Queensland

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[Hansard]

Legislative Assembly

TUESDAY, 23 MAY 1865

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LEGISLATIVE ASSEMBLY.

Tuesday, 23 *May*, 1865.

Careless Use of Fire Bill, 2°—Church of England Bill.—Trade Marks Act Amendment Bill, 2°.—Privilege of Speech on Motion for Adjournment of the House.

CARELESS USE OF FIRE BILL.

Mr. WATTS, in moving the second reading of "a Bill to prevent the careless use of fire," observed that the measure had been introduced in another place last year, and in that place it had passed; but owing to the late period of the session at which it was brought forward, it was not passed through the Assembly. It was a Bill for the purpose of protecting the colony from the careless use of fire. As population increased, there was more need for such a law as this. In olden times, the country was very thinly stocked, and it mattered very little whether a large or a small portion of the pasture was burnt and temporarily rendered useless. But at the present time when our population was daily increasing, while the country was getting so thickly peopled and stocked, and land was being rapidly alienated and becoming more valuable, it was advisable to have some means of preserving the pastures and the produce of the land. The Bill had been adapted to this colony, and was a transcript of a law which was in force in Victoria. Honorable members would remember that that law had been introduced into the Victorian Parliament soon after the day which is known by the colonists as "Black Thursday," in commemoration of a devastating fire, which first took possession of the grass, and almost simultaneously ran from one end of the colony to the other, burning down a great many homesteads, and destroying a great deal of property. Many persons were in the habit of traversing this colony with stock and vehicles who often lit fires in the bush and who left them burning, without taking any precaution to prevent those fires spreading through the country. There was no law in existence to prevent such persons leaving their fires, or to compel them to burn round them, and thus prevent their igniting the bush and grass. In the Bill before the House, provision was made for bringing any persons neglecting proper precautions to justice, and for punishing them. Since he introduced the Bill last year he had had good reason for asking the House to adopt it. He had on his own run three lambing grounds, at each of which there was a flock of sheep before lambing. A man had passed along the run, had thrown a match on the ground—the grass was ignited, the flames spread, and they spread so fast that it was with great difficulty the sheep were saved. The grass, the yard, the tent, and some of the lambs on the ground were burnt; and the sheep were only saved by being driven across a creek. Three times in three successive weeks, he suffered similarly from the carelessness of people in the use of fire. Perhaps there might be some opposition to the Bill, owing to its not being applicable to the northern and western portions of the colony. But he would say that it was his intention to insert between the fourth and fifth clauses a small clause, by which any portion of the colony, whose inhabitants wished to come under the Act might have their district proclaimed by the Government.

Mr. BROOKES said there were a great many reasons, which appeared to him to be of more or less importance, why he and other honorable members should consider the Bill to be totally beneath the notice of the House. Outsiders—persons at a distance—the public—he would say, in the United Kingdom—would imagine from the Bill, that the principal dangers arising from fire originated in some negligence with reference to the agricultural interest. This appeared to him liable to produce grave misconceptions and altogether mistaken ideas with reference to this colony. He did not say that the Bill would be totally useless, to prevent the careless use of fire; but, he did say this—and he respectfully presented it to the comprehension of the Attorney-General—that a Bill which came before the Queensland Parliament to prevent the careless use of fire, ought, certainly, to go much beyond the mere question as to whether persons should ignite grass, or carry "inflammable material within twenty yards of

any growing crops or stacks of corn, pulse, or hay." It conveyed an altogether erroneous idea of the matter—it did not meet the most important point of the question which was before the public, with respect to the careless use of fire. Reference had been made to "Black Thursday," but that, he considered to be quite beside the mark. The Colony of Queensland included a great deal more besides those interests concerned in the growing of crops and stacks of corn; and he might say it struck him as curious that the Bill had been introduced by the honorable member for Western Downs, seeing that that honorable gentleman had ventured—he (Mr. Brookes) presumed, in somewhat subservient compliance with the wishes of those who had placed him where he was—to state that his district, the Darling Downs, did not produce a single straw! He wanted to know where was the consistency of the honorable member who said that the Darling Downs did not produce a straw, and yet brought in a Bill to prevent the careless use of fire near stacks of corn? It was his duty to submit to the House that something more comprehensive than a Bill of this kind was needed. He did not wish to detain the House, but he would just express his desire that the honorable member who had introduced this Bill, should quietly commit it to the care and custody of the Attorney-General, who would perhaps deal with the matter as a whole. The Attorney-General had expressed a wish that the statutes should be consolidated. Now, he (Mr. Brookes) contended that if ever there was a mere patch—a mere shred—a mere fragment of legislation, the Bill now before the House was one. It did not meet the whole of the case. The greatest danger from fire arose in the towns of the colony, and it appeared to him that a Bill to prevent the careless use of fire ought to apply to them. A Bill bearing such a title ought certainly to comprise a great deal more than there was in this Bill; and, in fact, whatever was in the present Bill should have come in as a mere appendix—as something that might almost as well have been left out. He thought this Bill was—to use a common illustration, which would express his meaning without taking up too much time—something like the "play of Hamlet with Hamlet left out." He approved of the intention of the Bill. They were all equally interested in that; but if they passed the Bill, they would commit themselves to that "homœopathic" legislation which had been the great hindrance of the colony. As had been said by an honorable and learned member, a few days previously—What with laws, what with regulations, and what with powers granted to the Executive, they really did not know what the laws were. Even laymen did not know—even legal men did not know—barristers did not know.

The ATTORNEY-GENERAL: Oh, don't they!

Mr. BROOKES: Even the honorable the Attorney-General did not know what the laws were. There required to be continual reference to this session, and to that session, and to some previous session; so that they were completely bewildered. He did not believe that there was a single person in the whole colony who could, at a moment's notice, submit propositions which would have the effect of preventing the careless use of fire. The mere reading of the Bill would lead one to suppose that there was not a village, town, or city in the colony. He submitted to the honorable the mover the propriety of waiving his Bill, and waiting until the Ministry brought in a more comprehensive measure, which would provide for those accidents which were a thousandfold more likely to occur in the towns, such as Brisbane and Rockhampton, which required a comprehensive Building Act. If the Bill passed, it would appear to people at a distance that Queensland was a mere sheep-walk; it was quite inadequate to the requirements of the colony. If it were a local Bill—a Bill passed by a Provincial Council—he could understand it; but, as a Bill in this Assembly, it was perfectly unintelligible to him.

The ATTORNEY-GENERAL said he rose thus early in the debate to express his opinion on the Bill; and while, on the one hand, he thought that the honorable member who had preceded him was incorrect in delivering such a deliberate opinion—that the Bill was not worthy to be introduced to the notice of the House; on the other hand, he was constrained to admit that it did not go far enough, or, rather, he would have liked to have seen a somewhat more comprehensive measure, if the principle of the Bill were to be carried out in this colony to prevent the careless use of fire. But he saw that the Bill was simply to prevent the grass from being burnt by careless and negligent persons. The existing law punished the perpetrators who burnt houses or other property. It must be considered that the honorable member who had introduced the Bill had done so with a specific purpose. He had been taunted with engaging in patchwork legislation; but the Bill was one deeply affecting an interest which the House could not ignore—an interest which was the mainstay of the colony. But if one honorable member brought in a Bill to prevent the burning of grass, why could not the honorable member for North Brisbane (Mr. Brookes) bring in a Bill to prevent the burning of houses? That honorable member had talked a great deal about patchwork, but he never lent any aid to remedy the patchwork; he never laid a Bill on the table, because—he did not know how to do it. The Bill now under consideration was intended to prevent the careless use of fire by travellers in the bush. If the honorable member had seen, as he (the Attorney-General) had, a whole run and a homestead destroyed by a

man who would not take the trouble to put out a match with which he had lit his pipe, the honorable member might have a better idea of what the Bill meant. It was not class legislation, and he hoped that the House would not decide so hastily as the honorable member for North Brisbane. The Bill was worthy the consideration of the country, even if it did not go quite far enough.

Mr. TAYLOR said the honorable member for North Brisbane had, as usual, misrepresented what the honorable member for the Western Downs had said: it was his, Mr. Brookes', usual course in the House.

The SPEAKER called the honorable member to order.

Mr. TAYLOR submitted to the Chair. His honorable friend, Mr. Watts, did not say that the Darling Downs would not grow a straw; and the honorable member opposite, Mr. Brookes, knew that. The Bill was a very useful one; and, although it did not go so far as to include houses and buildings—for setting fire to which a man could now be punished, though he could not be punished for setting fire to grass—it was not the less necessary. During the last two months he (Mr. Taylor) saw a great deal of damage done by the culpable carelessness of some person in the use of fire; and several land and stock holders were very near losing several thousands of pounds. Therefore he hoped the Bill would be considered by the House. If the honorable member for North Brisbane (Mr. Brookes) wanted to bring in a Bill to protect insurance companies, let him introduce it.

Mr. MCLEAN said, as the seconder of the motion for the introduction of the Bill, he could not let the question pass in silence, after the unlimited condemnation that the honorable member for North Brisbane had heaped upon the measure. If he were in that honorable member's position, he would show the objectionable parts of the Bill; and, if the houses of Brisbane wanted a measure of protection, the genius of that honorable member should devise it. The country members would assist him. If it were in consequence of there being no Act in existence for the protection of property in towns that the honorable member opposed the Bill for the protection of property in the country, then his opposition was very foolish, indeed. It was a well known fact, and observed every day, that persons who were interested in country life, in this colony particularly, needed some check upon the careless use of fire. It was not long ago that he saw the stringent and advantageous enforcement of an Act which had been passed in Victoria, with the same object that was contemplated by the Bill before the House, and experience had shown in that colony that the Act was necessary. He was greatly surprised that the honorable member for North Brisbane, who knew nothing about country life, should attempt to direct the farmers and squatters as to what they wanted. Surely the country members should be allowed to bring in a Bill to protect those large interests that they represented. The honorable member should remember that those interests required as much protection as the town interests, and that the growers of vegetables and corn and wool, ought to be as much protected as the sellers of pots and pans.

Mr. MYLES admitted that the Bill was necessary, but he desired to call attention to the third clause. Persons offending against this Act could be apprehended without warrant. In the district where he resided, he knew that the effect might be to the man so apprehended, detention for probably six weeks, for want of a magistrate to try his case. He knew, as a fact, that an individual who required an auctioneer's license had had to wait for two months for it, because it was impossible earlier to get a bench. As to keeping a prisoner, under this Bill, in custody, there would be very great difficulty in finding a lock-up in the district of Maranoa. If the third clause was not modified, so as to provide that offenders under the Bill should be proceeded against by summons, he would oppose the motion.

Mr. MACKENZIE remarked that the third clause of the Bill might be stringent, but he could not see how the measure was to be carried out without it. Suppose he was travelling along a road, and that he saw a man carelessly using fire, to the danger of the surrounding country; if he did not apprehend that man forthwith, but waited for a summons to be issued against him, he might never see him again—he might be a hundred miles away—and, thus, the offender would escape. In its present shape, he would support the Bill.

The question was then put and passed.

CHURCH OF ENGLAND BILL.

Upon the order of the day being called for, the second reading of "a Bill to regulate the affairs of the United Church of England and Ireland in Queensland,"

Mr. MACKENZIE rose and said: Although the circumstances under which the Church of England in this colony is placed have materially altered since I last brought this question before the House, I have, on mature consideration, thought it advisable to proceed with the Bill in its present shape, because I think any discussion will not be thrown away, and because it will enlighten honorable members, and the public out of doors, as to the true position of the Church of England in this colony up to the present time—on which, I think, very great misapprehension exists—and, also, as to the state of the Church of England itself. More especially, after hearing the petitions that have been just read, I should give my reasons for bringing forward this Bill, and notice the objections that have been brought against it.

