

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 25 JUNE 1874

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LEGISLATIVE ASSEMBLY.

Thursday, 25 June, 1874.

Crown Lands Sales Bill.—Navigation Bill.—Audit Bill.—
Stanthorpe Tin Selections.—The Rev. C. P. West.—
Salary of Sub-Inspector at Maryborough.—Petition of
William Coote.—Petition of P. N. Corbett.

CROWN LANDS SALES BILL.

The SECRETARY FOR PUBLIC LANDS moved
that the Order of the Day for the adoption of
the report of the committee on this Bill be
discharged, with a view to moving that the
Bill be re-committed. His reason for doing
so was that there were certain alterations
required in the earlier part of the Bill which
were rendered necessary by amendments
which had been made in subsequent parts of
it.

The question was put and carried.

The SECRETARY FOR PUBLIC LANDS moved—

That the House resolve itself into a Committee of the Whole, for the purpose of reconsidering certain clauses in the Crown Lands Sales Bill.

Mr. ROYDS strongly objected to the motion being pressed at the present time, as honorable members had not had sufficient time to revise the Bill since it had been reprinted with the amendments made in it.

Mr. MILES objected to the motion, as, on the previous evening, the honorable Secretary for Lands had decidedly refused to recommit the Bill.

Mr. WIENHOLT thought there might be some other clauses besides those which the honorable Secretary for Lands had indicated, which required amendment, and for that reason he considered more time should be allowed to honorable members to examine the Bill as reprinted.

The question was put and carried, and the House went into committee.

On clause 1,

The SECRETARY FOR PUBLIC LANDS moved the omission of the word "agent" with the view of inserting "commissioner."

Motion agreed to.

On clause 2,

The SECRETARY FOR PUBLIC LANDS moved the omission of the words "The Mineral Lands Act of 1872;" the omission of the mineral clauses from the Bill rendered the repeal of that Act unnecessary.

Motion agreed to.

On clause 34,

The SECRETARY FOR PUBLIC LANDS moved the omission of the last two words, with the view of inserting the words "the land upon which he shall have been resident."

Motion agreed to.

On clause 47,

Mr. GRIFFITH moved the omission of the words, in the 25th line, "in the event of the death of the conditional purchaser intestate," and that the words so omitted be placed after the word "and" in the 26th line. It was merely a reconstruction of the clause.

Motion agreed to.

The House resumed, and the Chairman reported the Bill with further amendments.

The report of the committee was adopted.

NAVIGATION BILL.

The COLONIAL TREASURER said, that in moving the second reading of the Bill, he did not intend to occupy the time of the House at any great length, as the subject was not a very interesting one, and he did not think there were many honorable members who had not read the Bill through. The Bill would, he believed, be found a very useful one, and one that would do for the navigation laws of the colony what the Customs Bill of the honorable member for Dalby had done for the various laws on the subject

of customs. It was a consolidation of twenty-one Acts which were in force in this colony relative to shipping matters, such as pilotage, port and light dues, and other things. It had been principally drafted by the Portmaster of Queensland under the direction of the late Government, and that gentleman had bestowed considerable care and attention upon it. The Bill, as no doubt honorable members were aware, originated in the Legislative Council, where it had been introduced by the Collector of Customs; and it had received the approval of that Chamber, many of the honorable members of which were gentlemen largely connected with the mercantile and shipping interests of the colony. He might also mention that out of doors it was considered as a very satisfactory measure by those interested in shipping matters generally. There would be a great many alterations in the present law which would be brought about by the operation of the Bill, and in many ways the shipping laws would be amended; some of them, he might remark, were passed in the old convict days when ships went to Port Jackson, and they might, therefore, be considered as unsuitable to the present circumstances of this colony. The Bill also contained many of the latest improvements introduced by the British Parliament into the Imperial shipping laws. One of the principal alterations was, that vessels employed in the coasting trade of the colony would be relieved from the payment of all dues and charges, and that, he believed, would have the effect of greatly increasing and facilitating our coastal communication. All vessels clearing for an outside port received a clearance, which rendered them subject to various customs charges; but a vessel clearing for any port within the colony would receive what was termed in shipping circles a *transire*, and would, under that, be exempted from all dues—either light, pilotage, or port dues—excepting they actually employed a pilot. The Bill also empowered the Marine Board to deal with incompetent persons in charge of either steamers or sailing vessels; and that Board would further be allowed to grant certificates to engineers, mates, &c., the obtaining of which certificates would be rendered compulsory. They would also grant certificates of service, so that any person having the command of a vessel, or holding the position of master or engineer before last January, would receive a certificate of service which would be hereafter received as a certificate of competency, and would relieve him from undergoing any examination. Then, again, there was a provision by which coasting vessels would be compelled to carry a certain quantity of stores, in case of accident, it being frequently the case that those vessels were very badly provisioned. Another very important feature of the Bill was that it gave power to the Marine Board to frame regulations for conveying passengers between

the different ports of the colony. He thought the House might pass the second reading of the Bill with very great safety, considering that it had been most carefully prepared under the supervision of the Marine Board, and by the Portmaster, who had devoted a great deal of time to it. It was, moreover, a measure that would have been introduced by the honorable member for Dalby had he occupied the place now occupied by himself (the Colonial Treasurer). He might mention that the Bill was one of those measures which it was necessary to send home for the Royal assent to be given to it; so that honorable members might feel perfectly satisfied that, if it possessed any imperfections or any improper provisions, they would not be allowed to remain in it after it had gone through the severe scrutiny of the Crown law officers at home, which all measures affecting the shipping laws had to pass through. There was one provision in the Bill which was of importance, as it would enable the Government to deal with the cases of foreign-going vessels, such as the "Alar-dus," the circumstances connected with which were familiar to most honorable members. He did not propose to occupy the time of honorable members by going through all the clauses of the Bill; but when it was in committee he would point out the various alterations it would make in the present laws. There was one amendment which he intended to propose. The Bill at present only allowed storekeepers to keep 25 lbs. of gunpowder on their premises, but experience had proved that that was too little, and that it prevented the sale of small parcels, as it would not pay a storekeeper to be constantly sending down to the magazine for small quantities. The insurance companies now allowed 200 lbs. to be kept on the premises, and he should be prepared at the proper time, to move an amendment, that the amount be increased to that quantity. The rates for storing powder in the magazine had apparently been increased, but they were not so in reality; the Bill also proposed to give power to have private magazines. With those remarks he would move—

That the Bill be now read a second time.

