Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 6 SEPTEMBER 1865

LEGISLATIVE ASSEMBLY.

Wednesday, 6 *September*, 1865.

Personal Explanation (Mr. Pring).—Rev. L. H. Rumsey.—Public Officers engaged in Commercial Transactions.—Services of Dr. Lang in the cause of Separation.—Agricultural Reserves Bill.—Triennial Parliaments Bill.

PERSONAL EXPLANATION.

Mr. PRING rose to move the adjournment of the House, that he might take the earliest

opportunity of contradicting certain allegations which, if the reports in the papers of what took place in the House on the previous day were correct, were made with reference to him by the Colonial Secretary; but he trusted, when he had finished his speech, he should hear from the honorable gentleman at the head of the Government a contradiction of the reports. He must, however, remark that, if he was correctly informed, the honorable gentleman took good care of the character of his friend the Parliamentary Draftsman, while he forgot all about that of his (Mr. Pring's). He had been informed that during the debate on the previous evening, on the Intestate Estates Bill, the honorable member for North Brisbane had occasion to refer to some transactions he had with the Parliamentary Draftsman in regard to the Bill, when he (Mr. Pring) was not present. Now the honorable member for North Brisbane, Mr. Blakeney, as a private member, had a right to consult the Parliamentary Draftsman as much and as frequently as he thought fit with respect to the Bill, but he (Mr. Pring) never had any communication with the honorable gentleman on the subject. It would be in the recollection of honorable members that when the Real Estate of Intestates Bill was introduced by the honorable member for North Brisbane, he (Mr. Pring) dissented from the policy of the Bill as brought in, but stated, at the same time, that he had no objection to a simple measure, whereby the real estate of intestates would be sold absolutely at once, and the proceeds vested in the hands of the Curator of Intestate Estates for distribution. He stated at the time that his objection to the Bill, as brought in by the honorable member for North Brisbane, was that he thought the machinery by which he proposed to carry it into effect was far too cumbrous, and also that it would render it necessary for the court of equity to interfere in many instances. The honorable member then consented to remodel his Bill, so as to meet his objections. In the meantime, he (Mr. Pring) had to leave the city on business as Attorney-General, and on his return the honorable member for North Brisbane shewed him the draft clauses he proposed to substitute. After perusing them, he objected to them, as he considered they were still as cumbrous as those for which they were to be substituted; and he then again repeated that he could not consent to any but a simple measure, providing for the sale at once of the real estate of intestates. The honorable member for East Moreton, Mr. R. Cribb, asked him why he did not meet the honorable member and the Parliamentary Draftsman on the subject, and he (Mr. Pring) replied that the Bill was in the hands of the honorable member for North Brisbane, and it was no business of his to take anything to do with drawing it up. He was told that the honorable member for North Brisbane did apply to the Parliamentary Draftsman as to the drawing up of the Bill, and that was all right enough; but he could not understand why it should have been said by the honorable the Colonial Secretary on the previous evening, that the blame of the Bill not having been prepared lay upon the late Attorney-General, for he was not called upon in any way to see the Parliamentary Draftsman, or the honorable member for North Brisbane either, for that matter, on the subject. He could not, therefore, see why blame for the Bill not being proceeded with should be imputed to him; that he should be charged with having neglected his duty, or that the delay should be attributed to the late Attorney-General not having made up his mind as to the measure he would support, and that, therefore, the Parliamentary Draftsman could not proceed with the preparation of the measure. He felt satisfied, notwithstanding what anyone else might say to the contrary, that while he held the office of Attorney-General he performed his duties conscientiously and assiduously, and he could firmly assert that it was not owing to any neglect of his, for he was not called upon to take anything to do with the measure, that the Bill of the honorable member for North Brisbane was not prepared and proceeded with.

The Colonial Secretary said, that in making the statement referred to, he had not the least idea of charging the honorable member with not discharging his duties properly. What he stated was, that he did not see why the Parliamentary Draftsman could prepare a Bill that would meet the views of the honorable member for North Brisbane and the views of the late Attorney-General, unless he had an opportunity of meeting both of them. He had since inquired into the matter, and found it was quite correct, that the honorable member for North Brisbane went to the Parliamentary Draftsman and asked him to prepare a Bill that would meet his views and those of the late Attorney-General. He was not aware that the honorable member the late Attorney-General had come to any determination in the matter, and he asked him if he had seen the Parliamentary Draftsman on the subject; the honorable member replied that he had not, as he had not had time. As the Parliamentary Draftsman therefore was not aware of the views of both honorable members, he could not prepare such a measure as would be satisfactory to them. And as he could not meet them together, the matter was put off from time to time. It would thus be seen that the Parliamentary Draftsman was not chargeable with any delay that had occurred. As he had already stated, he did not charge, or mean to charge, the honorable the late Attorney-General with any dereliction of his duties, and he did not express anything to that effect; but what he stated was that he believed he had, from having to attend to the

duties of his office, been deprived of the opportunity of meeting the Parliamentary Draftsman with the honorable member for North Brisbane time after time, in order to confer as to what should be the provisions of the Bill. Owing to that, the Bill could not be drafted; and he understood that the Parliamentary Draftsman never received any instructions as to the nature of the Bill.

Mr. BLAKENEY said he did understand the honorable the Colonial Secretary to state on the previous evening that it was entirely the fault of the late Attorney-General that the Bill was not prepared. The Bill he first introduced was a similar measure to the one passed by the Legislature of New South Wales, about two years ago—a Bill which he knew received the attention of many eminent lawyers, and one which he understood there was not a barrister in Sydney did not give attention to. The Bill as he brought it in was said by the late Attorney-General to be too cumbrous in its machinery. Now he admitted that the machinery of some of the clauses was too cumbrous. He admitted that such was the case, and he somewhat remodelled the Bill, and in this second draft the greater number of the clauses were taken from the Acts on the same subject in New South Wales and South Australia. The Attorney-General, when he saw this other Bill, maintained that it was more cumbrous than the first, and then he made some further amendments upon it. No doubt his (Mr. Blakeney's) illness, in the first place, and then the assizes, caused the delay to a great extent. When the session was drawing to a close, he spoke to the Parliamentary Draftsman on the subject, and suggested that he should see the Attorney-General, and mark off what clauses he would approve of. He went with the Bill to that gentleman, and requested him to give it his earliest attention, and to frame a Bill that would meet with the views of the Attorney-General. He had no desire to make an attack on the Parliamentary Draftsman, but what he said was that he thought it was a bad principle that whoever was entrusted with performing the duties of Parliamentary Draftsman should be allowed also to practise as a barrister in court; and he merely mentioned the delay of the Real Estate of Intestates Bill for the purpose of shewing the disadvantage of a gentleman who was entrusted with the performance of certain public duties being allowed also to practise his profession in court.

Mr. R. CRIBB observed that the Real Estate of Intestates Distribution Bill was brought before the House on the first day of the session, and had been postponed from time to time until the previous day. When the Bill was first brought forward, the late Attorney-General objected to it on the ground that it was very cumbrous, and stated that if the honorable member for North Brisbane would introduce a clause or two providing that the real estate of intestates should be dealt with as their other property, he would accord the measure his sanction. He (Mr. Cribb) considered that provisions to that effect would be a great boon. The matter was put off from time to time, and he in consequence spoke to the honorable the Attorney-General on the subject. The Attorney-General said that the Bill was not in his charge, but that, if a clause or two were prepared to enable the administrator to an intestate estate to deal with real estate in the same way as personal property, he would support the measure. He (Mr. Cribb) thought the honorable member for North Brisbane, Mr. Blakeney, who had charge of the Bill, should have drawn the clauses himself, and had he done so there could be no doubt that the Bill would have passed. He could assure the House that such a measure was very much required, for there was scarcely a day passed but the monstrous evils of the present law came under his observation in one shape or another.