The reasons for bringing it forward are—first, that the Church of England has been thought, for some time past, to be in a very unsatisfactory position. Hitherto, the government of that Church has been entirely autocratic and utterly irresponsible. We have had the Bishop, the head of the Church, who has taken everything into his own hands—the Church management, the patronage, the Church temporalities, and everything—and administered them as he thought proper. This has not been found to work well. Since the withdrawal of State-aid in this and other colonies, the support of the clergy and the carrying on of the Church has fallen on the parishioners; and those parishioners having provided the stipends, and so forth, in the Church, do not feel inclined, in this country, to be left altogether without a voice in the management of their own funds. This, I believe, to be the true cause of the disaffection that has arisen. The Bishop of the diocese keeps all funds in his own hands, and distributes them as he likes; and feelings of discord prevail, the congregations finding that they have no voice at all in the management of the affairs of the Church. It is, therefore, deemed desirable that a Bill should be introduced to define the powers of the Bishop, and to put the temporalities so far under the care of the laity, and to provide for the discipline of the Church generally. In doing this, the framers of this Bill have only followed the course that has been taken in other colonies; in all, it seems, they have synods such as is contemplated by this Bill, or Acts under which the discipline of the Church is regulated, and the care of temporalities provided for. These are the reasons for bringing forward this Bill. I shall now proceed to notice the objections brought against it. One of them is, that we have no power and no right to legislate on this subject in the absence of our Bishop, and that such a Bill, if passed, would not receive the royal assent. In answer to that question, whether we have any right to legislate on this subject, or, as to whether the Home Government will sanction anything of the kind, I shall read a short despatch sent to the Governor of South Australia in 1861, and forwarded to the Governors of the other colonies. It is not a very long one, and I shall make no apology for reading it *in extenso*:—

"EXTRACT from a Despatch of the Duke of Newcastle, Secretary of State for the Colonies, to Sir Richard M'Donnell, Governor of South Australia, No. 6, dated 18th January, 1861:—

"Since, in the British colonies generally, bodies of persons engaged in commercial enterprises, with a view to their own profit, can obtain, without difficulty, the advantages of incorporation, so far as those advantages are required for the regular conduct of their business, or the effectual prosecution of their operations;—it appears a matter of simple justice and prudence that the Church of England and other religious communities united together for purposes certainly not less beneficial to society at large, should be encouraged in their useful work, by receiving every facility which the legislature can give them for carrying it on in their own way. The 'Anti-Church and State' principle appears to me not to prevent, but to necessitate, the application of this principle; for the more exclusively any church is required to rely on the voluntary support of her own members, the more necessary is it that those members should be enabled to make binding rules, to ensure the proper administration of their own funds, and the performance of their corporate duties to each other."

Now, I think that is a sufficient answer to the objection that we have no right to legislate on this question. As regards the absence of his Lordship the Bishop on this occasion, I do not see that we should delay legislation on that account. We were not made aware in any way of his Lordship's intention to proceed to England—no circular was sent to his congregation—they were not told who was to take his place during his absence—and, I believe, no member of the church was aware what day his Lordship was to leave the colony. Seeing that we were not made aware of his intention to leave, I do not consider that this objection holds good. I may state that it was hoped once that, following the example of the Bishop Metropolitan, or more properly the Bishop of Sydney, our Bishop would have taken the initiative in this matter himself. Finding that that was not likely to be the case, certain members of the Church thought it best, even without his assistance, to endeavor to put the Church on a better footing than it has occupied hitherto. Another objection has been, that no publicity has been given to the Bill. As I stated the other night, I state again, that more pains have been taken to make it public and to distribute it widely in the colony than have every been taken with any other measure considered by this House. Whether it has been read by honorable members to whom it was sent, is another question altogether. I am quite prepared to say that this Bill was long in the hands of parties most closely connected with the government of the Church, and that the framers of it were in communication with those parties, at the same time. It would appear that the late decision given by the Judicial Committee of the Privy Council of England, makes legislation more necessary now than ever; but, before coming to that, I may state that legislation has already taken place in most of the neighboring colonies, and indeed in nearly all the British colonies—in Canada, New Zealand, Victoria, and Tasmania, which were in legislation before New South Wales. In most of these cases, legislation has taken the form of the appointment of a synod. In the working of a synod in these colonies, honorable members must know that everything must be done by the Bishop's consent; the Bishop, if he likes, can call together the

synod; if he does, and he disagrees with the acts passed by this synod, he can *veto* them. In Victoria, legislation took a different course. An Act was passed to establish a council or assembly, which council possesses power to legislate itself. I have seen the several Acts, but they have all this objection, that the Bishop has a *veto* against whatever may be done by the synod. They struck me as legislation that was rather heavy; that is to say, if we are to have legislation, the more simple it is the better. The Act worked well in Victoria, where there is a very liberal Bishop, who works with clergy and laity; and up to this time it has answered admirably. In New South Wales, a meeting of the congregation was called by the Bishop, to endeavor to establish a synod. We know that a synod could be established without any legislation at all. There, they agreed to this, but the objection was, that they could not bind each other, and to establish the synod authoritatively, they must have the consentual compact. There was no guarantee without it, that the members of the Church would bind themselves to the authority of the synod, and it has been agreed to go to the Legislature to enable them to manage their Church affairs in their own way. What is our position, or rather that of the members of the Church of England, at this moment? We have, as I before said, a Bishop, with the whole management of the Church affairs in his hands;—he takes the presentation of the clergy on his own shoulders; he administers the whole temporalities; he will listen to nothing and do nothing to enable us to lessen our grievances. We find in the Royal Instructions that it is the Governor who has the power of presentation. We have, also, the Letters Patent—which we now find are become a dead letter;—they leave us in the position that we do not know where we are at present. With regard to the decision of the Privy Council—we have all, no doubt, seen the papers—I shall briefly refer to it:—

"The judgment is shortly to this effect, that although the Bishop of Cape Town has no authority at all over the Bishop of Natal; yet on the same principle, neither the Bishop of Natal nor any other colonial bishop, not created under special legislative provision, has any authority over any one else. They are bishops and nothing more; they are not bishops of any place, or over anybody in particular. If their ordination of itself conveys the capacity of exercising spiritual functions, such as confirmation and ordination, they of course possess that capacity; but they have no authority to exercise it. They are, in short, in very much the same position as any clergyman of the Church of England who is not appointed to a definite cure. He is a priest, or a deacon; but he holds no local office, and has no authority over any one."

Now, it is pretty clear that legislation will take place in the colonies on this decision; and, although it has been objected that we ought to delay legislation until after measures have been passed in other colonies, I take a different view. I think that legislation in the meantime will assist the authorities of Great Britain, if they should think proper, as they doubtless will, to pass some law for defining the position of colonial bishops. With regard to numerous objections that have been advanced in the petitions, I may say that I have no intention whatever of altering the position of the clergy. An alteration has been made in one of the clauses of the Bill which must assure them of this. It is not now proposed to repeal wholly the Act passed by the British Parliament in 1840, intituled "An Act for better enforcing Church Discipline," which will be found in the volume for 1839-41 of the British *Statutes at Large*. There it will be seen what the position of the clergy is—it is the Act under which they at present perform their duties—and under this Bill they cannot be in no worse position than at present. I now proceed, sir, to indicate the principal clauses of this Bill. It is proposed, in the first clause, to repeal the Act of the Legislature of New South Wales, 8 William IV., No. 5, "so far as it is inconsistent with the provisions of this Act;" and the Act 24 Victoria, No. 4, is also to be repealed. Now, in consequence of communications received from some of the clergy, it was thought desirable to alter this clause from the shape in which it originally stood, when the Acts named where proposed to be repealed altogether. It is now proposed that those clauses should be preserved which bear on the position of the clergy, either as regards temporalities or discipline. Clauses three up to twelve or thirteen are a mere recital of a certain portion of the Letters Patent. It was argued that if those Letters Patent had already the force of law, what is the use of inserting them in the Bill? But there has always been a doubt that they have such force, and the question arises whether we ought ourselves to give certain powers to the Bishop, or leave it to the Imperial Government to do so. I think it better that we should do this ourselves. The third clause says—"The Church shall be presided over by the Bishop who shall be appointed and may be removed by the Queen unless and until upon the constitution of a synod or other council of the Church it shall become Her Majesty's pleasure to delegate to such synod the nomination of a fit person to fill any vacancy that may thereafter arise in the office of Bishop." The necessity for appointing colonial bishops from among the clergy in the colony, has for some time attracted the attention of the Home Government. There was one case in which a bishopric was actually offered to a colonial clergyman in New South Wales, who for certain reasons declined it. Objection has been made to the fourth clause, to the effect that while it provides that the Bishop shall be a body

corporate—in fact, he is a corporation sole—it is overridden by a succeeding clause, the eighteenth, which takes that function from him. I am not sufficiently a lawyer to see that; but if legal members will show that the clauses are conflicting, they may be reconciled. An objection has been raised to the fifth clause—referring to the Metropolitan—that it was no use legislating on a matter bearing upon another colony—that our Act could be repealed by the Legislature of New South Wales. I do not see how an Act of ours could be interfered with, more especially as, since the decision in the Colenso case, the Bishop of Brisbane is not subordinate to the Bishop of Sydney. Such an objection does not hold good, if it ever did. But there is no need to argue that at present. Clause six is almost word for word with the Letters Patent, defining the "functions and powers of bishops;" but, in consequence of objections, a proviso has been added to it, as follows:—"Provided always that every such inquiry judgment decree or sentence as aforesaid shall be in accordance with the provisions of the Imperial 'Clergy's Discipline Act' three and four Victoria chapter eighty-six"—which is the one that I have just laid on the table. It has been also said, with regard to this clause, that all those parts of the Bill referring to dicipline and doctrine are entirely beyond the province of this Assembly. I would admit as to points of doctrine, but for discipline, in all colonial Acts provision is made; and this House has a right to deal with matters of discipline. Clause fourteen provides for "temporalities to be vested in trustees." An objection has been made to the word "churchwardens"—that it ought not to be in this Bill;—it would have been in the Bill if the clause from Sir Richard Bourke's Act, which names them, had been retained. Clause fifteen refers to the "election of parochial trustees." Clause sixteen enacts that the chairman at the election of parochial trustees shall forward their names to the Bishop; and clause seventeen provides for the election of "diocesan trustees." I may observe, that these trustees would take the place of what is called the Ecclesiastical Commission in England, which takes charge of all things in the Church, that is to say, it receives and regulates the incomes of the bishops, and takes a general charge of the funds belonging to that department of the Church. Clause eighteen, which incorporates trustees, is the one which is said to clash with clause four of this Bill and the Letters Patent. Nineteen defines the "functions of diocesan trustees;" and twenty the "functions of parochial trustees;" twenty-one provides for "annual statement of accounts," and twenty-two refers to the "appointment of ministers." Now, here is one point upon which the management of the affairs of the Church of England are not commonly understood. It is imagined that the bishops in England have all the presentations in their hands. The case is quite different. Many of the parishes in England have been endowed, from time immemorial, and the descendants of those persons who endowed them have the right of presentation or advowson, and present the clergyman to the bishop for induction. I should like honorable members to take notice of the meaning of "induction," which is a very different thing from "presentation." In this colony, where the funds are provided wholly by the laity, they feel that they have a right, like the parishes in England, to have the presentation of their clergymen; and I think they are perfectly correct. Clause twenty-three enacts that ministers are "not to be removed." Now, objection has been made to this clause, which I shall read:—"It shall not be lawful for the Bishop to refuse to institute or license any minister on the ground that the stipend provided is in his opinion inadequate nor for any other reason than the personal unfitness of the said minister nor shall it be lawful for the said Bishop to require any minister so licensed or instituted as aforesaid presented to him for that purpose under the last foregoing clause to subscribe or bind himself to assent to any bye-laws resolutions or engagements beyond the principles of the Church of England as appearing in the established articles of religion of that Church or duly passed by such synod as hereinafter referred to nor to require any minister so licensed or instituted as aforesaid to leave the benefice to which he has been instituted and perform clerical duty in any other part of the diocese." The objection—which is like hair-splitting—is that, as in England, clergymen are obliged to take an oath against simony, this clause does not provide against that abuse. I do not think it is likely that in this colony any clergyman is likely to be brought up for simony, that is, trafficking in benefices: it might occur in England, but certainly not here. Having gone through the clauses, Mr. Speaker, I shall now say that this Bill has not been introduced as a perfect measure, nor has it been regarded as such from the first; it is merely a skeleton Bill, submitted to the honorable members of this House for such amendment and improvement as it needs. I think the proposal to send it to a select committee is a good one. There is no necessity to hurry it through the House—no reason why it should not be before the select committee for a long time. Honorable members will observe that the objections brought against the Bill are brought mainly by the clergy. Many of those gentlemen are, doubtless, actuated by conscientious motives, but they are going too far. I will tell them that many of them do not understand this country and the people in it, and they do not understand the new conditions of the position in which they find themselves. The authority of the Bishop and themselves is

quite incompatible with a country where there is so much freedom of thought. Every care will be taken to secure their rights and privileges; that they may feel sure of. And, I will ask those who are such sticklers for the "divine right" of bishops, and who consider it sacrilege to interfere with them, how far would they carry their authority if the House throw out the Bill, and we are to make no attempt at legislation for the Church of England? They might set up their idols, but how much further could they go? There would be no Church. Referring to that point, of presentation at the hands of the congregation, it has been intimated to me that if this is carried, some of our clergymen will be obliged to leave the colony and return home. I say, in all sober seriousness, that would be a great evil. They wish to drive us into one of two positions—either a Bishop and congregation without clergy, or a Bishop and clergy without a congregation. I shall conclude by moving "that this Bill be now read a second time."