The question was put and carried.

AUDIT BILL.

The COLONIAL TREASURER moved—

That this Bill be now read a third time.

Mr. GRIFFITH said he was anxious to know what was the intention of the Government with regard to the Crown Remedies Bill—whether they intended to proceed with it?

The COLONIAL SECRETARY: Yes.

Question put and passed.

STANTHORPE TIN SELECTIONS.

Mr. MILES moved, pursuant to notice—

"1. That the petition of the working miners of Stanthorpe and surrounding districts, presented

to this House on the 9th instant, be referred for the consideration and report of a Select Committee.

"2. That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House; and that it consist of the following members, namely:—Mr. Morehead, Mr. Bailey, Mr. Groom, Mr. Beattie, and the mover."

He might state that from the fact of the honorable the Secretary for Lands having objected to the motion as a formal one, he was under some apprehension that objections would be raised against it. He could hardly see, however, on what ground the honorable member could make any objection to it, as it was for the appointment of a Select Committee to inquire into certain matters affecting a large number of miners at Stanthorpe. The facts of the case, as set forth in the petition, were very simple. It appeared that a certain selection at Stanthorpe had been forfeited by the non-payment of the balance of the purchase money within the time required by the Act, and it also appeared that some time after the forfeiture had been proclaimed, and the selection had been thrown open to men working under miners' rights, the honorable Minister for Lands had received the balance of the purchase money, and had withdrawn the proclamation of forfeiture. That was done ten weeks after the selection had been proclaimed forfeited. It was discovered, after the selection had been forfeited, by some men who were working under miners' rights, that the land contained a large quantity of tin; and that discovery coming to the knowledge of the original selectors, they tendered the balance of the purchase money, which, although ten weeks after the required time, was accepted. He understood that that money was first tendered to Mr. Hume, the commissioner; but that gentleman declined to receive it on the ground that it had not been paid within the time required by the Act. He had no doubt that the honorable Minister for Lands would say that the land had not been taken up under the Mineral Lands Act of 1872, but under the Act of 1869, and that, therefore, he was not bound to refuse to accept the purchase money; but he (Mr. Miles) had looked very carefully over both Acts, and had found that they were quite similar in that respect. He thought the matter was one that should be inquired into, and, with that view, he brought forward his present motion.

The SECRETARY FOR PUBLIC LANDS said he hardly thought it was advisable to appoint a Select Committee at that late period of the session; nor did he think the honorable member had made out such a case as would justify the House in incurring the loss of time and expense of a committee. The whole of the facts could be easily ascertained without any Select Committee; they were simply in a nutshell. It appeared that a company, called the St. Leonard's Company, owned a large

number of tin selections at Stanthorpe, on the Folkestone River, on which they had paid a deposit of 5s. an acre, leaving the balance of 15s. an acre to be paid within the expiration of twelve months. They paid that balance on all their selections but the one referred to by the honorable member. In that they were behind time, and the consequence was that it was included in a list of eighteen selections which were declared to be forfeited, and which were, according to a proclamation in the *Government Gazette*, to be thrown open, on the 27th April, as an area which could be worked by miners holding licenses. On that day, in fact, the licensees would have the power to go on the land and peg out their claims. Previous to April 27th—he believed on April 17th—the selection in question was withdrawn from forfeiture, the balance of the purchase money having been paid; so that, when April 27th arrived no claims could be taken up. The fact was, that an application had been made to the Lands Office to be allowed to pay the money some weeks after the time when it should have been paid; and it was then shown by the company that, owing to the selection having been held in a different name from the other selections, the manager had made a mistake in omitting to pay the balance of the purchase money at the proper time. According to the usual practice, in all cases of forfeiture, where it was proved to their satisfaction that the non-payment of the money was the result of a mistake, and that all other conditions had been fulfilled, the Government accepted the balance of the purchase money, and rescinded the forfeiture. He admitted that in receiving the money he had not taken the outside public into consideration, because, in his opinion, it was a matter entirely between the selectors and the Government. It must be borne in mind that up to the 27th April, the date on which the selection was to be thrown open, no miner, under a miner's right, could go upon that selection—in fact no other parties had any rights to it—and on the 17th April, or ten days before it was to be thrown open, the proclamation was withdrawn. It was said by the men that a proclamation having once been in the *Gazette*, the Government had no right to withdraw it, but that they, the men, had a right to go upon the land. He submitted, however, that they could not go upon it until after the 27th April, when it was to be proclaimed as thrown open. He contended that under the Crown Lands Act, when land was proclaimed to be thrown open on any day, persons could not go on that land before, and that even on that very day, the land could be withdrawn; so that the Government were perfectly in order in withdrawing the selection in question. There was one error in the petition, to which he would call attention. The petitioners there stated:—

“We would, therefore, submit to your honorable House, that after the proclamation in the *Government Gazette* of forfeiture, and the terms

in which the 20th section of ‘*The Minera Lands Act of 1872*’ is worded, the forfeited ground was taken up under miners’ licenses in all good faith.”

But the land in question was not taken up under the Act of 1872, which varied considerably from the Act of 1869. The Act of 1869 merely provided for a deposit of five shillings, but did not say that forfeiture would necessarily follow the non-payment of the balance; but the Act of 1872, to which the petitioners referred, was very different, as it provided that the balance of fifteen shillings per acre must be paid into the Treasury within twelve months after the first deposit, otherwise the deposit paid must be forfeited. He was free to admit that if the land had been taken up under the Act of 1868, the Government would have had no option in the matter; but, as he said before, the petitioners had attempted to apply the Act of 1872 to what was taken up under the Act of 1869. He maintained that it was perfectly correct on the part of the Government to allow the selectors a few weeks’ grace, especially after it had been satisfactorily proved that the non-payment arose from a mistake on the part of the manager. There was nothing for the committee to find out which had not been stated already, and therefore he did not see the necessity for its appointment.