Mr. PRING, in reply, said he had brought this matter before the House solely because he wished to obtain an explanation from the honorable the Colonial Secretary as to what he did say, and as to what he meant. He had listened to what the honorable gentleman had said, and all the observation he had to make with respect to his statement was, that the honorable gentleman might have been, and he hoped he was, misreported in the public journals. He had yet to learn that a responsible minister was to be saddled with the duty of waiting upon the Parliamentary Draftsman. All that he thought could be expected of him in respect to a measure he had promised to assist in carrying through the House was, that he should go over it and examine its various clauses, and see if they were such as he thought would meet with the views of the Government and of the House. He never was asked to draw so much as a single clause of the Bill, and the Parliamentary Draftsman never came to him on the subject, though it was his duty as an officer of the Government to have done so; and that gentleman had no right to expect that the Attorney-General should wait upon him. He believed that the honorable member for North Brisbane was correct when he said he considered the Parliamentary Draftsman had too much to do to be able to give due attention to his public duties. It would have been no trouble to the Parliamentary Draftsman to have waited upon him, and to have drawn one or two clauses from his instructions. For his own part, he could have done all that was required in ten minutes, but he did not do so because it was the duty of the Parliamentary Draftsman to do so; and he told the House that—and he told the Parliamentary Draftsman that, too.

The motion for adjournment was then withdrawn:

REV. L. H. RUMSEY.

Dr. CHALLINOR, in moving the following resolution—"That, in the opinion of this House, the Rev. L. H. Rumsey is entitled to the receipt of the stipend provided by the Act 24 Victoria, No. 3"—said: I need not remind honorable members that the Act 24 Victoria, No. 3, reserves certain vested rights to certain clergymen, and that by the Act 7 William IV., No. 3, those vested rights accrued. It is also equally well known that the Rev. Mr. Rumsey was licensed to serve the cure of Ipswich, and that in 1864 he resigned that cure, and received an appointment in the civil service of this colony. In January, 1865, he ceased to officiate as a clergyman, because the Bishop refused to license him on the ground of his being employed in the civil service. Now there is nothing whatever, in ecclesiastical, statutory, or common law, to prohibit a clergyman from holding a civil appointment; for we find that, before the Reformation, between the time of Becket and Wolsey, many of the chancellors were archbishops or bishops, and that during the same period many beneficed clerks held offices in the Exchequer. Their ability to hold office was declared by 9 Edward II., stat. 1, cap. 8, called the "Statute of *Articuli Cleri*." Now, the "Statute of *Articuli Cleri*" provides that—

"Clerks holding such offices should not, so long as they are occupied about the Exchequer, be bound to keep residence in the churches."

And declares—

"That the King and his ancestors, since time out of mind, have used that clerks which are employed in his service, during such time as they are in service, shall not be compelled to keep residence at their benefices, and such things as be thought necessary for the King and the commonwealth ought not to be said to be prejudicial to the liberty of the Church."

Lord Coke, in commenting upon this last passage, treats the proposition as good law in his time, for he says:—

"This branch is general (and not limited, as the former is, to the privilege of the Exchequer), but extendeth to any other service of the King for the commonwealth; as if he be employed as embassador into any foreign nation, or the like service of the King, which is *pro re publicâ* for the commonwealth, as hereafter it is said, which ever must be preferred before the private."—2 *Coke's Institute, p.* 624.

The statute 21 Henry VIII., cap. 13, which prohibits clerks from farming or trafficking, and the subsequent statutes on this subject, contain no prohibition, direct or implied, against their holding civil appointments. And the statute 1 and 2 Victoria, c. 106, which consolidated the former statutes, and is now law, even goes so far as to allow a clergyman to be a manager or director of a fire and life assurance company. In ecclesiastical law, the 76th canon of the canons of 1603 is the only one which bears on the subject; and this is held not to apply to civil appointments, inasmuch as Dr. Williams, Bishop of Lincoln, held the Great Seal from 1621 to 1625, and the Bishop of Bristol was one of the negotiators for the treaty of Utrecht. Though the holding of civil offices by clerks since the Reformation has fallen into considerable desuetude, such offices have been so held, as, for instance, in the case of the Bishops of Lincoln and Bristol, already referred to; and, in modern times, the Rev. William Charles Lake, M.A., late fellow of Baliol College, Oxford, whilst a beneficed clergyman and Whitehall preacher, held an appointment as a commissioner to inquire into the various systems of military education on the continent of Europe, and, associated with one or more officers, travelled for a considerable period on the continent while so engaged. His holding this appointment was known both to the Bishop of London and his own diocesan, from whom he had a license of non-residence; and no objection was ever taken on the subject. Many registrars of the ecclesiastical courts, when they had jurisdiction over wills and divorces, were clergymen, and the duties of the office were of a civil nature; while scarcely anything is more patent to us than that many clergymen are magistrates at this very day in Great Britain and Ireland. And it is worthy of note that Archdeacon Headlam was several years chairman of quarter sessions. To these instances of clergymen holding civil appointments in our own times, I may add that there are clergymen now so employed in the educational department of the Privy Council. There is, therefore, nothing in the mere fact of a clergyman holding a civil appointment to authorise a bishop withholding from such clergyman a license to officiate. It may possibly be urged by some that the Bishop was justified in withholding his license, because Mr. Rumsey was unable to serve a cure in consequence of his time being otherwise occupied; but there is nothing to prevent him officiating on the sabbath or before or after office hours. And I believe I am correct in saying that had the Bishop granted his license, Mr. Rumsey would have regularly officiated in the suburbs of this city every sabbath, and he might have occasionally done so on a week night; and such services as these would fairly come within the meaning and scope of 7 William IV., No. 3, clause 5, which provides under certain circumstances for the payment of a stipend by the Government to clergymen who have no church or chapel in which to officiate. And I may here state that the Government expressly refused payment of the stipend on the ground of the Bishop's license being withheld, and not because Mr. Rumsey did not serve a cure. We may now look at the matter entirely irrespective of the Bishop.

I have said that certain vested rights had been reserved under 24 Victoria, No. 3, and that those vested rights had accrued through the provisions of 7 William IV., No. 3. By clause 7 of that Act, proof was to be given not less than once a year, that the clergymen had sufficiently and regularly performed his duties, and unless such duties had been wilfully or culpably neglected, such stipend could not be withheld, and no such charge has been brought against Mr. Rumsey. By the provisions of 24 Victoria, No. 3, the payment of the stipend is made to depend upon the residence and officiating of the clergyman claiming such stipend; but in reference to these provisions, it was declared by a resolution of this House on the 12th May, 1863:—

"That it was not the meaning and intention of the Legislature, in passing the State Aid Discontinuance Act of 1860, that any minister of religion who, at the time of the passing of the said Act, was in receipt of a stipend paid by the Government, should, so long as he 'resides' and is ready and willing to 'officiate' within the colony of Queensland, be deprived of such stipend when prevented from officiating against his will and without any fault of his own."

That the Bishop has nothing against the private character of Mr. Rumsey, is to be inferred from the fact that in November last he thankfully accepted the offer of Mr. Rumsey to officiate at Ipswich on Sundays, till a clergyman had been appointed to that cure; and that he has been ever since ready and willing to officiate, is evident from his letter of January 31st, 1865, in which he says:—

"I have been ready at anytime, and am still ready, to discharge any duties which it may please His Excellency the Governor, having in view the nature of the services for which the salary in question has been granted me, to impose upon me."

In the reply to this letter, dated from the Treasury, Queensland, February 27th, 1865, it is stated:—

"Your letter having been under the consideration of the Executive Council, the Government regret their inability to entertain your application for the stipend in question; and they are of opinion (as before conveyed to you), that as you have failed to obtain the Bishop's consent to the continuance of your ministrations, you can have no further claim upon the special appropriation in the schedule C usually appended to the Estimates."