Mr. Douglas said: Sir,—There can be no possibility of doubt, I imagine, that this House is perfectly competent to pass this measure, or any measure, in fact, which is within compass of our imperial laws, and which will receive the assent of this House. There can be no shadow of doubt about that; and so of this Bill. I presume that the House, if so it chooses, may pass it into law; but I think there are many reasons why it should not do so, especially at the present time. I have had something to do with this Bill, I admit. I have had a fractional share even in the drafting of it. If I must confess a certain amount of dalliance with it, I freely do so. After I have given it my best consideration, and after receiving information from sources that I had not previous access to, and after all the thought I could give it, I have come to the conclusion that both in details and principle it is entirely defective; and, therefore, I could not, either in my capacity as a member of this communion which is referred to, or in my capacity as a member of this House, feel that I was justified in giving it my support. At the outset, we are met with this difficulty:—It is announced that it is "a Bill to regulate the affairs of the United Church of England and Ireland in Queensland." As I take it, and from the latest light which has been brought to bear on the subject, especially in the case which has been lately brought before the Privy Council—the Bishop of Natal against the Bishop of Cape Town—there is no "United Church of England and Ireland in "Queensland." I take it that there are members of a certain Christian community, who are in communion with the United Church of England and Ireland: that I take, on the finding of the Privy Council, and no law, human or divine, can controvert it. I am led to this inference, partly by what is set forth in the case published in to-day's papers. I find that it is there stated by Her Majesty's Privy Council, that—

"The United Church of England and Ireland is not a part of the constitution in any colonial settlement, nor can its authorities, or those who bear office in it, claim to be recognised by the law of the colony otherwise than as the members of a voluntary association."

I find it stated, also—

"It cannot be said that any ecclesiastical tribunal or jurisdiction is required in any colony or settlement where there is no established church, and in the case of a settled colony the ecclesiastical law of England cannot, for the same reason, be treated as part of the law which the settlers carried with them from the mother country."

I find, also, that—

"There is, therefore, no power in the Crown to create any new or additional ecclesiastical tribunal or jurisdiction, and the clauses which purport to do so, contained in the Letters Patent to the appellant and respondent, are simply void in law. No metropolitan or bishop in any colony having legislative institutions can, by virtue of the Crown's Letters Patent alone (unless granted under an Act of Parliament, or confirmed by a colonial statute), exercise any coercive jurisdiction, or hold any court or tribunal for that purpose. Pastoral or spiritual authority may be incidental to the office of bishop."

I infer from this, that the position of persons here, who suppose themselves to be members of the United Church of England and Ireland at home, is altered, and that they are not members of that Church when they reside in a colony. I observe that this position—a position which has been brought about by the result of the Colenso case—had been foreseen by the defendant, or respondent in this great case. I hold in my hand a paper, giving an account of the visitation charge by the Bishop of Cape Town, on January the 18th. I find by it, that the Bishop anticipated, and clearly foresaw the decision the Privy Council would arrive at; and—henceforth, I think, we must decline to speak of bishops by their territorial designation—Bishop Gray thus speaks with regard to the contract of bishops under the Letters Patent, and the consecration service:—

"Now, with regard to the former, they are clearly framed upon the understanding that 'the doctrine and discipline of the United Church of England and Ireland,' 'the form and usage' of the same—'the rites and Liturgy of the Church of England'—will be maintained by them. But there is no positive statement that this is to be the case; and I confess that I entertain some doubt and apprehension whether I could, under the terms of the Letters Patent, and looking at the actual practice and proceedings of the Churches of our communion out of England, compel a Suffragan of this province to abide by the forms and usages, the rites and Liturgy of the Church of England, if he chose to depart from them, either in the public worship of the Church, or—in what is of still greater moment—the ordination

of priests to minister to the flock of Christ. * * * I do not see, if Dr. Colenso were again Bishop of Natal—"

This is a remarkable passage—

"and saw fit to ordain clergy who declined to subscribe to the Thirty-nine Articles or the Creeds, of which he has spoken contemptuously—or to receive the ten Books of the Old Testament (and if ten, why not more?—why not all?) whose authority he has rejected—or to pledge himself to use the Liturgy of the Church—I do not see how, under the contract entered into by him in accepting his Letters Patent, I could restrain him, and still less how I could interfere with clergymen who had been ordained by him, but who had not been required, as a condition of ordination, to enter into any contract which should subject them to the discipline of the Church—who might be of any opinions, or have no definite opinions, on religious matters. The case might have been different, indeed, had he retained the Declaration which was agreed upon at his first Church Council, after our example; but which, when his own views began to change, was unceremoniously discarded by him. But if the Letters Patent should fail to bind a bishop to the doctrine and discipline of the Church of England, would not the engagement which he enters into at his consecration do this?"

This, to my mind, shows clearly that this action was anticipated, and that the members of the Church at Cape Town were prepared to adopt some other bond of union than the one which at that time was, and which now is here supposed to exist. Such being the case, of course, we have to fall back upon our original constitution: I speak here, as I am obliged to speak, as a member of that communion, of that body of Christian men who are in communion with the Church of England and Ireland; and I say that we shall now be compelled to fall back upon our original constitution—that by this we are bound to one another by those symbols by which we are united and know one another—our communion, our presbyters, our ministers, and our bishops. I conceive that that is the position in which this Church and those members are now. On that ground, and on that ground alone, I consider we are now legislating for a body which has here no legal existence, without the full consent and knowledge of that body. My honorable friend who has moved the second reading of the Bill, has stated that the Bishop at all times has shown his unwillingness to bring any proposition before the members of his communion which might tend to unite them in those bonds which they recognise. I shall just ask the honorable member, has he, or have any members of this communion, ever addressed Bishop Tufnell on this subject, or have they ever represented to him strongly the desire they have that he should take steps—he, the undoubted and acknowledged head of our communion—towards drawing us together and ascertaining our opinions? I must myself confess that I have frequently taken occasion to express to the right reverend gentleman my desire that he should do so; but no public, no general expression of that opinion has been made. If our present position is unsatisfactory, I contend that it must be attributed to our apathy, and to no shortcomings on the part of that reverend gentleman. We have done very little towards attempting to secure for ourselves that self-government which I desire, and which it is the purpose of this Bill to secure. And, is it nothing, I ask, sir, that to-day the majority, if not all, of the clergy of this communion have presented a petition to this House against the passing of the Bill? Can we set that remarkable fact aside, and say, notwithstanding, this Bill shall receive our consideration, whether they will or no? Those gentlemen may be mistaken, but they occupy in our communion the position of our responsible officers. They may be appointed by the head of our Church; but there is no reason why they should not, in future, be appointed by ourselves. There is no reason in the world to prevent the election of our Bishop by his own presbyters, if they see fit. Can we, with any show of justice, accept this Bill as even the confirmed opinion of the majority of the laity? I think we hardly can. It may have the support of a majority of this House, but it cannot be said to be the expressed opinion of a majority of the laity in this community. It may be said by some honorable gentlemen, that a few months ago, there was a great difference of opinion expressed by the members of this community of the policy which Dr. Tufnell had adopted on the education question. He, on the one side, affirmed that he had the support of the members of his communion, who, on the other side affirmed that he had not their support. What was the result, when the question was clearly put before the members of this communion, whether he had that support or whether he ceased to possess it—as was asserted by his opponents? It was clearly proved to the public that he did enjoy the confidence of his people. I have made the admission, and I am prepared to make it again, that the defects of Dr. Tufnell's character, and of his administration, were fully recognised by myself and many members of the communion. Was that a reason why we should depart from the principle of supporting those whom we look upon as our guide and head in these matters? So that I affirm that the Bill now before the House has in no way the support either of the Bishop or of the clergy, nor can it be said to have the support of even a minority of the laity. I say it has not the support of this body taken together in this recognised order of Bishop, clergy, and laity. Now, is it at all necessary? I, myself, doubt very much whether it is necessary that in this matter we should have any legislation at all. I find that it has been held by very high

authorities in our Church that it is not necessary. I find that Bishop Gray, to whom I previously referred, at this same visitation stated—and I do not think this statement could be exceeded for clearness, and I accept it fully as an exposition of the case—that our Church in the colonies is in this position :—

"The question is one of very deep importance, advancing, as these Churches are in some parts of the world, to the condition of great, self-supporting, independent bodies. Upon the right settlement of this question—upon the securing to these Churches a position in which they may maintain their faith without the undue interference of the powers of this world, and without the expense of a litigation so costly as to threaten to become an effectual hindrance to all discipline—depends the unity of our communion throughout the earth. In what is passing around us, the foundations are even now being laid of a system, which either, being based on sound and true principles, will meet the dangers, trials, difficulties of other lands and generations besides our own, and successfully confront what we believe to be unsounder principles and systems; or else, being based on untrue principles, will at length break down amidst the wear and tear of the Church's troubled life, and carry with it the destruction of her whole position. It is impossible that a false principle, once admitted into any system, should fail to work, in time, great evil. It may seem, for a season to lie dormant, but at length it makes itself felt. It bears its fruits sooner or later. Received into a Church, it undermines its very being, and ends in its overthrow.

"The confusion that has arisen in men's minds, who have not, from circumstances, been compelled to think much or deeply on the subject, is natural —perhaps it was inevitable. The idea of the Church of England has in all our minds been so mixed up with that of its establishment, that when we find ourselves, as a branch of that Church, in a land where it is not established, we are apt to assign to it all the accidents and conditions of an establishment, and to forget that we are a purely voluntary religious association, wholly destitute of statute law."

That is a very remarkable statement. I should consider it as the simple plea that we are and would remain a simple "voluntary religious" body. Honorable gentlemen are also aware that a letter has lately appeared from the Right Reverend Dr. Tyrrell, in which this same principle is clearly set forth. I have not it before me to refer to. It is a simple succinct statement of what I believe to be the wisest position we can take up in this colony in reference to the state. Dr. Gray and Dr. Tyrrell are both men worthy of consideration from this House. At any rate, there is a greater dignitary than either, Bishop Selwyn, who has also clearly set forth this as his firm opinion of what the regulation of our communion ought to be. Bishop Selwyn said, in 1859, at the first meeting of the Church Diocesan and General Synod of New Zealand—the whole working of the Church in that magnificent colony is on the most satisfactory footing—what I shall now read :—

"Another question then arose, whether the Colonial Legislature ought not to be applied to, to give a constitution to our branch of the Church of England; and this opinion was strengthened by the fact that the synods in Canada and Melbourne seemed to have adopted this course. Comparisons began to be drawn between a voluntary association, such as we have formed, and a Church established by law. The full discussion of this subject would occupy too much of your time; but a few remarks will be enough to shew that we have not acted unadvisedly in avoiding, as much as possible, all application to the Colonial Legislature. If we had accepted an Act, investing us with power over all persons, so far as they are ministers or members of the Church of England, we must at once have come into collision with the Church Missionary Society, which still retains in its own hands full powers of government over one-half of the clergy of the Northern Island: we must have said at once to all those lay members who have not yet joined us, 'you can be no longer members of our Church, unless you accept our constitution and obey our laws.' To recognise the power of the Colonial Legislature to enact a new definition of Church membership, would have been to assume the part to be equal to the whole; for how can one colony of the British Empire settle the question— 'What is a member of the Church of England?' The constitution given to us in one session of the General Assembly might be altered or repealed by another; questions of the deepest interest to ourselves, and which ought to be discussed only in the solemn Synods of the Church, such as the test of communion, and the veto of one order on the other two, might become the subjects of political agitation. In short, we should incur all the liabilities of a Church established by law, while at the same time, in the eye of the Colonial Legislature, we should be only as one of many denominations, all equal one to another."

This, I consider wise and temperate language from a great man. What do we find that his course was in connection with this very subject of Church lands. We find that—those Church lands being vested in himself—what he did was to apply to the Legislature to pass a Bill, which was passed, empowering him to transfer those lands unto certain trusts, over which the synod had control. That was the position in which he had placed the Church lands of that colony—a magnificent heritage. He says—

"I come now to the subject of the tenure of the landed property of the Church. It is well known to all here present that I have been hitherto the sole trustee of all the Church lands in the English settlements in New Zealand, with the exception of Canterbury and Otago. I undertook this heavy responsibility, and have borne the increasing burden for sixteen years, with the single object of excluding all vested rights and private interests, which would have stood in the way of the free action of the General Synod of the Church. I now lay upon the table the terrier of more than 14,000 acres of land, secured to the Church by about one hundred Crown grants, and devoted for ever to the support of religion and

Christian education; and under the powers vested in me, by an Act of the last General Assembly. I say to this Synod—'Take these properties, and use them as you please, within the limits of the trusts, and may God guide you to a right use of His bounty.'

"The reconstitution of the trusts which I now surrender will require considerable care, and on this point I feel it to be my duty to offer some practical suggestions."

