

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 12 JUNE 1873

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ERRATA.

Page 91, second column, lines 34 to 40 inclusive, *read*—"I was very much struck, some months ago, on seeing a cartoon in *London Punch*, representing Mr. Gladstone as a steeplechaser taking a fence, '*Irish Education*'; and the legend was 'Will he *clear it*?' implying that if he did he would be a clever rider."

Page 158, second column, *omit* the last seven lines.

Page 194, second column, line 22 from bottom, *read* "preside" *for* "provide."

Page 225, second column, line 7, *read* "half-a-million" *for* "million."

Page 235, second column, following Colonial Treasurer's speech, *read* "Question put and passed."

Page 366, first column, line 32, *read* "Skinner" *for* "Sinclair."

ernment, in consequence of some remarks which fell from the honorable member for Maranoa in the course of the debate on the Address in Reply to His Excellency the Governor's speech. That honorable gentleman said :—

"He believed it was a great misfortune that the House should have entrusted the honorable the Minister for Works with the expenditure of so much money, without having more control over it. The honorable the Minister for Works was now having a dam constructed at Dalby though he had no Parliamentary authority whatever for so doing ; but the honorable gentleman might be able to give some explanation to the House for it ; and the real reason for it, he believed, was that he intended, at the next general election, to become a candidate for the representation of Dalby."

The honorable member subsequently made a further statement to the House, in the shape of a personal explanation, and he was reported to have said this :—

"Mr. Miles moved the adjournment of the House for the purpose of making a personal explanation regarding an article in the *Dalby Herald* referring to him. That article stated that he (Mr. Miles), in asserting that the Government had spent money on a dam at Dalby, had shown that he did not know what he was talking about, the fact being that the Municipal Council had obtained a loan of money to carry out the work. He now wished to state that he did not refer to the erection of the dam over Miall Creek at Dalby, but he had charged the honorable Minister for Works with spending a portion of the money voted for roads in the erection of a dam within the municipality of Roma. He still maintained that charge, but if it were proved to him to be incorrect he would gladly apologise."

Now, although he was the member for Northern Downs, he was not prepared at the time to contradict the statement of the honorable member, but on hearing a repetition of that statement against the Government, he felt it his duty to make inquiries into the matter. He sent a telegram to the Mayor of that town on the subject, and the reply to his inquiry was to this effect :—

"Dam is nearly three miles outside municipality ; great boon to travelling public ; none to Dalby."

He thought that if this statement by the Mayor of Dalby were correct, and he had not the slightest doubt that it was, the statement made by the honorable member for Maranoa was incorrect in his charge upon the Government ; and he would therefore ask him now to make that apology, which he said he was prepared to make, if the charge should be proved to be incorrect.

MR. MILES said he was perfectly prepared to apologise when he knew, as a fact, that what he stated was wrong. He did not believe that the dam was three miles outside Dalby. He was prepared to say, from the court-house, it was not two miles, and it was, therefore, impossible that it could be three miles outside

LEGISLATIVE ASSEMBLY.

Thursday, June 12, 1873.

Adjournment—Explanations.—Equity Procedure Bill.—
State Education Bill.

ADJOURNMENT—EXPLANATIONS.

The COLONIAL TREASURER moved the adjournment of the House. He said he felt it his duty to make this motion in his capacity as the member for Northern Downs, as well as in his capacity as a member of the Gov-

the municipality. If it were not within the municipality it was within the town reserve; and he was further prepared to state—

THE COLONIAL TREASURER: Do I understand the honorable member to dispute the assertion of the mayor of Dalby, that it is not within the municipality of Dalby?

MR. MILES: I am prepared to dispute that it is three miles outside the municipality.

THE SECRETARY FOR PUBLIC WORKS said he felt rather astonished that the honorable member for Maranoa should insist upon bringing this charge against him. In the discharge of the duties of his office he had made it a strict rule not to spend money within municipalities unless he had the distinct sanction of Parliament. He had given great offence in some quarters because he had not been able to do so, and at that moment he was almost at war with the municipality of Warwick, because he could not spend money there without the consent of Parliament. When the honorable member for Maranoa made the statement referred to, it was running in his (the Secretary for Public Works') mind that there might be some foundation for it; and yet he could not then get any information to corroborate that impression. He had, however, since discovered that the honorable member was entirely incorrect. The dam was situated on the Condamine road, three miles—at least so he was informed—from the Dalby terminus, and it was therefore about a mile and a-half from the boundary of the municipality. Ever since he had been in office, in cases where it was pointed out that dams would be of more benefit to the travelling public than bridges, he had directed them to be made; and the report which he held in his hand from the officer in charge of the Dalby district showed the immense advantage of this to the Western district. Since the statement had been made by the honorable member for Maranoa, he had found that the impression under which he was laboring when the charge was made, arose out of circumstances connected with the municipality of Roma, where one of his officers had taken steps for the construction of a dam, and in carrying out the system to which he had referred, he had to put a stop to it.

MR. FERRETT said he thought he knew something about where this dam was situated, or supposed to be situated. It was on the Condamine road, and from his recollection of it, it must be three miles from Dalby.

THE HON. A. MACALISTER said he thought the time of the House could be much better employed than in the discussion of this matter. At any rate, he thought the honorable the Colonial Treasurer, when asking for an apology, should have been prepared to give the House a little more information than he had done. The question in dispute was, that the honorable member for Maranoa had stated that the honorable the Minister for Works had erected a dam, or that a dam

was in course of construction, under his authority, within three miles of Dalby.

THE COLONIAL TREASURER: That is not the charge.

THE HON. A. MACALISTER: It could have been very easy to show, from documents in possession of the honorable the Colonial Treasurer, whether the dam was within the municipality of Dalby, or three miles from it, and without that information he did not think that the honorable member for Maranoa should be called upon, if he were satisfied that his statement was not incorrect, to make any apology.

MR. KING said, before the question of adjournment was withdrawn, he should take advantage of the opportunity to refer to another subject. On yesterday the honorable member for Clermont moved for a Select Committee—

“To inquire into, and report upon, certain statements made in debate in this House, on Thursday the 5th instant, affecting the personal character and honor of John Killen Handy, Esquire, one of the members for Brisbane.”

What he had to say on this was, that as this committee had been moved for, it was not to be a white-washing committee. Honorable members on that side of the House, were prepared to substantiate all the charges they had made. He had been given to understand that it was possible the committee would not be able to take action for some time, in consequence of a portion of “Hansard” not having been printed; and to obviate this difficulty, he wished to state that honorable members on the Opposition benches, were prepared to furnish all the charges made.

THE SECRETARY FOR PUBLIC WORKS rose to a point of order. He said that House had ordered certain work to be done, and had entrusted that work into the hands of certain honorable gentlemen; but before they could proceed to work, an honorable member got up and announced what he was prepared to do, and see done, in connection with the labors of that committee. He thought such a course of proceeding was totally irregular.

THE SPEAKER said the honorable member for Wide Bay was not speaking to the adjournment. It was a matter for the House to say how far he should be allowed to go.

MR. KING said neither the honorable the Colonial Treasurer, nor anyone else, had spoken to the adjournment, and he was as much in order as the honorable members who had preceded him. He did not make any charge against the honorable member for Clermont in connection with this matter; but he wished to point out that the present session was likely to be a very short one; and honorable members who occupied seats on the Opposition benches, and who had made the charges referred to, objected to a committee being called for, unless it were intended that it should do its work. If the House were prorogued, the committee would cease to exist, and no report would be brought up;

and the fact of the committee having been called for would be afterwards brought forward as a defence against the charges in question. As the committee had been called for, honorable members on that side of the House were determined that the honorable member to whom it referred should have the full benefit of the inquiry.

Mr. HANDY said that when he found the two papers in Brisbane not publishing his refutation of the charges made against him, he thought it was time for him to try and clear his character from the aspersions which had been hurled at him. He was unwilling to refer to the papers, because he had noticed that whenever he got up to speak, and desired his statements to be made public, the reporting pencils were at once dropped. Not a word of what he had said in his defence had gone before the public of Brisbane, and the people were totally ignorant of the nature of that defence. The honorable member for Wide Bay appeared to be in a great hurry about this committee, but he could assure that honorable member that he (Mr. Handy) had been, and was still, in a much greater hurry respecting it than even that honorable gentleman. He would have had the inquiry before now if he had been able. He would have the whole matter searched to the bottom, and he was quite prepared to meet any charges which might be made. He would have moved for a committee himself in justification of his character and his honor, but for two reasons. One was, that if he moved for a committee himself, by an order of the House, he should be a member of that committee; and he could not be a judge in his own cause. The next was, that he wished to be a witness himself. For these reasons, he requested the honorable member for Clermont to move for the committee. He could not word the resolution in any other way until he had "Hansard" before him. He was very much excited at the time, and he could not trust to his memory as to the actual charges made. He had been told by some honorable members —

The SPEAKER said the honorable member was referring to a previous debate, and was therefore out of order.

Mr. HANDY said he was replying to the speech of the honorable member for Wide Bay. As he had said, he could not word the motion otherwise than he had done—to inquire into the attacks made upon his character and honor.

The SPEAKER said the honorable member was out of order in referring to a previous debate.

Mr. HANDY said he would now conclude. As soon as he could get the committee to work, the honorable member for Wide Bay could make what charges he pleased, and he challenged him to bring them forward.

Mr. J. SCOTT said he would like to say a few words on another point, and if he did not speak exactly to the adjournment, he would

speak to a question of privilege. He noticed in that day's paper an article, which purported to be written by three members of that House, and was addressed to His Excellency the Governor of this colony. In this article a statement was made relating to his conduct as Chairman of Committees.

HONORABLE MEMBERS on the Opposition Benches: Hear, hear.

Mr. J. SCOTT: The paragraph to which he referred was the third, which was as follows:—

"That on the following afternoon, when the House should have met, fifteen (15) members of the Opposition and the Speaker were in their places in the House, but being one short of the number required to form a quorum, the House was adjourned till the next day. At the time when the House was so adjourned for want of a quorum your Excellency's Ministers were standing outside the bar of the House with their supporters, but refused to enter and make a House, as did also the Chairman of Committees, the paid officer of the House. On the following day (Friday, May 30), Ministers and their supporters again stood outside the bar, and prevented the formation of a House."

Now, he had no hesitation in saying, as far as this statement referred to him, it was undoubtedly false.

HONORABLE MEMBERS on the Government side of the House: Hear, hear.

Mr. J. SCOTT: He did not stand outside the bar of the House on the particular occasion referred to, and he did not refuse to come in and make a House.

HONORABLE MEMBERS on the Government benches: Hear, hear.

Mr. J. SCOTT: Whether he should have responded to such a call, had he been present, was another matter.

HONORABLE MEMBERS on the Opposition benches: Hear, hear.

Mr. SCOTT: The duties of the Chairman of Committees were laid down clearly and distinctly in the Standing Orders of the House, and as far as he understood they were these: To provide over the deliberations of the Assembly in committee, and to take certain action in connection with Bills passing through the House. He was not aware that he was paid, as had been insinuated by some honorable members, to form a quorum for party purposes, or that, when a member of that House was appointed to that honorable office, he abrogated his functions as a private member.

HONORABLE MEMBERS on the Government benches: Hear, hear.

Mr. J. SCOTT: He must say this, that his duties in that House were to do the best he could for his constituents, and the country at large, and if these duties were shown to clash with the duties of Chairman of Committees, he should feel bound to stick to the former, and to let the latter go. His feeling, and the course he had always endeavored to pursue in that House, was to do his duty to his constituents, and he would not allow his own

interests, or aggrandisement, to stand in the way of that. If it could be shown that he could not discharge his duty to his constituents while holding the office of Chairman of Committees, he would resign that office to-morrow.

HONORABLE MEMBERS on the Opposition benches: Hear, hear.

Mr. J. SCOTT: He maintained that when he was not actually discharging his duties as Chairman of Committees, he was as free to express his opinions, and to exercise his judgment, and his privileges as a member of that House, as any other honorable member.

HONORABLE MEMBERS on the Government benches: Hear, hear.

Mr. J. SCOTT: No honorable member could fairly say otherwise; and he could not see that because he was Chairman of Committees he was not to stand up for the rights of his constituents. Moreover, he did not believe that he would be doing his duty to his constituents, if he had acted in any other way than as he stated he had acted. He was satisfied that he would not have been doing his duty to his constituents, or to the country, if he had assisted in putting men in power, who, in a document addressed to the highest authority in the colony, had not hesitated to make a statement, which, if they did not know to be absolutely false, they did not take reasonable care to ascertain whether it was or not, although they had every opportunity for so doing.

Mr. KING said he wished to reply—to make a personal explanation—

HONORABLE MEMBERS on Government benches: Spoken, spoken.

Mr. KING: A question of privilege had been raised by the honorable member for the Leichhardt.

HONORABLE MEMBERS on the Opposition benches: Hear, hear.

HONORABLE MEMBERS on the Government side of the House: Spoken, spoken.

The SPEAKER said the honorable member could not speak twice on this question.

Mr. KING: What is the question before the House?

The SPEAKER: That the House do now adjourn.

Mr. STEPHENS submitted that the honorable member was entitled to speak to a question of privilege. The Chairman of Committees had said that a statement made by three gentlemen who were, he presumed, now in that House, was false. If that did not raise a question of privilege, he would like to know what did? Were honorable members to sit down, and hear it said that statements they had made were false, without noticing it?

The SPEAKER: The statement referred to by the honorable member for the Leichhardt, had been made by persons outside the House.

Mr. STEPHENS said he understood that the honorable member for the Leichhardt raised the question of privilege himself.

The SPEAKER: The honorable member said he rose to speak to the adjournment, and if not to that, to a question of privilege.

Mr. STEPHENS: Am I to understand that if a member of this House comes in and says that what I said outside the House is false, I am to sit quietly under that charge? Where is it provided in the Standing Orders that a question of privilege shall relate to only what is said in the House? I think the language of the honorable member for the Leichhardt will come strictly under one of our Standing Orders.

The COLONIAL TREASURER: The Chairman of Committees did not say that honorable members stated yesterday that which was false, but that they had made a statement which was incorrect; and it was their duty to have found out whether it was right or wrong before they made it.

Mr. STEPHENS: Does the honorable member mean to say the honorable member for the Leichhardt did not use the word "false?"

The COLONIAL TREASURER: He used the word "false," but he did not charge honorable members opposite with falsehood. He said they were wrong in not having discovered whether there was truth or absence of truth in the statement.

Mr. STEPHENS: Is it competent on the motion for the adjournment to move an amendment by adding the words "until to-morrow."

The SPEAKER: It is not competent to move an amendment on the question.

Mr. KING said he wished to make a personal explanation, having been charged with falsehood.

The SPEAKER: It can only be done by the indulgence of the House.

Mr. KING: Then I raise a question of privilege. The honorable member for the Leichhardt has raised a quibble, and endeavored to charge members on this side of the House with falsehood.

The SPEAKER: Did the honorable member apply the language referred to as used by honorable members in the House?

HONORABLE MEMBERS on the Opposition benches: Yes.

HONORABLE MEMBERS on the Government benches: No.

Mr. KING: He was in the House when he used the words, and that enables me to raise a question of privilege. The honorable member for the Leichhardt took exception to the statement that he was standing outside the bar of the House, but if he were in the Assembly Chamber and not in the House, he must have been outside the bar. The honorable member was within the precincts of the House, and not in his place. There was no assertion that every individual member on the other side of the House was actually standing outside the bar. But although the Chairman of Committees was in the Chamber he did not come in and make a quorum, and the statement was, therefore, perfectly correct.

The SPEAKER said he thought the honorable member was going beyond the bounds of a personal explanation.

Mr. KING said he was speaking to a question of privilege, and he would only say that if, as the honorable member for Leichhardt had stated, his duty to his constituents required that he should stand outside the House on particular occasions, it would be better if he always performed his duties to his constituents in the same manner.

Mr. HEMMANT said he thought the honorable member for the Leichhardt had been let off very easily. He knew that there was a general feeling all through the town that it was a most extraordinary proceeding for an honorable member occupying his position to absent himself from the House in order to prevent a quorum being formed.

HONORABLE MEMBERS on the Government benches: No, no.

Mr. MILES said, as one of the members who signed the memorial—

The SPEAKER: The honorable member has spoken.

Mr. MILES said he only wished to say a few words. He believed that on the occasion referred to, the honorable member for the Leichhardt was watching the hands of the clock very carefully until they passed the appointed hour, and he looked upon that honorable member's attempt to make out that he did not wilfully absent himself, as a mere subterfuge. He believed that the statements in the memorial were perfectly correct.

Mr. J. SCOTT said he had never attempted to shelter himself under anything of the sort. If the duties of Chairman of Committees would prevent him from doing his duty to his constituents, he would throw it up at once.