The facts of the case, then, are simply these: First, that the Government refuse to pay Mr. Rumsey his stipend, because he does not officiate; second, that Mr. Rumsey is unable to officiate, because the Bishop has withheld his license; third, that the license is withheld solely on the ground that Mr. Rumsey holds a civil appointment; and, fourth, that Mr. Rumsey is ready and willing to officiate as a clergyman of the Church of England, if permitted to do so by the Bishop or requested by the Governor. I think I have clearly shewn that there is nothing in common, statutory, or ecclesiastical law, prohibiting, directly or impliedly, a clergyman as such from holding a civil appointment; and, on the contrary, that from time immemorial to the present, clergymen have held, and do now hold, such appointments; and that this House has already declared that when the non-officiating is not the fault, or by the consent, of the clergyman in question, he shall not be debarred the payment of the reserved stipend. I have not referred to the fact that by the recent decision of the judicial committee of the Privy Council, the Bishop has no coercive jurisdiction to restrain his clergy from officiating when and where they like. For that is a matter with which this House has nothing to do. Neither has it any right, under any circumstances, to say to the Bishop that he shall or shall not grant a license to his clergymen; but it has a right to ascertain, by any evidences that may be voluntarily presented to it, whether the ostensible cause for withholding the license is one which, under the provisions of the Act I have referred to, disentitles the claimant to the payment of the stipend therein reserved, and if in the opinion of this House it does not so disentitle him, then I think it is the duty of this House to authorise its payment, notwithstanding he may not have officiated. The Governor of Western Australia acted on this principle on one occasion, as this House did also in the case of the Reverend W. McGinty, and I trust it will now do so in reference to Mr. Rumsey. I am confident that if Mr. Rumsey were finally to appeal to the Judicial Committee of the Privy Council, that the Bishop would be directed to license him, for the withholding of the license is a virtual suspension *ab officio* upon insufficient grounds. Before sitting down, it is right that I should state that the references, quotations, and examples, to prove the legal and canonical compatibility of the exercise of the functions of a clergyman with the discharge of the duties of a civil office, which I have presented to this House, are taken from the opinion of Dr. Tristam, a barrister of high repute in Doctor's Commons, to whom the case of Mr. Rumsey was referred. Therefore, honorable members will see this is not my laying down of the law on the subject, but it is the laying down of the law by a gentleman who should be well up in such matters; and I think the House should be guided by the opinion given by that learned gentleman in this case. I may also say, that till I investigated the case, I was under the impression that the Rev. Mr. Rumsey was not entitled to this stipend; but, since reading Dr. Tristam's opinion, I am satisfied that he is entitled to it. If the Bishop, without sufficient cause, withholds a license from one of his clergymen, he ought not to be upheld by this House in doing so. I have taken some trouble in examining into this case, and I have great pleasure in bringing it before the

House, as I consider it is one deserving of the attention of the House.

Mr. FORBES said, that as he would feel it his duty to adopt what would, no doubt, be considered an unpopular course with respect to this motion, he would like to give his reasons for the vote he would give. It was true that an Act was passed in the colony for the abolition of State-aid to religion, and which provided that no money should be paid by the State for public worship, except in certain cases. Now, Mr. Rumsey's was one of those exceptional cases, and it had been shewn, that though he had accepted an office in the civil service, he had always been ready and willing to officiate as a clergyman; and he thought it came with a very bad grace from the Government, and from the House, after they had abolished State-aid to religion, and had driven Mr. Rumsey to do something else than officiate as a clergyman for a living, to withhold from him the stipend he was entitled to, and which he was excluded from receiving, merely because the Bishop refused, without any apparent sufficient reason, to grant him a license. He had been obliged, for the sake of his family, to seek employment in the civil service; and was that, he would ask, not a commendable course under the circumstances for him to pursue, and was there any reason in that why he should be deprived of the stipend to which he was entitled as a clergyman—he being ready and willing to officiate? Was it not more commendable of him to work than be a beggar? If Mr. Rumsey had sought relief in the civil service from the circumstances that were forced upon him by the House, and by the Government, it was a miserable thing to refuse him the pittance to which he was otherwise entitled, seeing he was willing to comply with all the requirements of the Act. He was certainly in favor of the motion, and would cordially support it.

Mr. R. CRIBB did not think that much of the speech of the honorable member who brought forward the motion had anything to do with the real question. When the colony was separated from New South Wales, an Act was passed abolishing State-aid to religion, but providing that certain clergymen should continue to receive stipends they were then in receipt of, as long as they resided in the colony and continued to officiate. The Rev. Mr. Rumsey was one of those clergymen, and was entitled to receive £100 per annum as long as the conditions were complied with. Since Separation, however, Mr. Rumsey had found it to be to his advantage to take office under the Government, and he now received for his services three times more than he would have received from the State had he remained as a clergyman; and it should be remembered, that in the case of all persons entitled to pensions, who were employed in the civil service, the amount of the pension was deducted from their salaries. It must, therefore, be understood, that in accepting office under the Government Mr. Rumsey clearly relinquished all claim to a pension while he so continued to hold office. All they had to do with, in respect to this case, was the Act abolishing State-aid to religion. Viewing all the circumstances of the case, he was sorry the honorable member for Ipswich had brought the motion forward, and he trusted the House would reject it.

The COLONIAL SECRETARY said he would not have addressed the House on the subject, but for the fear of being misunderstood by the gentleman whose claims were under discussion. Mr. Rumsey was now an officer under his department, and if he gave a silent vote on this question, it might be supposed that he was dissatisfied with the way in which Mr. Rumsey performed his duties. Such, however, was not the case, for he believed that Mr. Rumsey was a most suitable person for the position he held under the Government; and if he did not hold that office under the Government, he would be a most deserving person to receive the amount of State-aid now asked for him. He (the Colonial Secretary), however, must oppose the motion, as he did not think it was the spirit of the Act that a clergyman having a distinct income from an office under the Government should continue to receive a stipend. He did not consider that officiating as a clergyman consisted merely in reading the service on a Sunday, but that it comprised the performance of all the other duties of a clergyman. Under those circumstances, he must oppose the motion, though he should be willing to support the claim if Mr. Rumsey were in the position of a clergyman. As to his not obtaining a license from the Bishop, he (the Colonial Secretary) did not know that that circumstance could prevent him from preaching; and if any person asked him to preach, and offered him a sum of money for doing so, Mr. Rumsey, he considered, was at liberty to preach, and the Bishop had no power to prevent him.

Dr. CHALLINOR, in reply, said that after what had been stated by the Colonial Secretary, it would be vain for him to expect that the House would adopt the motion. But to disabuse honorable members of any erroneous opinions they might have formed of the motives or circumstances under which the matter was brought under their consideration, he thought he would be guilty of no breach of trust if he read a letter from Mr. Rumsey to Mr. Drew, dated August 23rd, 1865, and which was as follows:—

"DEAR SIR,

"I am much obliged by your note of yesterday, which seems to suggest a course of action which, as a servant of the Government, I should never have thought of taking, namely,—that of appealing to the House to overrule the action of the Ministry. Mr. Bell has not spoken to me on the subject. I have not, indeed, seen him very lately, but, independently of this, I have carefully, and

on principle, refrained from speaking to any member of the Government upon the matter, otherwise than officially. Of course I shall now call upon Mr. Bell, as I gather from your letter that he has something to say to me. You see this is my feeling on the matter. While I have no scruples about asking officially for that to which I deem myself justly entitled, I abhor the very idea of going to a minister, or to any one, to ask it as personal favor—not from pride, but on principle. A hundred a year is a matter of very great importance to me, and my character and social standing of still greater moment. But if my argument is unsound, and my cause unrighteous, I will never willingly do anything which shall put it into the power of people to say that I sought by personal influence to obtain a favorable decision. "Believe me, &c."

Having read that letter, it would be unnecessary for him to enter into further details, except to state that having satisfied himself of the merits of the case, he did not hesitate to comply with Mr. Rumsey's request to submit it to the House; and having done so to the best of his ability, he must now leave it to the decision of honorable members. He thought it was only right he should add, that notwithstanding what had been stated by the honorable the Colonial Secretary, had the Bishop given Mr. Rumsey a license, he did not see that the Government could have withheld the stipend; and if the Bishop should hereafter grant him a license, the Government would be obliged to pay the stipend.