Mr. Groom said he had no reason whatever to doubt the facts of the case as put by the honorable Minister for Lands, but if he had been correctly informed, there were one or two circumstances connected with the matter which gave a different aspect to it. He had received information—but of course he spoke under the correction of the honorable Minister for Lands—that Lode Creek, which was the name of the creek near the selection in question, was one of the richest portions of the tin mines; and if that was the case, it appeared to him very strange indeed that any company should have allowed their selection to be forfeited. So rich was the land there, that when twenty blocks were marked off by Mr. Commissioner Hume, the number of applicants was so great that the assistance of the police had to be called in to keep order. It appeared that about ten days after the proclamation appeared in the *Government Gazette* of the forfeiture of the land, Mr. Hume went and marked out the land to be under miners’ licenses, and that, according to the practice common with them, the miners prospected some parts of the selection, which they found to be very rich; the result of which was that there was a rush for the ground. No sooner, however, had the original selectors found out that the claim was not so poor as they believed it to be, but that, on the contrary, it still contained large quantities of tin, than they went to the honorable Minister for Lands, paid the balance of their purchase money, and got him to cancel the proclamation. That was how the case had been put to him, at any rate—that after the ground had been

pegged out by the commissioner for working under miners' licenses, and it was found to be rich, the original parties got the proclamation cancelled. There was also another thing to be said in favor of the petitioners, as stated by themselves, that, although the land was proclaimed to be thrown open on 27th April, it was only on the 17th April that that proclamation was cancelled, and that, as miners as a rule did not see the *Government Gazette*, it was not likely that they could have known anything about the cancellation until the 23rd or 24th April, when they found that it was not to be thrown open under miners' rights, as expected. He thought that, under the circumstances, the miners imagined that they had some reason to complain of the way in which that selection was dealt with. It might be some misapprehension on their part, no doubt; but he happened to know that that part of the tin mines was very rich indeed, and, in fact, would give employment to men for the next twenty-five years; and therefore there was no doubt that it was rather a singular thing that that particular selection should have been forfeited until its value was discovered by the miners.

The SECRETARY FOR PUBLIC LANDS said that the statement, that the commissioner had pegged out the selection, was not altogether correct, as the commissioner did not peg out the claims taken up by miners; but the miners themselves pegged them out, unless in cases of dispute. In the present instance, the commissioner did not go on to the selection, nor did the men, who, however, were on the lookout to take up claims on it. That had been told to him by the men themselves, when they were in Brisbane. They said that they had prospected outside, and found that the lead went inside; so that he believed all the statements as to their having prospected it, and found it to be very valuable, were erroneous. With regard to the miners not knowing that the proclamation was rescinded, he might mention that not only was there an advertisement in the *Government Gazette*, on 17th April, to that effect, but also in the Stanthorpe newspaper. He must say that the statements of the honorable member for Toowoomba were somewhat at variance with those which had been made by the men themselves.

Mr. BAILEY said, that from what he had heard, the honorable Secretary for Lands had been misinformed, as, so far from the men not having been on the selection referred to, they had actually been prosecuted in the police court for illegally removing tin from that ground —

The SECRETARY FOR PUBLIC LANDS: Yes, after the 27th April, not before.

Mr. BAILEY: More than that, he believed that the men made a complaint to the commissioner of the land not being thrown open, and that he had refused to entertain it. He thought there was good reason why the men

should be granted an inquiry, so that justice might be done to them by that House.

Mr. MACROSSAN thought the honorable Secretary for Lands had admitted that the miners had some sort of claim to the selection, as he had stated that the men had prospected outside of it, and that then the original owners came down and paid up the balance of the purchase money, and got the proclamation cancelled.

Mr. PALMER: No, no.

Mr. MACROSSAN: The honorable Secretary for Lands had admitted that the men had prospected outside of the selection.

The SECRETARY FOR PUBLIC LANDS: No; I said that that statement was made to me.

Mr. MACROSSAN: If such a statement had been made to the honorable member, he (Mr. Macrossan) would certainly think that that statement was correct. He knew that the practice on the gold fields was, that when capitalists thought there was any good ground, they generally got a lease and waited until the miners prospected around it before they decided to keep it. He should support the motion.

Mr. PECHAY thought that the honorable Secretary for Lands was fully justified in the action he had taken, but at the same time he had no objection to the appointment of a Select Committee to inquire into the matter, as he believed it would only prove that the Minister had acted correctly. He would, however, point out to the honorable member for Carnarvon that there was very little probability of a Select Committee being able to bring up a report during the present session. Although he had a very great respect for miners as a body, he must say that on the tin fields there were a great many men going about whose only object it was to fossick ground belonging to other people; and he did not think that the House should encourage any men who obtained their living in so questionable a way. There was a great deal about the case which made him think there was not much in it; there was a great deal of hearsay evidence, which, from his knowledge of Stanthorpe, he did not put much faith in. He believed that many of the statements were not correct; at the same time he did not object to the appointment of the committee.

Mr. MILES thought, if there were ever a case which showed the necessity of clearly laying down by Act of Parliament the duties of the Minister for Lands, this was one; it showed that that member should have no special powers. That honorable member laid a great deal of stress upon the Act of 1869, but he maintained there was not a single word in that Act to justify the course he had taken, and that he had acted in direct contravention of that Act, which laid down in the clearest manner possible that the balance of the purchase money must be paid within twelve months. The commissioner endeavored to abide by the law by refusing the money, but the Minister for Lands accepted it, and he

presumed that some back-door influence was brought to bear to make him set the Act at defiance. He did not believe the expense arising from the appointment of the committee would be at all heavy, as he thought the whole of the evidence required would be got from the Crown Lands Office. With regard to the remarks of the honorable member for Aubigny, there was, he thought, something very extraordinary in the way that honorable member always got up to defend the honorable the Minister for Lands; but there was a report abroad that he had received something from the Minister for Lands similar to the matter they were now discussing. He was not going to vouch for it.

The SECRETARY FOR PUBLIC LANDS: Then do not repeat it.

Mr. MILES: He merely said there was a current report of the kind he had mentioned, and if the honorable member was not aware of it, he would tell him exactly what it was. It was stated that several persons applied to select certain land, and that the honorable member for Aubigny being able to get behind the scenes, the others were ousted and the land given to him. Perhaps his information was not correct, but if such were the case they could well understand that honorable member always getting up and defending the honorable the Minister for Lands. But, however that might be, he thought the House could very fairly grant the committee, and he hoped the motion would be carried.

Mr. PECHEY rose for the purpose of making a personal explanation. If the honorable member for Carnarvon had heard any such report as he had referred to, he could inform him that it was utterly and entirely false.

The motion was then put and carried on division:—

Ayes, 12.	Ayes 10.
Mr. Palmer	Mr. MacDevitt
" Ivory	" Stephens
" Dickson	" Mollwraith
" Griffith	" Hemmant
" Edmondstone	" Fraser
" Miles	" Stewart
" Beattie	" Low
" Hodgkinson	" Pechey
" Macrossan	" Moreton
" Bailey	" Fryar.
" Lord	
" Groom.	