The COLONIAL SECRETARY said he would not have noticed the document in question, which afforded him considerable amusement when he read it in manuscript yesterday, if it had not been referred to by the Chairman of Committees. If he were to point out all the mistakes, to use a very mild form of expression, which three honorable members—and he could not help remarking that the whole affair reminded him very much of the three tailors of Tooley street—had deemed it expedient to insert in this wonderful State document, it would probably occupy all the time of the session before the House got to the end of it. But, as attention had been directed to one portion of it, he would call the attention of the House to a statement in clause twelve, which was as follows:—

“Your memorialists feel bound also to represent to your Excellency, that this unprecedented action of your present advisers is adopted by them avowedly for the purpose of keeping in their hands the management of the general election, which must take place as soon as the electoral rolls for the new districts shall have been completed.”

In reply to this he wished to state most distinctly that no member of the Ministry,

nor any honorable member on that side of the House, had ever avowed, or hinted, or insinuated that their object was to keep in their hands the management or manipulation of the general elections. No member on that side of the House had ever said anything which would bear that interpretation. The Opposition said that was the object of the Government, and that it was their object in trying to get into power; but no Minister or supporter of the Ministry had ever said so.

HONORABLE MEMBERS on the Government benches: Hear, hear.

The COLONIAL SECRETARY: He regretted that, as honorable members had been favored with this precious State document, they had not also been favored with the reply. He should have thought that the Opposition had had quite enough of protests of this kind after last session, especially after the reply received from the Secretary of State for the Colonies, of which no notice appeared to have been taken. What a wonderful document this memorial was—the production of the combined intellect of three honorable members! And he observed that in putting it into the *Courier*, of course with the consistent and able assistance of the honorable member for South Brisbane, it was made to conclude with the words, “And your memorialists will ever pray, &c.” The signatures were omitted, and it was left to be taken as the production of the whole body of the Opposition—the great G. L. P.; but it was only signed by “William Miles,” and the honorable member for Wide Bay, Mr. King, and another honorable member. Surely those gentlemen must have heard of the three tailors of Tooley street, and he wondered they did not get either only two signatures or four signatures. He merely alluded to this document, as it had been already brought under the notice of the House, in order to distinctly assert that it had never been said by any member of the Government that they were desirous of holding office to have the manipulation of the next elections. He did not know what manipulation meant. Honorable members on the other side of the House seemed to think it meant a great deal, and to be very anxious to get hold of it. He had never yet ascertained what power a Government had over elections by being in office, except that they could arrange the elections so as to suit their own convenience and the convenience of their supporters.

HONORABLE MEMBERS on the Opposition benches: Hear, hear.

The COLONIAL SECRETARY: That, any Government could do, and it had been done.

Mr. STEPHENS: The telegraph wires.

The COLONIAL SECRETARY: Yes; and use the telegraph wires, but only for public purposes. The present Ministry had done what few Ministers had done before, and that was to pay for private telegrams.

HONORABLE MEMBERS on the Government benches: Hear, hear.

The COLONIAL SECRETARY: It was a matter of amazement to the clerks in the telegraph office to find Ministers paying for private telegrams. They opened their eyes in amazement, and could scarcely believe that Ministers were such flats. In fact, he believed that they had not got over their amazement yet. All electioneering telegrams sent by the Government were paid for, except those which were on the public service.

Mr. LILLEY: Did the honorable member mean to say that he had despatched private telegrams at the public expense?

The COLONIAL SECRETARY said he was not referring to the honorable member for Fortitude Valley. But the members of the present Government had paid for every telegram of a private nature, and the fact could easily be proved. He did not intend in any way to individualize.

Mr. LILLEY said the honorable gentleman, in speaking of a Ministry, must, on a question of this kind, refer to particular members of that Ministry; and, as a member of a previous Ministry, he repudiated any insinuation that he had ever sent a private telegram at the public expense. He was always careful to keep private telegrams separate from those on the public service. In fact, he was over-careful in that respect, for at one time he paid for telegrams which might fairly have been charged as expenditure on behalf of the Government. He did not think that this was a matter worth while taking up much time in discussing. With regard to the despatch from the Secretary of State for the Colonies, if the honorable member at the head of the Government desired an explanation of that document, he was quite prepared to give it; but, if he did so, he did not think that honorable gentleman would view it in the same light that he appeared to look upon it at present.

The Hon. A. MACALISTER said he thought that some rule should be laid down with regard to the number of questions which could be discussed on a motion for the adjournment of the House. If they were to have a number of charges, and honorable members who had previously spoken were entitled to be heard on those charges, it would be impossible to tell when the discussion would end.

The COLONIAL TREASURER: The honorable member has already spoken on this question.

The Hon. A. MACALISTER said he was astonished at the remark of the honorable the Colonial Treasurer, for if any honorable member was involved in the matters referred to by the honorable gentleman at the head of the Government, he was one of them. So far as he was personally concerned, or so far as he knew, no member of a Government with which he had been connected, had ever sent a private telegram at the expense of the country. He had never heard any charges of that kind made except in connection with the present Government.

The SPEAKER said a motion for the adjournment of the House was reserved for matters of emergency, and, in resorting to it, honorable members should not interfere with the general business of the House. In the present instance he thought the general business of the House had been interfered with.

The COLONIAL TREASURER said he thought the two honorable members—ex-members of Government—had taken this matter rather too much to themselves.

HONORABLE MEMBERS on the Opposition benches: Spoken.

The COLONIAL TREASURER: The honorable member at the head of the Government did not make any accusations.

Mr. LILLEY: He repeated the offence by insinuation.

The COLONIAL TREASURER: I deny it. I deny that he made any insinuation. He said that the clerks in the Telegraph office were astonished, but he did not say that the clerks were right in being astonished. He simply said that they were very much astonished, and he had a right to draw any deduction he pleased from their astonishment. He was a member of a previous Government, but he did not feel called upon to defend his character against the accusation said to have been made by the honorable member at the head of the Government.

Mr. GRAHAM said it was his duty to explain what he had previously stated respecting the pulling of the wires in connection with the next elections. He referred not to the importance of the charges brought against the Government, which were all very small and paltry, but expressed his opinion that the amendment was moved in the hope that the Opposition might have an opportunity of pulling the wires.

Dr. O'DOHERTY said the honorable the Colonial Secretary had included him in his general statement as one of the G. L. P.'s, and he thought he would not be doing his duty if he did not say a few words in answer to, he must say, the extraordinary exception that honorable member had taken to that portion of the memorial referred to by him. He had stated that not one of the Ministers had expressed, or even insinuated, a desire to pull the wires during the coming elections. But it was not more than two or three days ago that he himself heard the honorable gentleman at the head of the Government make use of the words reported in "Hansard"—

The SPEAKER: The honorable member is referring to a previous debate.

Dr. O'DOHERTY said he thought the House would bear with him for a few minutes while he answered—

The SPEAKER: Is it the wish of the House that the honorable member should be heard?

HONORABLE MEMBERS: Hear, hear.

Dr. O'DOHERTY: If there were any objection, he would not read it; but he thought it would be better, as statements of falsehood,

and that sort of thing, had been put forward in reference to the memorial, if he were allowed to read the words of the honorable member, to show that, at all events—

The SPEAKER said he could not allow an infringement of the rules of the House, without calling the attention of the House to the matter.

The COLONIAL SECRETARY: There is no objection.

Dr. O'DOHERTY: The honorable gentleman said, in the course of the very able speech made by him in defence of the Government last week:—

"I do confess that I should like the Government to remain in office until the new House assembles—until the new Parliament meets."

HONORABLE MEMBERS on the Opposition benches: Hear, hear.

Dr. O'DOHERTY:

"That will only be for a few months. I believe that the new blood which will come in under the operation of the new Act will so transmogrify the House that the Opposition will not know it. I see already many new faces on the other side. I was surprised at many honorable members opposite me, when the Act was passing through the House: many of them did not know what they were doing when they passed it."

He quite agreed with the honorable the Colonial Secretary that many honorable members did not know what they were doing. It was only after the whole thing was completed that the eyes of the Opposition and the eyes of the country were opened as to the meaning of the honorable the Colonial Secretary when he introduced that Act, and passed it through the House with his sweeping majority. He could never have passed it this session. He passed that measure in spite of the Opposition.

The SPEAKER: Is it the pleasure of the House that its Standing Orders should be infringed?

The COLONIAL SECRETARY: The remarks of the honorable member have nothing to do with the question.

Dr. O'DOHERTY: The honorable gentleman continued:—

"I was amazed at their blindness."

HONORABLE MEMBERS on the Government benches: Order, order.

Dr. O'DOHERTY: As it did not seem to be the wish of the House—

The SPEAKER: Is it the pleasure of the House that the honorable member should infringe its rules and orders?

HONORABLE MEMBERS on the Government benches: No, no.

Mr. MACDEVITT said the honorable the Colonial Secretary was a member of a previous Ministry, and the honorable the Colonial Treasurer had also been a member of a Ministry before the present one. The clerks in the Telegraph office on finding these handsome looking gentlemen, on returning to office under the present administration, pay-

ing for telegrams, were, according to the statement of the honorable the Premier, astonished. He would leave honorable members to draw their own inferences from this as to the conduct of those gentlemen when previously in office, because if the telegraph clerks had been accustomed to receive payment from them when previously in office, why should they be astonished at their doing so on their return?

The COLONIAL SECRETARY: New clerks.

Mr. MACDEVITT: Oh, new clerks. He thought such recriminations were of an unworthy character, but now that they were upon the subject he thought he might state what was a common rumor at Townsville—and he desired to be precise and particular on this point. It was a subject of common rumor at Townsville, that the honorable the Minister for Works sent up telegrams in opposition to his candidature, on Her Majesty's service, and at the public expense. He did not say that this was true, or that the honorable member had done so, but he thought it was as well to mention it now, so that it might be contradicted if untrue. It was a common rumor at the place he mentioned during the last election.

The question for the adjournment of the House was put and negatived.

EQUITY PROCEDURE BILL.

Mr. GRIFFITH, in moving the second reading of this Bill, said honorable members would no doubt be somewhat startled at the length of it, especially as it was considered by the majority of the House as a somewhat dry subject. He would not occupy the time of the House at any great length, except to explain the nature of the reforms which the Bill intended to introduce. At the present time, a man who became involved in an equity suit was cursed. It was one of the greatest misfortunes that could befall a man; and it would be far better for a man who was threatened with an equity suit to consent to any demand, however exorbitant, than submit to the suit. That evil did not arise so much from the nature of equity, or the essential principles of procedure, as from the numerous unnecessary forms and verbiage by which it was overwhelmed. A simple and expeditious course of procedure had been introduced into some of our courts, but proceedings in equity were now in the same state that they had been in England for hundreds of years. It had been contemplated for a long time, at home and here, to introduce a new system altogether—abolishing the distinction between law and equity, or rather fusing the two into one. That one would have to be equitable procedure. It would not become any honorable member of that House to take such a work in hand. It could only be attempted by the Government, with the means and time the Government had at their command. For that they would have to wait for the

result of the Bill which had been laid before the British Legislature by Lord Selborne, and which was not likely to pass this year. At any rate, it could not be passed before next session, and it was extremely improbable, from the number of Bills which would be brought forward, that it would pass then. He felt, however, that he would not be justified in departing from what he said he would do last session—namely, to introduce a Bill to reform the procedure in the courts of equity in this colony. Although this Bill was long, he thought length in this case was simplicity, and he had endeavored to make it as clear as possible, so that there would be very little difficulty in understanding it. Now, some of the principal evils in the present administration of equity in the Supreme Court arose from the unnecessarily long and costly proceedings to do that which really might be done by a short and inexpensive form. As honorable members were aware, proceedings in all cases must be commenced by a bill, which according to law, although unfortunately not according to practice, was supposed to contain a concise statement of the facts upon which the plaintiff founded his claim. In theory this was as good and as cheap a proceeding as could be invented for the purpose, but unfortunately it was not always carried out in practice. That, he feared, was not capable of improvement. It applied to all cases alike, however simple. The next evil was in connection with exhibits and interrogatories, which any layman seeing would think, and most lawyers thought, was one of the greatest abuses of the system. He had seen interrogatories occupying three closely written pages, which it would take a tolerably quick writer the whole day to answer. The cost of this would be £50 or £60, and at the same time the whole proceeding might be utterly useless. These proceedings appeared to him to be entirely unnecessary. Then, another matter in which courts of equity differed from courts of common law, was, that if the defendant did not appear, practically the plaintiff was without redress. There was certainly a proceeding known as taking a bill *pro confesso*; but under the present practice it was of very little use, and was very expensive. Since he had been engaged in preparing this Bill, he had asked a gentleman of the bar here, who had had great experience in England, what was the average cost of taking a bill *pro confesso* at home, and he replied that it was a mere trifle—that a proceeding of that kind with which he had been connected occupied about nine months, and did not cost more than £100. Of course, he (Mr. Griffith) did not know the exact nature of the relief sought in the case in question; but if it cost £100 at home, it would certainly cost £150 here. Honorable members were of course aware, that when an action was brought at common law, either for an enormous tract of country, or for £100,000, if the defendant did not appear, judgment was

given against him by default. He could not see why it should not be the same in equity; and why in such cases the plaintiff should not have his relief. This was an evil which ought certainly be remedied. There was another remedy which the plaintiff had, namely, to attach the defendant, but this was equally expensive, and quite as unsatisfactory as the other. In equity there were a great many proceedings in which an order had to be obtained. A brief was delivered to counsel to move for the order; he signed his name on the back, and it was then taken to the registrar's office and entered in the most solemn form, as if the matter would be mentioned to the court, whereas the court never heard anything about it. The cost of this was from £5 to £10, but under a more simple form, it would not cost more than five or ten shillings. Then there was another evil existing in the courts of equity here in connection with what were technically called "demurrers" and "pleas." A demurrer was, he need scarcely tell honorable members, a proceeding by which the defendant said the plaintiff had made no case, and that he need not, therefore, go further. This was an enormously expensive proceeding, and it required the greatest attention and care to prepare it, because, if there should be the slightest inaccuracy or irregularity, it would probably be overruled. A plea was another thing. If a man filed a bill against another who had been insolvent, why should he not be able to plead insolvency? But it was admitted amongst practitioners that it was almost impossible to frame a plea in equity. He believed that three or four pleas had been allowed, but all the rest had been overruled. He knew one case in particular, in which, if it were possible to frame a plea, it would end at once; but it was not possible to do so under the present practice. Then there was the question of evidence. How was evidence taken now? It was usually taken by affidavits. It was true it might be taken orally, but if taken orally, it must be before an examiner, who might write fast or slow, and who sat for three hours at a time. Every council attending received three guineas, and as there might be two or three counsel on each side, the length of time and cost of eliciting evidence in that way might be imagined. Cross-examination of witnesses was another perfectly useless proceeding. The examination was conducted in a private room; the witness had as long as he pleased to answer; and any person acquainted with the administration of justice in other courts, must know how utterly impossible it was to get out the truth under such circumstances. The practice here was the same that had been in force at home from time immemorial up to the year 1861. The rules here were established in 1863, but instead of adopting the new rules passed at home, the old practice was adopted and still remained. He thought the most convenient method of taking evidence

in this colony, in cases where there were disputed facts, was orally; but where there were no disputed facts, as was sometimes the case, evidence could be taken in the other way. On the whole, the best plan would be to take evidence before a judge, or jury, or both. That was an evil which urgently required amendment. Then there was the matter of trust funds. Honorable members might not be aware of the fact, but trustees could only invest in certain funds. They could not invest in the Government Savings Bank. He remembered some trustees coming to him not very long ago to know what they could do with about £200 they had under their control. He found, on investigation, that the only security in which the money could be invested was the three per cent. consols. His advice was to invest in the Government Savings Bank, where they would get as much interest as anywhere else; and although they would be guilty of a breach of trust, the consequences of that would not, under the circumstances, be very heavy. Another injustice was, as far as he could ascertain from practitioners, the enormous fees of court. The fees on decrees and ordinary orders were about £3, and for the most simple proceeding—such as applications on petition, or motions—there were numerous fees, which were never less than ten shillings. When the form of an advertisement was settled by the registrar, or master in equity, the fee was twenty shillings. In fact, nothing could be done without the payment of ten or twenty shillings. The fees were frequently disproportionate to the value of the property involved, and considerably in excess of the fees of other courts in their common law jurisdiction. After taxation of costs there was a fee of ten per cent. charged, not to the person who got the costs, but to the party who paid them. He thought a moderate fee, such as was allowed at common law, would be quite sufficient. There was no necessity whatever to charge these enormous fees, and he proposed that they should be abolished. These were some of the principal evils of the present system; and he would now point out how it was proposed by this Bill to remedy them. In all cases, however simple, the proceeding must be by bill. Now, in the first report of the Judicature Commission at home, one of the first recommendations they made was that—

“In all cases in which the plaintiff seeks to recover a money demand, whether forwarded upon a legal or equitable right, the practice established by the Common Law Procedure Act, 1852, should, we think, be adopted, and the writ should be specially endorsed with the amount sought to be recovered, and in default of appearance, the plaintiff should be allowed to sign judgment for it.”