The motion was then put, and negatived, on a division. Ayes, 3; noes, 15.

PUBLIC OFFICERS ENGAGED IN COMMERCIAL TRANSACTIONS.

Mr. WALSH moved—"That, in the opinion of this House, the time has arrived when servants of the Crown whose names are, or are not, enrolled upon the civil service list, should be required to abstain from mixing themselves with the management or direction of public companies, and in other mercantile transactions." This matter had been discussed in the House before, and although a significant expression of opinion upon it had not been called for, still he believed that it was the general feeling of honorable members that the time had arrived when such an expression should be given. He had been in communication with certain honorable members who were able to advise him upon this matter, and he had likewise had the honor of some conversation with the Colonial Secretary; and he was quite satisfied that the House should come to a decision upon it, as he now proposed—though, whether or not it was applicable at this particular moment, he must confess he did not see. Something like a hardship would be done to many officers who would be affected by the motion, if it were carried out at the present time; and he contemplated nothing of that sort when he put the motion on the paper. It was, he believed, the wish of the House, and they had the promise of the Government, that early next session—or, at any rate, during next session—the subject of the payments now made to certain officers of the Crown should be taken into consideration; and, in fact, the general management of the public offices was to be inquired into, at the invitation of the Government. It was, he believed, in the contemplation of the Government that some suggestion should be made, or some information obtained, for the House respecting the emoluments which certain high officials, who were not adequately paid, should for the future receive for their valuable services to the Crown. That those officials were underpaid, had led, in his opinion, to the Government permitting them, with the consent of the House, to do what must be very injurious—to work for other paymasters. It was well known that some of our best officials, who were best paid, were obliged to supplement their incomes by working for other masters—working as directors of public companies and in other ways. He need not speak of that system, as he did the other night, as one that ought to be checked. Let the public officers be adequately paid, and let them be forbidden to work for other paymasters than the Government. It was the duty of the House to see that the public servants should be properly paid, and that they should have no excuse for taking other employment to supplement their incomes and to help them to maintain their positions. He was quite satisfied that if the public servants were allowed to become the directors of our commercial institutions, and to dabble in other mercantile matters, they must do so to the injury of the duties they performed under the Government. It was on that ground he was most anxious to see the motion adopted by the House; but, for the reason stated, he did not contemplate compelling the Government, by such a resolution, to perpetrate a hardship, and he should, after an explanation by some member of the Government, be happy to withdraw the motion.

The COLONIAL SECRETARY said there was no doubt that the principle of the motion was one which must recommend itself to the consideration of the House and the Government; and the only exception which he should perhaps be permitted to take to it was, whether the time had exactly arrived to carry it out, looking at the understanding which was previously come to—that the question of the salaries of the higher officers should be considered as a Government question next session. He thought it would, on inquiry, be found that those officers were inadequately paid; and if their salaries should be raised, the increase would be accompanied by a strict injunction of the kind suggested in the motion. He had not made it his business to inquire into the subject, and he was not aware how many

persons were in the civil service who otherwise employed themselves, and certainly he was aware of none so employed to the detriment of the public service; but he was aware that if the motion were adopted at this time, it would be hard upon the most competent and able of the public servants. It was because of their position and known ability, that their assistance was sought, and that confidence was reposed in them in the conducting of other business than that of the Government. He did not think that any civil servant at the present time allowed himself to be so engaged in private or mercantile affairs as to detract from his efficiency to the Government and the country. He was aware that a few gentlemen in the public service, who were connected with other business, were in the habit of working very hard after hours; and if they were taken away from their offices an hour or so during the day, they made it up by working after office hours. Still, he did not desire to see the practice perpetuated, and he should be happy to see that it should be inquired into next session, if the honorable member would withdraw his motion.

Mr. JONES said it appeared to him that there was no complaint of the way in which their duties were performed by the heads of the departments, but that those duties were performed so as to thoroughly satisfy the public. If they added to their duties of office others to which they devoted themselves in their own time, that was very proper. Gentlemen holding high official appointments in this colony, were naturally trusted, and looked up to as men of ability and position, whose names gave a guarantee to any company or directory with which they were connected; and if the Government and the country got their work done, as it was at present, efficiently by those gentlemen for a liberal amount of salary, and if after office hours those gentlemen profitably occupied their time, not only for themselves, but for the interests of the public, he did not see why the House should prevent them. It was a bad argument to offer those gentlemen £200 a year more salary to give the rest of their time to the country, which time was not required of them. If the country got all that was wanted from those gentlemen, it would be unfair of the House to deny the public the advantage of their services in their own time. Things worked very well at present; those gentlemen performed their official duties satisfactorily, and they should not be prevented from making an addition to their incomes, if their abilities and their high position enabled them to secure it without depriving their offices of that fair and legitimate attention which the Government had a right to demand from them, in return for the salaries they received from the country. The practice had been recognised, and he did not see why it should not be.

Mr. FORBES observed that the principle embodied in the motion had been acknowledged to be a correct one in 1860; but, though six years had passed, that principle had never been adopted by the House. He found fault with the honorable member, who took such special care of the affairs of the country, for withdrawing the motion; for, if the principle of it was good in 1860, it was as good at the present time. But, at the same time, he could assure the honorable member for Maryborough that he would find, as he (Mr. Forbes) had found, that it would be more to his interest to keep quiet on this matter. Even next session, the time would not have arrived for the Government to adopt the principle: yet it was a matter of public duty for the honorable member to take the sense of the House upon his motion. The honorable the Colonial Secretary admitted that the principle was good; but it appeared to him that the time had not arrived for its adoption. There was no doubt another £1,000 a year would be shovelled out of the coffers of the colony for increase of salaries; and then the principle might not be adopted. If errors had not occurred here under the existing system, they had occurred in colonies similarly situated, and they might possibly occur here. It was best to be guarded against them beforehand, than to repine after their occurrence. He advised the honorable member to keep the motion before the House. If nothing else came of it, the discussion would give him an insight of the feelings of the House, and would afford a basis of calculation for his proceedings next session.

Mr. PUGH said that as the motion was at present worded, he could not undertake to vote for it; for the simple reason, that it was too sweeping in its provisions. The honorable the Colonial Secretary had properly said that persons connected with public companies and societies of different kinds had sufficient confidence in those gentlemen holding high offices under the Government to place them in positions of trust. He (Mr. Pugh) knew gentlemen, of high official position in this colony, who were associated with companies and commercial enterprises; but in no case was he aware that the public time or the public interests were interfered with or injured in any way by such association. But the House and the Government might go too far by not placing some restrictions upon the actions of officers of the public service. It should not be allowed to civil servants to come into competition with the trading public, or with professional persons. The motion, if passed, would take away from gentlemen in the civil service the right of acting as directors of building societies, or of local companies, in which they had been found very useful hitherto; though he was quite sure their salaries were not largely supplemented by the fees which they received, or were likely to receive, for so acting. The

House should not deprive those institutions of the advantages of the services of officers who were willing to give their leisure time to them; and he thought, therefore, that the honorable member would do well to withdraw the motion, with a view to bringing it forward in another form next session, contingent on the decision that might be arrived at respecting the salaries of the public officers.

Mr. WALSH, in reply, remarked that he had no doubt that it was the wish of the House that he should withdraw the motion. But he felt bound to state, before doing so, that rumors were flying about, and there was an impression abroad that certain departments of the public service were not properly conducted, in consequence of the heads of them having too much to do elsewhere; and he did not hesitate to apply his remarks more particularly to the Auditor-General's department. He had nothing to state against it—it might be the best conducted department in the colony. But he had heard it repeatedly stated that the Auditor-General had been away frequently on his own private business for hours together. If that was so, the office was not conducted as it should be. No high public officer should be away, when there was a possibility of somebody calling upon him for his advice or assistance. That was one, but he (Mr. Walsh) had been told of other departments with which similar fault was found. Probably the rumors might not be correct; but if any one could shew that the public business was hindered by the absence of the heads of departments, it was the duty of the House and the Government to apply a remedy. But there must be evils while the public servants were permitted to work for two masters. He was perfectly willing that the motion should apply to the public servants in office hours; though he was not quite sure that the principle should not be established of properly paying the public servants and demanding their whole services. They could better serve one master than two; but until they were adequately paid, they should not be prevented doing that which they could do for themselves without interference with their duty to the country. He gave the honorable member for Warrego all the credit that was due to him for having introduced the principle of the motion to the House four or five years before any other honorable member; and he expressed his satisfaction with the explanation of the honorable the Colonial Secretary, and also his conviction that if they passed the motion now they would inflict injury on certain persons.