Now, I should say that if we have to deal with the property of the Church, and with the re-construction of the trusts which are requisite, it would be well that we in like manner should have the deliberately formed opinion of those in whose hands the trusts are now vested, and of the Church at large. Is it to be supposed, for instance, that those trusts are now being violently used for purposes dangerous to the civil community, or the country? Is it supposed that they are being perverted to bad and immoral purposes? —that this Legislature shall step in and say, "You are perverting them from the uses they were granted for, and we will not allow you to hold them longer; we will find some better trustee in whom to vest the property of the Church." I shall not go into matters of detail in respect of this Bill; my objection to the Bill is not so much to matters of detail. There is a great deal in the measure which I, in my personal capacity as a member of this communion, do not disagree with; there is much which I shall have no objection to see passed into law; but there is a fundamental objection which I take to it—that it does not embody the expressed opinion of the communion. There are one or two points, perhaps, that I should refer to. The first clause enacts the repeal of that portion of the Act of William IV. which is antagonistic to, or inconsistent with the working of the rest of the Bill;—this is an alteration which has been introduced since the Bill was originally drafted. The satisfaction with which I viewed any possible legislation on this matter was, I confess, confined to this very Act, 8 William IV., No. 5, which I find, after all, is not to be repealed; so that, in effect, we shall have this Act, which is inoperative, which is inapplicable to our circumstances; and, if the Bill which I now hold in my hand is passed into law, we shall have an addition to it, so that the whole matter will be considerably complicated. This clause which refers to the Letters Patent, I think, might well meet with the consideration of honorable members in this House who are not desirous of giving the sanction of law to that which has been declared not to be law. I hope my honorable friend, the member for Fortitude Valley, will give his reading of what the powers of Legislature are, according to these Letters Patent. It is proposed now to re-enact these very Letters Patent which have been declared to be opposed to the spirit of imperial legislation. There is one clause—the 14th—to which, or at least a portion of it, I have a very decided objection—"And all other property real or personal and all moneys which at the same time or any time hereafter may have been or may be given purchased subscribed or collected for the erection and furnishing of churches and other buildings or for the endowment of the see or for the payment of the stipend of ministers or for the maintenance of schools or for any other purposes whatever in connection with the said Church shall be vested in and held and administered by trustees to be elected in manner hereinafter provided." Now, I should have no objection, if this measure had emanated from those who are concerned in it, that such a clause should be passed: but, I ask, is it fair to eliminate them from our consideration? This provision I believe to be aimed directly at certain property which the Right Reverend Dr. Tufnell has provided for, in his liberality—(hear, hear)—in his liberality, for I believe him to be a high-souled conscientious man, whose heart and life are wholly given up to the service of that communion, of which he is the head. I say, sir, it is not well for one of our communion to express a doubt in the *bona fide* good will with which Dr. Tufnell has administered the affairs of his Church. I have been informed that the right reverend gentleman has invested considerable sums of money which have been handed to him by his own people. There is no doubt that he has also invested—wisely invested—sums of money over which he himself also has control, for the purposes of the Church. Is it right, then, that we should, by violence, take from him that property which of his own free will he has invested for the benefit of the Church? To do so, would be a violation of those sacred principles of justice which we should be the first to advocate. Even as far as I am personally concerned, this clause will affect me; that is to say, it will affect a gift which I have made to the Church, which I had no idea would be devoted to any other purpose. I presented a deed of gift of a piece of land to the Church. I say it in no spirit of ostentation, as it is simply a matter of fact; and, no doubt, many other honorable members have done the same thing. Why, then, I say, sir, should we—without having seen the Bill, without having been consulted in the matter, without having been convicted of any crime or fraud in connection with it—have these lands taken away from us which we have set apart for certain purposes, by what ought to be an enduring act of our own? There are unquestionable details, in connection with the appointment of trustees, which are very defective. I admit that they might be amended in committee. As far as I can see, the appointment of trustees is made permanent. A trustee, once elected, is appointed for life; and, I would point out to the House that trustees elected for life may

become most unfortunate administrators of Church property; and, in the absence of some wholesome check, they may find the affections of the people totally alienated from them. As I read the clause, the trustees, once elected, are to have the sole control of the affairs of their Church in the district to which they belong for the term of their natural lives. Is that a proper position in which to place them? I affirm that it is not. The clause relating to the election of diocesan trustees is clearly defective. If I were to give my opinion upon such a provision, as a matter of detail, I should say that we might very well follow the example which has been set by the Church Assembly of Victoria. In that colony, there is a vast amount of land, the general property of the Church, which is left in the hands of a council nominated by the Bishop himself, who are very much in the position of a responsible minister. If they do not administer the property of the Church in a manner satisfactory to the laity, it is in the power of the members of the Church to address the Bishop, and to request him to take their functions from them. Now, that system has appeared to work well in Victoria, and I think it might safely be adopted in our colony. I trust the Honorable Colonial Secretary is of the same opinion. The adoption of such a system would lessen one very objectionable feature in the Bill before us. I refer to the 22nd clause, which provides that—"whenever in any parish or district occasion shall arise for the appointment of a minister to a benefice the whole or the greater part of the stipend whereof shall be derived from the subscriptions of persons resident within the said parish or district or from the proceeds of any lands or moneys vested in or held by the said parochial trustees for the purpose of providing the said stipend it shall be lawful for the said parochial trustees to present to the Bishop a fit and proper person for institution to the said benefice and the Bishop unless he shall know the said person so presented to him to be unfit and improper shall institute the said person so presented to him and grant him a license to officiate." This question, I am aware, is one that involves a variety of subjects which might lead to a theological discussion, and that I have no desire to enter upon. But it also shows, for that very reason, how undesirable it is to introduce the question at all into this House. It involves the whole question of the appointment of ministers—whether they should be elected directly by the congregations, or through the trustees of the Church property in the several districts. Now, sir, I believe the people of this community are sufficiently intelligent, and sufficiently persistent, to work out a system for regulating these matters in a manner which will be satisfactory to them, and conduce to their advantage; that they so love and respect the body to which they belong, that they will take the proper steps to uphold its dignity and position. There is no reason to suppose that our bishops will not be elected by our presbyters, and that our presbyters will not be elected by our laity. It has been done in Canada, and if the system has not been introduced in New Zealand, it is probable that it will soon be adopted there. But there is no enactment which has the force of law to carry out such a scheme. As a matter of detail, I may say, by way of illustrating the subject, it might be considered very undesirable that a minister should be appointed for life. He may become incompetent, or, from various causes, may be rendered unfit for the duties of his office. Or, if not, if he has not subjected himself to any pains or penalties, he may have rendered himself unacceptable to his parishioners; and is it desirable to retain in his position a minister whose services are not acceptable or edifying to his congregation? And yet that is the position of a minister appointed under this Bill. These might be proper subjects for discussion in a church assembly, but I hold that these are out of place in a Legislative Assembly. I am compelled to refer to them in order to illustrate the position in which a minister of the Church of England will be placed if this measure becomes law. Before I conclude, I will just refer to certain extracts from a despatch—which I should have been glad if the honorable member for the Burnett had read—which are very appropriate to the whole question. It is from the Duke of Newcastle to Sir P. E. Wodehouse, at the Cape of Good Hope. He says—

"In the first place, I am advised that (assuming there is no local law to the contrary) the members of the Church of England, in a colony in which that Church is not established, have the same liberty of assembling for any lawful purpose which is possessed by members of any other religious denomination; and that it would be lawful for a colonial bishop, or metropolitan, without the consent of the Crown, and without any express legislative authority, to summon meetings of the clergy and laity of the church, under the designation of provincial or diocesan synods, or any other designation, for the purpose of deliberating on matters concerning the welfare of the Church."

Then follows an extract which has already been read to the House, in which the Duke of Newcastle says that the Church of England is in neither better nor worse position than any other church in the colonies; and "the members may adopt, as the members of any other communion may adopt, rules for enforcing discipline within their body, which will be binding on those who expressly or by implication have assented to them." In the same despatch we find the following passage:—

"The Judicial Committee, I am fully aware, did not decide that it was unlawful for the bishop, with such clergy and laity of the Church as might concur in any scheme or arrangement for that purpose, to meet in a voluntary synod, and to pass rules and regulations, by which those who

assented to them might be bound; they decided only that some of the particular acts and resolutions of the synod in question had exceeded those lawful limits, and that Mr. Long, the appellant in the case, who was not a party, and had not assented, to those resolutions, could not be compelled to give notice of any meetings of such synod, or of any proposed elections thereto, or to attend it, or to be bound by its proceedings."

The portion of the judgment which relates to the illegality of some acts of the synod is in these terms:—

"The synod, which actually did meet, passed various acts and constitutions, purporting, without the consent either of the Crown or of the Colonial Legislature, to bind persons not in any manner subject to its control, and to establish courts of justice for some temporal as well as spiritual matters, and, in fact, the synod assumed powers which only the Legislature could possess."

There was the defect in that case—they had exceeded their powers. Why, then, should we follow in their steps, and exceed our powers? We are learning them every day—they are simply those to which the members of our Church have consented; and if, having agreed to the fundamental basis of our communion, we bind ourselves to that basis which the royal supremacy has allowed us, all that the Queen is called upon to say to us, is exactly what she would say to any other denomination within her realm,—"Are you conducting your affairs according to the recognised rules of your society?" There is one other passage, sir, which I will read to the House. It will show the different way in which these subjects are looked upon by persons of different classes. This is merely a question of our own government in our own denomination or communion. I forego the word "church" altogether, because there is such a difference of opinion as to the proper nomenclature. I simply use the word "communion"—a body of men bound together by certain rules and observances. The passage I am now about to quote is an extract from a letter written by one of the most earnest and noble-minded men of our generation, Hugh Miller. It is addressed to Lord Brougham. The writer says:—

"I am one of the people full of the popular sympathies,—it may be of the popular prejudices. To no man do I yield in the love and respect which I bear to the Church of Scotland. I never signed the Confession of her Faith, but I do more—I believe it; and I deem her scheme of government at once the simplest and most practically beneficial that has been established since the time of the Apostles. But it is the vital spirit, not the dead body, to which I am attached; it is to the free popular church, established by our reformers,—not to an unsubstantial form or an empty name—a mere creature of expediency and the State; and had she so far fallen below my estimate of her dignity and excellence, as to have acquiesced in your Lordship's decision, the leaf holds not more loosely by the tree when the October wind blows highest, than I would have held by a church so sunk and degraded. And these, my Lord, are the feelings, not merely of a single individual, but of a class, which, though less learned, and may be, less wise, than the classes above them, are beyond comparison more numerous, and promise now that they are learning to think, to become immensely more powerful."

Now, sir, what that man, one of the most sincere and pious members of the Church of Scotland, has said, I would wish to say on behalf of the communion to which I belong. I feel that I cannot add to the force or intensity of those words; I will, therefore, simply ask this House, what is the position in which we shall place ourselves by passing the measure which is proposed to us? The chief feature of this measure is, it does not indicate, by any of its leading principles or provisions, that it possesses the confidence of the members of that communion from whom it professes to emanate. I affirm that the society or communion of persons from which it should have emanated is one of the noblest of which we have read in history. It may, possibly, at present, be languishing in this country, but I believe it possesses the surest signs of life and vitality. I believe, if time be afforded to work out its system, it will prove worthy of confidence; in the meantime, all we have to ask of you is to leave us untrammelled and unfettered by your laws. I ask, then for the members of the Church of England, from those who, I trust, entertain an affectionate fealty towards her,—I ask from them, on this occasion, their kind and tender consideration,—from those who may be opposed to her, or who may be temporarily alienated from her in thought or spirit, their rational forbearance; and from every honorable member in this House I would claim the strictest impartiality. And I trust I may also claim an unqualified acquittal of, what I deem to be, the pretence of this Bill.

The ATTORNEY-GENERAL: Sir, I shall only address a few words to the House at the present stage of the debate, in order to express the opinion I have formed in reference to the legality of the measure; and, I must say, with all deference to the subject, and notwithstanding the able and eloquent speech from the honorable member for Port Curtis to which I have just listened, that I congratulate the honorable member for the Burnett in having introduced this Bill into the House. I can fully understand the difference between any interference on the part of this House, between the members of the Church of England and the doctrines of their Church, and the introduction simply of a Bill to regulate the temporalities of the Church, which I conceive this to be. The first question which must be put by the members of that body is, "Where are we?" and the only reply, after the recent decision in Bishop Colenso's case, which they can possibly make is—"nowhere." And, it may also be asked, "Where is the Bishop?" He

has taken the lands which form the property of the Church of England in this colony into his own control, as a corporation, and according to the Colenso case he is not a corporation;—in what position then is he placed? I do not know whether the honorable member for Port Curtis delivered the speech with which he favored the House, in order that it might go forth to the world as a specimen of his powers of oratory; but I would ask this House what is it worth? We must look upon the question in this light—Are we authorised to legislate for the proper regulation of these affairs or not? And I must say that the position taken by the honorable member who introduced this Bill has been made very clear by the decision in Bishop Colenso's case. For, although the honorable member knew nothing about it, it certainly arrived just in time for him. I cannot think the honorable member for Port Curtis can have read the judgment in that case, or he never would have made the speech we have just heard. I say, sir, that whatever step may be taken to regulate the temporalities of the Church, and for the benefit of all parties concerned, may legally be taken by this House. I observe that one of the objections taken to the passing of this Bill is, that it has been introduced during the absence of the Bishop. But the Bishop has, in reality, no position at all. No such objection can be advanced after the judgment in Bishop Colenso's case. Bishop Tufnell has been laboring under a delusion ever since he left England; in this colony he has no episcopal jurisdiction whatever. Lest I should be misunderstood, I will quote an extract from the document in question.