He did not claim originality for that feature of the Bill. That was an exceedingly good recommendation, and had never yet been dissented from. The first clause of the Bill

provided for the adoption of that suggestion. He was not at all certain, however, that portion of it was not too much restricted. As the clause stood now, it provided—

“In all cases in which any person has an equitable claim or demand against any other person in respect whereof the only relief sought is the recovery of a sum of money or of damages whether liquidated or unliquidated and which cannot be enforced and prosecuted except in a court of equity by reason only that it is of an equitable nature but which might otherwise be enforced and prosecuted in a court of common law the person seeking to enforce such claim or demand may sue for and recover the same by action in the Supreme Court or any District Court which if such claim or demand were enforceable at law would have jurisdiction in respect thereof And such courts respectively are hereby empowered to entertain and determine such actions.”

He was almost afraid that this would be in some respects a serious restriction, and unless the honorable the Attorney-General thought the words were better in, he would prefer to see them out. He had inserted them for the purpose of eliciting the opinions of gentlemen who were more able than himself to deal with the subject. The difference supposed to exist between common law and equity was this:—In a court of common law a man recovered so much money, or he did not. There was a clear and simple judgment. But in equity, complicated relief might be given, such as the adjustment of accounts between parties, injunctions, and similar orders. That distinction it might not be so easy to abolish altogether. [The honorable member here went through the various clauses of the Bill, explaining their object and pointing out how they would remedy the defects of the present mode of procedure]. He considered that the part of the Bill referring to the taking of evidence was the most important portion of the measure, and certainly was the most difficult to deal with, but he had endeavored to adopt the latest practice in England, which was that of the Divorce Court, and which he thought was the most convenient of any mode of taking evidence. For instance, there was the evidence now being taken in our own court, in the case of the Lands Department. Evidence had first to be taken by affidavit, and then cross-examined by the master, so that a counsel employed at five guineas a-day had almost an annuity, but it was absolute ruin to the ordinary litigant. First, there was the evidence taken by affidavit, and then after it had been argued from that mass of evidence, the court might give permission to have the case taken before a jury, and then the whole thing had to be gone over again. Now he proposed that the evidence should be taken,—

“1. By consent of the parties, the evidence upon any issue or issues may be given by affidavit without cross-examination.

“2. Whenever there shall appear to be any issue or issues upon which there is likely to arise any

conflict of testimony, or any question as to credibility of witnesses, the evidence upon the same shall be taken orally.

"3. Whenever fraud is charged, the evidence upon the issue or issues respecting the same shall be taken orally.

"4. In any other case, the evidence upon any issue or issues may be ordered to be given, either wholly or partially, by the oral testimony of witnesses as to the court or a judge shall seem most just, convenient, and inexpensive."

When the evidence was taken orally, he proposed that the issue should be tried in the least expensive way—in one of the following:

"1. Before the court, at the hearing of the cause, with or without a jury; or,

"2. Before a judge at the Brisbane Civil Sittings, or any Circuit Court, with or without a jury; or,

"3. By consent of the parties, or whenever the amount or value of the thing or right in question, upon any issue, is not more than £500, before a judge of the District Court, with or without a jury."

With the remainder of the Bill he need not trouble the House; provision was made by it for the investment of trust funds the same as in England, for fixing fees of court which was not to exceed five shillings, and giving power to judges to make rules, &c. He thought that the Bill, if passed, would be successful, not only for the benefit of suitors now before the court, but that by it, a large number of litigants would be enabled to obtain relief in a Court of Equity, which was at present practically denied to them. It might be found that it was an imperfect Bill, but he had taken considerable interest in it, and he sincerely hoped that it would be found possible to pass it during the present session, because through the pressure of work which would most likely be brought forward, in the first session of the new Parliament, there would be little time for such a matter. He knew he should be able to obtain the assistance and support of several honorable and learned members of that House. He might also inform them that the Bill had been laid before some of the learned gentlemen on the bench, all of whom, so far as he could learn, had approved of the amendments proposed by it. It might be said that some of the details dealt with by the Bill could be equally well carried into effect by rules of court; but they were so few in number and so trifling in their character, that it was hardly worth while to make fresh rules; whilst the main abuses must continue to exist, unless the Legislature interfered to remedy them; therefore, he hoped that he would be instrumental in reforming what certainly required reforming, namely the present practice of the Court of Equity.

The ATTORNEY-GENERAL was sure that the honorable member who had brought forward the Bill deserved the thanks of that House for the great care and pains he had given to the elaboration of the measure which had been laid before them that evening. There was a great deal of what the

honorable member had stated that he (the Attorney-General), in common with all practitioners of the court must necessarily and most unhesitatingly agree with, for the working of an equity suit in this colony was admitted by all persons, either suitors or practitioners, to be found to be exceedingly complex and unsatisfactory. He must say that the honorable and learned member, in his Bill had struck at some of the most potent of the evils of the existing system. How far those evils were attributable to the statutes of the colony, or how far they were attributable to the rules of court, which were passed by the judges ten years ago, in pursuance of an Act of Parliament, it was not, perhaps, the province of that House to enquire at the present time. For his own part, he believed that a simple system of rules of court could be framed, which would do away with a great many abuses, without any alteration of the statutes at all. At the same time, however, there were undoubtedly questions of practice, which, in dealing with matters in dispute on the equity side of the court required considerable attention, and which could be considerably simplified. Now, the first step in a case as the honorable member had stated, was what was known as filing a plaint. Now, the complainant, who felt himself aggrieved by a party on the other side, stated first the plaint he had to bring forward, and his (the Attorney-General's) experience was that that plaint occasionally consisted entirely in the interpretation of one sentence in a deed or will; at all events, the decision of the court on that might practically determine the whole suit; but, in order to arrive at the solution of that very simple question, a very expensive and lengthy process had to be gone through. However, the remedies suggested by the measure of the honorable member met, he thought, some of the most serious abuses of the mode of procedure of the present day, because that statement, lengthy as it was, more so than the circumstances of the case required, was then doubled in precisely the same state, or trebled, and then the defendant had to answer that at usual length. He must say of the honorable member's Bill, that it certainly contemplated an improvement in doing away with the system of interrogatories, for even when he was in Chancery Chambers in London, he never could understand what was the object in going to the extreme length and nicety of interrogatories to answer questions which had no bearing on the case; for, if a case was set forth, a defendant knew what he had to answer without all the minuteness of interrogatories. Then again there was another part of the Bill in which the honorable member struck at the root of a very serious evil, and that was the absurd manner in which evidence was allowed to be taken. The idea of allowing a man, who had no interest whatever in a case, to take down evidence, and the master not being able to reject any of it; he was

obliged to take down on paper any question that counsel might choose to ask witnesses, although he might see that the evidence was irrelevant; but it might be brought forward by a suitor, but with which the facts had nothing to do. Yet the examiner or master had to take it all down, merely noting his objection, the party bringing the evidence well knowing that all he had to risk was that the court might think it was improper. Not only was it an absurd way of taking evidence by the incompleteness of the facts obtained, but it was twice as expensive as taking the same evidence before a judge who had to try the case. Taking evidence before an examiner was necessarily much longer, from his inability to reject any, at the same time not understanding the object of the questions, he was unable to form the same opinion on it. When the honorable member, therefore, attacked that part of the procedure, he was attacking one which was capable of very great improvement. He thought there were other matters in the Bill which showed that the honorable member was sincere in his anxiety to remedy the defects in the present system of our courts, but he thought that most of them, at all events the minor ones, such as the disposal of trust funds, for instance, were matters in which the legislation of that House was not required, as they could be dealt with by amending the rules of court. It appeared to him that in looking at the Bill, although he must confess that he had not given the time to it which he should have done, and which it deserved, it aimed at remedying many evils which did not require an Act of Parliament to abolish, but were within the power of the judges of the Supreme Court to remedy if they thought fit. He was certainly not prepared at the present moment to say how much of the Bill dealt with questions within the power of the judges, or how much it would deal with matters dealt with by the Act, and therefore requiring to be dealt with by Parliament. He should certainly not be prepared if the Bill passed its second reading, —and he should not oppose it, as, on the whole, it was a very useful one—to go into committee upon it before he had made himself more acquainted with it. The honorable member had referred to accounts, and to the expensive forms, &c., but really an order of the court should be all that was necessary for the purpose of remedying their defects. He thought the honorable member had picked out one of the weak points of their procedure, and one which merited the action of that House; but, in regard to the first clause, he could not exactly see what it was to which the honorable member was directing his attention; and if the honorable member had given the House a little more information, he, for one, would have been better able to express an opinion on it. But as it was, he could scarcely see to what the honorable member was alluding unless it could be where one partner, or children under a will, or marriage settlement,

were seeking to enforce from trustees payment of money. He should not oppose the second reading; but when the Bill was in committee the honorable member might give a little further information. The measure, as a whole, was undoubtedly a good one; but whether all the details were such as the House should adopt, he was not prepared at that moment to say; but there was no reason why it should not pass its second reading, except that the matters contained in it had been with others referred to a Royal Commission for the Reform of the Law. That Commission had already met, but they had done little or no work up to the present time; but the Bill of the honorable member included some portion of the work which the House delegated to the Commission. But, as a member of that Commission, he did not in any way find fault with the honorable member for bringing forward his Bill; but he thought it was a question which the House would require either to be referred to a special committee of the members of that House, or that ample time should be given for every legal honorable member to express in committee his opinion regarding its various details before it became law.

Mr. LILLEY said there was no doubt that many of the questions dealt with in the measure introduced that evening formed part of the work specially entrusted by that House to the members of the Royal Commission appointed to consider the whole question of law reform; and if it were probable that any inconvenience would arise from that, in the discharge of their labors as a Commission, it might be a strong objection to the passing of the Bill. But there was no doubt that if the Bill was passed, it would have the effect of removing some of the very grievous faults connected with equity procedure. Equity practice was a net into which clients had been dragged, and afterwards disappeared; and any measure for their relief should be gratefully accepted by that House. He was sorry that during the present session they would not have time to give the Bill that attention which it deserved; and he believed that the honorable member who introduced it hardly expected to pass it that session. He thought, however, good would be done by its discussion and perusal. Now, although he admitted that the Bill was a good one as far as it went, still it did not cut at the root of the evil. There were three great divisions of the equity practice, which caused all the hopeless and ruinous expense which fell upon clients. First, there was the system of pleading; secondly, the mode of taking evidence, which was an utterly absurd and ruinously expensive provision; and, thirdly, that portion of the court which dealt with the administration of estates, which might be called its chancery jurisdiction. Those were three very convenient provisions under which the evils of the system might be classified and discussed; but he did not intend to enter upon

that discussion at the present time, as of course he could not expect the House to follow him that night into all the details of the subject. But he might say that he hoped if the Commission which had been appointed carried out its labors to a conclusion, and he earnestly hoped that such would be the case, they would be able to get rid of the system of pleading both in law and equity. They should get rid of the pleading in equity, at any rate, and he thought they should also get rid of it in law as it existed. That had long been his opinion, and he had been glad to learn from a gentleman in England, who had been connected with the law of the colony, that the tendency of public opinion, and the feeling of the profession, there, was in favor of the abolition of the system of pleading both in law and equity. He believed that they would be able to solve the problem. It was utterly unnecessary in equity to set out all the facts, when by the summary process of the law at the present time, you could put a witness into the box and examine him. He believed that a simple statement of the relief required would be sufficient without setting forth all the facts. All that sham hearing of evidence might be done away with. There was no doubt, as he had stated, that the Bill would be a great improvement upon the present state of things; and if it could be passed during the present session, it would be advisable to do so. He hoped that no obstacle would be put in the way of that measure of reform. A great deal could be done—even in making the initiation of a suit more simple than it was at the present time; it could be done in the same way as at common law. As regarded the administration of estates, he was very much in doubt whether the court should administer property at all; he thought it should be done by some competent officer. He had, as was well known to honorable members, long been of that opinion, and in fact had mentioned it in the Bill under which the present Reform Commission was appointed; that public trustees should be appointed, but some opposition was shown to that proposition, and he withdrew it in order to get his Bill through. That was one of the results of dealing with a question of that sort by gentlemen not practically acquainted with the administration of such matters. He might explain the duties of public trustees. In equity, the court dealt with trusts; it had before it a large number of gentlemen who had property entrusted to them either by trust or will. Now, he would give a man an opportunity of placing his property in the hands of public trustees after his death, if not during his life—he would not even be afraid of doing that; all would be under the supervision of the court, and they would have men of business to deal with the distribution of assets. Why, the cost of distribution of assets was ruinous to the last degree, and the fact frequently was, that by the time the court had dealt with them there

was nothing to be administered. Men who went into court with good properties left it as skeletons. Why, according to the present mode of proving debts against a deceased property, it would cost a man a large amount of money for a small debt;—there were sales directed by the judge, an auctioneer was entrusted to make an inventory and sell—and, in fact, the whole thing was utterly ruinous. He would say that, upon the present system, a vast improvement could be effected. The honorable member had not gone into that very fully in his Bill, but he could not have done so, not only without immense labor, but also without making the Bill very cumbrous. He believed there would be no attempt to oppose the second reading; but he thought it would be necessary to examine it very closely before it went through a further stage. He should support it; at the same time, he did not think it would pass during the present session through Parliament, although it might through that House. At all events, if it did not, they could say that the honorable member had done good service in bringing the matter forward, because good could not fail to follow from its discussion.

THE SECRETARY FOR PUBLIC LANDS: A technical Bill like that now before them was one which could hardly be dealt with fairly by individual members of that House, and, although their system required that every measure should be dealt with by the whole House, still, in the case of one like the present it had practically to be left to the few honorable members who were acquainted with the technicalities of which it treated. He had not had time to examine the Bill very carefully himself, but he thought that the honorable member had spent a great deal of time and care in its preparation, and that it would be a pity not to see it dealt with by that House. It was entirely a Bill relating to technicalities, and therefore the present House was quite as competent to deal with it as any other would be. He did not think that it would in any way complicate the labors of the Royal Commission, and, therefore, he would recommend that they should take what was within their reach, and wait for the good promised them. He quite agreed with the honorable member for Fortitude Valley, as to the abominable expense connected with the administration of estates, and therefore he thought it would be better to mend the present machinery than wait until they could get new machinery. There was one clause which he thought would be a very useful one, namely, that relating to the investment of trust funds. That had especially caught his eye, and he was sure all the rest of the Bill was a step in the right direction.

THE COLONIAL SECRETARY said he did not profess to understand much about the Bill, but as the House had been assured by the legal members that it was a step in the right direction, he could see no objection to allow-

ing it to go to a second reading. As his honorable colleague, the Minister for Lands, had stated, it was a technical question, and consequently most of the lay members of that House were incompetent to express an opinion upon it, and he for one, did not pretend to possess the amount of legal lore laid claim to by the senior honorable member for West Moreton, Mr. Thorn. But after the assurance of the honorable Attorney-General, and of the late honorable Attorney-General, and from the experience they had had that the labors of the honorable member were decidedly in the direction of law reform, he thought the House might pass the second reading, and enable the Bill to go into committee.

Mr. HANDY said he did not mean to address himself to the principle of the Bill, with which, however, he entirely agreed; but he rose to express his opinion that they would be committing a mistake if they attempted to pass it during the present short session. From what he had seen of it, he should certainly approve of it; but still, he thought, that a measure which proposed to interfere with the law as it had stood for years in the mother country, should not be dealt with too hastily.

Mr. THORN was understood to say that he thought no honorable member had endeavored to do so much for law reform, and especially to see that Acts of Parliament were so framed that only one interpretation could be put upon them, as the honorable member for East Moreton had done; and had that honorable member been in the House some years ago, they would have had their measures so framed that there would not have been the litigation which was now going on—nor would it have been so easy to drive a coach and horses through many of them. He did not see why the House should wait for the result of that great law commission; for he thought that, instead of their object being to make law more effective and cheaper, they were determined to make the law of the colony as hazy as possible. He thought that they might agree to the second reading of the Bill, and allow it to go into committee; and seeing that the day would arrive when the honorable member for Fortitude Valley would aspire to something higher than his position as a member of that House, he thought the least that honorable gentleman could do would be to give his assistance to the honorable member for East Moreton. He hoped the day was not far distant when law would be made cheap, and open to the world. He could understand why a century back lawyers were so powerful, only because at that time there was so much ignorance; but now, in the nineteenth century, when education had been diffused through the masses, he believed the day was not far distant when the law courts would be open to non-legal, as well as to legal minds. He could not understand why litigants should not be the best judges of whom

they should employ to appear for them; and in many cases he believed there were non-legal men who could conduct them better than members of the profession.

Mr. FERRETT said, after the eloquent speech they had just heard, he could not refrain from saying a few words, which he would not have done except for the statement of an honorable member who had staked his legal reputation against that of the honorable Attorney-General and the honorable Minister for Lands. With regard to going into committee on the important measure before them, he hardly thought it would be advisable to do so at the present time; and he did think it was a very important question, notwithstanding what had been said by the honorable member, who knew very little indeed of equity, or what was termed at home, Chancery. If the honorable member had studied at home, he would know that Chancery was very different from common law, and that any unfortunate who was in equity had a much better chance to set himself right than he had in common law. He did not believe, notwithstanding what the honorable member said, that he had ever had much experience in law, and he had yet to learn that the honorable member was well up in the subject he had been talking about, or had convinced anyone. He had certainly listened with a great deal of pleasure to those honorable and learned members who had spoken on the question of law reform, and if any reform could be made, he would be most happy to support it. Still, however, there were barriers which had taken centuries to build up, and which should not be pulled down too hastily; and the House should be careful before they allowed a young barrister to go there, and pull down what their forefathers had so much difficulty in building up. Therefore, he, for one, could not entertain the idea of rushing the Bill through committee that evening. He thought it was a subject which deserved a great deal of consideration, and that too, by those honorable members who understood it.