The motion was then, by leave, withdrawn.

SERVICES OF DR. LANG IN THE CAUSE OF SEPARATION.

Mr. DOUGLAS moved—"That this House will, to-morrow, resolve itself into a committee of the whole, to consider of an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1864, a sum not exceeding £1,000 sterling, as a grant to Dr. Lang, in recognition of the services rendered to this colony by Dr. Lang during a series of years, in promoting the separation of Queensland from New South Wales." He said the object of his motion was to attempt to induce the House to reconsider its decision upon this subject, and retrace the false step which he believed they had taken. He was aware that when a subject had once been decided upon, it was not usual to raise the question again during the same session; but he trusted that he need not apologise to the House for again calling attention to this subject, as he was himself absent from the House at the time it came under discussion; and other honorable members were also absent who felt strongly, and who wished to give their opinions upon it. And as he believed that the question was disposed of rather hurriedly in discussing the Estimates, he hoped that, on more mature consideration, the House would rescind their former resolve. He should be very sorry if his motion had the effect of raising any discussion as to the claims of Dr. Lang. That question had been decided in the previous session, when the House resolved to place the amount named on the Supplementary Estimates for last year. He found that that motion was decided on the 31st of August, last year—the same day that the Appropriation Bill was brought in to be read a second time. If he had had the least doubt about the money being paid after the vote had been agreed to by the House according to the usual course of procedure, he could have proposed that the item be included in the Appropriation Bill; he had had no such doubt, and he had seen no reason for retarding the progress of that measure; but, owing to the subsequent change of policy adopted by the Government, the money had not been paid. The refusal to pay the money, after voting it, was an unusual course. It was hardly fair to him (Mr. Douglas) and those members who supported the motion—hardly fair to Dr. Lang—and hardly honorable in the Government, that what he must call a somewhat discreditable avoidance of duty should have been perpetrated by the Government. Whether the Government voted for the grant or not, after the House had decided in favor of it, they were simply in the position of administering the wishes of the House. He did not think there were reasons to justify the Government for what had taken place. The truth was, some wordy discussions took place at the time between the reverend gentleman and an honorable member of the House. He (Mr. Douglas) was not going into the merits of the case, nor would he speak as to the taste displayed by that honorable member; but was it worthy of this Legislature, or of the Ministry, to assume that position, and, because an idle correspondence had taken place in the newspapers

of a neighboring colony, to set aside a resolution of the House? The money had not been paid to Dr. Lang. The wording of the resolution which had been passed was adopted in the motion now before the House. On reading the resolution which had been passed, it would be found to the effect that the sum of £1,000 be placed on the Supplementary Estimates for "this year"—that was, 1864—as a grant to Dr. Lang; but in fact, the sum had been placed upon the Estimates for 1865, so that it was not strictly in accordance with the resolution. Admitting that that was immaterial; also that, the Government not having paid the money, it was within the option of the House to say that it should not be paid now; still, he did not think it was a very honorable, a very creditable position for the House to occupy; and he brought the motion forward to give them an opportunity of re-considering the question, and with the view of recording his vote on it, which he had not on a former occasion, He hoped the House would calmly re-consider their decision, which was not an equitable one; and that they would act as if they knew nothing of that frivolous correspondence which had taken place. All the other votes that had been taken in the same way as that for Dr. Lang had been paid; and the excuse offered by the honorable the Colonial Secretary the other day, for that not having been paid, was not tenable. It was said that the other votes had been for public institutions. Dr. Lang, by virtue of that resolution, was himself a public institution; and the £1,000 that had been voted for Dr. Lang was in recognition of public services rendered by him. The money should have been paid to Dr. Lang just in the same way as the increased salary voted to Mr. Jordan had been paid; and Mr. Jordan's salary had been paid, while the grant to Dr. Lang had been withheld. He contended that the Government were not entitled to draw any distinction between the two votes. All the other votes were paid twelve months before they were brought forward on the Estimates; and an exception should not have been made to one. It was not within the functions of the administration to draw any distinction between the vote of Dr. Lang and the other votes.

Mr. R. CRIBB said he was not in the House at the time this question was disposed of in committee of supply, but he certainly had not had the slightest idea that the money, even if not formally voted, would have been withheld after having been three times before the House, and passed without a division. He did not suppose that the House, the Government, or any one connected with them, would have acted so dishonorably as they had done. First, there was the discussion on the motion for considering the claims of the Doctor in committee; which claims were strongly recommended by the honorable the Colonial Secretary. Then the House went into committee, and voted £1,000; and then the resolution was reported to the House and adopted. That sum of £1,000 to Dr. Lang was in the same category with eight other votes for various purposes. The whole had been paid, except that for Dr. Lang; some of them had been paid a twelvemonth before they were justly due. There was, among other votes, the sum of £500 as a grant to the Servants' Home. That motion was only brought forward on the day before the House was prorogued, and therefore it could not pass in the regular manner; indeed, it only passed through the House once; yet that sum was paid, while the vote to Dr. Lang, which had been three times through the House, had been withheld. He trusted that the House would rescind the late decision of the committee of supply, and carry out what he must consider their faith was pledged to. He could not have conceived that the House would have taken such a course, otherwise he might have taken care to have brought the facts forward at an earlier date. The House had been solemnly pledged to give the money. There was no reason, except what was beneath any gentleman, and with which they had nothing to do, why the money should have been withheld; and he trusted that the motion would be carried.

Mr. BROOKES said he thought that the House was at no time solemnly pledged to pay £1,000 to Dr. Lang; or, of course, he should vote for the motion, and he should share in the regret that the money had not been paid. He should certainly vote against the motion now, for he always thought that a vote of £1,000 was not the way the House ought to pursue to recognise Dr. Lang's services.

The COLONIAL SECRETARY: Hear, hear.

Mr. BROOKES: He had from the first relied on the statement of the honorable the Colonial Secretary, and had taken up his view—that it would be best to give Dr. Lang a grant of land.

Mr. PUGH: No, no.

Mr. BROOKES: But, even with reference to that, he would not consent to a grant of land to Dr. Lang, except on the condition that he should retire every one of the land orders that had been drawn upon him. He would make that an inseparable condition. There was no doubt that Dr. Lang had some time ago, induced a number of people to come here under the idea that they would get land. He gave them printed documents to that effect. Out of three ships full of passengers, only a portion of them—those by the "Lima"—got their orders honored;—the people by the "Fortitude" and the "Chasely" got nothing at all. The writing of the reverend gentleman, after the implied or conditional promise was given by the House to vote £1,000, should not shake any claim Dr. Lang might have; for he (Mr. Brookes) did not think that their votes should be influenced by any exaggerated idea of the injury that

had been done to the Parliament, or to any honorable member, or to anybody in the community; but if the motion were put on the narrow basis that they were pledged to grant the money, they ought to shew that they were not pledged.

Mr. FITZSIMMONS said that, with the honorable member who last addressed the House, he could not see that what was acknowledged by Parliament to be just in 1864, should be vitiated by a foolish letter written in 1865. He had not had the honor of a seat when it was the opinion of the House that Dr. Lang should be paid £1,000—

Mr. BROOKES: Not paid.