"After a colony or settlement has received legislative institutions, the Crown (subject to the special provisions of any Act of Parliament) stands in the same relation to that colony or settlement as it does to the United Kingdom. It may be true that the Crown, as legal head of the Church, has a right to command the consecration of a bishop, but it has no power to assign him any diocese, or give him any sphere of action within the United Kingdom. The United Church of England and Ireland is not a part of the constitution in any colonial settlement, nor can its authorities, or those who bear office in it, claim to be recognised by the law of the colony otherwise than as the members of a voluntary association. The course which legislation has taken on this subject is a strong proof of the correctness of these conclusions. In the year 1813, it was deemed expedient to establish a bishopric in the East Indies (then under the government of the East India Company), and although the Bishop was appointed and consecrated under the authority of the Crown, yet it was thought necessary to obtain the sanction of the Legislature, and that an Act of Parliament should be passed to give the Bishop legal *status* and authority."

The Bishop is understood to possess no power but what he derives from the Letters Patent from the Queen. If, therefore, we would know what that power really is, we must ascertain what stress the Privy Council place upon it, and we find the following passage:—

"We therefore arrive at the conclusion that, although in a Crown colony properly so called, or in cases where the Letters Patent are made in pursuance of the authority of an Act of Parliament (such, for example, as the Act of the 6th and 7th Victoria, cap. 13), a bishopric may be constituted and ecclesiastical jurisdiction conferred by the sole authority of the Crown, yet that the Letters Patent of the Crown will not have any such effect or operation in a colony or settlement which is possessed of an independent legislature."

Now, it is well known that these Letters Patent were issued at the time responsible government was granted, and, therefore, they are worth nothing. Where, then, are the lands which have been given to the Church of England?—where is the £50 which has been given by this or that honorable member as Church property? What legal security is there that they are properly invested? If they are not necessary, we must legislate for them in the best way we can, and then the introduction of a measure such as we are now asked to consider, becomes a necessity. I can find nothing, sir, in this Bill so objectionable as to call forth the remarks which have been made by the honorable member for Port Curtis. If the doctrines of the Church were called into question, I could understand the objections to such a measure which have been advanced; but here we have nothing of the kind—we have simply a measure which lays down certain rules to provide for the investment of Church property, and to regulate the proceedings of the Bishop. So far from the clergy of the Church of England having any occasion to object to it, I think they ought to be well satisfied at its introduction, for it gives them the same powers which they possessed under the Letters Patent, which are worth nothing, and confirms them by law. I cannot see, therefore, why they should object to it. A measure which involved doctrinal points of religion might reasonably be objected to, but I can see nothing of that kind here; and provisions to regulate the temporalities of the Church, such as are shadowed forth in the measure before the House, may, I think, well be considered by this House. It will, undoubtedly, be necessary to give it the most careful consideration in committee, and I have no doubt at that stage of the Bill, we shall receive some valuable hints and practical advice from honorable members who are not directly interested in it. For it appears to me that the best Church members are not always the most competent to prescribe for themselves. Let us, therefore, endeavor to obtain the opinion of every honorable member, that the Bill may be rendered as perfect as possible. I must say that I cannot agree with the honorable member for Port Curtis, that this is a question entirely between ourselves, as mem-

bers of the Church of England, and that no one else should have anything to say in the matter. I might, probably, think differently if it were a question of doctrinal points. But, as I understand it, this Bill puts the investment of Church lands on a proper footing, by providing that which the decision in Bishop Colenso's case has utterly upset.

Mr. TAYLOR: No doubt, sir, we have listened to a brilliant speech from the honorable member for Port Curtis—very few such speeches have been delivered in this House. But, as I have heard it remarked, the honorable member beats round and round the question, until neither he nor his hearers can tell what he is talking about. Sir, I differ with that honorable member upon two points, and it appears to me that he has wandered considerably from the facts of the case. He has stated, that out of doors the members of the Church of England are not dissatisfied with the Bishop's ruling. Now, sir, I will venture to say, that if the population were polled to-morrow, it would be found that five out of every six totally objected to it, and were in favor of some alteration. The honorable member also stated in his remarks about national education, that the denominationalists who sided with the Bishop formed a majority. The honorable member is quite incorrect in his statements. I think, sir, it it is high time that some changes should be made in the government of our Church. There is no doubt it is, at the present time, in a most degraded state,—that is a fact which no one can dispute. Take Brisbane, for instance,—as I stated the other evening, there is the greatest difficulty in collecting stipends for the officiating ministers. Does not that bear out what I say. From a dislike to their Bishop, and from other causes, the people will not subscribe. And what, sir, is the amount of stipend which is raised, or attempted to be raised?—the miserable sum of £300 a-year, when it is well known that there are clerks of an inferior order in the service who are getting their £400 and £500. Yet we are told that the members of the Church of England are satisfied! This I deny, and I trust this Bill will be passed. Perhaps it may be true that in spiritual matters it goes a little too far, but, at any rate, let us have some temporal Bill to set matters right. The honorable member for the Burnett has expressed himself prepared to refer the Bill to a select committee, which will ensure its receiving the fullest consideration; and, I should like to know, what more can be desired? The committee can be chosen by ballot if necessary, and I feel sure that some good will come of it. The honorable member for Port Curtis has referred to the Church of New Zealand, under Bishop Selwyn, as being in a most prosperous and flourishing condition. Now, sir, I am credibly informed that a clergyman in that colony was seen dragging a harrow to assist in the cultivation of some land, in order to eke out a living. And yet we are told that the Church in New Zealand is in a most prosperous state. I believe, sir, no one accuses the Bishop of applying the moneys vested in him, as the property of the Church, to any improper purposes; but they say that those moneys have not been invested for the benefit of the Church. I do not say that he has applied them to his own private use, but we have seen nothing of them, and cannot say how they are invested. The honorable member has also lauded the Bishop for his liberality, and he may have been very liberal; but I have never seen it, and I should like to know if any honorable member has experienced his liberality. I am told that the right reverend gentleman has large sums of money invested in lands, which return him a large amount of revenue. What becomes of that revenue?—to what purpose is it devoted? I think that is a point upon which the congregations of the various churches ought to be informed. The honorable member for Port Curtis seems to fancy that if the Church lands are vested in trustees, everything will go wrong; but I cannot see why trustees cannot be found who will work them as honestly and uprightly as Bishop Tufnell. I trust, sir, this Bill will be read a second time. I do not care whether it is altered in committee or not—probably some of its clauses require amending—as long as we are told what position we are placed in as members of the Church of England.

Mr. WATTS said he did not like to let such an important measure, in connection with the Church of which he was a member, pass without offering a few remarks upon it. He had listened with attention to the speech which the honorable member for Port Curtis had addressed to the House, and he was obliged to admit that the honorable gentleman had beaten about the bush considerably, in his endeavors to persuade honorable members that they had nothing whatever to do with the temporal or spiritual affairs of their Church. But he (Mr. Watts) would observe that, had it not been for the bad management of the affairs of the Church, of which the Right Reverend Dr. Tufnell was the head, it would not have been necessary to ask the House to legislate for them. He believed that these matters, in the country districts, were greatly neglected. Members of the Church of England were prepared to subscribe their share of the revenue. Years ago, when the Church was under the Bishop of Newcastle, it was in a very flourishing condition. The laity, as well as the clergy, were called upon to listen to periodical statements of Church affairs, and there was no ground of complaint. Had such a state of things continued, there would have been no occasion to ask for the interference of the Legislature. But there was a graver point involved in the question before the House. At present, there was no statute to give legality to the system of Church government,

and, unless some step were taken, the Church of England and Ireland in this colony, instead of being a united Church, would be cut up into five or six different sects. He felt that he was expressing the opinions of nearly all those who were members of that Church in his district. He entirely endorsed the opinion of his honorable colleague (Mr. Taylor), that a large majority of Church of England members were dissatisfied with the present mode of administering affairs and desirous of some alteration. He could not say, whether or not, the Bill before the House went too far in reference to spiritual jurisdiction in Church matters. But should that be found to be the case, that portion of the Bill could be altered in committee; and, for his part, he should give his whole attention to improve and perfect it. Honorable members had listened to the ruling of the honorable and learned Attorney-General, as to the legal bearing of the question, and had been informed that the clause, which was objected to by the honorable member for Port Curtis, would confer upon the Bishop the same powers which he would have otherwise possessed. He (Mr. Watts) could see no valid objection to the Bill, and he trusted it would go into committee, when he would do his best to render it such a measure as would meet the case and satisfy the requirements of the country districts.

Mr. BLAKENEY said he was of opinion that every member of the Protestant communion in this colony was under a deep debt of gratitude to the honorable member for the Burnett (Mr. Mackenzie), who had introduced the Bill. It had been already alluded to by several preceding speakers, that no time was more opportune than the present for settling the affairs of that communion—as his honorable friend, the member for Port Curtis, would call them, and he adopted his language. As his honorable friend had put it to the House, "What is the true position of that communion or church?"—or, as the honorable Attorney-General had it, "Where are we?" It appeared undoubtedly, upon the highest authority or tribunal in the British Empire, the Privy Council, that the reverend gentleman whom Her Majesty had been pleased to appoint as Bishop in this colony was only so in name. There had been a good deal said with regard to the petitions; but from whom did those petitions emanate? They were signed almost exclusively by the clergy, whom that reverend prelate had introduced into this colony. He had personally a great respect and regard for Bishop Tufnell, as an individual; he had the pleasure of knowing many of those gentlemen whom the prelate had introduced; and, as members of society, he esteemed them. Some of them were worthy men, learned men, good men; and he admitted, with zeal for the faith in which he was reared from his cradle, that if he used any personal observations to those gentlemen, it was not that he differed with them on any question of faith. Although that had nothing to do with the question before the House, it had a great deal to do with the discussion of the subject of it. But for the way in which the affairs of the Church had been carried out by Bishop Tufnell, this community would not have had occasion to come to the Legislature to ask it to pass this Bill. He asserted it on the first reading of the Bill, and he maintained it now, that a very large majority indeed of those who held the same faith as himself dissented from the manner in which the Church establishment had been conducted under the administration of Bishop Tufnell: that had been the unfortunate occasion of heresies which had been introduced into the Church. (Cries of "Question.") All did not approve of the doctrines of the clergy whom the Bishop had introduced, and hence the difficulty arose. He (Mr. Blakeney) was sincerely delighted that he was one of those who had given a vote in the first Parliament of this Colony for the abolition of State-aid; for what would be the position of the Church of England community now, if they were obliged to receive whomsoever the Bishop chose to thrust upon them, no matter how obnoxious, and all the clergy receiving State-aid? With reference to the clergy, introduced by the Bishop, he looked upon them as an heretical fungus on the true Church of England. Some had said that the Assembly had no right to legislate on Church affairs. That had been completely answered and set at rest, and they had the power. The honorable member for Port Curtis, in his able speech, had used a two-edged sword; for many of his quotations in support of his own views were unanswerable arguments in support of the objects for which the Bill was introduced. There never was a time, considering the position of the Church, when legislation was more required than at present; and he (Mr. Blakeney) put it to honorable members who were not of the same faith as himself and the honorable member for the Burnett, that it was not too much to ask them to assist in settling the temporal affairs of the Church of England in this colony. What was the position of the Church now? Lands were vested in Dr. Tufnell, as Bishop of Brisbane, he assuming to himself corporate rights, and it being believed, up to the last few days, that he was a corporation sole, and, therefore, entitled to hold lands as such, but the highest tribunal of the empire had said—"No; that he is merely a bishop in name, and that he does not, under such rights, hold this property." The honorable member for Port Curtis had alluded to Dr. Selwyn, the Bishop of New Zealand, but his quotation from that authority was an unanswerable argument against Bishop Tufnell, whose conduct was the reverse of Dr. Selwyn's in respect of the Church lands, and who would not give any account of the moneys he received, except that he spent them for the

benefit of the Church. In respect of the Wickham Terrace Church, it was as much as the Bishop would deign to meet the pew-holders and give an account of his disbursements. What was the Bishop's position now? Lands were vested in him, and by the late decision of the Privy Council, he had no right to hold them. In the neighborhood of Dalby, twenty-six acres of land were vested in, not Edward Tufnell, but in Bishop Tufnell, and the deed of grant was issued, of course, to the Bishop, in trust for Church purposes. That land was about to be taken for railway purposes, and he (Mr. Blakeney) was credibly informed that it was worth £150 an acre. What was the position there? If the land were allocated, or the proceeds thereof, for the purpose for which it was held in trust, what a splendid edifice could be erected for the people of Dalby, who had a right to a voice, and to the exercise of some influence in this matter, which now they had not. There was land elsewhere, which was at present equally useless in the Bishop's hands. There were two acres in Toowoomba, where the parishioners had offered to assist the Bishop in raising £1,000, for the purpose of erecting a church upon the land, but it was lying waste, because the Bishop would not meet the wishes of his communion by giving them a voice in the management of their own affairs; and, in like manner, he was now completely at issue with his flock in every part of the colony.