The question,—That the Bill be now read a second time, was put and carried.

STATE EDUCATION BILL.

The COLONIAL SECRETARY said, in moving the second reading of this Bill he would endeavor briefly to explain its principles, as intended to be carried into effect if the House should pass it. He had already explained to the House that this was not a Government measure. Although he should wish to have brought in a measure—if he possibly could—supported by the whole of the members of the Government, still he had never, at any time, or on any occasion, pledged himself to bring in a Bill of this character as a Government measure. Nor did he think it would be fair to the members of the Government, who, when they took office, had not that question put before them, to press them to join with

him in introducing a Bill of this sort. He did not think it ought to be made a political or party question in any way, but that honorable members ought to consider it wholly and solely on its merits. He considered it the duty of every honorable member to divest himself of all political feeling, and of every feeling, except to do what was best for the rising youth of this colony; and believing that the great majority of the House would follow that course, he would now proceed, very shortly, to state the principles which were embodied in the Bill. He might be a little tedious, but he hoped the House would bear with him, and he promised to be as brief as he could, considering the vast importance of the question. He would also say, that he sincerely hoped that honorable members who felt deeply on the question—as he trusted every honorable member did—would express their opinions boldly and fearlessly, because, by that means, even though the Bill was not passed this session, a great deal of good would be effected. He would adhere pretty closely to the Bill as printed; but he did not mean to say that if a large majority of the House did not exactly like the Bill in its present shape, he would insist upon passing it in that shape. In dealing with a question of such extensive and comprehensive dimensions as that of State education, it would be necessary to give and take in the wording of clauses, and, perhaps, the form of the Bill. Before the Bill came out of committee it might be found advisable to give and take a great deal; but there were some portions of it he considered of the greatest importance, and on which he would not be inclined to give way. The portions to which he referred were:—Free education in the primary schools, and the children attending those schools being able to enter the grammar schools, on examination, and to receive the best education possible in those schools, free; and to pass from there to the University, on another examination, and obtain all the benefits and advantages of that institution, also free. He considered these the essential parts of the Bill. He believed the compulsory education of all children residing within a limited distance from schools was also a fundamental part of the Bill. He thought compulsory education was a sequence which must follow free education. Where the State established free education they were bound to make it compulsory. He looked upon it as the first duty of the State—particularly in a colony like this, where every male adult possessed such large political privileges—to educate the inhabitants so that they might know how to value and avail themselves of those privileges.

HONORABLE MEMBERS: Hear, hear.

The COLONIAL SECRETARY: He thought it was of very little use to give the rights and privileges of free men to the whole of our population unless they educated the people so as to know how to exercise those powers

properly. The great powers contained in our electoral Acts, if used by totally uneducated classes, might be exceedingly dangerous.

HONORABLE MEMBERS: Hear, hear.

The COLONIAL SECRETARY: The highest claim which, in his opinion, a people could have upon the State, was to provide proper education; and he should feel it his duty to press the parts of the Bill he had mentioned. He was aware that there was a diversity of opinion in the House with respect to the Bill as presented. He was aware that some honorable members were afraid that the expense which would be entailed on the colony by the passing of the Bill would be too great for the colony to bear.

AN HONORABLE MEMBER: Hear, hear.

The COLONIAL SECRETARY: He did not share in that feeling of alarm, for although it was proposed to institute a University at once, it did not follow, as he believed some honorable members were inclined to suppose, that the University would require an expensive building, which would be the greatest expense connected with that institution. He believed he might state on the authority of the honorable member for Fortitude Valley, that the University of London was held for some years in a hired room; and there was therefore no necessity to rush into any enormous expense in the building of a University. It was the senate that constituted the University, and there would be no heavy expense at the outset, or for some time, because it would be necessary, in the first place, to educate the people up to the University standard. Children would have to commence in the primary schools, and, on passing the necessary examination, pass from there to the grammar schools, and then to the University. It would be some years before any building for university purposes would be required. He would be sorry to say how many years, because the colony was making such gigantic strides, that what might appear a long way off to-day, might next year appear tolerably close. He therefore hoped that honorable members would divest themselves of the idea that the University would entail a large expenditure immediately. The expense would not be at all commensurate to the ideas of some honorable members who had spoken to him on the subject. The preamble of the Bill would, he believed, be objected to, but, as would be more particularly pointed out by the honorable member for Fortitude Valley, it was meant to assert for Queensland the prominent and proud position it was entitled to, as the first of the Australian colonies which had given free education to every person who applied for it. Queensland had the honor of being the first colony which had initiated a system of thoroughly free education, and the preamble was intended to show that they meant to retain that honor; and he was determined, as far as his humble efforts were concerned, to

keep Queensland at the head of the other colonies in this matter, and many other matters for the general advancement and improvement of the condition of the people.

HONORABLE MEMBERS: Hear, hear.

The COLONIAL SECRETARY: The first clause proposed:—

"From and after the passing of this Act there shall be a department of the public service to be called the "Queensland Education Department" under a Minister of Education with such officers and servants as may be required whose salaries together with the whole expenses of the department and of the State education of the colony shall be defrayed out of moneys to be voted by Parliament."

Now, they were about to have an extended House of Assembly, and he thought that with an extension of the number of members they were fairly entitled to say they should have another Minister; and he was of opinion that a more useful Minister could not be added to the number already in existence than a Minister of Education. The present Board of Education had been in existence now for about thirteen years. He should say "a board," because not all the present members had been connected with the board for that period. He thought that, on the whole, they had done their work very well, but it was not in the nature of things to expect a board, which was completely irresponsible, to be perfect. Although the members of the board were removable by the power of the Crown, and he believed had been removed bodily on one occasion by a former Ministry, they were to all intents and purposes perfectly irresponsible. They received no pay for their services, and, he thought, it was wonderful how well the board had acted, considering the total absence of responsibility; and that the only object the members could have in attending the board, and devoting their time and attention to the duties, would be to serve the country without fee, and without reward. At the same time he thought the present system of education might be considerably improved, and he had a great objection to an irresponsible board. He preferred to see matters of that kind in the hands of a Minister responsible to Parliament, and the Bill proposed to place the whole department under the control of a Minister, who would be responsible to Parliament, and who would not be able to do anything unless the expenses of the department were defrayed by moneys voted by Parliament. The second clause was merely meant to meet part of the present Constitution Act, which declared what number of Ministers should be in the House; and under that Act, unless some clause of this kind were inserted in the Bill, the Minister appointed could not sit in either branch of the Legislature. The third provided that, although the department should be under the Minister of Education, the carrying out of the system should be com-

pletely under the control of Parliament. It proposed:—

"An annual estimate shall be laid before Parliament by the Minister in full detail of all the moneys required for the expenditure of his department for the year ensuing."

That would place it in the power of the House to limit the power of the Minister; to limit his expenditure, if he should be disposed to be extravagant; and to compel him to put a full statement of his requirements before the House. It had been suggested to him by the honorable member for South Brisbane, that it would be an improvement to add:—

"Such estimates to be submitted in three schedules—University, Grammar Schools, and Primary Schools."

He thought that a very good recommendation, because, in the event of the Minister wishing to go into an expensive scheme for University buildings, or for any other purposes connected with the University, it would be completely in the power of the House to check it, and to say that until the proper time had arrived, no University of any description should be built. He would have no objection to adopt that suggestion. It would enable the House to decide what funds should be expended for each branch—University, grammar schools, and primary schools. Clauses 5 and 6 were merely departmental arrangements. Clause 7 contained an important provision, which was as follows:—

"And such Department shall be at liberty to receive any property or funds which may from time to time be conveyed bequeathed or given to such Department whether generally or for any college or colleges school or schools belonging thereto or under the same or for the promotion of any particular branch or branches of education or instruction."

"And it shall be the duty of the Department to administer such property funds or money according to the wishes and intentions of the donors."

"And in such manner as to raise the standard of education and otherwise increase the educational efficiency of the school or schools intended to be benefited."

One objection made to this Bill was that a great many men who could well afford to pay for the education of their children did not want education free, and would prefer to pay for it; and he thought it was only right and proper that a man who could afford to pay for the education of his children should do so. But there was nothing in the Bill to prevent them from paying if they chose. This clause enabled them to found scholarships and medals, and, in fact, to give as much money as they pleased for the cause of education, and they could also direct in what way the money was to be applied. The Bill went further; it absolutely prescribed that they should be able to say in what way their gifts should be appropriated for ever. It enabled them—if they possessed that vanity

with which almost every man was blessed, to some extent—to have their names inscribed on the medals. He thought this provision would do away with all delicacy which might be entertained by some men as to having their children educated at the expense of the State, or for nothing. He thought there was a great fallacy in the idea that it was, as he had heard some people say, an act of charity to have children educated free. It was nothing of the sort. They were the children of taxpayers, who had as much right to have money voted for the purposes of education, as for any of the other purposes for which money was usually voted. The ninth clause was more a matter of detail than anything else. It provided:—

“It shall be lawful for the Governor in Council from time to time to vest in the Department or otherwise to render available thereby for the purposes of education

“All public libraries museums workshops hospitals botanic gardens parks art galleries and exhibitions of painting sculpture and polytechnic objects.

“And all other means of instruction which may be under the control of the Government.”

He thought it would be a great improvement to vest these things in the Education Department, for at present they were under the control of almost nobody.

MR. THORN: The eighth clause: that is a very important clause.

THE COLONIAL SECRETARY: He had missed that clause in going through the Bill. It pointed out what was the object of State education:—

“State education shall be directed to the intellectual moral and physical training of the students and to the formation of habits of self-culture. It shall also be—

“Free of charge for tuition in the University and the schools.”

The object was to make education free to all, from the primary school to the highest grade in the University, upon passing examinations. Any child, of either sex, on passing a certain examination could go from the primary school into the grammar school, and on passing a further examination provided by the Senate of the University, into the University, and take the highest degree there. There was an error in this clause, with respect to the age of the children. It should be “twelve years” instead of “fourteen,” in order to agree with another part of the Bill. The original draft stood as it was printed in the Bill; but this was one of the small matters upon which he differed from the honorable member for Fortitude Valley. He thought up to fourteen years of age was too long a period for compulsory education. There were a great many people in this colony, who could not afford to loose the labor of their children up to that age, and he thought that for all the purposes of primary education a child could, between

the age of six and twelve, learn all that it was absolutely necessary to know. Further on it would be found that children could remain in primary schools until the age of fifteen, and he proposed to make it compulsory only up to the age of twelve. This clause also provided that the education should be:—

“Religious where parents shall not expressly forbid it but in all respects of such a character that all Christians may receive it without offence and without prejudice to the conscientious convictions of any parent.”

A great deal had been said about the Godless National schools of the present day. Religion was a matter he did not want to mix up with this Bill more than he could possibly help. He thought the persons who objected to the Godless character of the present system of education had never read or looked into the books used in the schools. All the primary doctrines of Christianity, on which all denominations agreed, were contained in those lesson books; and he would recommend honorable members who felt any interest in the subject to read for themselves, so that they might be satisfied. He had looked through the books himself, and there was a great deal of religious matter, on which no one could differ, contained in them. The remainder of the clause provided for the higher classes of education:—

“Industrial or technological

“Scientific

“Classical and

“Professional.”

The ninth clause he had already explained. The tenth and following clauses showed the manner in which the University should be founded:—

“10. There shall be a University to be called the ‘Queensland University’ constituted in the first instance by a Senate.

“11. All primary schools grammar schools technological and professional schools colleges and educational institutions belonging to the “Queensland Educational Department” shall form subordinate and auxiliary parts of the University.

“12. The first Senate shall be nominated by the Governor in Council and shall consist of not more than twelve members of whom not less than one moiety shall be graduates of British or Foreign Universities.

“13. The Senate so constituted shall frame statutes for the full organisation and work of the University and shall submit such statutes to the Governor in Council for confirmation and upon being so confirmed such statutes shall have the force of law.”

Clause fourteen related to the retirement of senators; fifteen, to the duties of the department as regarded the Senate; sixteen, that a royal charter might be asked for; and seventeen, to degrees. There was very little doubt, from the experience of other colonies, that if the University were established, there

would be no difficulty whatever in getting a charter. Clause eighteen read—

"Students of both sexes shall be admitted to all the schools and shall be capable of taking any degree in the University."

The nineteenth was mere matter of detail, and the twentieth provided:—

"The university shall be charged with the duty of selecting or preparing or of acquiring by purchase or otherwise the right to print all the text books for use in all the schools and colleges within the University subject however to the approval of the Governor in Council and on any default in such duty by the University it shall devolve on the Department."

Clause twenty-one provided for the existing Grammar Schools:—

"The existing grammar schools may with the assent of a majority of the subscribers or donors present at any public meeting convened by advertisement in the Ipswich or Brisbane newspapers be surrendered to the Department and shall thenceforth become part of the University."

Of course, honorable members were aware, it was only necessary for the Brisbane and Ipswich papers to give publicity to those things, because the only two places in the colony which had taken advantage of the Grammar Schools Act, were Ipswich and Brisbane, and no other place could possibly be affected by this provision. Clause twenty-two provided that all medals should be maintained by the department.

"All medals founded by any donor shall be maintained by the Department; and where scholarships have been permanently endowed the Department shall by means of medals or other gifts perpetuate the donation with the name of the donor."

This, he thought, was a very proper provision. He believed some scholarships and several medals had been founded, and there was no wish to detract from honors to which the donors were entitled. Clause twenty-three provided:—

"The Department shall establish new grammar schools or colleges or make provision for doing the work of such schools or colleges in such other places as Parliament shall approve. A grammar school or any part thereof may be raised to the rank of a college where the general results of the teaching therein justify such promotion."

This, he would again point out, was a thing which could not take place for some years. Children would have to be educated up to a certain pitch, before the schools which they were attending could rank as colleges. Clause twenty-four provided:—

"The Governor in Council shall frame bye-laws for the admission of students by examination and not otherwise to the grammar schools and colleges and for the course of study therein and generally for their discipline and good management."

This was an important clause, because it provided that the only means of entrance to grammar schools and colleges should be by examination. At present primary schools

and grammar schools were, to a considerable extent, working in the same direction. The same machinery was in operation in both to effect the same result, and this was a matter which ought to be guarded against—two different educational establishments doing the same work. Clause twenty-five provided for the framing of rules; and clause twenty-six, after specifying the standard of instructions in primary schools, provided—

"A primary school or any part thereof may be raised to the rank of a grammar school where the general results of the teaching therein justify such promotion."

The next clause was to the effect that no child should enter a primary school under the age of six years; and clause twenty-eight was—

"Nor shall any child leave any such school except on promotion under the age of twelve unless excused on account of permanent physical or mental disability or because other adequate means of education are provided by the parent."

He thought the latter part of this clause, which he had added since the Bill was first drafted, was necessary, because it would be going beyond the powers that Parliament should exercise to say that a parent should send his children to a public school. He believed that a clause of that kind would be altogether too Algerian, and that rather than submit to it some people would leave the colony. This clause of the Bill provided for any "other adequate means of education," and it would devolve upon the parent to show, if called upon, that adequate means of education were provided, and that his children should be excused from attending school. There was no intention in this Bill to classify schools. If the inhabitants of the colony, or any portion of them, wished to send their children to private schools instead of to public schools, they were left at liberty to do so. It was not intended to press them into public schools, although he believed that a large majority of the people would prefer those schools. Clause twenty-nine was meant to meet the wants of a number of people living in the rural districts. It was introduced principally to meet the requirements of a portion of the inhabitants of the colony who were employed in growing cotton. Honorable members were aware that in the picking season the services of every member families engaged in that occupation were required to work, and this clause proposed, that where it could be shown to the satisfaction of the Minister, that the services of children were wanted, power was given to relax the compulsory clause to some extent:—

"Nevertheless after the age of ten years it shall be lawful for the Minister of Education to permit any child to receive instruction during half the year at such times either by daily weekly monthly or other periods as he may permit. Provided such child be employed during the other half of his or her time in agriculture or some industrial art until the age of twelve."