THE REV. C. P. WEST.

Mr. IVORY moved, pursuant to notice—

That the reason assigned by the Registrar-General for refusing to register the Rev. C. T. West as a minister of religion to solemnise marriages within the colony is not warranted by "*The Marriage Act of 1864.*"

He said, in speaking to the motion he thought the best plan would be to state the facts of the case, and then to refer to the Marriage Act and show wherein he considered the action of the Registrar-General was contrary to that Act. About the commencement of the present year, this gentleman went up to Gayndah, having heard that there was an opening there for a person of liberal views

with regard to religion. He might state also, that the district was not a densely populated one, and that there were people there belonging to the Presbyterian, the Wesleyan, the Episcopalian, and other persuasions; there were not sufficient of any one denomination, as far he could make out, to enable them to support a clergyman; and it seemed that the different Protestant denominations united on the arrival of Mr. West, and finding him a gentleman of extended views, and that he was neither under the power of bishop or presbytery, or general assembly, and that he was willing to accommodate himself to the requirements of the various denominations, a meeting was held, and he was elected as their minister. They subscribed liberally for his stipend, and one gentleman in the district gave him a free residence and a considerable area of land adjoining it. Subsequently to this these parties forwarded a petition to the Registrar-General stating that they had unanimously elected Mr. West as their pastor; and in order that the feelings of no denomination might be hurt, they took to themselves the name of "The Burnett District Protestant Church." He thought that was a capital name for them to assume; and the gentleman in question had been for the last three or four months officiating in the district as the clergyman belonging to that denomination. The petition emanating from the society was numerously signed by all the leading storekeepers and others of the Protestant persuasion residing in and about Gayndah, and it was forwarded to the Registrar-General asking that Mr. West might be registered as duly authorised to celebrate marriages. The reply received was as follows:—

"In reply, after careful consideration, I feel it my duty, with every respect for yourself and the other signers of the petition, to decline so registering Mr. West, as I am not satisfied that he is a minister of religion within the meaning of the Marriage Act in force in this colony.

"The fact of a man assuming the functions of a minister of religion will not, of itself, constitute him one; nor do I see that being accepted in that character by a certain number of persons improves his position, if his assumption is not well founded."

Now, for his part, he could not see on what earthly grounds the Registrar-General assumed to himself the function of declaring himself the judge of what constituted a minister of religion, or what denomination of ministers should be tolerated in this colony. The Marriage Act, as far as he could see, was most broad and most liberal on the subject. Clause 2 said—

"No marriages except as hereinafter provided shall be celebrated except by some minister of religion."

Not stating what religion, but merely that he must be a minister of some religion—

"ordinarily officiating as such."

Mr. West was ordinarily officiating as such; he had been performing the functions of a

minister of religion by baptising children, holding regular service, and he had been uniformly admitted to be such by the residents of the district. Then clause 3 was still stronger on the point. It provided—

“The Registrar-General upon receiving a requisition in writing in the name of any minister of religion ordinarily officiating as such under the hand of such minister or of the head of the denomination to which he belongs.”

Now, not only had he received a requisition in writing, under the hand of the head of the denomination, but he had received it from the heads of the denomination, because the petition was signed by most of the leading people of Gayndah and the surrounding neighborhood—

“Such writing specifying his religious denomination.”

This petition did specify his religious denomination,

“his designation and residence and requiring that he may be registered as a minister for celebrating marriages within the colony shall register the name of such minister.”

The word used was “shall” register him as such; and he contended that the action of the Registrar-General in this case had been diametrically opposed, not only to the literal wording of the Act, but also to the spirit of it. With regard to the question of marriage, they all knew that in this colony it was looked upon entirely as a civil act. Whether the clergyman was of this denomination or that, it mattered not in the eye of the law. They had clerks of petty sessions—many of them, no doubt, of very questionable antecedents—and police magistrates, whose character they had heard from the honorable the Colonial Secretary's own lips, registered as qualified to solemnize marriages; and, when they had such people placed in that position, why should the Registrar-General, when he received a requisition from a large number of respectable inhabitants of a district as a guarantee of the respectability of the clergyman they desired to have registered, come forward, like a despot, and declare that he was to be the judge of what constituted a religious body, and of what constituted a minister? The Act was clear—there was no getting over it; but, by some extraordinary hallucination, the Registrar-General said he was to be the autocrat who was to decide. It was perfectly preposterous. The Registrar-General had the remedy in his own hands, because, if Mr. West acted improperly in any way, he had the power to disqualify him. But he maintained that, in the first place, he was bound by the Act.

MR. FRASER seconded the motion.

THE COLONIAL SECRETARY said he was very much astonished at seeing this motion placed on the paper, after the answer he had previously given to the honorable member for the Burnett, on the question he put to him on the subject.

That honorable member was then told what the remedy was in the event of the Registrar-General having acted illegally; and he did not think that House would take upon itself to interpret an Act of Parliament; at any rate, on a question of this kind, where it was contended by an honorable member that a legal officer of the Crown had given it a wrong interpretation, and where it had been pointed out to him, in clear and distinct terms, that if any error had been committed, the gentleman affected by it had his remedy by *mandamus* in the Supreme Court. He was also rather astonished at finding that the honorable member did not appear to represent the party especially concerned, but other parties. He should imagine that an individual who had been marrying people, who had been baptising children, and he supposed, administering the sacraments of religion, would have taken care that he himself procured the position which he represented he held; and that he would never have dared, for one moment, to do what it appeared he had been doing without coming forward himself, in the face of day, and demanding that the law should admit him to exercise those rights, or declare that he had no right to occupy the position he had assumed. The honorable member had said that the Registrar-General had no grounds to justify his refusal to register this gentleman; that he was not the judge under this Act; and that because the residents of a district in this colony had allowed this man to come forward and act for them as a minister of religion, that that was enough to entitle him to be admitted on the roll of clergymen in this colony. But he (the Colonial Secretary) would like to know who was judge in the matter, if it were not the Registrar-General? The honorable member seemed to have peculiar views with regard to the law of marriage; and if he wished Parliament to declare by an Act for that purpose that marriage by any person in the presence of three witnesses should be the law, he was perfectly welcome to attempt to carry it out; but, so long as they had a law on the subject, it was the bounden duty of every individual in the colony to take care that there was no infringement of that law by the admission of improper persons to celebrate marriages. The law seemed to him to be very clear on the subject. The honorable member had quoted some portions of the second and third clauses of the Marriage Act, and he laid particular emphasis on one or two words which had no meaning in themselves. What was required was this:—That the Registrar-General should receive a requisition in writing from the minister—that was, the person must be acknowledged as a minister—or the head of the denomination to which he belonged, specifying his religious denomination; and he would ask, had anything of that kind been done? As nothing of that kind had been done, he maintained that the