Mr. GROOM: No, no.

Mr. BLAKENEY: Yes. Honorable members might say "no;" but he challenged contradiction—in a great many parts of the colony the Bishop was at issue with his flock in regard to the disposal of Church property.

Mr. GROOM and other honorable members: No, no.

Mr. BLAKENEY: He was in the city of Brisbane. Here was a large property that would aid the Church and the large congregation of the Protestant communion, if the Bishop would assist them. He was sorry thus to speak of his Lordship. He esteemed him as a gentleman and a private individual, but he repeated that in his opinion, and in the opinion of a great number of gentlemen who resided in this city, the laity were completely at issue with the right reverend gentleman in reference to the manner in which he discharged his duties as a Bishop. With regard to the assertion that if the House passed the Bill they would be interfering with the Bishop of Sydney, he would only remark that, by the late decision, that dignitary was bishop in name only, and had no power over the Bishop of Brisbane. Again, it was said that, according to the decision of the Privy Council, the Bishop of Sydney had power over this colony, because he had been appointed before the Parliament of Queensland was called into existence. Now that he (Mr. Blakeney) denied. He went back to the time when representative Government was granted to this colony. It was a strange fact, that, although Bishop Tufnell was ordained for some months previously, the Orders in Council and the Letters Patent were dated on the same day. Therefore, that brought him exactly within the decision of the Privy Council, because, as in their judgment—

> "We apprehend it to be clear upon principle that after the establishment of an independent legislature in the settlement of the Cape of Good Hope and Natal there was no power in the Crown by virtue of its prerogative (for these Letters Patent were not granted under the provisions of any statute) to establish a metropolitan see or province, or to create an ecclesiastical corporation whose *status*, rights, and authority the colony could be required to recognise. After a colony or settlement has received legislative institutions, the Crown (subject to the special provisions of any Act of Parliament) stands in the same relation to that colony or settlement as it does to the United Kingdom."

And then they cited two cases in which bishops had been created, and in which it was necessary to pass Acts of Parliament to give them legal *status;* and they clearly stated that Her Majesty had no power in issuing Letters Patent giving those gentlemen the name of Bishop, to assign them any diocese or give them any sphere of action even in England. The alterations that had taken place in the past with regard to the position of bishops, should be remembered; there had been so much heart-burning amongst them, that the Ecclesiastical Commission was appointed, and all their sees were taken charge of and put into one fund, and, in proportion to the importance of each, the bishops were paid annual salaries—so much for an archbishop, so much for a bishop, and so on, and their temporalities were entirely taken away. No doubt, the Bishop here had received a very large sum of money, and no doubt he had laid it out beneficially; and, if proper accounts had been given of it, no doubt his Lordship would have a salary, as in Sydney, equal to that of the Colonial Secretary, and there would then be a large surplus. What the Church of England communion wanted to urge and press on the Legislature was, that they should have the power possessed by many families in England, of presenting their clergymen, leaving to the Bishop to induct them to their benefices. In England the bishops merely inducted whomsoever the patron of the living nominated, and he would not refuse, unless he had reason to know that the clergyman nominated was an improper character. What right had Bishop Tufnell to assume a different position here to the parties who stood in the place of patrons in England—and who paid the stipend—and who had a right to the presentation? He (Mr. Blakeney) was glad to find that the

people of Ipswich were so high-spirited of late as to press that point; and, actually, the Bishop had not the courage to deny their right—he "struck under," and he had to appoint the person nominated by the parishioners. If the people had the nomination of their clergy—of men whom they could believe in—whom they had faith in, there would be no complaints heard from the clergy of want of stipends. He pointed to the Dissenters, the Roman Catholics, and others in this colony, from whom there were no complaints of want of funds—because their pastors preached the doctrines their flocks believed in, and the people came forward, as they ought to do, and paid the stipends cheerfully. But the Church of England communion was in a different position; and the result was that many of the clergy who had been brought out, as he understood, at the expense of one of those funds the Bishop had raised, did not gain the confidence of their flocks, and they did not get their stipends. They complained of the apathy, the shabbiness, the misery of the people who, in large towns even, would not pay their clergymen's stipends. Some of them were going back—and several of them had gone—and they could very well be spared. It was a libel on the Church of England to say that the people would not pay their pastors; —they would pay them as well as any communion when they got pastors whom they believed in—not mountebanks—but men who preached sound evangelical doctrines. The honorable member for Port Curtis, in his elaborate statement, said that a great deal of the disaffection arose from the apathy of the members of the Church of England. Well, he quite agreed with the honorable gentleman. It was an admirable argument. They were apathetic, because they had nothing to stir them up—nothing to create fervent feelings, and to touch their hearts; and another result would be, that if they did not get something better than they now had, other sects would receive an accession of strength. Their apathy was from the apathy of the clergy, which would lead to large dissent from the Mother Church. It was no reason that, because nothing had been done for five years for self-government in the Church, something should not be done now the time had arrived to move. As the honorable Attorney-General very pertinently observed—it was not a thing to throw at the members of the Church, that they were acting behind Bishop Tufnell; he was no Bishop, or one in name only, and whatever law the House passed affected not him, except that his Lordship would be bound to account for all lands that he had taken in the name of the Church. He (Mr. Blakeney) did not care whether his honorable friend the member for Port Curtis had vested a grant of land for the Church in the wrong person, or that his honorable and learned friend the Attorney-General had vested £50 in the wrong person;—if they liked to make the Bishop a trustee under this Bill, they could do so. At present, that property was not legally vested in the Bishop. Let it be understood that the general Church properties, whether large or small, should be vested in the congregations. Let the honorable member for Port Curtis, when he and others interested in Wickham Terrace Church came to settle their affairs, vest in Bishop Tufnell if they liked;—he had not the slightest objection —there must be publicity given to the accounts, and then the parishioners would know how the funds which they raised were expended. That was all that was wanted. People talked of spoliation; the term would be applicable when a man was deprived of his private property; and if Bishop Tufnell were deprived of the property he held as Edward Tufnell, that would be spoliation. But they should know what he did with property which he had purchased as Edward Brisbane, and he must give it up to the respective congregations. A gentleman who died some time since in England, and who had made a fortune in the neighborhood of Toowoomba, left £200 to the Church of England in that town—which he (Mr. Blakeney) regretted was reduced by the legacy fee of England by £20;—but whether that money was vested in Edward Brisbane or not, he could not tell, and the Toowoomba congregation could not touch it to put their place of worship in repair. This ought to be rectified, or his Lordship ought to say what had become of it.

Mr. Groom: He had accounted for it.

Mr. Blakeney said he hoped so; but he had the assertion of an honorable member to the contrary. The honorable member for the Burnett, in introducing this measure, stated candidly that all he wanted was to assert the principle of the Bill, by having it read a second time; he told the House that it was a skeleton Bill, and that he merely laid it on the table so that the House could assist the communion interested in effecting a change in the system of management of the temporalities of the Church which was now in such a disturbed state. The honorable member further proposed to refer the Bill to a select committee of gentlemen opposed to, as well as in favor of it; and he trusted that they would make a good Bill of it. He (Mr. Blakeney) put it to those honorable members who differed from his communion, whether they would prevent by their votes the meed of justice being given which the Protestants sought. He asked them to aid that communion in the best way they could to get the Bill passed. It was improbable that the report from the select committee would be brought up for four or five weeks, and, meantime, the House could see how many petitions would come in *pro* and *con*. They had one petition from Bishop Tufnell's clergy and some five or six laymen;—it was rather a small number for the city of Brisbane; but let them have another opportunity.

Let there be an opportunity to test the opinion of the communion throughout the length and breadth of the land; and instead of five to one, they would have fifty to one for a change in the present system. During the last twelve months there was scarcely an individual who did not complain of the manner in which the temporalities of the Church were administered. With respect to those who had boasted of the great liberality of Bishop Tufnell—but he had seen no proof of it adduced—he thought if his Lordship was liberal, in the true sense of the word, in endeavoring to meet the wishes of his flock, and in the endowment and building of churches, there would never have been much cause of complaint against him. If the second reading of the Bill were not agreed to, the consequences to the establishment would be very serious indeed.

Mr. LILLEY said: The subject of this debate is very important, and, recognising its importance, I deeply regret that it has been so hurried to its present stage in the House. We all feel that the decision which has been given in England, respecting the *status* of our colonial bishops, is one that we ought to have had much more time to consider than has been afforded to us. I certainly shall not follow the previous speaker on his theological arguments—I am sorry that the honorable member has introduced any spiritual topics into this discussion;—and, I must say, that he has created the impression in my mind that he is not, with regard to spiritual matters or the officers of the Church, one of the contented members. I regret, also, to have heard from my honorable and learned friend, that the preachers of the Church are to preach to please their congregations. It has been my idea that they were put into the pulpit to teach us. However, setting aside matters relating to our contentment or non-contentment with our clergy, I must say that I think my honorable and learned friend has somewhat over-stated the force of the decision in the Colenso case. I was startled to hear the Attorney-General advance the position, that we are "nowhere," and that the property of the Church which is vested in Bishop Tufnell, and legally vested in him, has been di-vested by that decision. I do not understand that decision to go further than that the Bishop has no ecclesiastical authority here; but the rights in property he has under the Act of William IV., and Her Majesty's Letters Patent, creating him a corporation sole in whom the lands of the Church are vested, remain; and I have yet to learn that they do not, on the authority of some other tribunal. Here is Dr. Tufnell vested with certain lands, under the Letters Patent, as Bishop of Brisbane. There is no other Bishop of Brisbane entitled to hold or claim property in this colony; nor, under the statute of William IV. can it be ascertained that the property must go to any other trust. The Courts of Equity would treat him as owner of that property, and would attach that property in trust to him; yet the Legislature is asked to treat him as other than the owner of the property. I have yet to learn that the combined effect of the statute of William IV., giving the land, and the Letters Patent of the Queen, which undoubtedly give him titular distinction, are in conflict, and that the Letters Patent did not create him for the purpose of holding land as a corporation sole. That is an argument which my honorable and learned friend the Attorney-General would have to maintain before the court, if he would hold that we are "nowhere." The Bishop is not merely Bishop Tufnell, under his Letters Patent; he is Bishop of Brisbane, too, and, as such, is certainly entitled to hold those lands. Therefore, I think there is no danger even with regard to the lands he took under the statute of William; but with regard to lands he has purchased as Edward Tufnell, with the moneys given to him by friends in England, but chargeable in equity with the trusts under which he received them, they are certainly legally vested in him, and cannot be disturbed. There are numerous trusts of this kind known to the Court of Chancery, and it is not necessary that there should be a statute defining the trustee as a corporation to enable the court to follow the property in his hands, and to charge it with the trusts that the party giving the property intended to devote it to. So that we are not in any danger on this score. The Bishop of Brisbane has a vested interest in all this property—he has the interest, at least of a trustee; and to his trust he must strictly look. We ought not in his absence to interfere with even the temporalities of the Church, unless there is some immediate danger arising with reference to them; and nothing of this sort has been shown. There seems to me, as a member of the Church of England, no reason why we should hurry the passing of an Act affecting the temporalities of the Church, without the Bishop being called upon for any explanation as to the disposition of the property vested in him. In this he is, no doubt, as deeply interested as any other member of the Church. Very fortunately, my honorable friend, the member for Port Curtis, in in his able, and eloquent, and exhaustive speech, went over the whole ground, and quoted the names of men of eminence, to whose opinions I attach the greatest weight; but I think at the legal effects of the Colenso case we ought not to be at all alarmed. My honorable and learned friend the Attorney-General—I dare say he is of much the same opinion as myself—has hardly had time to weigh the Colenso case: but it does not go so far as he does. He seems to be under the impression that this Bill does not interfere with the government of the Church in reference to its spiritual affairs. I think it does. If he had read the twenty-third section he