He thought that was a very wise provision, and that it would meet the objection he had heard raised against the compulsory clause in a great measure. Clause thirty was a matter of detail. Thirty-one was to the effect, as he had said before, that although it was made compulsory to remain in schools until the age of twelve, any child could continue to attend the primary schools until fifteen. Thirty-two provided for compulsory attendance, and how that attendance might be enforced. In order to prevent harshness to any parent who might be unable to manage a child, or compel it to attend school, the latter part of the clause gave power to the parent of such incorrigible child to delegate to the department the power to cause the child to be placed in any primary school. That was, where a parent had lost all control over a child, he was not to be punished; but on delegating his power to the department, the child would be put in a school, and if he did not want to go to a school under the auspices of the department, he would be sent to a reformatory school. Clause thirty-three limited the distance for compulsory attendance to three miles. The three following clauses were concerning teachers, and it was unnecessary to go through them in detail. When the House got into committee it would be time enough to consider them. Clause thirty-eight provided for the training of teachers. This was a very necessary clause. It had been found that in the present schools the most useful teachers were those who had been trained in those schools, and he looked upon a training school as one of the most important measures they could carry out. Clause thirty-nine was for the establishment of infant schools. He need hardly say that it was not compulsory to attend infant schools. Clause forty made provision for special schools. This might not be clearly understood by honorable members. It was meant to provide for what were commonly called "street arabs." It was proposed to put that description of children, who were not bad enough for a reformatory, and not good enough to mix with other children, by themselves, but it was intended to make the distinction as slight as possible, by not giving them any names separate from other schools. The children would be drafted from these to the other schools. It was a species of ragged school, and although it might be found absolutely necessary to make some classification, the distinction would be as slight as possible. Clause forty-one had its foundation in the neighbouring colonies. It provided:—

"The Department may employ itinerant teachers and by such means as may be found available give to residents in the bush the advantages of State education."

There were portions of the colony where the inhabitants were so sparse and scattered that it would be impossible to establish schools. It required a peculiar style of teacher for this

office, but he had no doubt that they might be found occasionally, and a great deal of good might be done by these men. The Board of Education had made an experiment in that direction, and he was free to confess that it was a dead failure, but that was no reason why it should fail always. It did not make it compulsory on the department to send out those teachers, but it gave power to make the experiment. Clause forty-two provided power to make regulations; the forty-third was matter of detail, and the next provided for vesting the property of the present Board of Education in the department. The forty-fifth provided:—

"It shall be lawful for any person or persons having title who shall obtain the approval of the Governor in Council to convey to and vest in the Queensland Education Department any lands goods and property now used for the purposes of a non-vested school under the Board of General Education."

Clause forty-seven was to the effect that all non-vested schools should be discontinued after three years.—

"From the passing of this Act no school not already established as a non-vested school shall receive aid from the State and on the thirtieth day of December one thousand eight hundred and seventy-six all State aid to non-vested schools shall cease."

This was an important clause, but he expected that it would meet with a good deal of opposition. He thought, however, after mature consideration, that it was a very wise provision. It would set at rest a great deal of that bickering and discontent which at present existed in the mixed system of vested and non-vested schools under the board. Clause forty-eight provided for the dissolution of the present board; forty-nine repealed the Education Act of 1860; fifty repealed the Grammar Schools Act of 1860 and the Grammar Schools Act Amendment Act of 1864; and fifty-one preserved the Industrial and Reformatory Schools Act of 1865. He had now gone through the Bill, he was afraid, rather tediously; but he thought it his duty to explain its provisions as well as he could. He should not say any more on the Bill just now. Although he was not entitled to a reply by the rules of the House, he should, towards the close of the debate—whenever that might be—trust to the indulgence of the House to enable him to reply, on a question of such magnitude, to any arguments which might be used against it.

HONORABLE MEMBERS: Hear, hear.

Mr. HANDY said he was glad to see the Bill advanced so far as the second reading tonight, and he need scarcely say that he entertained hopes of seeing it passed this session. He thought that, in dealing with a question of this kind, every honorable member should pursue the wise course suggested by the honorable the Premier, and express his sentiments boldly and fearlessly. His sentiments were that he cordially believed in free,

national, and compulsory education, as expressed in this Bill. He believed in the system of free education thoroughly and perfectly, and according to the plan proposed by the honorable the Premier—of having it free in the primary schools, and enabling every deserving child, by passing an examination, to enter a grammar school or college, and to pass from there and receive the highest education in the University. But, although he approved of that plan, he would certainly object to children who had been sent out of the colony to be educated elsewhere getting a University education free. He would give every encouragement to children starting in our primary schools to pass from there through the grammar schools, and ultimately to obtain all the benefits of the industrial or scientific studies, and degrees in the University. With regard to the nationality of this system of education, he thought the most important clauses of the Bill affecting that question were the forty-fifth, the forty-sixth, and the forty-seventh. By these clauses he observed that it was intended to abolish the present duplicate system of vested and non-vested schools, and that the non-vested schools should be empowered to surrender their property and receive full remuneration for it. Ample time was given for those schools to adopt this course—namely, three years from the end of next December; and after December, 1876, no non-vested school would receive support. He was of opinion that this was a very prudent course to adopt, because it would have the effect of putting an end to that unseemly quarrelling for funds and other matters, which had resulted from the maintenance of the non-vested system. There was now no limit to the matter, because schools connected with all denominations might ask for aid, and he was very glad to see an effort made to establish one system only—and that the vested school system. He should certainly support that view. He thought the compulsory clauses of the Bill were very liberal. Children residing within three miles must attend public schools, unless they were provided with competent education elsewhere; and, in some instances, the Minister of Education could dispense with attendance when the necessities of the parents obliged them to have their children employed. He would not occupy the time of the House too long, because it was unnecessary to do so. He might sum up his views on the subject in a few words. He fully agreed with the principles of the Bill, as he had already stated, and he would not only support it, but do everything he could to have it passed.

Mr. J. SCOTT said there was a great deal in the Bill now before the House with which he cordially agreed, but there were some portions of it from which he differed. There were also other portions upon which he had not arrived at a definite conclusion, and upon which he would like to hear some expression of opinion from honorable members who had

paid more attention to the question than he had, before he made up his mind. He thought that the Bill, so far as it went in making primary education free and compulsory was very good indeed, but he questioned whether the carrying of free education into the secondary schools was so much to be desired. In his opinion, all children were entitled to the advantages of primary education by the State free, but he thought that if it were desired to give them the benefits of the higher branches of education, it should be paid for in some way.

HONORABLE MEMBERS: Hear, hear.

Mr. J. SCOTT: It should be paid for either by the parents of those children, or through the special exertions of the children themselves. That was to say, that the children of poor parents, who were unable to pay for a higher class education than that given in the primary schools, should be enabled to gain scholarships, and pay in some way for education in the secondary schools. He did not care in what form this payment might be, so long as it was sufficiently full to meet all the requirements of children of that description. He did not think that it was at all necessary that the number of scholarships should be limited. There ought to be a good many of them—sufficient to meet all cases of the kind to which he had referred. Of course, the children who would receive these advantages should be of exceptionally good abilities. He did not think the State should educate every child up to a very high pitch. There was another matter which he thought might be more fully explained. That was, what would be the position of the girls of the colony after they left the primary schools? In the present grammar schools there was no provision for girls, and he hoped that it was not intended to allow girls to go into the same schools as the boys. The Bill should, he thought, provide especially for schools for girls. He held the education of girls between the ages of twelve, fifteen, and eighteen to be of even far more importance than the education of boys.

HONORABLE MEMBERS: Hear, hear.

Mr. J. SCOTT: They were the future wives of the lads of this colony, and would be the mothers of the next generation; and there could be no doubt that children learned a great deal more from their mothers than from their fathers. If, therefore, they educated the young women of the colony to a proper point, the children will be better educated afterwards. There was one point in the thirty-third clause to which he wished to refer. That clause provided—

"The foregoing compulsory provision shall not be enforced where there is no school belonging to the Department within three miles of the parents' residence."

He thought three miles was a long way for a child six years of age to walk. It was a long distance to walk, even when the weather was fine—three miles to school, and three miles

back. He did not know exactly what distance should be fixed, but he thought that this part of the clause ought to be modified in some way. He saw that clause nine provided:—

"It shall be lawful for the Governor in Council from time to time to vest in the Department or otherwise to render available thereby for the purposes of education

"All public libraries museums workshops hospitals botanic gardens parks art galleries and exhibitions of paintings sculptures and polytechnic objects."

He did not know how far this was likely to go, or whether the Parliamentary library would come under that provision. He supposed it was a public library.

MR. LILLEY: No! It is not open to the public.

MR. J. SCOTT said he had not given the measure that attention he would like to have bestowed upon it. He did not think it would have come on for discussion that night, and had not said all he would like to say upon it. He hoped, however, that he would be able to get some information respecting it during the course of the debate.

MR. THORN said he was rather astonished that the honorable the Premier did not go more fully into the details of the measure. In the debate on the Address in Reply to the Opening Speech, he expressed a doubt that there was any sincerity in bringing forward this measure, and he still entertained that doubt, after the manner in which the Bill had been introduced. He believed, from what he knew of the opinions of honorable members, there would be no difficulty in arriving at a conclusion on this most important measure—the most important measure at this time before the country. He could assure the honorable the Premier that he should support the Bill almost in its integrity. He should support the three main principles of the Bill—first, the University, then the grammar schools, and then the primary schools. He also held with making the system compulsory and free; and he would go with the honorable gentleman at the head of the Government in making it purely unsectarian and undenominational. In this enlightened nineteenth century, no other system than one purely secular would be consistent with the duty of the State. Any other system must, to his mind, be opposed to the progress of public knowledge, and the advancement of this enlightened age. He was not going to comment at any length on the details of the measure, with some of which he did not entirely agree; but he would remark that the eighth and forty-fifth clauses were not altogether clear to his mind. He observed that the honorable the Premier, in explaining the eighth clause, did not explain what he meant by

"Religious instruction where parents shall not expressly forbid it."

* Of course, he was not a lawyer, and he was willing to be corrected by the legal gentlemen

present; but it appeared to him that taking this clause with the forty-fifth, it might be possible to have a denominational system similar to that now existing under the non-vested schools. As he had intimated before, he did not agree with all the details of the measure. He did not altogether approve of the system proposed with regard to the University. He thought it would be much better to introduce the system in force in New South Wales and Victoria with regard to this special course of instruction; and it appeared to him that the honorable member for Fortitude Valley, when he drew up this Bill, did not altogether understand this subject. He did not see how he was going to make grammar schools colleges. If they were going to have colleges in connection with the University, let them be established by different denominations, for the same system of instruction as was in force in New South Wales and Victoria. It ought to be left to different denominations, when they became wealthy, to found colleges. He was at a loss to see how the honorable member could arrange to raise grammar schools to the rank of colleges. With regard to teachers, he could say, from his experience, that, with few exceptions, they were a very indolent lot, especially since the establishment of free education in this colony.

HONORABLE MEMBERS: Hear, hear.

MR. THORN: He had recently attended the Normal School, in company with the honorable member for South Brisbane, when an examination took place, and he knew a primary school in one of the Moreton districts in which boys three years younger than some of those he heard examined at the Normal School, could beat them in reading, writing, geography, arithmetic, and other subjects connected with primary education. In fact, the children in the school to which he had referred were far more advanced than those in the Normal School.

MR. STEPHENS: The climate.

MR. THORN: No, it was not the climate. It was the admirable system of instruction. He had also frequently met boys from grammar schools who did not appear to be nearly so well instructed as others who attended primary schools. No doubt the small attendance at the grammar schools was owing to this. In his own town, boys of ten or twelve years of age attending one of the primary schools knew more than boys of fifteen or sixteen attending the grammar schools. He could safely say that in one town he knew, there was a boy only six years of age who knew more than some grammar school boys twice his age. He had also been to what were called the State schools in New South Wales, and he might say that there it had been found that if the masters were indolent they could not make the boys learn. He thought that it was necessary the Board of Education should be instructed to see that the masters did their duty. They paid a

large amount annually for State education, and that being the case they should take care that the children were looked properly after. Next year, if the Bill was carried, they would be called upon to devote nearly one-fifth of the entire revenue of the colony to education purposes, and it was therefore highly necessary that there should be a responsible Minister at the head of the department. He had no hesitation in saying that. Now, another reason why they should at once go on with that measure was, that by the present system of education, they had accomplished wonders. But the present system of giving a school where the inhabitants of a district had to raise one-third of the amount required for a school-house before it was erected, did not answer at all satisfactorily; he said so especially with regard to his own district, where, at one place, with a population of 1,200 persons, there would shortly be five schools established; then, again, where there was a population in another district of 4,000, principally homestead selectors, there was only one school situated in the corner of it, and there was no free education; that, he thought, showed the absurdity of the present provision. It was a proof that the House should be earnest in the matter of passing the Bill, and that they should settle it at once, or, at any rate, on the following Tuesday. Even supposing the Bill did not pass at present, it would have the effect of showing the absurdity of the system by which the inhabitants of a district should raise one-third of the cost before they could have a school-house erected, as under those circumstances a school was not really available for the children of the working classes. He did not wish to go at length into that matter, but he was anxious to have the Bill passed. He very much doubted, however, the earnestness of some honorable members opposite, and was afraid that if the measure was passed the avocation of the honorable Minister for Works would be gone. There was no doubt that that honorable member would be picking at the measure tooth and nail, but more for the sake of mere mischief than anything else. He believed that honorable member would oppose it, but still, he hoped, he would allow it to be passed, and that there would be a fair issue before the country at the next general election. He should not be an advocate for girls graduating at a University, at any rate, and such a proposal as that, he did not at all approve of. He should most cordially support the second reading of the Bill, and he might tell honorable members that there was no need for them to trouble themselves about the University clause of it, as there was no probability of that coming into operation for a considerable time to come, but when it did, the country would only be taxed for three places.

MR. WIENHOLT said he was sure it would be taken for granted that the Bill would not be passed during the present session, and he

thought that a matter of such importance should not be left to the present Parliament, but to the consideration of the largely increased House that would be there at the next meeting of Parliament. Now, although he agreed with primary free secular education, he could not say as much for compulsory education. He looked upon it as being un-English and opposed to the feelings of their race, and furthermore, he must say, that he thought it was unnecessary; because, he believed that the feeling of what was right would always be sufficient to impel parents to do that which was most for the advantage of their children. If they made education compulsory they would do away with some of the best feelings which had always existed, and which he hoped always would exist in the breasts of parents regarding the rearing of their children. He trusted, therefore, that whenever a measure for education might be passed by the Parliament of the colony, it would not be for compulsory education. It was all very well to point to Germany, where there was compulsory education, and argue that it had there proved a success; but free education without compulsion had never been offered to the German people, whilst here it had proved to be quite sufficient. With regard to that portion of the Bill which dealt with the higher branches of education, he was of opinion that a measure giving a free University to the colony was uncalled for by the position of the colony at the present time, as the expense to the country if the Bill was carried would be something enormous. In fact, if the measure was passed, they would have to considerably increase the taxation of the country, which would fall very heavily upon all classes. He contended that the higher branches of education should be provided for by parents themselves at their own cost. He thought that was a part of the duty of parents to their offspring, and that they should not look to the State to provide that which they should provide out of their own means. If they were to provide that free education in all its branches, to children of all classes, they should be prepared to go a little further, and accept the duty of feeding and clothing them, or, in other words, take the entire burden of their support; or they might go a little further still, and start in life all those children. In doing that, they would go further than had ever yet been attempted by any country. He did not think that it was always a good thing for a young colony to go in advance of all others. He thought they should be very careful indeed in going further than had ever been attempted by older and much richer communities than themselves. The honorable member for West Moreton apparently agreed very cordially with the proposition to appoint a fifth Minister, a Minister for Education; but he, Mr. Wienholt, was of opinion that they had quite enough Ministers in that House, even with the larger Parliament of next session. He should himself be very

sorry to see another Minister on the Government Benches. No doubt the honorable member might have some idea of being himself Minister for Education, and no doubt the honorable member would make a very efficient Minister. But supposing the Bill was carried, he thought that the education branch could be carried on very well without another Minister, as the Board could always be responsible to Parliament. As he was quite sure that the measure would not be passed during the present session, it was unnecessary for him to detain the House with any further remarks upon it.

MR. KING: The debate had no doubt up to the present time languished rather more than might have been expected on the occasion of such an important measure being under consideration. It must, however, be remembered that there was some reason for that. It was well known that the Government, or some honorable members of it, had no real intention of passing the measure, but that the object of its introduction was to cause a division of sentiment throughout the constituencies of the colony at the approaching general election—to revive a religious war cry, by means of which the popular constituencies would be divided, and the pastoral party secured in power.

HONORABLE MEMBERS on the Government benches: Hear, hear.