only party to judge was the Registrar-General. Again, the honorable member had not shown one particle of evidence, either under the hand of the gentleman in question, or the head of a religious denomination, showing to what denomination he belonged; and he maintained it was not in the power of any residents in any town or district in the colony to simply call upon a man to administer to them religiously, and then to say he was a minister of religion who ought to be registered to celebrate marriages under the Marriage Act. He would like to know to what denomination this gentleman belonged; did he belong to any? Now, it was known to the Registrar-General that it was not very long ago since the Bishop of Brisbane actually applied to prosecute this man; and it was also known to him that he had applied to the Presbyterian Church of this colony for admission, and was refused. He maintained that under these circumstances the Registrar-General was perfectly entitled to require clear evidence as to his true position—evidence which would clearly show that he was a minister of religion—before registering him as authorised to celebrate marriages. But the Registrar-General had not been satisfied of that fact, and he was perfectly justified in the course he had taken. If this person had any cause of complaint against the Registrar-General, the proper course was to apply to the Supreme Court; and if that officer had done anything wrong, the law would compel him to do otherwise. That House was not the proper place to appeal to, and even if the motion were passed, it would have no effect whatever. He trusted the House was not going to constitute itself a court of appeal in a question arising upon the interpretation of the law. He thought, if every man who chose to put himself forward as a minister of religion, was entitled to celebrate marriages, to baptise children, and to administer the sacraments, the sooner they abolished the Marriage Act, and allowed every man who pleased to celebrate marriage, the better. But he held that so long as the Act was in existence, the proper officer for determining these points was the Registrar-General, and if he decided wrongly the party affected had his remedy. But beyond the statements made to the honorable member for the Burnett, and the petition, there was not a particle of evidence to show that this man was a minister at all.

The Hon. B. B. MORETON said he was astonished at the speech of the honorable the Colonial Secretary, because he entirely dissented from the idea that the Registrar-General should tell him what was to be his religion, or the religion of anybody else in this colony. He believed he was right with regard to his religious views, but he would not attempt to set up his religion as being better than anybody else's; but he had a right to have his children baptised and married in that religion, if there were a dozen Registrars-General. He was placed in a

very invidious position with regard to this matter, because Mr. West had christened his children, and, under the decision of the Registrar-General, he could not marry them; and he thought that amounted to what some persons would call an infringement of the liberty of the subject. The honorable the Colonial Secretary had told them that the Marriage Act was one under which they must go to the Registrar-General to ask who should be their ministers of religion; but, as he understood that Act, its principal object was, that every marriage should be registered, so that the register should be proof of marriage: it was nothing more than a legal enactment providing that there should be legal proof of marriages celebrated in the colony. He also saw that some denominations were exempted from its provisions; and he could see no reason why others should not also be exempted in the same way as those mentioned—Quakers and Jews—who had nothing to do with it beyond the mere form of registration, which also went to show that nothing more was intended than mere legal proof of marriage. Although there might be no great immediate results from that discussion, it might, perhaps, result in having the Marriage Act amended next session, in such a way as not to allow it to interfere with the rights and liberties of the subject. They had no state church in the colony; a majority of the House had also decided upon a system of national education—one which he believed would be in force before the end of next session—and with these facts staring them in the face, he thought it extremely hard that one civil officer in Brisbane could dictate who should be the clergyman who should be allowed to marry, and to what creed he should belong, and what not. There might be peculiar circumstances surrounding the case, with which he was not acquainted; but he looked only upon the principle of the question, and as he understood the honorable member for the Burnett, there was an application sent from this gentleman to be registered, and according to the Act, as he read it, the Registrar-General was bound to register him. He thought it was a very poor thing to say that there was a legal remedy for such cases, which would, perhaps, cost £40 or £50 out of an income—as in Mr. West's case—of about £150 per annum, or nearly one-third. It was absurd that he should be put to such expense to be placed in a position to marry those who belonged to his congregation. At present, there was no other minister in the district, and people were therefore forced to go to the Registrar to be married; and although he thought a civil marriage quite as good as a religious one, there were some people who wished to be married according to religious ordinances, and as the case now stood, these people were utterly debarred from being married in the district. He believed the discussion would do some good, in showing the hardship of the case.

Mr. FRASER said he must confess that he was rather surprised at the views advanced by the honorable the Colonial Secretary on the question. He knew nothing at all about this gentleman, but he thought the case, as brought forward by the honorable member for the Burnett, was one that called for an expression of opinion from that House. The Registrar-General might know sufficient to justify him in refusing to grant the license to marry; but, if he did, that should be distinctly made known. He presumed the question resolved itself into this:—What constituted a minister of religion?—and that he thought was clearly laid down by the honorable member for Maryborough. The honorable the Colonial Secretary said, application must be made by the individual himself, or the head of his denomination; but he would point out that there were several religious bodies in this colony, as the honorable gentleman must well know, who recognized no religious head whatever; and were they to be denied these rights and privileges because they chose to have no distinction of that kind? Supposing a body of Swedenborgians selected a minister, he maintained that, according to the statute, he would have a perfect right to claim to exercise the rights of a minister of religion. As for that House being no judge of the law of the case, and the Registrar-General being the proper party to judge, the utmost that officer could do under the Act was, if he had any doubt about the matter, to demand a statutory declaration. That seemed to him to be the utmost demand the Registrar-General could make; and if it were granted to him, he (Mr. Fraser) maintained that, according to the statute, he had no choice but to grant the license, and then, if it were found that he had done wrong, the statute provided a remedy in clause 3, as follows:—

"Provided also that the Governor in Council shall have power to remove from the list of ministers so registered the name of any minister for misconduct in the solemnization or celebration of any marriage or wilful breach of this Act or conviction of treason felony or other infamous crime."

