensation.

Mr. GROOM thought it was a very simple question. It was proposed to give a certain grant of land, or an equivalent in money, to the Rev. Dr. Lang, in return for certain services which he had rendered. He quite coincided with the views which had been expressed that Dr. Lang had rendered essential service to the country in more ways than one. Had it not been for him, Queensland would still have been a penal settlement; and even the pastoral interest would not have been in such a flourishing condition. He did not think it was for the House to take into consideration the pecuniary loss or gain which had attended Dr. Lang's efforts to introduce immigrants into the Colony. The result was the same, as far as the Colony was concerned. He maintained that the reverend gentleman had been a loser instead of a gainer, for he had embarked his own property to meet the losses he sustained, the speculation not having been undertaken with any view to his own profit. He was aware that Dr. Lang had been of great service to the colonies of New South Wales and Victoria in introducing emigrants, and also in bringing about the separation of Victoria, which was of great advantage to this Colony. He contended that Queensland had reaped many benefits from the exertions of Dr. Lang, who had introduced into the Colony something like one thousand immigrants at his own expense, which, at the price for conveyance charged by the Black Ball Line, would amount to about £15,000. He thought a sum of £10,000 would be a fair compensation; and, he believed, if the country were polled, there would be a majority of opinions in favor of that amount. He trusted the House would concur with him, and by a liberal grant, testify their recognition of Dr. Lang's services.

Mr. R. CRIBB said he had seen with much pleasure the motion on the paper, the object of which was to give a small modicum of justice to Dr. Lang. He did not think it was necessary for him to say much, for he thought all classes of the community were indebted to that gentleman. Even the honorable member for Western Downs (Mr. Taylor) would not deny the benefits which had resulted from Dr. Lang's efforts. He thought the matter should be looked at in a business light. Great and undoubted advantages had accrued to the Colony from the exertions of one individual, who had not only rendered valuable services, but had sacrificed his private property to meet the losses which he had thereby incurred. He could not see how the honorable member for the Western Downs could come forward and oppose the

motion before the House, when, in reality, nine-tenths of the prosperity which had attended that honorable member was owing to Dr. Lang, as he (Mr. R. Cribb) believed could be proved, if figures were gone into. He did not believe the honorable member, with that fact staring him in the face, would really oppose the motion. He considered that the country owed a deep debt of gratitude to Dr. Lang, and he trusted the House would testify their recognition of his services by filling up the blank left in the motion with some substantial acknowledgment. He should be rejoiced to see a good round sum set down. For his part, he entertained very grateful feelings towards the reverend gentleman; and if the money were to be paid out of the pockets of members, he, for one, should not draw back, but would cheerfully give his contribution.

Dr. CHALLINOR said there could be no doubt that Dr. Lang was the father of separation. It was entirely owing to the exertions of that gentleman in London that he had come out. He (Dr. Challinor) took charge of the first ship sent out by Dr. Lang, and from that time to the present he had never received one farthing for that service (a laugh); the Colonial Government had refused to settle his little account. He entertained no doubt that if the exertions made by Dr. Lang had been properly seconded, separation would have been granted years ago. Although there was no doubt that the emigrants who came out in Dr. Lang's ships had a claim to have their land orders acknowledged, he admitted that their claims were perfectly distinct from the question before the House, which was, whether Dr. Lang had rendered services which entitled him to compensation. It could not be denied that he had despatched to this Colony three vessels, containing a superior class of emigrants, and that he had labored zealously to obtain separation. He felt convinced that Dr. Lang, instead of being a gainer, had lost money by the emigrants he had sent out. Whatever compensation it was proposed should be given to Dr. Lang, whether in the form of money or land,—and perhaps the latter would be the most convenient,—he trusted it would be in accordance with that gentleman's merits, and the obligations of the Colony towards him. In spite of what had fallen from the honorable member for Western Downs, he (Dr. Challinor) must express his opinion that the increase of population had tended materially to enhance the value of pastoral property, and that the honorable member, in common with others, was deriving the benefit of Dr. Lang's services.