Mr. FITZSIMMONS: For some services he had rendered to the colony. But, he asked, were they now to ignore those services, and say that Dr. Lang had done nothing for the colony? He did not see, after what had occurred, why Dr. Lang should not be entitled to receive the £1,000, or why any honorable member who voted for it last year should stultify himself by voting against it this year.

Dr. CHALLINOR said he was present to do his duty when this subject was brought before the committee of supply; and had some other honorable members been also present, the House would not be in the position it was now in. However, he cordially concurred in the views of the honorable member who had brought the motion before the House, and he would vote for it, as he had voted for the grant to Dr. Lang.

Mr. DOUGLAS said he should claim the vote of the honorable member for North Brisbane, Mr. Brookes, for the honor of the House was in his hands. He had raised the question on the ground that the vote of a former session gave Dr. Lang the right of a promissory note on demand; and the money should have been paid to him. The Government, he contended, were not justified in imperilling their word of honor—the honor of the House—merely because some little peccadillo occurred after the vote had passed.

The question was then put, and the House divided.

While the House was in division,

Mr. MACKENZIE, who sat on the left of the chair, said: I wish to challenge the right to vote of the honorable member for East Moreton, Mr. R. Cribb. I wish you, Mr. Speaker, to ask the honorable member if he has not a direct pecuniary interest in this vote.

The SPEAKER: If the honorable member puts it to me, of course I am bound to ask the question.

Mr. R. CRIBB: Will the honorable member for the Burnett explain? I do not understand him.

Mr. BLAKENEY: Oh, oh!

Mr. R. CRIBB: Will the honorable member for North Brisbane, Mr. Blakeney, explain?

The SPEAKER: I ask the honorable member for East Moreton, Mr. Robert Cribb, at the instance of another honorable member, if he has not a pecuniary interest in the vote?

Mr. R. CRIBB: I don't under standthe question.

The SPEAKER: I ask, again, if the honorable member for East Moreton has any pecuniary interest in the vote?

Mr. R. CRIBB: I can't answer it, if I don't understand it. I mean to have this matter out.

The SPEAKER: The honorable member will understand that after a question is put in this way, if he does not give an answer, he will find himself in contempt.

Mr. R. CRIBB: I can only answer that I do not understand the question. If it is put in a plain way, I will answer it.

Mr. WALSH: I trust Mr. Speaker, that you will rule—

The SPEAKER: For the last time, I put the question, in accordance with the forms of the House—whether or not the honorable member has any pecuniary interest in the result of the vote on the question before the House?

Mr. R. CRIBB: I do not understand the question, and I can give no other answer. If the question is put in a plain way, I can answer it.

The SECRETARY FOR LANDS AND WORKS: I could understand the question, if it arose in any other way. It appears, however, to be inconsistent with this motion. This is a motion for a grant of money to one individual, who is named. How can the honorable member for East Moreton have any pecuniary interest in it? That cannot be. If the honorable member were asked whether he advanced any money on the probability of this vote, that would be a plain question. But to ask him if he has any pecuniary interest in it, is inconsistent with the motion itself.

Mr. DOUGLAS: I would beg to express a hope that the division may be taken, and anything else may be said afterwards.

The SPEAKER then called the "tellers," and the division was taken, as follows:—

Ayes, 8.		Noes, 13.	
Mr. Bell		Mr. Taylor	
„ Herbert		„ McLean	
„ R. Cribb		„ Sandeman	
„ Fitzsimmons		„ Blakeney	
Dr. Challinor		„ Pring	
Mr. Stephens		„ Brookes	
„ Douglas	Tellers.	„ Wienholt	
„ Macalister	Tellers.	„ Royds	
		„ Walsh	
		„ Jones	
		„ Watts	
		„ Mackenzie	Tellers.
		„ Pugh	Tellers.

Mr. WALSH said he considered it was due to the dignity of the House, and due to the honorable the Speaker, that they should extricate themselves from the dilemma in which they were placed. The honorable member for East Moreton had been asked a question by

the honorable the Speaker and he declined to answer it in the straightforward manner it was expected he would answer it, and in which the honorable the Speaker insisted he should answer it. An explanation was prevented at the time by a certain honorable member proposing that the division should go on, and that the point of order should be decided afterwards. He now rose to bring that point before the House, because it did not appear to him that the honorable the Speaker had received such an answer as he required. To put the matter, therefore, in a correct form, he would move that the vote of the honorable member for East Moreton, Mr. R. Cribb, be objected to, on the ground that he had a personal interest in the matter.

The SPEAKER: In what way has the honorable member a personal interest in the matter?

Mr. WALSH said he could not understand that exactly himself; and he could only propose the motion as he had done.

Mr. MACKENZIE: The question was put to the vote, and the honorable the Speaker, at his request, asked the honorable member for East Moreton a certain question, and the honorable member refused to answer it. That was the position of the case.

The SPEAKER: The way in which the matter should be dealt with was, that some honorable member should move that the vote of the honorable member for East Moreton should be disallowed, as he had a pecuniary interest in the matter. If the honorable member would state what pecuniary interest the honorable member for East Moreton had in the vote, the question could then be put directly. The rule of Parliament in such cases was as follows:—

"It has been seen that, whilst a division is taking place, it is within the functions of the Speaker to compel a member to vote, or to prevent him from voting, without debate or delay; his determination in this respect being subject to the future revision of the House. So, when a member has actually voted, if exception is taken to his vote at any time before the members on the division have been declared by the Speaker, although reported by the tellers to him, the case is in like manner within the Speaker's jurisdiction, as to all matters and questions arising in the course of a division. When, however, the Speaker has declared the respective numbers, which are the result of any division, the question is thereby resolved according to such declaration; and the numbers can only be altered by the House, upon motion and vote in the ordinary manner of proceeding, resolving that certain votes be allowed or disallowed. Cases are frequent in which votes received have been disallowed; very rare in which votes refused have been allowed.

"When any question is made as to the disallowance of a vote, the member himself is inquired of as to the fact alleged as the ground of the disallowance; and after the motion has been made, and before it is proposed, he should be heard in his place and then withdraw."

He understood the honorable member for Maryborough to have moved that the vote of the honorable member for East Moreton be disallowed, as he had a pecuniary interest in the question upon which the division had taken place.

Mr. WALSH: Yes.

The SPEAKER: The honorable member for East Moreton had heard the motion, and it would now be for him to make an explanation, if he had any to make, and then withdraw.

Mr. PRING: Did the rule apply equally to an interest in money voted for public purposes and money voted to a private individual?

The SPEAKER: The rule applied to any vote in which an honorable member had a private pecuniary interest.

Mr. BLAKENEY: The rule laid down was as to any pecuniary interest in a vote—any vote, the result of which would give a pecuniary benefit to an honorable member—whether the money was for public purposes, such as canals, railways, &c., or whether it was a vote to a private individual. The rule was applicable to both. No matter whether it were a vote of money or land, or anything else, it was held by the rules of Parliament that any honorable member having a pecuniary interest in the result of the vote was debarred from voting.

Mr. JONES put it to the honorable member for Maryborough, whether it was worth while at that late period of the session to take up the time of the House with such a matter, when they had not many hours to deal with important business?

Mr. WALSH: That was a very natural way to put the matter, but he could not assent to the proposition. He had consulted authorities in respect to the matter, and he had come to the conclusion that the matter was one of so great importance that it ought not to be silently passed over.

Mr. MACKENZIE said he considered the House ought to support the honorable the Speaker, who had put a question to the honorable member for East Moreton and was refused an answer. He thought they would not be doing their duty to the chair if they passed the matter over.

The SPEAKER: I consider I should have been supported in what I did, but I was left to put the question, and though I did not receive an answer, not a word was said by any honorable member.

Mr. R. CRIBB: I can only say I did not understand the question. I am sure that neither you, sir, nor any other honorable member of the House will think that I desired to shew any disrespect, either to you or to the House. I stated that I did not understand the question, and I must confess that I do not understand it now. If the honorable member for the Burnett will put his question in a way I can understand it, I will answer it. I cannot do more.