It appeared to him that the whole thing lay in a nutshell. He could not help recognising in the action of the Registrar-General, however good his intention might be, a most unwarrantable interference with the liberty of the subject, because they had no established religion here; and he maintained that if any section of the community chose to call in any man to administer to them the ordinances of religion, that was all that was necessary to constitute a minister of religion; and looking at it from that point of view, he regretted that the Registrar-General should have pursued such a course as he had on the present occasion. Those were his views, and he was somewhat surprised that the honorable the Colonial Secretary should have objected to the course pursued by the honorable member for the Burnett. With regard to having

recourse to law, he had yet to learn that the people of this colony were to be driven to law in order to secure their religious liberties. He thought this was quite a new doctrine, and the sooner they looked at it in the face the better. He recognised no authority to drive him into a court of law to assert his religious liberties, or what his views might be, or whom he should select to administer to him in religious matters. He would certainly support the resolution, because he maintained that, when there was any interference with the rights and liberties of the people, that was the proper place to bring them forward, and determine not only the law but the justice of the question.

Mr. MILES said he was not at all surprised at the action taken by the Registrar-General in refusing to register this man as a minister for the celebration of marriages; when a Minister of the Crown overrode an Act of Parliament, what were they to expect from his subordinates? He hoped, however, the House would decide the motion in the affirmative, and would not permit any such arbitrary proceedings on the part of the Registrar-General, or any Minister of the Crown. He thought it said a great deal for the inhabitants of Gayndah, that they had, almost unanimously, signed the petition to the Registrar-General, asking that this gentleman should be registered; they had risen very highly in his estimation when he found that they were willing to accept the services of this gentleman, notwithstanding that they were composed of several different denominations. They were a small community, and it would be utterly impossible for one denomination to have a minister of its own; and he trusted the House would show the Registrar-General, and those over him, that the liberty of the subject was not to be treated in that off-hand manner. He would support the motion.

Mr. FRYAR said, it appeared to him that the honorable member for the Burnett had shown great courtesy in describing the reply of the Registrar-General as a reason for not registering the gentleman in question as a minister. He failed to see that any reason had been given; and it seemed that on the simple whim or caprice of an officer of the Government he could refuse to register a minister of religion as qualified to celebrate marriages. He did not know what constituted a church in the estimation of that gentleman, but it appeared to him that any congregation of the community, such as had been described by some honorable members, was the highest form of a church; and there was nothing to show that this minister might not be one of the best ministers they could have. If they were not to admit that doctrine they were driven back to the old doctrine of apostolic succession, by which no man could be a minister unless he could clearly prove his title to apostolic succession. This was another instance of the invisibility of the State having anything to do with religious

matters; and he believed these things would keep cropping up until they were entirely abolished. Marriage law ought to be simply a civil contract, and nothing more; and let people who desired to have religious ceremony in connection with it do so if they pleased. He would support the motion, because there had not been a single sentence proved to show that the gentleman in question was not entitled to be considered a minister of religion.

Mr. GRIFFITH said, if this were a resolution that the Registrar-General should register this gentleman as a minister it was a matter, he thought, the House should not entertain. But it was—

"That the reason assigned by the Registrar-General for refusing to register the Rev. C. F. West as a minister of religion to solemnize marriages within the colony, is not warranted by 'The Marriage Act of 1864.'"

He must admit, that when the motion was first brought forward he was inclined to think that there was not much in it; but, after listening to the debate, he felt almost as warmly on the subject as the honorable member for the Burnett himself. The House had before it the statement of what he considered constituted, or did not constitute, a minister of religion in this colony. That gentleman appeared to think that he had got a complete list of all religious denominations in his office, or in his hat, and that no new name could be added to it; and if that had been the opinion of the first Registrar-General, he would have found only two denominations here. That officer said:—

"The fact of a man assuming the functions of a minister of religion will not of itself constitute him one; nor do I see that being accepted in that character by a certain number of persons improves his position, if his assumption is not well founded."

He would like to know what definition could be given to the words "minister of religion" in this colony, except this, that he was a man who performed the functions and administered the ordinances of religion with the consent and acceptance of a number of persons. That was the only definition, and yet that was what the Registrar-General said was no definition at all. According to the Registrar-General's views of a minister of religion he must be appointed by some one else—some one else must tell him that he was recognised by law as a minister of religion, although that party was not recognised in law at all. It was not, therefore, an abstract question, and he hoped the resolution would be carried.

The ATTORNEY-GENERAL said he was rather astonished to hear the honorable member for Oxley maintain that this was not an abstract question; he thought if any abstract question ever came before the House, this was one. It was a mere inquiry into whether the reason given by the Registrar-General for the course he had adopted was well founded or not, and he contended that was

purely an abstract question. If this motion could lead to anything that could right the reverend gentleman, or to the attainment of the object of his flock, by procuring his insertion on the list of ministers registered as authorised to celebrate marriage, there would be something in the proceeding of the honorable member for the Burnett, but no such result could follow. The law laid down what should be done in that particular instance, and that was, that a gentleman professing to be a minister of religion should apply to the Registrar-General to be allowed to celebrate marriages in the colony, and it was for the Registrar-General to inquire whether he was a minister of religion ordinarily officiating as such, and his action depended upon the result of that inquiry. When such registration was refused, there was a remedy open to the Rev. Mr. West, or any other person who was placed in the same position, by which he could procure himself to be certified by the Registrar-General. But what was the position the honorable member for the Burnett took up? He invited the House to say, the reason given by the Registrar-General for refusing to register Mr. West was not warranted by the Marriage Act; but that was not the proper course for Mr. West or his friends to adopt; they should not ask that House to discuss a question of that kind, but apply to a court of law, which would, if the Registrar-General were wrong, compel him to register the gentleman in question. The affirmation of this motion could lead to nothing, because, if the Registrar-General, in the exercise of his important functions, honestly believed he was right, it would be neither just nor reasonable to attempt to compel him to do otherwise. He was the officer appointed by law to decide whether he should certify that certain persons were to be permitted to celebrate marriage or not; and if, in the conscientious discharge of his duty, he thought and decided that a certain person ought not to be certified, he could not be compelled to certify except by the remedy that the law provided—by applying to the Supreme Court for a *mandamus*; and then, if the reason of the Registrar-General was as absurd as the honorable member for Oxley tried to make it appear, his decision would not hold good for two minutes. He would put it to honorable members as to how far they would maintain the dignity of the House by adopting a resolution which would be perfectly impotent. He thought the House would be simply placing itself in the position of a debating class, and rendering itself ridiculous, by deciding upon a mere abstract question which could not in any way lead to the result aimed at. The honorable members for the Burnett and Maryborough felt aggrieved; and no person could, for a moment, hesitate to say that they had a grievance which demanded the sympathy of honorable members, if they believed the Registrar-General had refused capriciously to

certify; and he would be the last to throw cold water upon a motion affecting the religious rights and liberties of any persons in the colony. He would give them every right the law gave them; but this was not the way to proceed—the constitution had provided the means by which Mr. West might be righted. A somewhat similar case occurred not long ago, when the bench of magistrates refused several licenses, some of which ought not to have been refused; he believed great injustice was done to some of the applicants who were refused. But the bench acted according to their opinion, and those who were affected by their decision should take the remedy provided by law. Supposing, in that case, he came to the House and said, John Thompson has been improperly refused a license, and asked honorable members to say the decision was wrong—why, they would laugh at such a proceeding. This case seemed to him to be precisely similar—it was purely an abstract question, and he thought the House would be sacrificing its dignity by discussing it.