Mr. B. Cribb and Mr. Pugh said a few words in favor of the motion, which was then put and passed.

MATRIMONIAL CAUSES JURISDICTION BILL.

Mr. LILEY moved, pursuant to notice, that this Bill be now read a second time. He

said it was a measure which had before received the assent of a House composed of nearly the same members, and it had also been assented to by the other branch of the Legislature. It was intended to establish within the Supreme Court of Queensland a jurisdiction similar to that exercised in the divorce courts in England, and to bring the law by which divorces, separate maintenance, the care of children, &c., were granted, into the same condition as that which existed, not only in England, but in New South Wales, Victoria, and he believed in New Zealand. In fact, its effect would be to assimilate the law in this Colony to that which obtained throughout the British Empire. The Bill had been adapted to the circumstances of the Colony. It had received the sanction of some of the best intellects and the wisest statesmen in the mother country. He was not aware of any section in the Act which was likely to be objected to. Clergymen of every denomination were carefully protected from celebrating marriages between persons who would be divorced under this Act, and, with the exception of a certain sect, who objected altogether to the dissolution of the marriage tie, there was no provision in it which could touch the conscience of any one. And even with regard to that sect, it was entirely a matter of conscience with them, whether they should avail themselves of its provisions or not. There could, therefore, be no reasonable objection to the Bill being passed. (The honorable member quoted one or two of the clauses, and expressed his conviction that the Bill would meet with the favorable consideration of the House.)

Mr. BLAKENEY said the honorable member for Fortitude Valley was quite correct in stating that this Bill had met with the assent of the House upon a former occasion. He (Mr. Blakeney) had, however, then entertained a conscientious scruple against it, which had not since been removed. To those who looked upon marriage as a civil contract, he could well understand that there was no objection to the Bill, but to those who regarded it as a religious tie, it became a question of conscience. It was but that day he had read the speech of an eminent man, the present Attorney-General in England, in which he objected to it on the principle that "those whom God hath joined let no man put asunder." He (Mr. Blakeney) looked upon marriage as a religious ceremony. The sect to which his honorable and learned friend the member for Fortitude Valley had alluded was the Roman Catholic sect. They went even further, and looked upon it as a sacrament, and, as a matter of conscience, they objected to the Bill. The heads of the churches always objected to the dissolution of a marriage contracted within their churches during the lifetime of the parties. In a social point of view, also, he believed the Bill would have an injurious effect. He was compelled to say that he entertained the same

objection against the Bill which he had formerly held.

Mr. GROOM said he should vote for the second reading of the Bill. He scarcely fancied the honorable member who had spoken last could have correctly quoted from the speech of the Attorney-General in England; if so, it was delivered while he was counsel for the Honorable Mrs. Yelverton, and honorable members knew the value of such an argument. If the honorable member had attended the various police courts in this Colony, he would have seen the necessity of some measure of this nature. Many cases had been brought to light which had proved that divorces were absolutely necessary.

Mr. BLAKENEY observed that he had correctly quoted Sir Roundell Palmer's private opinions, but exception had been taken to the fact that he had held a brief on the opposite side.

Mr. R. CRIBB supported the motion for the second reading of the Bill, which, he believed, was calculated to do much good, and remove a great deal of existing evil. The honorable member for North Brisbane (Mr. Blakeney) had quoted a passage from holy writ. But he (Mr. R. Cribb) denied that God had joined together in marriage those who led such wretched lives. It was man who had made those mismarriages, and man should have power to sunder them, and in dissolving a civil contract, there was no interference with ecclesiastical matters.

Dr. CHALLINOR said that when the honorable member for North Brisbane had quoted from Scripture—"Those whom God hath joined, let no man put asunder,"—he had omitted to state that divorce was permitted in certain cases, and if so, it was surely permitted in cases of adultery. The one was as much God's provision as the other. He should support the motion for the second reading of the Bill.

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