would find, I think, that it makes a most startling attempt to interfere, not only with the discipline of the Church, but also with its doctrines:—"It shall not be lawful for the Bishop to refuse to institute or license any minister on the ground that the stipend provided is in his opinion inadequate nor for any other reason than the personal unfitness of the said minister nor shall it be lawful for the said Bishop to require any minister so licensed or instituted as aforesaid presented to him for that purpose under the last foregoing clause to subscribe or bind himself to assent to any bye-laws resolutions or engagements beyond the principles of the Church of England as appearing in the established Articles of Religion of that Church or duly passed by such synod," &c. If this is not making the synod a judge of the doctrines of the Church of England, I think no English language can do so. Here is a distinct interference with the dogmas of the faith of the Church of England. The fact is simply this:—Certain members of the Church of England are dissatisfied, not only with the administration of the temporalities, but with the teaching of the Church as carried out in Brisbane. Those members are anxious to establish a little church of their own, and this Bill is the instrument by which that church is to be established; because, I do certainly feel that if you pass this Bill, you raise another Church, and the gentlemen who pass this Bill, from the moment they record their votes in its favor, cease to belong to the Church of England. Certainly that is the true position of those who bring this measure before this House. If those gentlemen wish to have an Act regulating their affairs in their own Church, let them have it; but, for goodness' sake, do not bring in "a Bill to regulate the affairs of the United Church of England and Ireland in Queensland." If you ignore the Bishop, who is one of the estates of the Church, and the clergy, who are another, and the great majority of the members of the Church—if you will not listen to their voices—why, then, you cannot pretend to come before the House as members of the United Church of England and Ireland. Where in the Bill is the provision made for the synod? There is not a single line of it which proposes any mode in which the synod should be carried out. It is truly a skeleton Bill. Be your vote to-night—that it shall die and be carried away! I do not wish to see any further development of the idea of bringing in a skeleton Bill to deal with such matters as have been brought before us to-night. The Church of England here is endowed with a large property, given when State-aid obtained; and, when Dr. Tufnell came out here, he was assisted by a large number of friends at home, and the whole of the property was vested in him as Bishop of Brisbane, for the advantage of the Church. A certain number of gentlemen, a small committee, came into this House—the honorable member for the Burnett, Mr. Mackenzie, is, no doubt, actuated by very good motives; at any rate, he believes he is—I believe he is mistaken—and proposed to deal with interests not created by them, but by other members of the Church; and, as my honorable friend the member for Port Curtis put it, they condemned those very parties who had benefitted the Church. I sincerely hope that the House will not have the Bill. I follow the example of the honorable member for North Brisbane, Mr. Blakeney, and appeal to the Dissenters not to injure the Church of England, not to spoil her, but to protect her from the half-dozen members whose Bill has been so hastily rushed through the House. No doubt the clergy are men deeply interested. They came forward at once to tell the House what is their opinion. They are not to be called Bishop Tufnell's clergy; their petitions ought to be most respectfully listened to. There is not a member of this House, Dissenter or Protestant, who does not feel with me, that we ought to give them full weight. There is not a member who will agree that any good can come of sending this skeleton Bill to a mixed committee of the House. There may be a Baptist, an Independent, and there may be a Roman Catholic on that select committee. How are those gentlemen to say in what way they can provide for our interests—the interests of the members of the Church of England? They neither sympathise with us nor understand us; they know neither our wants nor our wishes; they cannot rationally or serviceably deal with the Church of England. They never can mould, or fill up, or clothe with flesh, this skeleton Bill. I hope, however, that my friends the Dissenters, to whom again I appeal, will not have the Bill—that they will not, by passing it, destroy the traditions of this Church—that they will not establish a new church linked with the State, a church to be created, another Church of England. I hope the voices of those men, the bishops of the Church, whose opinions were read to the House by my honorable friend the member for Port Curtis, will be listened to. The Bishop of Newcastle has put it that the only desirable thing is that the temporalities of the Church should be dealt with. Of course, I do not deny the power of this House to deal with the Church of England, or with those temporalities that the Church derived from the State; but, I say, it is not desirable to do so. We ought to have some respect for the united voice of the communion, and it ought to be ascertained. I think the previous speakers went over almost every point in connection with this question; but there is one of considerable weight in my mind, which is this: the Colenso decision has been brought forcibly before the people of England, whom we may suppose to be a majority of the Church; and we cannot doubt that the position of the colonial churches, or, at all

events, the amendment of our Church constitution, so as to make them as nearly as possible portions of the Church of England, will be brought under the consideration of the British Parliament. It is very likely that that will force upon consideration the *status* of colonial bishops. I think we should do well, therefore, to wait for British legislation; at any rate, for further inquiry on this subject, which may be profitable to all the colonies; and we may well hesitate to pass the Bill until we see what shall be done by the authorities at home, for the Church of England at home may see a satisfactory way to put the colonial churches on a satisfactory basis. We must not forget that the liberality of the British public to the colonial churches has been very great, and that in most of the colonies the Church has been founded, endowed, and carried on for years, by the liberality of the British public. Their opinion should be entitled to a great deal of consideration by us. We should wait, and not rush rashly into legislation on this subject—we should wait the result of inquiries in England before the committee or this House can enter upon the investigation of what is best for the Church in Queensland. I hope the House will pause in judgment, and refuse the second reading of this Bill.

Mr. BROOKES said he did not rise with the idea that he could add any interest to the discussion, which had already become sufficiently tedious. The speeches which had been made by honorable members had fully borne out the opinion he had held from the first—that the Bill ought never to have been introduced into the House. He wished to call attention to the frequent use in the course of the debate of the term "Dissenter." For his part, he was not a "Dissenter," he was only a Wesleyan. He utterly repudiated the term "Dissenter," and would remind honorable members that they were not in that House to discuss theology, but to legislate for the political and social good of the colony, and to allow the different religious communities to look after their own welfare. In doing so, they would not abdicate any of their functions, for he believed the interest of the several denominations would be best promoted by withholding all interference on the part of the Legislature. The Assembly were asked to do what, in fact, they were not competent to do—they had no power to regulate the affairs of the Church of England. That appeared to him the view which was taken of the question when the Bill was read a first time. The subject was now approached with considerable advantage, in consequence of the amount of information which had since been afforded. He felt that any doubts which might have been entertained by honorable members must have been entirely removed by the recent decision in the case of Bishop Colenso. He did not look upon the Bill before the House as a Church of England Bill, but as a hole-and-corner measure. He believed it had been concocted by the honorable member for the Burnett, the honorable Colonial Secretary, and the honorable member for North Brisbane, Mr. Blakeney, and he did not admit that they were the representatives of the Church of England in this colony; he required some further evidence of the fact. The Bill came before the House under what he could not but term a false pretence. He did not mean to apply that expression personally to the honorable member who had introduced it, but he thought the honorable gentleman had outrun his discretion; and his zeal being at white heat, he had fancied that, with the assistance of the honorable member at the head of the Government, and the honorable member for North Brisbane, he would be able to secure his object. He (Mr. Brookes) was glad to see that honorable members were not so easily taken in; and it was clear that, whatever direction the debate might take, or whatever might be the fate of the Bill, the folly of bringing such questions before the House would be shown. Honorable members were not in a position to entertain such questions; they were laymen, and were not there to discuss religious tenets. For his part, he neither claimed nor desired to be an arbiter in such matters. The Bill in itself had many defects, which ought to have prevented it from reaching that stage, and he could only suppose that it had been allowed to pass its first reading out of complaisance; for he believed that when that motion was carried by a majority of eighteen to five, those who supported it only did so because they did not wish to insult the Church of England. Since then, the House had become acquainted with the decision of the highest court in England, which had arrived just in time to put a stop to such an injurious attempt to exceed the functions of the Legislature. It was a mere waste of time to proceed with such a measure, especially since the judgment given in Bishop Colenso's case. He would quote one passage, which must be regarded as the death knell of the Bill,—"The United Church of England and Ireland is not a part of the constitution in any colonial settlement, nor can its authorities, or those who bear office in it, claim to be recognized by the law of the colony otherwise than as the members of a voluntary association." That was the ground which he took at the first reading of the Bill, and although he bowed to the ruling of the Speaker, he had not been able to look upon it in any other light than a private Bill, and he had quoted from "May" to show that it should be so regarded, as it did not in any way affect the interests of the whole community, but only those of one religious association. The Church of England and Ireland was not the whole colony; to legislate for the regulation of its affairs was beyond the functions of the Legislature, and any attempt to do so should be regarded

with great suspicion. That brought him to what he considered the radical defect in the Bill—it did not represent the wishes or feelings of the members of the Church of England. Petitions against it had already been received, not only from laymen, but from clergymen, and he could state that every clergyman with whom he had conversed had expressed himself utterly and entirely opposed to it. It must not be considered that he was a friend to the clergy; he did not believe in them at all, that was to say, politically. History would show that they were a grasping and monopolising body—if an inch were given to them they would take an ell—and a time-serving laity produced a grasping clergy. Still, he desired to do them justice: they were in the Colony, and were recognised as holding a certain position in a certain Church called the United Church of England and Ireland, of which, by the way, he knew, and desired to know, nothing about. At any rate they were accepted by that Church, and that being the case, if the House were to interfere at all in regulating its affairs, it could only be at the combined request of those gentlemen and the lay members of the same persuasion. That was not the case. If evidence had been laid before the House to prove that the Bill was the result of a conference, composed of the clergy and laity of the Church of England, and was an expression of the intelligence and intellectual, as well as religious, worth of the members of that community, the case would have been very different. Such an expression of opinion would have been, at least, entitled to a fair amount of consideration. But the Bill was essentially a private Bill, brought in by private persons, —professedly a public measure, but not so in reality. He would not touch upon any question of doctrine. But in reference to the question of Church management, he would observe that a great mistake was committed in supposing the public at large were under the impression that matters were properly regulated in the Church of England in this colony. They knew that the contrary was the case; they could not fail to be aware of the fact that there was, under present arrangements, great difficulty in obtaining the necessary stipends for the officiating ministers. The honorable member for Western Downs (Mr. Taylor) had spoken of the perpetual complaints upon that score, and had represented the Church of England as being in a most degraded state; and he (Mr. Brookes) had also heard many similar complaints. It was well known that the Church of England in this colony possessed lands which, if made use of with ordinary, or less than ordinary, intelligence and business management, would yield such a revenue that the stipends of the clergymen might be turned into large incomes. Nevertheless, he did not recognise the right of the Legislature to interfere in such matters, and he should vote against the Bill, because he considered it immature and uncalled for, besides being diametrically opposed to the recent decision of the Privy Council. He did not say that some provisions might not be introduced in the Trustees Bill, and the honorable and learned Attorney-General would perhaps support such a course of procedure. But he could perceive no reason for the introduction of the Bill in its present shape. If it were passed, it would convey an implied censure upon the Bishop, and he (Mr. Brookes) would much like to hear what that reverend gentleman would say to such a measure. It ought also to embody the opinions of the clergy, who, if they were not infallible, were certainly particularly interested in it. Taking all these matters into consideration, he felt constrained to oppose the motion before the House.

Mr. BLAKENEY rose to make a personal explanation. He had never assisted any person to concoct the Bill, and did not know of its existence, until he saw it published in the newspapers.

Mr. FORBES said the speech which had been made by the honorable member for Port Curtis, who had been ably followed by the honorable member for Fortitude Valley, had left him but little to say on the question before the House. It did appear to him that the Bill they were asked to read a second time had not emanated from the members of the Church of England as a body, but from a small discontented section of that community, who, probably, comprised a good many recent importations into the colony. As a colonist of some standing, he could state that it was not a measure which was acceptable to the members of the Church of England generally. It had received the approval of certain members, who professed to represent the Church to which they belonged, but who, in reality, represented it about as much as the three Tooley-street tailors did the people of London. He objected to the Bill, because he did not conceive that the Legislature had any right to interfere with the discipline of the Church. He looked upon the measure as an innovation, and he thought any interference in the form of legislative enactment would injure the interests of the Church. He conceived it would be an error of judgment to pass such a measure. It was, in all probability, framed with the best intentions, but he felt convinced that the evil which would arise out of it would more than counterbalance the good which it might effect. The honorable and learned Attorney-General had taken one view of the legal bearing of the question, while the honorable and learned member for Fortitude Valley had expressed a totally different opinion, and he (Mr. Forbes) was certainly inclined to follow the latter gentleman, not only in his legal opinion, but in the clear and lucid explanation of the whole subject with which that honorable member had favored the House.