Mr. PALMER thought that the comparison which had been drawn by the honorable Attorney-General between the decision of a licensing bench, and the proceedings of the Registrar-General, which struck at the root of our religious liberty, was rather out of place; there was no parallel whatever between the two. He must congratulate the House upon that honorable gentleman having got rid of the responsibilities of the Land Bill, as they now had torrents of law from the honorable member; whilst, when the Land Bill was under consideration, it was impossible to extract even an opinion from him. He did not, however, believe in the honorable gentleman's law, now that they had got it, but would rather believe in the legal opinions of the honorable member for Oxley. He thought that the whole gist of the present question was—What constitutes a minister of religion? And he believed that the honorable member for Oxley had correctly stated what did really constitute a minister of religion; at any rate the honorable member had exactly expressed his (Mr. Palmer's) ideas on the subject. He felt quite certain and positive, that if the Registrar-General was called to the bar of that House, he could not state what a minister of religion was. If a man performed the ordinary functions of a minister of religion, and was supported by a congregation—if such a man was not a minister of religion under the Act, he was at a loss to know what the use of the Act was. He sincerely believed that it settled the question that where any man, whether of apostolic succession or not, performed the functions of a minister of religion, and where there was a congregation who believed in his ministry, that man was constituted a minister of religion; and he believed, also, that the Registrar-General, without any application to the Supreme Court, was bound to register such a man as a

minister of religion, unless he had some other reason—unless he knew that he had been convicted of some crime, when he would, of course, be right in refusing to do so; but even then he was bound to give a reason for refusing. In a country like this, where there was no established religion, and no State church, he thought that there should be a very wide margin indeed; and he must say that he thought, in the particular case now before them, permission should have been given. He did not say that the Registrar-General would be bound to register Mr. West if the House carried the resolution; but still he thought the opinion of a majority of the House should go a great way in causing him to reconsider his decision. He noticed that the honorable Colonial Secretary had gone into the House like a barrister with a brief, and he could pretty well tell where all the arguments used by the honorable member had come from—from the Registrar-General. Then, again, it was said by the honorable Attorney-General that the gentleman in question had his remedy by law. But a man ought not to be obliged to go to law in such a case; the sense of justice in the whole community should be sufficient without that; the question of religious liberty should not be made one of law. He hoped that, although the House could not compel the Registrar-General to register Mr. West, the debate which had taken place that evening would lead that gentleman to reconsider his decision. He believed that debates like the present did good, and would not, as the honorable the Attorney-General said, make them appear ridiculous in the eyes of the public, unless, indeed, the speech of the honorable member himself was reported.

Mr. BAILEY thought the honorable Attorney-General had forced the Rev. Mr. West into a false position, as he had made that gentleman the complainant, whereas it was the residents of Gayndah, the congregation of that gentleman, who had taken up that position. The honorable Attorney-General might think it was a matter of very little consequence; but when the people of Gayndah were eighty or ninety miles away from any other township where there was a place of worship, it was of consequence that the services of a clergyman should not be denied to them to marry their sons and daughters—especially one with whom they were perfectly satisfied, whatever the opinions of the Registrar-General might be on the subject. It was those people who were the complainants in the case.

The COLONIAL TREASURER thought that the honorable member for Oxley, who generally spoke sense, had hit the right nail on the head, and that the question was one which went beyond the case of Mr. West. He thought that the State had nothing whatever to do with the religious ceremony of marriage that any person liked to have performed, but only to regard marriage as a civil contract.

It was held that every man was bound to register the birth of his child, and he thought that every man should be compelled, in the same way, to register his marriage; if that was the case, it would be a matter of perfect indifference to the State by whom the religious ceremony was performed. He did not altogether agree with the honorable member for Port Curtis, that every man who had a congregation was created a minister, as that congregation might consist of only two persons; he did not, however, see why they should want a man to be registered at all, as all the State required was that there should be some civil recognition of the contract. He quite agreed with the remarks of the honorable member for Oxley.

Mr. PECHBY said that he had, on hearing the first remarks of the honorable Colonial Treasurer, to a great extent agreed with them, but he certainly could not agree with the latter part of the honorable member's arguments. As the law at present stood, ministers of religion were registered to solemnize marriages, but if the Registrar-General refused to register any minister for that purpose, of course the marriage could still be celebrated in a civil way, before a registrar; and afterwards, if so inclined, the parties might appear before a minister and go through the religious ceremony. It must be well known to the honorable Colonial Treasurer that there were a great many persons in the community who considered that it was necessary that there should be a religious ceremony—that the civil ceremony was not in itself sufficient; and those people who were of that opinion had a right to have their conscientious scruples respected. That being the case, he thought it was most wrong of the Registrar-General to have refused to register either Mr. West or any minister who was supported by a congregation; as in so doing he violated the conscientious feelings of a certain section of the community. He should support the motion, and he might say that he did not think that the time occupied in the present discussion had been at all wasted; on the contrary, he trusted that it would lead to something more at a future date.

Mr. IVORY, in reply, said that he had been very much gratified with the almost unanimous expression of opinion in favor of his motion; he must say candidly, that he had thought there would not be much doubt about it. He certainly was surprised at the honorable Attorney-General characterising that House as a debating class, and assuming that honorable members were making themselves ridiculous; and he thought that if the motion was carried, that honorable member would be considered as the only one who had made himself ridiculous. Honorable members were certainly pleased, as had been remarked by the honorable member for Port Curtis, at finding the honorable Attorney-General come forward to give them the

benefit of his legal opinion, although they were all at the same time aware that the view entertained of that opinion by the honorable member's own colleague, the Minister for Lands, was not a very favorable one, judging from what had transpired on a previous evening. He trusted the motion would be carried, as he believed that a great deal of good would result from it.

The question was put and carried.

SALARY OF SUB-INSPECTOR AT MARYBOROUGH.