MR. KING: It was very well for honorable members opposite to laugh, but their laughter did not affect the fact that the bullet had hit the mark. There could be, in his opinion, nothing more dishonest than the manner in which the measure had been brought forward; for, although it was a measure of the greatest possible importance to the country, it had not been introduced as a Government measure, notwithstanding that that was the practice followed in every other country. In England, when Mr. Gladstone's government brought forward their educational scheme, the Premier stated that he would stand or fall by it, and he fell for a time. In Victoria, also, the Education Bill was brought in as a Ministerial measure, and there was no doubt whatever that that was the course which would be pursued by any Ministry that had any policy on the subject at all. But the present Government had no policy on that or any other question, but had merely brought forward the measure as a blind behind which they could manœuvre without attracting the attention of their opponents. Why, the speech of the honorable the Premier, in introducing the Bill, was of the tamest kind, as it principally consisted in reading clauses of the measure; in fact, it was quite apparent, from the honorable member's manner, that he had no strong interest in the subject, as it was not the kind of speech which would be delivered by any man imbued with strong convictions. The honorable member had certainly told them that the reason why the Bill should not be made a party measure was because it treated

of a subject far too important to be dealt with in a party spirit, and that every man should vote for what he considered to be the good of the country. But that was the motive that should always actuate them in giving their votes upon every question that came before them, and the object of parties in a representative House was that one party believed that a certain course of action was good for the colony, whilst the other believed that another line was best suited to its requirements. He had no hesitation in saying that if the Bill was to be made the ground work for the general election—if the result of the election was to turn on the Education Bill—it would be most dishonest conduct on the part of the Government, who had not a policy of their own, to make that a fighting ground. Their object in not having a policy on the question was evidently this, that one Minister would go to his constituents with a "No Popery" cry, and another Minister would be carried in by the Catholic vote. Yet afterwards those same two Ministers would come back and occupy their seats on the Treasury benches, divide the lands of the colony as much as possible amongst their supporters, and not care one jot how the education of the colony was conducted. Having, therefore, a full knowledge that there was no intention on the part of the Government to pass the Bill at the present time, he thought honorable members would be very foolish if they attempted to debate it seriously; all he could say was, that he should vote for the second reading, reserving to himself the right, if ever the Bill did get into committee, to move those amendments which he considered necessary. With reference to the remarks which had been made by the honorable member for the Leichhardt, Mr. J. Scott, on the subject of the higher branches of education, he was certainly of opinion that the best system would be that of liberal scholarships, so that greater encouragement might be given to the children of the poor working man to obtain a higher class of schooling if they showed the capacity for it. That would, he thought, be more advantageous than free universities or free grammar schools; because, supposing that those institutions were established, the question arose, how could the children of the poorer classes avail themselves of those educational advantages? After twelve or fourteen years of age, until which time they could remain at the primary schools, very few poor men could afford to keep their children at a grammar school, but required them to do something to earn their living. But if a system of liberal scholarships was established by which boys, who had proved themselves worthy, could maintain themselves whilst at the grammar school, and afterwards at the University, then the proposition of having those schools free would assume a different aspect. He would not, however, say more on that subject at the present time, because he did not see the use of discussing a Bill

which he believed it was not intended to pass.

Mr. GRAHAM would confess that, on reading the Bill, his first impression was a desire to pass it, on account of the very lucid and admirable manner in which it was drawn. It was lucid and intelligible, every clause being clear and concise, and, in that respect, certainly presented a strong contrast to ordinary Acts of Parliament. Putting all matters of detail on one side, the impression on first reading it could not but be favorable; but, when looking at the principles contained in it, he certainly regretted that a Bill of its kind, showing so much thought and care in its preparation and such lofty aspirations on the part of its framers, could not meet with his approval, but that he would be compelled to oppose it *in toto*. He confessed that there were some principles in the measure which he would like to see established in the colony, if it was fair towards the masses of the community; but he believed that, even with the modifications that might be made in it when in committee, it would be a measure passed for the benefit of the few at the expense of all. He certainly agreed with it in one respect—he believed in having a general system of education in the colony; he believed that they should have a system of primary schools, of grammar schools, and eventually of universities; but he did not think that the present was the time for establishing the latter. Admission to those schools should be given to those who could pass an examination at the primary schools, which could be held half-yearly, and that examination should not be confined to those who had passed the primary schools, but should be open to all who, educated in other places, desired to enter the grammar schools; nor should they go from the grammar schools to the Universities until they had attained a certain degree of proficiency in those schools. Those who had not gone through either the primary school or grammar school, should have to prepare themselves in some other way; in other words, he thought they should depend upon their proficiency alone, that proficiency having been attained in any school. The result of that system would be, that boys would not be admitted to the higher schools until they had obtained that proficiency which would enable them to make the best use of the educational advantages placed within their reach. The same thing would apply to pupils leaving grammar schools for the University. So far he agreed with the principles of the Bill, but he could not agree with giving a free higher education than that of the primary schools. He believed, in fact, that they had gone too high with free education, and it was, he knew, a question with some honorable members, whether free education was advantageous to the colony. He contended, however, that it was, and he was even in favor of making it compulsory; he would go that far.

He thought, however, that free compulsory education should not go beyond what were termed the mere rudiments of learning, or the three R's; that they should make it necessary that every child in the colony should read and write with moderate proficiency, and also acquire the elements of arithmetic. Of course a child who was taught to read must learn something, if only the good books which had been mentioned, or geography;—the mere fact of their learning to read would impart to them some other knowledge. He would make it the law of the land that every child must be taught the rudiments of education, and when they went that length, they put a child in the position to improve himself if he had the will and ability to do so. But it must be remembered that if they went beyond a certain point of education it became a luxury or something like it, and therefore should be paid for by the parents of those children who wished to avail themselves of it. With regard to the question of the grammar schools, it would be found that the principal difficulty in people sending their children to them, was not the mere payment of fees, but the cost of residence for children attending those schools whose parents did not reside in the towns in which they were situated. That objection did not of course apply to persons living in towns, but in dealing with a measure of that sort, they must legislate for the whole colony. His idea of a system of education was to give free compulsory education up to the rudiments of education, but any thing above that—either in the primary or grammar schools, should be paid for, and that would make them tolerably self supporting. Then again, they had heard something about incorrigible children; but what was to be done with incorrigible parents, of whom there were, he was sorry to say, a great many in the country districts? People who did not care about their children going to school, and who would not be affected by the imposition of fines as they had no money to pay them, and nothing upon which to levy. He thought that when they came to consider the Bill, they would find that there were people whose natural feelings were so blunted that they did not care about their children, but that was beside the question at the present time. Having said thus much, he need hardly inform the House that he could not support the Bill as it stood. At the risk of being called behind the age, he did not hesitate to say that he thought the honorable gentlemen who had drawn the Bill were far in advance of it, and on a road which the age would never follow.

The SECRETARY FOR PUBLIC LANDS: As silence on the subject of the Bill now before them might be misinterpreted, he rose more with the view of simply expressing his opinion than with the idea of making either an elaborate speech or going into a long argument. He recognised the necessity of compulsory education in the colony; he thought that

was admitted, and was beyond argument, and he did not think that there would be any difficulty in carrying the Bill as far as that principle of it was concerned. Then, with regard to the higher branches of education, he cordially agreed with the Bill. He thought that if they began State aid to education, they should undertake it as a whole—that they should not begin the education of children, and then stop short. By the establishment of an entire system, there would be this great advantage—that any pupil entering their schools, and completing the whole course of education, would have a State certificate which would prove of great value to him in after life; and it would also put the University of the colony in as good a position as it could be placed in. The matter on which he felt the greatest difficulty was the abolition of the non-vested system, and he would state the reasons why he felt that difficulty; he thought that all the country had to do with was results. All they had to look to was to see that children received a sound secular education, fitting them to become useful citizens, and it could make no difference to the State—which should have no conscience—whether a child was educated in a certain form of religious belief or not. But he thought that if they could attain the object intended, namely, giving children an education which would fit them to become good citizens, they were rather strengthening the advantages of the system by allowing that education to be accompanied by a strong religious belief. He confessed that he had changed his opinion on that question; but he confessed also that he had changed his opinion on many questions during the course of his life, and he had held, perhaps, different views when he was a younger man with less experience. He was now of opinion that a strong religious belief was a great stay and advantage in fitting a man for a useful citizen. He thought that it was necessary in some way to awaken the emotional feelings of children, and that education was incomplete unless some other than only the intellectual faculties were trained. Therefore he would be very sorry to see the non-vested system done away with by the Bill, because he considered that the religious element was good for the State. It was all very well to say that religious teaching was unnecessary, but they should always consider, if they did away with strong religious belief, what they were going to substitute for it; there was no substitute for it, as far as he could see, for it was only by the means of religion that the emotional nature of children could be cultivated. Looking at the matter in that light, he regarded the non-vested schools as being a wholesome rivalry with the vested schools, especially as he had found that the children attending them were turned out as well in point of secular instruction as those of the Primary Schools. He must say that he had looked upon it with regret when the framers of the Bill before

them thought proper to propose the abolition of that system. He should, before he voted for the Bill, require to be shown that the non-vested system was a failure, or that it had had a bad effect, or a tendency to interfere with the proper carrying out of the vested system. If that could be proved to his satisfaction, he should vote for the Bill, because he believed that parents could always give their children religious instruction by sending them to Sunday Schools, or by other means offered by religious bodies. If the Bill was likely to be imperilled by his vote, he would certainly rather see it passed as it was, than thrown out simply for the purpose of preserving the non-vested system. He did not think, however, that there was much danger of that, and he should use his best endeavors to support the non-vested system as it stood. He must confess that, at the outset of that system, he was afraid that it would be turned into a system of proselytising, and that the secular education given in them would not be up to the standard. He was informed, however, that the very reverse had been the case, and that the only result had been to establish a rivalry between the two classes of schools, which had been attended with great advantage. If that information was wrong, and it could be shown that it was wrong, then he would be quite ready to give up the non-vested system. He thought there could be nothing more admirable than the present system of education in the national schools. It was certainly something far superior to what he had known when a boy; and the proficiency shown by some of the pupils in those schools in the present day was something astonishing to those who had only known the old system. It was quite true, as had been stated by the honorable member for West Moreton, that the boys in some of the primary schools could, in point of attainments, compare very favorably with boys at the grammar schools. He should vote against the second reading of the Bill; and rather than the Bill should be defeated he would vote against the non-vested system; but if it could be left as it was, he would very much like to see it.

Mr. HEMMANT said that the question before the House was one upon which he hoped every honorable member would give a vote, and would also give his reasons which made him come to a decision in voting more especially as the Bill brought in by the Government was not intended to have been brought in during the present session for the purpose of being passed, but had been introduced simply with the view of causing a division among the people of the colony at the next general election. He had a strong conviction that it had only been brought forward for the purpose of enabling the present occupants of office to retain power in the next Parliament. He should state what he had to say in a very few words, and not go into the details of the measure, for the reason he had just assigned. The honorable Minister for

Lands told the House that he had changed his opinions more than once upon questions; but he wondered whether the honorable gentleman had ever changed his opinion regarding the mode of providing for electioneering contingencies. The speech made by that honorable member was certainly one of the best trimming speeches ever made in that House. The honorable member said he was going to vote for what might assist in losing the Bill, but he, then, at the last moment, reserved to himself the privilege of doing what was right; but the course pursued by the honorable member was not right for a Minister, whatever it might have been for a private member. He believed that the question before the House was one regarding which it would be impossible to find half-a-dozen honorable members on either side holding the same opinion, and, therefore, he did not find fault with the Government for not making it a Ministerial measure; he certainly thought, however, that the honorable Minister for Lands should have made up his mind more decisively on the subject. He quite agreed with the general principle of the Bill, which was to establish a system of free, secular education. He was quite prepared to say, that if all the people of the colony were of the same religious persuasion, which he knew, however, to be an impossibility, he would then be in favor of having religious teaching in the schools. But as that never would be the case, he thought they should confine the expenditure of the State to secular education, and leave the religious teaching to parents, who could take care that their children received that religious education which they thought best. They could, however, all agree that children should be taught the rudiments of education—"the three R's"—and as there were so many religious persuasions, he thought that the State should have nothing to do with the religious teaching of either children or adults. He had not as yet heard any arguments to make him look favorably upon the establishment of a system of compulsory education in the colony. It was a well-known fact that an Englishman always set up his back against doing a thing which he was compelled to do, but which, perhaps, if left to the freedom of his own will, he would do readily. Now, since the establishment of free education, there had been a very large increase in the number of schools, and also in the number of children attending those schools. In fact, wherever schools had been established, something like ninety per cent. of children had availed themselves of those educational advantages; and if there was a percentage of children who did not attend school, it arose chiefly from the fact that in the country districts, where the population was sparsely settled, it was impossible for a great many children to go to school. There might be arguments brought forward in favor of compulsory education, which had not yet been advanced, but he had not

heard that there was such a large number of uneducated children in the colony as to dispose him to vote for such an un-English thing as the compulsory system. He believed that in the country districts, as soon as there were twenty families gathered together, their first object was to get a school erected; but, in many parts of East Moreton, there were homestead selectors, who were not in a position to raise the proportion of money required by the Board of Education before a school-house could be erected, and the consequence was that free education was for the towns only; as, in consequence of the want of funds, those people he mentioned could not enjoy the great advantages of free education for their children. He had been told, however, by the honorable member for Fortitude Valley, that there was a clause in the Bill which would give the Government power to frame regulations for the working of the measure; and he hoped that it would be liberally interpreted, and that, instead of its being necessary to have thirty children in a district before a school could be erected, the number would be reduced to twenty. He considered that the clause providing for the appointment of travelling schoolmasters was a very valuable one, and would have a most beneficial effect. His attention had been drawn to the necessity of some such provision when he had been travelling in the Logan district, for in many places there were, perhaps, only half-a-dozen settlers, and then for some miles there would not be any more; but if a travelling schoolmaster was appointed, he might visit those small settlements once a week—and even supposing the children did not receive such a good education as in the more populous districts, still what teaching they did receive would be very beneficial to them. With regard to compulsory education he was not aware of the machinery by which it would be enforced.

The COLONIAL SECRETARY: By fines.

Mr. HEMMANT: Yes; but who would be entrusted with the particular duty of enforcing those fines?

Mr. LILLEY: The department and its officers.

Mr. HEMMANT: Well, then, with regard to the grammar schools; the honorable member for Clermont must have forgotten that at the present time those schools were partly supported by the State, and that they were, therefore, giving partially free education of a higher class to those who could afford to pay for it, whilst the fees imposed at those schools had the effect of preventing the children of the poorer classes from taking advantage of them; so that he thought the honorable member should move for a repeal of that Act. So far as free education in the grammar schools was concerned, he would like to see it carried into effect; but he did not think the colony was as yet fit for the establishment of a University, and therefore he thought it would be as well that the proposition of

having a University should not be entertained at present, but, on the other hand, that it was rather premature. With regard to what had been stated about not allowing children not educated in the colony to take advantage of the grammar schools, he could only say that he looked upon it as a most preposterous thing. They were now inviting people to come to the colony in large numbers, and yet those people were to be told on their arrival, that, because their children had been partially educated elsewhere, they were to be debarred from enjoying the advantages offered by the free education at the schools in the colony. There was also another point in the Bill which he thought should be modified, and that was the distance from which children were to be compelled to attend schools. He thought it must surely be a mistake, for it surely could not be expected that a child would walk three miles to school and three miles back every day.

THE COLONIAL SECRETARY: A great many walk five miles.

MR. HEMMANT: So they might; but still he thought they should not compel children of six years of age to walk that distance. He would like the honorable member, Dr. O'Doherty, to give his opinion, and say whether it would be safe to allow them to walk that distance, especially during the summer months. Another point on which he did not feel very clear was, the clause relating to special schools. It was stated in the Bill that those schools were not to have any distinguishing name, but he thought they would soon get one, and that it would be looked upon as a mark of opprobrium, which would have a very injurious effect upon the children who were sent to those schools, in after life. With regard to the non-vested schools, the principal argument, to his mind, in favor of the abolition of them was, that in a young colony like this it was highly desirable that the children of all religious denominations should be taught together. They would all have to work together afterwards, and by keeping them apart, and making distinctions when young, it taught them to think that other children were either better or worse than themselves. He thought that when they looked around at the various churches in the colony, and saw the zealous efforts which were made by them to provide religious instruction for children in the Sunday schools, they need not be under any apprehension that the religious education of the young would be neglected. He should certainly support the main principle of the Bill.

THE COLONIAL TREASURER: He did not think he would be doing his duty in giving a silent vote upon the important question now before that House, but in giving his opinion upon the Bill, he should sedulously refrain from entering into the details of the measure, because he thought they could be much better debated in committee than on the second

reading. He might as well say at once that he was in favor of the Bill. He fully believed in free education, and he thought that its success, up to the present time, was a sufficient argument in its favor. There were some honorable members of that House, and some members of the community outside, who were of opinion that that was quite far enough for the Legislature to go, and who consequently objected to the establishment of a system of compulsory education; but, if it was found that free education was good—if they found that it had worked well for the country—that the more the system was extended, the more precautions were taken by the Legislature to obstruct the mechanism of worse than careless parents, who would not even give their children the advantages that free education afforded—then he would say that that made him in favor of compulsory education. That was more especially required in a colony like this, where the electoral franchise had been so largely extended under their system of legislature. Now another portion of the Bill referred to the secular system, and he must say that he was a strong advocate of a purely secular system of education, and he believed that that had become the dominant opinion in the colony; he believed that it had become so firmly established that it was the duty of Parliament to place it beyond further doubt. Believing, as he did, in purely secular education, he considered that that part of the existing education law which admitted of non-vested schools, and which was intended to extend only to those schools which existed at the time of the passing of that Act, should be repealed, and that the time had arrived when the Legislature should settle now and for ever, the secular portion of the question; he therefore did not hesitate to go as far as the Bill before them went, as regarded non-vested schools. There was another portion of the Bill which referred to payment by the State of a higher class of education, and he was free to admit that the arguments he had heard against that portion of the measure would have had some weight if it had been shown by those arguments that the State was to be at once plunged into a heavy expenditure for a system of education which was not absolutely necessary at the present time; such a step, however, was not proposed, and therefore he would not hesitate to give his assent to that portion of it. He thought that there was the strongest argument in favor of that proposition, when it had been conceded on all sides that it was the duty of the State to educate the people. He thought that that being admitted, there could be no half measure—or that they should try to stop it. The only thing he had heard urged against the higher class of education was a monetary consideration, but he thought that that was very small indeed, when compared with the great advantages that would flow to the colony by having

a higher class education placed at the disposal of the youth of the colony. He thought that no honorable member would attempt to set up against the advantages of such a system of education, the mere pounds, shillings, and pence it would represent; but that might also be met by the fact that they did not intend to go at once into great expense. He hoped, however, it would be a portion of the growth of the colony, and he thought that the colony ought to be proud of the fact, if the Bill became law, that they had not stopped short in assisting every class to enjoy the benefits of a good education. Why should they stop short? He considered the Bill was an admirable one, and he should give it his strongest support.