Mr. MACKENZIE: Then I will put the question in this shape:—Has the honorable

member for East Moreton advanced any money to Dr. Lang on the strength of this vote, or has he become security for the whole or any portion of it?

Mr. R. CRIBB: I will answer that question with pleasure. I have never advanced Dr. Lang, directly or indirectly, one shilling in my life. I was told out of the House, that there was a rumor afloat to that effect, and I wished the House to know that it was not so. I wish the honorable member for the Burnett had put his question in plain language at first, so that I might have answered it at once; but had I simply answered "No" to the honorable member's question, the slander would have still been circulated. I now repeat, that neither directly or indirectly have I ever advanced one shilling to Dr. Lang in my life.

The SPEAKER: That is a perfectly satisfactory answer, and the vote of the honorable member will be allowed. If the honorable member had said that at first in answer to the question, and not that he didnot understand—and I cannot understand why he did not understand it—much of the time of the House would have been saved. However, the matter has passed now.

AGRICULTURAL RESERVES BILL.

The order of the day for the consideration in committee of the Legislative Council's message, of 5th September, with the Agricultural Reserves Act Amendment Bill, having been read,

The SECRETARY FOR LANDS AND WORKS said he wished, without moving the Speaker out of the chair, to state the course proposed to be adopted by the Government with regard to this Bill. When the Bill was introduced to the House, it was with the view, in the first place, of modifying the conditions to which selectors were liable under the Agricultural Reserves Act that was now the law of the colony. It was for the purpose of reducing the quantity of land required to be cultivated from one-sixth to one-tenth. It also left out the condition of fencing. By that means, there would have remained conditions sufficient to justify the Legislature in arriving at the conclusion that the land would be taken up and the conditions fulfilled—that the land would be appropriated to the real objects for which it was intended—that it would be appropriated to agricultural purposes. Another object of the Bill was to enable those parties whose lands had been forfeited, in consequence of their inability to comply with what was required of them—with conditions that were found too rigid under the Agricultural Reserves Act—to have relief and to retain their land which had been improved. When the measure came back from the Council he found it had been turned upside down. The Council had not only not insisted on the cultivation clause being retained, but, in addition, required that the land should be fenced in. It appeared to him that the principal condition to which the agricultural areas should be subjected was the condition of cultivation, and unless that was insisted upon there was no necessity for agricultural areas at all. As he had stated on the last occasion when the Bill was before the House, he could see in it nothing short of free selection, by and bye; for it would be next to impossible to meet the demands for land to be taken up on such conditions as it proposed. Any man could go and select land at once. The agricultural requisites did not appear in the Bill at all. Under those circumstances, and seeing that the Council now insisted upon their amendments, it appeared to the Government that it would be better to put up with the existing difficulties than take this measure. The House must only live in hope that another session would bring about a better state of affairs. He had hoped that the Legislative Council would have gone with them in making this Bill what it was when it left the Assembly, a perfect measure. It was a measure which was received with approbation and great gratification by all classes of the public. It was a measure which was held in favor by all individuals who wished to go into agricultural pursuits. He regretted that the Council had not felt it their duty to go along with the Assembly in opening the agricultural areas. The only course left for the House to adopt, was to abide by the law as it stood. He should therefore let the Bill fall to the ground; and move formally that the order of the day be discharged.

Mr. WALSH said he was not quite sure that he was satisfied with the declaration of the Government. Those restrictions which the Bill contained did not appear to him to be too much. The Government must require some evidence that the purchaser wanted the land for some given purpose; surely fencing was as good as any other, and he for one thought it was the best evidence that a man wanted to turn it to account. There was very little land in the colony that was worth as much as it cost to fence it in; and to fence in the land was quite as much as should be exacted from the selectors in the agricultural reserves.

Mr. TAYLOR: The Government did not require fencing.

Mr. WALSH said he was aware of that, but the Government seemed to demand more. When a man wished to invest his money in land with a view to profit for himself and his family, they should throw no obstacle in his way. All the objection that he (Mr. Walsh) ever had to free selection was that the selector had not been required to fence in his land. One of the greatest annoyances to the squatters from the free selectors was, that they were not required to fence in. Few of the squatters in New South Wales would have objected to the free selectors, if a fencing clause had been inserted in the Land

Act. He thought it was a very great pity that the Bill was not agreed to now. What could be the harm, if they agreed to it? There were numbers of persons anxious to invest in land, not at the instance of other individuals, but *bonâ fide;* and he did not see why they should not be accepted. If the Government wanted a guarantee of their intentions, fencing was as good a condition as any other. The squatter could get his pre-emptive right, and he was not compelled to fence in; he was under no conditions. No difference should be made between him and the humble individual who had only a small sum to lay out. He (Mr. Walsh) believed in no restriction that prevented the alienation of the Crown lands; but he trusted that the Government would take a more liberal view of the matter, and not be guided by those honorable gentlemen who thought it should not be passed with the amendments made by the Council.

Mr. COXEN said it was with very much regret that he saw the Government forced into the position they had now taken up. He took a different view from the honorable member who spoke last. He felt, that if the Council insisted on their amendments, there was no course for the Assembly and the Government to take but to drop the Bill. If it were carried in its present shape, it would not be an agricultural Act at all, but a squatting Act. In its original form, it was a measure well calculated to meet the necessities of the agriculturists on the reserves. It did honor to the House and to many honorable members of the Darling Downs who had voted in favor of it. He could not understand the argument of the honorable member for Maryborough, that no restrictions should be put upon the acquisition of land. The agricultural reserves were specially for agriculture, and the conditions were imposed to ensure their being used for agricultural purposes. There was plenty of land put up for sale every month on which there were no restrictions. One leading object of the Bill was to give up the choicest portions of land to the agriculturist.

Mr. FITZSIMMONS observed that the fencing condition would be a great injustice to the agriculturist: if a man was obliged to fence, it would take the whole of his means. At the same time, there ought to be some conditions upon the best lands of the colony, which were set out for the agriculturist. He had been given to understand that some relief was expected by the agriculturists;—he hoped that the Government would not lose sight of that. Whether they did or not, he hoped the House would be able to do something for the agriculturists next session.

Mr. PUGH suggested to the honorable the Secretary for Lands and Works whether it would not be well to try again the feeling of that august body, the Legislative Council, whose amendments were directly against the whole scope and object of the Bill, as passed by the Assembly, and were doubtless made with a purpose. He hoped, that if the honorable the Minister for Lands and Works was not inclined to send down another message, he would take some steps in the recess for the relief of those who were expecting it; and he thought the House would next session grant them an indemnity.

Dr. CHALLINOR said he could bear testimony to the number of persons who were waiting for relief under the Bill. He presumed, that instead of amending the Bill, the object of the other House was to repeal the law in existence, and to go back to what it was originally under the Alienation of Crown Lands Act. There was no objection to trying that House again. If they insisted on their amendments, then let the Government take upon themselves the responsibility, and give the relief that was required;—he was sure that the Government would be sustained by this House, when they came down next session.

Mr. R. CRIBB admitted the soundness of the honorable member for Maryborough's arguments, as applied to other land but that which was open for selection without competition, for agricultural purposes exclusively. The whole object of the Bill was defeated by the amendments made in it by the Council. He thought with other honorable members who had spoken before him, that something should be done to relieve those persons who were at present on the land, but unable to comply with the conditions. If the law, which the Bill was to modify, were stringently carried out, those persons would forfeit all they had done.

Mr. MILES said he desired to say a few words on the Bill, because he belonged to that notorious class, the squatters. He believed a very great mistake was committed, in the first instance, by passing the Agricultural Reserves Act. He was against all restrictions, and he was against deferred payments; and he believed that when a man paid £1 an acre for land, he ought to be at liberty to do as he liked with it—to cultivate it, or to leave it alone.

Mr. WATTS said he saw no difficulty in relieving the persons on the agricultural reserves from the fix they were in. If he were one of the Ministry, he should advise that it was quite in the power of the Government to allow those persons whose lands were forfeited for non-compliance with the conditions, to re-select and re-lease their lands. It was quite clear now that the House must consider a comprehensive land measure. He disagreed with the honorable member for Maryborough, and maintained that restrictions were very advisable upon persons who took up land reserved for agriculture.