It had relieved him and other honorable members from many doubts which they might otherwise have entertained. A subject of deep and momentous import had been hurriedly brought before the House, and proper time had not been afforded to honorable members to give it that consideration and reflection which its importance required. He was opposed to the Bill, because it proposed to interfere with matters affecting the discipline and general management of the Church. He had been surprised to notice the disrespectful and irreverent tone which had been adopted by one or two honorable members in speaking of the Bishop. He had known that right reverend gentleman since his arrival, and there was no person in the Colony of Queensland for whom he had a higher respect, either as a gentleman or scholar, or as the head of the Church to which he belonged. Such allusions were, however, nothing more than he had expected to hear from the two honorable members who represented the Western Downs, for whenever one of those gentlemen sat down, the other was always ready to rise from his seat to support him, and upon those occasions one could hardly help crying *Oh Gemini!* (A laugh.) He had also been astonished to hear the honorable member for North Brisbane (Mr. Blakeney) get up and attack the Bishop. He thought the honorable member might have shewn a little more respect to the right reverend prelate, for he believed that whatever the Bishop's failings might be, the head and front of his offending had been his endeavor to obtain support for his denominational schools, in which he (Mr. Forbes) was convinced he had acted throughout in the most conscientious manner. Although, on a former occasion, he had voted for the introduction of the Bill, on the ground that its rejection at that stage would be a want of courtesy to the mover, he had then stated that on the second reading, or should it pass into committee, he should watch its clauses narrowly, and should perhaps be obliged to oppose its further passage. He now felt obliged to vote against the motion before the House.

Mr. FITZSIMMONS said he had not at first any intention of speaking upon the question, but the sympathies of honorable members had been invited in the flowery language of the honorable member for North Brisbane (Mr. Blakeney), and he felt himself unable to resist the appeal. He did not, however, wish to record his vote without giving some explanation of his motives. He had heard, and he believed it was true, that some clergymen had been sent out from England under the support of the Society for the Propagation of the Gospel, and it appeared to him that the Bill before the House would take away that support. If so, a great injustice would be done. It appeared also that the Bishop of Brisbane had brought out a considerable sum of money, which had been handed to him by friends in England, and had been invested either in his own name, or in him as Bishop of Brisbane. To take away this property from the Bishop would be an act which would deserve a term worse than injustice,—perhaps as bad as oppression. Besides, it would appear that the Bill, if passed, would give the laity the power of removing their clergymen without any notice, whenever they thought proper, as easily as a squatter could remove a hutkeeper or Chinaman from his station; in that case, also, a great injustice would be done. He thought some protection should be given to the clergymen;—perhaps the Bishop would be able to take care of himself—otherwise, private persons, members of their congregations, or others, might take advantage of the Act to do them an injury. Clergymen, if they lost their position, had no other pursuit to turn to; they were educated specially for their profession, and were entitled to more consideration than the Bill accorded them. For these reasons he must oppose the motion for the second reading of the Bill.

Mr. GROOM said that if he were to judge of the character of the Bill before the House from the speech of the honorable member for North Brisbane, Mr. Blakeney, he should look upon it as a Bill to settle certain differences between a few discontented Church of England people in Brisbane and the Bishop. He would take the opportunity of correcting a misapprehension, under which the honorable member, Mr. Blakeney, appeared to be laboring, when he stated that application for a piece of land for a Church in Toowoomba had been made to the Bishop, who had refused his consent. The facts were altogether different. When the application was made the Bishop had left the colony. The sum required for the erection of the church was £2,000, £850 of which had been raised by private subscription and it was sought to obtain the balance by mortgaging the property in question. The Bishop being absent from the colony, application was made to the Rev. B. Glennie, and it was then found that the land had been purchased by Mr. Glennie out of his own funds for certain school purposes, and was vested in the Bishop of Newcastle. It had been remarked by one honorable member that the Church of England was the wealthiest of all the churches in the colony. If the honorable member intended that remark to be taken in its general as well as legal signification, as he presumed he did, and that was the case, he (Mr. Groom) could only observe that the members of that Church did not subscribe as they ought to do, if they desired to keep up its dignity and position. To take the case of Toowoomba again:—The Bishop brought out one clergyman, the Rev. Mr. Ransom—than whom a better or more sincere Christian did not exist—

to officiate in that place, and it was positively true that he was driven away by the prospect of actual starvation and compelled to accept a small curacy of £150 a-year. It appeared very hard, too, that on two occasions it had been found necessary to apply to the Church Society in Brisbane for assistance in making up the sum required for the present clergyman's stipend; on each of these occasions the society had sent £20. Those were facts which hardly comported with the statements made by the honorable member for the Western Downs. Such a state of things had not arisen from any fault on the part of the clergymen, but from other causes; for in every case of Church management Dr. Tufnell, had always exhibited the strongest desire to advance as far as possible the interests of the Church at Toowoomba. As to the case which had been mentioned, in which a Mr. Isaacs had bequeathed a sum of £200 for the erection of a Church at Toowoomba, there had been no desire evinced on the part of the Bishop either to hide the fact or to dispose of the money for any other purpose. He denied that the Bill had been widely circulated, or that it expressed the opinions of the main body of Church of England members; and he affirmed that it was not a Bill which ought to be assented to by the House in its present form. If such a precedent was established, Bills would be introduced to regulate the affairs of every denomination—Wesleyans, Baptists, and others—and it might be carried to such an extreme length that the Legislature might even be asked to introduce a measure to regulate the affairs of Mormons, Chinamen, or Bhuddists. Holding these opinions, he would test the feeling of the House by moving, as an amendment, —"That the Bill be read this day six months."

Mr. PUGH said he did not rise to speak to the question as a Dissenter, as he did not own himself to be one; nor did he wish to be regarded as a heretic by honorable members on either side of the House. It appeared to him that the Church of England had come and asked the House to legislate for its government; and he contended that the Bill violated the vital principle of the voluntary system, which swept away all connection between Parliament and the different orders of religion. The House was asked to give its opinion as to the interpretation of the office of a bishop; to define how he was to be appointed, his functions and powers; how the appointment of archdeacons and other officers was to be made, with all of which the House had nothing to do, and he could only say that, were the church he was connected with to come to the House with a similar Bill, he should oppose it on the same grounds. If this measure had been brought forward to remove certain disabilities, he should have supported it; but it went much further. Honorable members on one side of the House affirmed that the members of the Church approved of the Bill, while, on the other side, the statement was contradicted. The Attorney-General said the Church was "nowhere," and the honorable member for Fortitude Valley that it was in the same state as before. Who should decide when doctors disagreed? They had heard many recriminations, and he regretted that anything of the sort should have occurred. Let the Church manage its own affairs; other churches did not ask the House to legislate for them. He should oppose any measure that infringed upon the voluntary system, as contained in the Act of 1860. If the English Church wished to have its affairs better managed, something better than a skeleton Bill like the present would be necessary. He should oppose the second reading, as by assenting to the committal of the measure, he should be committing himself to its principles.

Mr. R. CRIBB, who was supported by Mr. Walsh, moved the adjournment of the debate until Tuesday next.

The question was put and passed.

TRADE MARKS ACT AMENDMENT BILL.

The ATTORNEY-GENERAL, in moving the second reading of "a Bill to amend the Trade Marks Act of 1864," observed that this measure was brought before the House, in accordance with a despatch from the Secretary of State for the Colonies, setting forth that the Act that was passed by this Parliament last year contained a clause which was not in the Imperial Act, and which was calculated to preclude the enforcement of remedies under the last-mentioned Act, against persons fraudulently using trade marks. Considering that the "Trade Marks Act of 1864" had been introduced in pursuance of a despatch from the Imperial Government, and that a perfect draft of the measure had been sent out to be passed through the Legislature, he felt it to be his duty to introduce this Bill, in compliance with the desire of the same authority.

Mr. BROOKES said: He did not rise to oppose the Bill, but this was the most striking evidence, to him, that the Ministry were perpetually bringing in Bills which, so soon as they became law, required amendment. The fact was, they were drifting into a state of legislation that they knew nothing about; and, as an outsider, he said that this was disgraceful. Could not something be done to consolidate the statutes of Queensland—to codify them—to bring them into the smallest possible shape; so that common people might understand them? He objected to "tail-pieces" to Acts of Parliament.

The ATTORNEY-GENERAL pointed out that the clause which the Bill proposed to repeal had been introduced into the "Trade Marks Act of 1864," by the honorable member who

had spoken and those honorable members on the same side of the House who usually acted with him.

The question was then put and passed.

PRIVILEGE OF SPEECH ON MOTION FOR ADJOURNMENT OF THE HOUSE.

On the order of the day for the third reading of the "Agricultural Reserves Act Amendment Bill" being called,

The SECRETARY FOR LANDS AND WORKS moved that this Bill be now read a third time.

Mr. DOUGLAS said that it was his desire to re-commit the Bill for the purpose of inserting a clause which was partially discussed a few nights ago, and carried against him in committee; but, he submitted, at the present late hour it was hardly advisable to go in for a fresh discussion of his proposition. Therefore, he hoped the honorable Secretary for Lands and Works would not object to give him and other honorable members another opportunity of expressing their views before the third reading of the Bill.

The SECRETARY FOR LANDS AND WORKS: What is your motion?

Mr. DOUGLAS: That this House do now adjourn.

Mr. BLAKENEY: Will you accede?

The SECRETARY FOR LANDS AND WORKS: No. Having moved the third reading of the Bill, he could not help expressing his surprise that the honorable member for Port Curtis should have attempted to get the third reading postponed, without having previously communicated to him his object in doing so. The course that honorable member now proposed to take, was not only unusual, but unprecedented; the amendment was one which had been moved when the Bill was in committee; it was fully discussed, and it was rejected; and he (the Secretary for Lands and Works) believed if the honorable member discussed it for a month, he would not bring the House to any other decision than they had already pronounced. It was trifling with legislation—that, after the second reading had been debated, and full consideration given to the Bill in committee, an honorable member should get up and ask for the postponement of the third reading, for a re-discussion of a matter already decided.

Mr. DOUGLAS explained that he was not aware he had been guilty of any discourtesy in not communicating his intention and desire to the honorable Secretary for Lands and Works on such a simple matter of detail. He was quite ready to go on with the debate, but he submitted that it was not seemly, after having consumed many hours in unprofitable discussion. If he was to be treated in this way by the honorable member, he would tell him that it was unworthy of his position as a Minister. If it was desired by the House, he would submit his amendment for full discussion now; but he thought it was not desired at such a late hour.

Mr. BLAKENEY contended for the undoubted right of any honorable member to move an amendment on a Bill at any stage of its progress.

Mr. MYLES objected to the motion before the House, as a hardship on country members who desired to see the business of the country carried on without delay.

Mr. R. CRIBB objected to the motion, as unfair to honorable members, who, taking a deep interest in a Bill, attended at the second reading and in committee, and who thereafter might be absent, naturally thinking that opposition was at an end.

Mr. BROOKES said his purpose for rising was to protect the privileges of the House. He found nothing in *May's Practice* which would in the slightest degree detract from the power of the Legislature to originate a new debate on the third reading of the Bill; and should that power be infringed upon, it might be in time to come, a great source of inconvenience. He labored under this disadvantage, that he took up this question at a moment's notice in consequence of the somewhat remarkable observations of the Minister for Lands and Works, that the course of his honorable friend (Mr. Douglas) was "unusual and unprecedented." [The honorable member for North Brisbane here quoted from *May's Parliamentary Practice*, p. 455.] He proceeded to address the House at considerable length upon the Bill, and upon the general legislation of this country, when he was stopped by

The SPEAKER, who reminded the honorable member that the motion before the House was the adjournment of the House.

Mr. BROOKES said, with the greatest submission to the Chair, he had yet to learn that he could not, on a question of adjournment, speak upon matters which, on other questions, would be irrelevant.

The SPEAKER: I beg the honorable member to understand that I did not rule that he was out of order; I only reminded him that the question before the House is the adjournment of the House: and I will say that it is very unusual that, on a question of this kind, a long speech is made. I am aware that on a motion for the adjournment of the House other questions are discussed; but, whatever the question, honorable members ought to keep as much as possible to it; and, I know that in the House of Commons, on many occasions, it has been, not ruled out of order, but it has been hinted what the question was, and that honorable members should keep to that question.

Mr. WALSH supported the motion, arguing that between the respective stages of a measure before the House, honorable members might change their opinions.

The question was then put and affirmed upon a division.

Ayes, 13.	Noes, 11.
Mr. Mackenzie	Mr. McLean
,, Lilley	,, Watts
,, Douglas	,, Wienholt
,, Brookes	,, Miles
,, Pugh	,, Bell
,, Stephens	,, Pring
,, Edmondstone	,, Taylor
,, Forbes	,, Herbert
,, Groom	,, Macalister
,, Dalrymple	,, Coxen } Tellers.
,, Royds	,, Cribb }
,, Walsh	
,, Blakeney	

No Tellers marked in list.

The SPEAKER said: The result of this division is, that the House now adjourns, and we must come here—that is, I must come—to-morrow (Queen's Birthday), at three o'clock.