MR. LILLEY: He believed that no man in that House or in the colony would feel deeper or more heartfelt satisfaction than he should, if the Bill before the House became the law of the land. It had received, he need hardly say, his most careful attention; and, in fact, he thought all who heard him would believe him, when he said that in drafting and preparing it he had performed a labor of love. He had taken a very deep interest in the subject of education in this colony from the very first hour that he landed in it, and the subject was forced upon his attention at a very early period of his life by observing that there was almost a total deficiency of the means of acquiring education, not only in the country districts, but also in the towns of the colony. It became so firmly impressed upon his mind, that his first literary contribution to the columns of what was now the *Brisbane Courier* was on the subject of education. If that article could be recovered, and he was sorry to say he could not recover it, it would be found that the aspirations sought to be carried into effect by the present Bill were embodied in that early literary effort. He had never lost sight of the subject since, and with the true practical administrative sense of his honorable friend, the Premier, he had been enabled to put the Bill into such a shape as to feel that it ought to be acceptable to his fellow colonists, although he was not prepared to admit that immense contributions could not be made to it in its passage through the House. The general principles of the Bill were about five in number. The first was the cardinal principle of the Bill, which was to place the position of the teacher in the colony in the rank of the liberal professions. He need not tell honorable members that in times past, up to this very time, indeed, the position of the teacher, except in some of the very highest schools of the old country, had been of a rather humble rank. The schoolmaster had been too much regarded as an individual of merely secondary importance.

THE SECRETARY FOR PUBLIC LANDS: Hear, hear.

MR. LILLEY: He believed they could not hope to raise the standard of education—they

could not hope to raise the general mind, of any country—unless they placed the teacher, first of all, in as high a position as they possibly could; in other words, they ought to make him feel, and the country feel with him, that he was a member of a very useful and liberal profession. One object of the Bill was to tempt young men to seek the position of a teacher in the colony as an honorable service; and, in doing so, as a means for that end, the Bill sought to induce them to take at least membership in the contemplated University. Therefore, honorable members would see that the establishment of the University was one of the first principles of the Bill, or rather one of the first means to one of the most important ends sought by the Bill; so that if they meant the teacher to be raised in the public estimation—if they sought to tempt young men into this liberal profession—they must begin by placing within his reach the means of taking a degree. Although he had not intended, after the very clear explanation of his honorable friend at the head of the Government upon the details of the Bill, to enter into them, yet he would now incidentally deal with the question of the University. The University, as he had stated, must be established, in order that the teacher might take the rank required by the Bill; and it need not be, in the first instance, an expensive institution. On the contrary, so far as the University was concerned, at first, two or three professors would be all that would be required; and they might be found among the gentlemen who were to form a portion of the first Senate. As, in the first instance, the number of pupils would be very limited, the University so formed would be, or could be, a teaching or lecturing body, and, of course, it must be an examining body; in fact, for some years, the work of the University would be of a very limited character. The expense of its establishment and maintenance would be very small, indeed, so that that need not form, in any way, any objection to that portion of the scheme. To his mind, the Bill, and the whole Bill, ought to be passed by the House. The Bill had been carefully framed and put together, and it was difficult—at all events, he found it difficult—on examining it, and trying to take away a portion of it, to dispense with any of it with safety to the rest. It must be a structure from the foundation to the roof; every portion of it was essential to its solidity, permanence, and beauty. Therefore, to remove the University from it would be to defeat one of the principal ends of the Bill in the training of the teachers. But honorable members who proposed to eliminate that from the Bill would, he was sure, in all kindness and frankness look at the Bill again, and consider that the University of the Bill was a substitute for the old Board of Education; and, therefore, if they took away the University, they would leave the system intended to be established by the Bill entirely in the hands of the

Minister of Education to be created under its provisions. He might express the hope that the first Minister under the Bill would be a man of education and ability. The higher his education and ability, the greater the blessing to this country. He (Mr. Lilley) was satisfied from the way in which the whole colony thought, and from the wisdom and liberality of its Parliament, from the first, in the matter of education, that if the first man who should take charge of the Department of Education was a zealous man, as well as educated and able, the colony would receive the greatest benefit from his administration under the Bill. We wanted not simply zeal, but knowledge; not knowledge and simply zeal, but ability and education. He hoped that a man would be found possessed, not of the very highest attainments, but with sufficient ability and learning to make a creditable and leading Minister of his department. However high his ability or deep his learning, or noble his zeal in the department of education, he would not be able alone to administer the education system under the Bill. Therefore, his (Mr. Lilley's) honorable friend at the head of the Government and himself, in framing the Bill, deemed it essential, when displacing the Board of Education, that its place and functions should be supplied by a body of the highest class. That he regarded as one of the chief advantages of the Bill, because the duties imposed upon the University were of a great and expansive character. The University would have to carefully select and prepare, or cause to be prepared, or to acquire by purchase or otherwise, the right to print all the text books to be used in the schools of the colony, the colleges, and in the University itself. In fact, the "University of Queensland," if it did its duty under this system of education, was charged with the duty of guiding the education of the colony up to the most advanced state of knowledge in the world, if it was able. And an immense advantage was gained by the colony when it should have a university faithful to its trust in the discharge of that duty. Honorable members would see that the University was one of the cardinal portions of this proposed enactment; therefore, he hoped that they would see their way to permitting the Bill to pass in its present form, keeping, as the Bill very carefully provided to keep, the control of the expenditure under it in the hands of Parliament. He foresaw and felt that, in the hands of a zealous Minister, the greatest extravagance might be committed—erecting large buildings for the University;—he might be disposed to enter upon a very heavy expenditure in this matter of educational advancement, and it would never do to leave the control of the whole educational fund in the hands of one Minister. He should not like to be charged himself with it; he did not know to what lengths he might not go. He hoped, however, that if he should

be charged with such high functions as those of the Minister for Education, he should keep within due limits. But, whoever the first Minister might be, whether a zealous man or the contrary, he would be responsible to Parliament; and so long as the expenditure was under the control of Parliament, there could be no mischief or extravagance of any consequence committed. So much for the principle of teachers. The promotion of the teacher—his character, his attainments, his position, were elevated—in the public mind being secured; the next step—the next essential principle of the Bill—was, to promote, to raise, the schools: the system beginning with, but not unnecessarily, forcing the people to send their children to the public schools. The Bill proposed to pass on the children from the primary school to the grammar school, from the grammar school to the college, from the college to the University. If the child should have the means, or the parent furnished the means of supporting it, the child should receive the full benefit of the education provided by the colony. The object was, that, if there were such teachers as one who had been described by the honorable member for West Moreton, Mr. Thorn—a man of whom he (Mr. Lilley) had heard, who had broken down his health by the excess of his zeal for teaching his children—and many such zealous and efficient teachers he believed the colony would have—such men would raise their schools higher than the average; higher than the Normal School, he was going to say, and up to the standard of the grammar schools; and, with such results by able teachers, their schools could pass from the rank of primary schools to that of grammar schools; and grammar schools, from their results in like manner, under able teachers, could pass to the rank of colleges. So that the Bill provided by easy means a stimulus to the teachers in the promotion of the schools; and in that way, it was sought constantly to provide for bringing the highest class of schools efficiently within the reach of the most remote districts. In that way, too, was obviated one of the objections raised by the honorable member for Clermont; namely, that the children would not be able to maintain themselves in Brisbane or the large towns while acquiring the higher branches of education. If the Bill was administered fairly, if the teachers were equal to the work placed in their hands, a portion of the primary schools would be found doing the work of the grammar schools. As many of the teachers of the primary schools were capable of imparting a great portion of the rudimentary instruction given in the grammar schools, if the standard of teaching was found to be high, such a teacher might form a class of pupils who would receive from him the higher instruction given in the grammar schools; so that, without building a grammar school, or anything like extravagance, without expense at all, the advantages indicated could be

secured to the children. Thus, the system was designed to work with efficiency and economy in providing a general education—a full one, he hoped—for the young of the colony. Students would pass from the grammar schools to the colleges, and from the colleges to the University. The university would not be expensive. For a time, it might be an examining body merely. But it would not be limited to examining pupils only who had passed through the schools; but pupils would be examined coming from whatever place they might, private or public school. Any student might present himself, if up to the standard required for passing the University; and if able to pass the examination, he would be entitled to his degree. It would be an open University; but the student could only pass by examination. From the primary school to the grammar school, the pupil could only pass by examination; from the grammar school to the college, he must pass by examination; and from the college to the University, he must pass by examination. There could be no favor to the rich under the Bill. If a rich man's son was not able to pass his examination he could not go up to the grammar school. Under the system, the poor man's son could not be excluded, if he was up to the standard. The poor man's child could not be excluded on account of his poverty; nor could the rich man's child be admitted on account of his wealth. Of course, he (Mr. Lilley) need not say that under a system which was to raise the public mind, it was not an object to produce exotic flowers of genius—to force the minds of a few. The standard would be such as to enable the average intellect to pass from the school to the college, and on to the University. The Bill was based upon the broad general principle which lay at the foundation of the system of State education adopted by this colony. He wished this to be observed, in continuing his speech, that he regarded it as the child's right to be educated, which the Bill dealt with—not the parent's right to the child. Education was the right of every child in the country, and the Bill gave it. The Bill took care that the parent should not stand in the way of his child's receiving education. That was the principle of the Bill. The colony had already recognised the duty of the State to educate its children; but he (Mr. Lilley) said it was the interest of the state—he put it upon that very lowest consideration—it was the interest of the State to educate its children.

The COLONIAL SECRETARY: Hear, hear.

Mr. LILLEY: He repudiated altogether the argument that had been advanced—the feeling which first advanced it had died away almost, here—that State education was in any form whatever charity. Instead of the parent paying the schoolmaster he paid the tax-gatherer, and received back in the form of the education of his child a part of his contribution to the state fund. He utterly

repudiated the idea that there should be any exclusion of the rich man's child from the schools, or that one member of the community should be made pay a tax for education, and not the other. In the first place, who was the rich man? How could it be decided that one man could pay for education, and not another? All had to bear part of the general taxation of the country. How could a man be said to be rich or poor enough to entitle him to the distinction of paying or not paying specially for the education of his child? Why recognise an invidious distinction, when the country had admitted the principle that a free education was to be given by the State? Why enable the rich man to take a higher form of education and exclude the poor man? If the rich man's son could not reach the standard of any school or college, then let the rich man, if he chose so to complete his son's education, send him to a private school and pay for him. The State schools would be open to all alike. One law was not made for the rich and another for the poor. The Bill recognised the right of all the children of the colony to a free education, just as much as they had a right to the protection of the police or the administration of the law. Because a man had the protection of the police, no one said it was charity. It was paid for by the State. No one said to the rich man, that he should be provided with a policeman; and to the poor man, that a policeman should be provided for him. Rich and poor together paid the taxes, and they agreed to give their children education out of the common fund. He did not see why there should be the slightest distinction, and he saw no reason in the objection of the honorable member for Western Downs: it sprang from want of comprehension of the Bill, from narrowness of mind, from lack of liberality and human sympathy. The next advantage which the Bill sought to promote, was to keep the system of education up to the latest advances of knowledge in the world; and, as he already said, that would be the duty of the University. That would be an advantage gained by having a learned body of men constantly on the watch to see the state of education as it advanced elsewhere, and to keep the text books up to the latest standard of scientific research, and in every way to maintain a system of education in the colony of the highest possible class. Now, the fourth principle of the Bill was its administrative elasticity. The Bill could not lay down all the minute details that would be required in administering the system of education which it would establish. In fact, if it had been attempted to pass a Bill through the House embodying all the minute and diverse regulations that would be found necessary in order to give effect to the principles of the measure, the promoters of the Bill could not have hoped to be successful. It would be a labor of months to prepare them. The Bill recognised it as the duty of those

who would be charged with its administration to prepare the regulations, which must be strictly in accordance with its cardinal principles. Therefore, the administrative part had been left elastic. The system of education provided for was capable of being the most advanced in the world. He did not believe there was a measure like the one under consideration in existence in the world.

THE SECRETARY FOR PUBLIC WORKS :
Hear, hear.

MR. LILLEY: He heard the voice of the Minister for Works. The honorable gentleman was very doubtful of the advancement for which he (Mr. Lilley) contended; but it was deserving of commendation, that a young country like Queensland should show the old countries of the world that she could go a step beyond them. Honorable members knew how difficult it was to adapt the old and fixed forms of society at home to these new countries. But we in these new countries had the good fortune to have shown the way, in many respects, to our brothers and sisters at home. All knew with what inveterate obstinacy the repeal of public executions, adopted from these countries, was resisted at home. And the ballot, for instance, was adopted from Australia. The common argument, when anything new or advanced was proposed, was, that it was un-English. At this point, he would turn to the speech of the honorable member for Western Downs, Mr. Wienholt, who had stated that compulsory education was contrary to English opinion. Education was compulsory in England, now, under the Education Act of 1870; and parents had been brought up and fined for not sending their children to school. Parents in England must send their children to some school. Although the Bill did not compel parents to send their children to the State schools, yet it did require that all the children of the colony should go to some school. It was not un-English; on the contrary, it was in accord with English sympathies and English feeling. And the free system was not contrary to English feeling, because, at home, now, it was freely debated whether education should not be open to all without payment. He (Mr. Lilley) had not the slightest doubt that in this particular, as in others, the home authorities would follow the lead of the colonies. The fifth principle of the Bill was, that the system should be made one which would educate the general mind. As he before said, it was not to be merely a system which was adapted to lads of exceptionally great ability. The object of the Bill was to raise the standard of the public mind, to raise the intelligence of all ranks, throughout the colony. As far as the State education was concerned, all children would start in life on the same footing; and it was the privilege of the children to get the best education that the State could give, and to get it irrespective of the wealth or poverty of their parents. Every parent must send his child to school.

The rich parent could send his child to other than the State school if he chose; the Bill did not prevent him. But, even under the Bill, if he did not wish the education of his son to be free, so far as he was concerned, he could make such gifts and benefactions to the schools as would satisfy his scruples: yet it would be an absurd feeling to prompt any endowment. He (Mr. Lilley) hoped that the Bill would enlist the sympathy and liberality of the rich men of Queensland, and that some of them would endow colleges, scientific schools, technological schools, industrial schools, and classical schools, as they were required in the colony by its increasing wants. He should not go into the details of the Bill, because they were matters for committee; but he should refer to one matter which had been mentioned by the honorable member for East Moreton, Mr. Hemmant, as to the insuperable difficulty of the distance which children of six years of age would have to overcome in going to school three miles from their homes. Children of earlier years were admitted into the primary schools at the present time, and he could show that children of most tender years attended. He directed attention to Appendix C. to the Report of the Board of General Education for 1870, p. 293 of the "Votes and Proceedings" for 1871, in which would be seen, amongst other interesting information, "the number of children, between 5 and 15 years of age, residing within a radius of two and a-half miles of the school, who had received no instruction during the twelve months":—At Allora, the number of children who attended the primary school was 124; the number of those within the specified ages residing within the prescribed radius, who received no instruction, was 10. Honorable members would see how small a number did not attend school, and how slight was the difficulty presented to the fulfilment of the condition. At Bald Hills, a purely agricultural district, very scattered, and where the children resided at considerable distances from the school, there were no children who did not receive any instruction. At Blaxland's, there were only two children within the prescribed radius "receiving no instruction, the age of each being five years." So that honorable members would see that even of the most tender years the children were at school. He might, therefore, say for the comfort of the honorable member for Western Downs, Mr. Wienholt, that there was no fear on the score of the objection he had raised. He would acknowledge the kindness and generosity with which the Bill had been treated by honorable members who had spoken. He was satisfied that the old spirit of the Queensland Parliament was here—absolute generosity in matters of education, and a desire to do right to all parties. Although the honorable member felt that compulsory education was un-English, there was only a slight necessity for its application,

and it would only be in those solitary cases where the parent was incorrigible that the State would have to administer to him a slight pressure to compel him to send his children to school. But he (Mr. Lilley) would continue his references to the return:—At Bowen, there were 242 children attending school; 20 received no instruction. At Bowen Bridge, 169 attended; “a great many children within the radius were comparatively untaught:” a state of things far worse than in the bush. It was not in the bush so much as in the towns that the necessity for compulsory education was felt; and there was the immense advantage that, whilst the necessity was greatest in a crowded population, the difficulties of enforcing the compulsory system were diminished. The return went on to the end very much in the same way:—At Cleveland, only one child did not receive instruction. At Condamine, 8 were without instruction. At Dalby, 405 were at school; 50 were without instruction: the town again! At Doughboy Creek, 12 were without instruction; and at Drayton, 9 received no instruction. Even in the little bush towns, there seemed to be greater anxiety and care in getting the children to school than in the large centres of population. Honorable members would see the same tale throughout the whole of the return. So that even in the little bush towns there seemed to be a greater anxiety and care in getting the children to school than in the large centres of population. Honorable members would see it was the same all throughout that return. A very important question had been raised about the education of girls. The Bill provided that girls might avail themselves of all the benefits of the system of education; and he need not say that, without putting in all the details, the Bill could say no more about them; because, when the House opened to girls the advantages of the system of education, they must provide for their education in separate schools, or in separate portions of the schools. Of course, no one would think of mixing the girls, above the very tenderest years, with the young lads who were to receive education. Therefore, provision would be made for the higher and more refined instruction of the girls under the system proposed. He did not look upon any part of such education as a luxury. There was no form of training of the mind, no accomplishment that could be conferred upon the mind, that he regarded as a luxury, and that was not more or less a necessity. He thought that to call any portion of education a luxury, was—he was going to say, absurd—to do that which had no foundation whatever in reason and truth. Wherever God has given us a faculty, to train that faculty seemed to him (Mr. Lilley) a necessity; at all events, a means of delight, and by no means to be placed in the category of luxuries. He believed, too, if the State could afford it, and this colony could, that the State ought to place within the reach of

both sexes, not only the means of useful instruction, but the means of innocent and pure enjoyment for every faculty of the soul. The State, in the matter of education, knew no aristocracy, except as God himself had created it, in giving to one human being loftier faculties than to another. As far as state education was concerned, all men were equal, all should stand equal, at all events, in the outset of life.