The COLONIAL SECRETARY said the Government had ascertained that it was of very little use their pressing this matter further in the Legislative Council. It appeared on each

occasion that the Bill had been sent back the opposition to it as an agricultural measure had been strengthened, and the Council had determined more and more to make it a measure for certain pastoral tenants of the Crown. It was no use now, to ask them to modify their views: they were resolved to thrust their own interests in the way of all other interests, and in the way of the agricultural interest. It would be for the Government, during the recess, to consider some measure to give relief to the agriculturists on the reserves from the existing conditions. He hoped nobody had been taken in by the speech of the honorable member for Maryborough, who had been in the habit of accusing honorable members of doing everything for the squatters; but such a speech, in being covertly in favor of the squatters and dead against the agriculturists, had not before been made in the House. He could not acquit the honorable member of not knowing what he was about—the honorable member must have been perfectly aware that he had made an attack upon the agriculturists. The opposition to the Bill in the Council was a dead blow at *bonâ fide* agriculture, which could not be carried out under the Bill as amended. It was because the majority of that House held opinions like the honorable member for Maryborough, and were determined to make the Bill a Bill to enable certain squatters to get land in the agricultural reserves. He assured honorable members that he had followed the proceedings in the Council with great attention—for the Bill was one to which he attached great value—and that was the point at issue. He regretted it, because it was a great blow dealt at squatting by the honorable members of the other House; a strong determination had been exhibited by them to maintain their own interest exclusively, and to withhold any favor from the agriculturists. Those squatters would have to thank themselves for the first step of interference with the advantages they now enjoyed.

Mr. DOUGLAS contended that it was not quite fair to accuse his honorable friend, the member for Maryborough, of such dire designs as had been suggested by the honorable member at the head of the Government. He pointed out that an affidavit of residence was necessary by those persons who took up land in the agricultural reserves; and, he asked, could honorable members who were squatters reside in half-a-dozen places at once? Would the honorable gentleman (the Colonial Secretary) accuse them of perjury? Their consciences were doubtless elastic, but there was no fear of their going so far as that. He (Mr. Douglas) very much regretted that the amendments had been made, because he did not think they were of such importance as was attached to them by the Upper House. He believed they were made by honorable members of that House who were ignorant of the state of affairs on the Darling Downs, and of the hardship it would be to men who wanted to cultivate to have to go seven or eight miles, or further, for timber to fence in their land. What position would the country be in if the Government were forced to set aside the law? The state of things it was drifting into was in consequence of the incompetent conduct of the Upper House. Parliament were drifting into the same conflict of opinion as that which existed in the colony of Victoria. He (Mr. Douglas) thought, however, that after the representatives of the people in the Assembly had given such an expression of opinion, the honorable the Colonial Secretary might act for himself; it might be the duty of the Government during the recess to endeavor to convert the indignant majority of the Council from their errors—by prescribing a course of fencing or something of that sort—or to convey to the Upper House those whose opinions were in accordance with the opinions of the Assembly. He did not wish to impute sinister motives to his honorable friend the member for Maryborough, but that honorable member might look upon this as the beginning of a reign of terror—that a Government should enforce their edicts without the consent and approbation of Parliament; but for all that, he hoped that the Government would act liberally, during the recess, to those who needed relief—and he was hopeful that there would be no dead-lock here between the two Houses of Parliament—for the Government had the remedy in their own hands.

Mr. MCLEAN said he hoped the Government would not take the advice of the honorable member for Port Curtis, and that the forbearance of the representatives of the people would be more than that of the honorable member. No doubt, it was a great disappointment to the House to find their measures which had been fully and carefully considered not approved of in their integrity by the Council; but the Assembly could not assume to know more than the other branch of the Legislature. He thought the statement of the honorable the Colonial Secretary with regard to the views of the Upper House rather severe, and not warranted by the facts. Country land was not valuable enough in this colony to induce the squatters to fence it in in small lots and to build houses on it, for the purpose only of becoming possessed of it. The cause of the agriculturists could be in no way prejudiced by the withdrawal of the Bill.

The COLONIAL TREASURER said he thought the ingenuous defence of the honorable member for Port Curtis of his friend the honorable member for Maryborough was not sufficient; and that the criticism of his honorable colleague the Colonial Secretary upon the speech of the honorable member for Maryborough was fair and legitimate. It struck him (the Colonial

Treasurer) that the speech of the honorable member for Maryborough was well calculated to carry out what had hitherto been considered the interests of the squatters. That honorable member either did not understand fully the object of the Bill, or he was extremely disingenuous. It was quite clear that if a Bill passed putting no restrictions on the acquisition of land in the agricultural reserves, the squatters and the capitalists would monopolise every reserve near the towns of the colony. The restrictions had been devised for the protection of the agriculturists. While he disapproved of the amendments made by the Upper House, he thought the Bill was creditable to the Assembly; because it had been frequently said, and said truly, that the majority of members in the Assembly were squatters, and that their views were reflected in every measure they passed. It was to be regretted that the Bill had not passed into law as it had passed the Assembly. If ever there was a class interest in the House, it no longer existed in a House that had passed such a Bill. So long as there was a system of limited areas for agriculture, it would be well to give the fullest facilities to persons to go upon them. If there were an honorable member in the House who had the old squatting feeling, he wished to point out to him that the only way to divert agitation from squatting interests was to give the highest privileges to the agriculturists. He regretted that the improved idea that pervaded the Assembly—he said improved, because that high feeling had not existed always—had not been responded to in the other branch of the Legislature. He regretted that the squatters and others in the Upper House had not done that service to other classes which they had done on behalf of their own class, and which the Assembly had shewn themselves willing to do for others.

Mr. WIENHOLT said he wished to see the Bill thrown out; for he objected decidedly to the amendments of the Council, which would be injurious to the country. He did not see why squatters and agriculturists could not agree. The squatters were satisfied to give up the land to the agriculturalists when it was required.

Mr. TAYLOR said there seemed to be a desire on the part of honorable members on the opposite side of the House to delay the passing of the Bill, so that it should not become law this session. It had been stated that honorable gentlemen who were squatters in the other House were leagued with the squatters in the Assembly to carry out certain objects affecting their own interests. He emphatically denied that any such league existed. No less than three honorable members had risen and had deliberately advised the Government to break the law; and yet the same members were continually accusing honorable members on the Government side of the House with doing the same thing. It was a fatal mistake to adopt such a course.

Mr. PUGH said he had counselled no illegality, but he wished to remove certain disabilities which existed under the present Bill.

Mr. TAYLOR said he was sorry the Colonial Secretary had been so severe upon the squatters. He did not think they merited such severe reproaches. He had seen no ultra-squattism in the House. He thought they exhibited quite as much conscientiousness as any other members of the community. Honorable members who came to the House with ultra views upon any subject whatever were sure to do more harm than good. He advised the Government not to send the Bill back to the Council, because it had been there already several times. He was sure it had been brought forward with the best intentions by the honorable Minister for Lands and Works, and he (Mr. Taylor) was sorry it had not become law.

The question was then put and passed, and on the motion of the honorable Secretary for Lands and Works, the House ordered that the Bill be discharged from the paper.

TRIENNIAL PARLIAMENTS BILL.

The question (the division upon which was interrupted by the adjournment for want of a quorum on the 5th instant) that this Bill be read a third time this day six months, having been put,

The House divided.

Ayes, 11		Noes, 7.	
Mr. Herbert		Dr. Challinor	
„ Taylor		Mr. Walsh	
„ Macalister		„ Miles	
„ Bell		„ Stephens	
„ Royds		„ Forbes	
„ Douglas		„ Blakeney	Tellers.
„ Fitzsimmons		„ Pugh	
„ Coxen			
„ Wienholt			
„ Watts	Tellers.		
„ McLean			