HONORABLE MEMBERS: Hear, hear.

MR. LILLEY: He hoped that the honorable member for Clermont would give the framers of the Bill credit for having sought information wherever they could find it in reference to this matter. And the honorable member for West Moreton, Mr. Thorn, who pleaded for a purely secular system of education, would bear with him here. He (Mr. Lilley) differed from the honorable member to whom he referred last. He never was an advocate for a purely secular system of education. He wished to explain his meaning:—He believed, if it could be done—and here he agreed with the Minister for Lands—that a religious education ought to be given to the young. Religion was a sentiment of almost every created mind; it was one that must be administered to; and it was desirable, too, as a matter of State policy. As far as the State could do it, it should awaken, and cultivate and foster the religious sense. But, when he said that the State should do that, he had to consider how far the State could teach religion; to what extent the State could go in keeping alive in the mind that sense of duty. It was impossible that the State could, in the present condition of religious thought and opinion, teach dogma. Otherwise, there must be established in every portion of the State endowed schools of every denomination; at the expense of the State, schools must be built, and teachers employed, for each and all of the religions professed in the community. That, he maintained, was impossible. If we were a State having one religion, should it be Roman Catholic or any form of Protestantism, or Bhuddism—take it, for the sake of argument—of course, it would be our duty, as a state, to teach that form of religion. But, inasmuch as we were a Christian people, with great diversity of thought and opinion upon the subject, we could only give an education recognising those broad general features of religious teaching upon which all Christians were agreed: and there were such features, there were such grounds, of religious belief, upon which there was no serious difference among the various Christian religious bodies. The Bill proposed, therefore, to recognise religious teaching as of value, and to give it, as much as possible, without offering offence to the conscience of any member of the community who might send his child to school. Upon that vexed subject, upon which he felt as much responsibility as any member of the community, he should say no more. It was

impossible for him, speaking at this early stage of the debate, to say more. There might be some objections which it might be difficult to answer. Those who were responsible for the Bill strove for as much good as could be achieved by the State; and that was all they could reach. If the House could meet on a common ground, all the better; they would work in harmony, and the system would be the more effective. The honorable member for Western Downs, Mr. Wienholt, had said that there ought to be a board to see that the masters did their duty. The Bill provided for that;—first, by the University; and secondly, the Governor would have power to appoint local patrons, who would see that the teachers did not infringe the rules made for their guidance and conduct. No objection had been raised that the Bill had not forecast and met. He (Mr. Lilley) believed that the more carefully the Bill was examined by honorable members, they would find that it met every conceivable point of difficulty. Of course, all the general details were not laid down in it, but the measure showed the broad tracks over which the administration of education under the Bill must travel. Of course, he could not answer, as he had not heard, any argument in opposition to the granting of degrees to females. It seemed to him to be the most unwise thing in the world to deny this privilege to girls who might have capacity. He was in one of our schools very lately—an admirable school, near Maryborough—he would not mention it by name, because there might be jealousy in other places—and in the highest classes there the cleverest student was a girl. She was extremely expert in the acquisition of knowledge; clever in arithmetic, she read beautifully, she wrote a nice hand, and in all the subjects of education imparted in that most admirable school she was pre-eminent. But, mind, she was not an exotic, because all the children in that school—and he had heard them, from the highest to the lowest class—read admirably the English books that they had in their hands; they read with emphasis, with feeling, with manifest understanding; in fact, he was delighted with the results of his short examination of the school. He said, with pride and pleasure, that it was the most gratifying thing to find even that measure of instruction so well imparted in this colony. Nor did he believe that that school was at all singular. He believed that at our own national schools generally, the same admirable training was given. Of course there were men so specially gifted for teaching, who would raise even a common school in the elements they were teaching above the standard of the highest school in the place. Such results were brought about by the gifts of the teacher; and the State could not provide that rare ability for all the schools. But everyone must have the most heartfelt satisfaction that throughout this colony the standard of primary education was so high,

and the education given so thoroughly well. That rather encouraged him to proceed. It would be a proud claim if, in the Australian colonies and in other parts of the British empire, it was sufficient for a lad to say, in answer to any question upon the matter of education, that he was a Queenslander, and such answer should be taken that he must needs be well educated. As for the degrees to girls, there was one argument which weighed in his mind more than any other. Up to a recent time in the history of the world, for all purposes of useful education, for all purposes of real educational advancement, the female intellect was actually left thoroughly, utterly, uncultivated; and so one-half of the human intellect was untrained. That should not be longer, because boys were influenced by the mother's mind; and this was the most powerful argument for, if possible, the highest class of education for the girls. Their claims should not, at all events, be neglected. All knew, that in the busy everyday life of these colonies, and of the world, with the pressure on the thought and the time of the man, the woman at home was the most important educator. He did not hesitate to say that when women could be found to devote themselves to instruction, their rare tact and skill in imparting elementary education never equalled by men. He proposed, therefore, in the Bill, to make great use of the gifts and attainments of women, and he believed it was recognised by the House as most important to open to women of high intellect the prizes of the highest class of education. If they surpassed men, so much the better. He had no jealousy. The old feeling of the "lord of creation" had no place in his mind in this matter. Intellect should be free all over the world, and all the advantages that could be offered for its cultivation and development, whether in male or female, should be open to it in this colony. The honorable member for Western Downs, Mr. Wienholt, had said that the parent should provide the higher education. In the first place, he might as well remember the fact that the great mass of the population, the lower class, being to a great extent uneducated, did not sufficiently appreciate the advantages of education. That was why he (Mr. Lilley) would take the right from the parent, and make it the business of the State to educate the child. To provide the child with food and clothes, was, thank God! the natural instinct of every parent: few parents failed to discharge that duty in some measure—some of them in the greatest possible measure discharged their duty for the clothing and sustenance of their children. But they had not all the same knowledge or sense of the advantages of giving education to their children. While it was not so much the advantage of the parent to give the child education, it was to the advantage of the State to educate him. The State had a far greater interest in the education of the child

than the parent. This did not apply to the educated parent, who had an overwhelming interest in the education of his child—it was not the educated parent of whom there was any fear that he would neglect his duty;—it was chiefly the poor and ignorant, those who, not knowing the value of education themselves, did not think it necessary to give it to their children, in whom the State had an abiding interest. In fact, it was difficult to get parents, particularly the humbler classes, to keep their children at school sufficiently long a time. He deemed it well, by the Bill, to compel them to keep their children at school up to fourteen years of age; and, in order that that should not be a burden upon those parents who wanted their children's labor, he had inserted the "half-time" system, under which the children's time, from ten to fifteen years, might be divided between labor and school. He proposed that the child who worked half-time should thus attend school a year longer than the child who gave all his time to school. But he believed that with the advance of knowledge in the colony—and certainly when one or two educated generations, that was, within the next ten or fifteen years, were going out into the world—there would be very few cases indeed of withholding children from school; there would be none except that of the drunkard, or dissolute, or idle parent; and there would be very little reason to apply the compulsory portion of the measure. Although it was a somewhat dictatorial provision, he believed the time would come when it could be removed; yet, meanwhile, it was in the interests of the children that it was inserted in the Bill. It would only be the dissolute and careless who would have any reason to complain of it. It would have no weight in the mind of the man who recognised and knew the value of education, and who would have his children—who was anxious to have his children taught. As to the honorable member for Clermont, who had said that the merest rudiments of education should be given by the State, he was too far behind the age; and he (Mr. Lilley) was sorry that the honorable member was so. Under the Bill it was proposed to establish industrial, technological, and scientific schools. Looking at education as a mere matter of State economy, it was well that the colonists should have a really useful education. Give them some knowledge of science and of its applications to the arts of life. By doing that the State would receive fifty-fold the advantages of increased intelligence in the increased wealth of the community. In that merely selfish view, the advantages to the rising generation would be immense, and would outweigh to that extent the cost of its education. He admitted that if the State schools were limited to giving a merely refined education, a classical education—he thought the classics were useful as well as

refining—as distinct from a scientific, a mechanical, a purely useful education, there would be some force in the argument, that to establish them would be going to unnecessary expense. But when it was contemplated by the Bill to lay the broad foundations of an industrious people, who would have the means of wealth within their reach, by the advantages which a high intelligence would give them, cultivated and fostered in the schools, and who would return fifty-fold the outlay of the State in promoting the industry and intelligence of the people; it could not be said that the system proposed to be established was unnecessarily expensive. He (Mr. Lilley) wished honorable members to take a broad view of the matter. The honorable member for Clermont seemed to think that when the Bill dealt with incorrigible children, it ought to deal with incorrigible parents. If he (Mr. Lilley) was drafting a Vagrant Act, he could easily understand that he might meet the views of the honorable member to punish incorrigible parents. The Bill went as far as it could for safety at present, in allowing parents to hand over intractable children to be placed at school under the board; and it would deal with incorrigible parents not sending their children to school. If it should be found insufficient, that could be remedied; but the promoters of the Bill were not disposed to make its provisions as strict as the Vagrant Act. The honorable member had recommended that the provision of high-class education should be left to those who were able to pay for it from the growing wealth of the world. Whilst the wealth of the world was growing, its distribution was not always growing in an equal ratio; so that the world might be very rich, with an immense mass of poor people in it. To wait till the world grew richer, to give the people a sound education, seemed to him (Mr. Lilley) something like keeping the horse waiting to give him grass. But he found he was exhausting the patience of the House. He should only address himself to that portion of the speech of the Minister for Lands which dealt with non-vested schools. He believed it would be well to abolish those schools. They were expensive, and he believed they would very much hamper the carrying out of such a broad system as this proposed to be established. The Bill provided for all denominations.

Dr. O'DONERTY: You are not providing for denominations at all.

Mr. LILLEY: He would give no denomination the means of teaching its dogma in the schools.

Dr. O'DONERTY: They do not require it.

Mr. LILLEY: It had been the cardinal policy of this colony from the beginning to give no State aid; therefore, he thought that the House ought to adhere strictly to that principle. The children would receive in the State schools the full advantage of the education provided by the State. There was

no impediment whatever by the Bill to the teaching of dogma. The denominations could teach it in their own Sunday schools; they could teach it in their churches; they could teach it their homes. There was no interference with them. The system to be established by the Bill was at once broad and general. If the non-vested schools should be kept up, the community must forego many advantages of the system. The Minister for Lands seemed to have assumed that religion was omitted from it. As he (Mr. Lilley) had pointed out, it was not made a very prominent feature of the Bill. But the teaching of dogma and peculiar tenets of religion was not permitted by the Bill; and he could not think it desirable in any general system of education. Thus he had sketched out the broad and general features of the Bill. He thought he had done so fairly in answer to the objections that, up to the present time, had been urged against it. If any serious objections should be urged after he had finished his speech, he would take the opportunity of going into committee to answer them. He hoped that this Parliament would crown its expiring labors by giving to the country this measure for the establishment of a complete system of State education. He believed that honorable members could not place upon the records of the House a nobler monument at once to the enlightenment and the generosity of the Legislative Assembly than would be the passing of the Bill into law.

Mr. BUCHANAN said, after reading the Bill, he had an idea of giving a silent vote against it. He did not believe it would pass. But out of respect to the honorable member for Fortitude Valley, he deemed it his duty to state his chief reasons for objecting to the Bill. He had many reasons, but he should state only his chief ones. He did not at all agree with the honorable member for Wide Bay, that the Bill should have been made a Government measure; because that very fact would probably have guided votes on each side of the House. If it had been brought forward as a Ministerial measure, it might have influenced some honorable member on the opposite side to vote against the Bill, who would not otherwise do so, and it might possibly have guided some votes from the Ministerial side. Therefore, he thought that, on a measure of such importance, honorable members should be left entirely free agents, irrespective of party. Personally, he was very much delighted that it had not been brought forward as a Ministerial measure; for, firmly as he had supported the Ministry, this session, and firmly as he intended to support them, he must vote against the Bill. The main principle of free education to the poor, he heartily approved of; he thought it was a splendid provision, and to the credit of the colony, and especially to the honorable member for Fortitude Valley, who, he understood, was the means of introducing it. But,

his main objection to the present Bill, on the whole, was on the score of the enormous expense, which he was sure it would entail on the colony, and of which they had no idea at present. In the colony of Victoria, where there was a most extensive system of education, it cost the State no less than a million annually, and the honorable member for West Moreton, Mr. Thorn, who had been spoken of as the future Minister of Education, and who, no doubt, had gone over the subject very carefully, stated that he believed it would cost one-fifth of the revenue of the colony. That honorable member was an authority, and, therefore, that fact alone would make him vote against the measure. The honorable Colonial Treasurer had defended the measure, and showed what a nice thing it would be to have high class education, and also said that they should not allow pounds, shillings, and pence to interfere. Now, it was very nice, no doubt, to have high class education, if they could afford to pay for it; but it became a question whether they could afford to pay for that high class education. He maintained that it was a most monstrous Bill, and he was quite surprised that the honorable the Premier could have brought it forward even as a private measure. He was quite sure that the honorable member's heart could not be in the Bill, or otherwise he would have made a better speech on the subject than merely reading clause after clause. He would say, however, that the soul of the honorable member for Fortitude Valley was in the measure, but that of the honorable the Premier was not. There was one clause which was perfectly unnecessary, and that was, making children walk three miles to attend a school. The present system introduced by the honorable member for Fortitude Valley, had worked so marvellously well that he thought they should certainly leave well alone, and make a resolution to button up their pockets. The honorable member for Fortitude Valley had used a very nice argument when he urged that the children of the poor man had quite as good a right to higher education as the children of the rich man. It was, as he said, a nice argument, but it would not be a Bill for the poor man; for, although he could give his children the same high education as the rich, how could he find the expense of his sons' living whilst they were at those high class schools? It was simply providing a high class education for people who had not the means of providing for their children. He thought the honorable member could not have brought forward a stronger argument against the Bill than that very reason. He would take a few clauses of the Bill, although he had no intention of speaking to the measure. First of all, he might say that he objected to the preamble *in toto*. Then he went to clause 8, which said that education should be—

"Free of charge for tuition in the University and the schools.

"Compulsory on children under fourteen years of age not attending other efficient schools.

"Religious where parents shall not expressly forbid it but in all respects of such a character that all Christians may receive it without offence and without prejudice to the conscientious convictions of any parent.

"Industrial or technological.

"Scientific.

"Classical and

"Professional."

Mr. LILLEY: Our youth would not receive all that.

Mr. BRCHANAN: The colony would certainly be overrun with lawyers, if all had a professional education. The honorable Premier had very wisely passed over clauses 10, 11, and 12, and then he came to clause 13, and he wondered whether the honorable member had read that clause—

"The senate so constituted shall frame statutes for the full organisation and work of the University and shall submit such statutes to the Governor in Council for confirmation and upon being so confirmed such statutes shall have the force of law."

He would say that if ever a Bill gave enormous power to Ministers, it was that Bill. He should do his best to oppose every clause except those providing free education for the poor.

Mr. THORN wished to explain, in reference to what had fallen from the honorable member for the Warrego, that he said that most probably, next year, if the Bill passed, one-fifth of the revenue would go to pay for State education, exclusive of that required for interest on the loan, and that was an argument in favor of having a responsible Minister at the head of the Education Department.

The SECRETARY FOR PUBLIC WORKS moved—

That the debate be now adjourned.

The motion was put and carried.