The Hon. B. B. MORETON, in moving the resolution standing in his name in reference to this subject, said that when the Estimates for 1874 were being passed through, several comments were made by honorable members as to the non-increase of the salary of the Sub-Collector of Customs at Maryborough for the present year, and as nothing had then been done to remedy what was considered an injustice, he had tabled the present motion. The gentleman in question was a very old officer of the Government—almost the oldest he believed—and had at one time been in receipt of a salary which amounted to £50 more than that now paid to him; and as he had many duties to perform for which he received no extra remuneration, and as the salaries of all the other sub-collectors had been raised, and as there had been a general increase in his department, even to the junior officers, he (Mr. Moreton) certainly considered that he had some claim for an increase, if for no other reasons, on the ground given for other increases, namely, the extra cost of living which was experienced now. He did not hesitate to say that the gentleman in question performed more duties than any other sub-collector—that he performed the same duties, in fact, for which two officers at Rockhampton were paid £800; and, taking into consideration the manner in which those duties had always been performed by him, and his well known efficiency as a public officer, he trusted the House would consent to the motion. He would now move—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed upon the Supplementary Estimates for 1874, the sum of £100, as an increase to the salary of the Sub-Collector of Maryborough.

The COLONIAL TREASURER said that he must oppose the motion, and, as the subject had been very fully debated when the Estimates-in-Chief were going through, he thought it was unnecessary for him to take up the time of the House at any length on the present occasion. He would correct the statement made by the honorable member that the salaries of all the sub-collectors had been raised, as at Bowen and Townsville there had been no increase. The principle on which the Government had gone in reference

to sub-collectors was, that no salary should be less than £300 or over £500, and the gentleman referred to received the highest salary—£500, which, considering the duties he had to perform, was proportionately a far higher remuneration than the Collector of Customs at Brisbane received. Independently of that, the Sub-Collector at Maryborough had quarters, which were worth at least £100 a-year; for, although he had paid for additions to them himself, yet he (the Colonial Treasurer) had, in accordance with a promise made by him to the House, put a sum of £450 on the Supplementary Estimates to reimburse that gentleman for the money he had so expended. He quite agreed with all that had been said about the efficiency of that officer, who, he might say, would, if anything should happen to the present Collector, have the best claim to that office. In regard, however, to the various duties he was said to perform, he could point out many clerks of petty sessions who performed the duties of many more officers than the Sub-Collector at Maryborough was called upon to perform; and as to the duties of harbor master, it must be borne in mind that when he was performing them he was doing nothing else, and that it was during the hours of business. He certainly thought that Mr. Sheridan was very well off indeed, and was a man more to be envied than pitied. He should, as he said, oppose the motion.

Mr. PALMER said the honorable member for Maryborough, in bringing forward his resolution had said nothing about the Sub-Collector there having an uncomfortable billet. If the honorable member had done so, he would have made a mistake. But the honorable member had taken up the position, that whilst every other officer in the Customs Department had had an increase to his salary—except in cases of recent appointment—and at both the places mentioned by the honorable Colonial Treasurer the appointments were recent—it was treating the oldest officer in the service very badly in not putting him on the same footing; and was making him, as it were, a marked man in not increasing his salary, whilst other officers in the same department had had theirs increased. The analogy drawn by the honorable Treasurer between the salary of the Collector of Customs and that received by Mr. Sheridan had nothing to do with the matter; for if the Collector's salary was considered insufficient, let it be increased rather than allow another officer, a very deserving one, to suffer, because the disproportion in the duties discharged by both rendered the present difference in the salary necessary. He had certainly understood the honorable Treasurer to promise that when the Supplementary Estimates for 1874 were framed an increase would be made to Mr. Sheridan's salary; if that was not the case, and if the Government would not consent to the present motion, he trusted, at any rate,

that provision would be made on the Estimates for next year.

Mr. BUZACOTT said he could hardly support the motion in its present form, although he thought that the officer in question should be restored to the salary he formerly enjoyed, but which was reduced in accordance with general reductions that were made at that time. As the salaries of other officers had since been advanced, he thought it was only fair that an exception should not be made in the case of Mr. Sheridan; especially as, from all he had heard, that gentleman performed various duties for which he received no additional remuneration. He thought the present was an instance in which the salary could very fairly be increased.

The question was put, and the House divided with the following result:—

Ayes, 5.
Mr. Palmer
" Ivory
" Buzacott
" Moreton
" Dickson.

Noes, 17.
Mr. MacDevitt
" Stephens
" Macalister
" Lord
" McIlwraith
" Fraser
" Fryar
" Stewart
" Peehey
" Griffith
" Beattie
" Hensonant
" Miles
" Groom
" Macrossan
" Low
" Hodgkinson.

PETITION OF WILLIAM COOTE.

Mr. DICKSON moved, pursuant to notice—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider the report of the Select Committee appointed by this House to inquire into the petition of Mr. William Coote, on the establishment within the colony of the industry of Sericulture.

The SPEAKER: I must draw the attention of honorable members to the fact that this is a most unusual way of dealing with the report of a Select Committee. The report of any Select Committee should be first adopted by the House; but this is a motion for the House to deal with a report which has not yet been adopted by the whole House.

The COLONIAL SECRETARY: The proper course, sir, I believe, has always been for an honorable member to move that the House adopt the report of the Select Committee; and, upon that being done, to move that on some future day the House resolve itself into a Committee of the Whole to consider such report.

Mr. DICKSON said that, after the ruling of the honorable Speaker, he would, with the permission of the House, withdraw his motion, and give notice of motion for the adoption of the report on the following day.

Motion, by leave, withdrawn.

PETITION OF P. N. CORBETT.

Mr. HODGKINSON moved, pursuant to notice—

1. That the petition of Patrick McNamara Corbett, presented to this House on the 18th

instant, be referred for the consideration and report of a Select Committee.

2. That such committee have power to send for persons and papers, and to sit during any adjournment of this House; and that it consist of the following members, viz.:—Messieurs Stephens, Buzacott, Macrossan, Lord, and the Mover.

He might state that he had adopted a suggestion which had been made by the honorable Colonial Secretary in having the matter brought forward in its present form; and he wished it to be distinctly understood, that, in moving for a Select Committee, he had no intention of casting any reflection upon the actions of either the late or the present Government, or upon the acts of any of their officers. He knew that it was a case of peculiar hardship; and as Mr. Corbett was in Brisbane at the present time, he considered that the best course would be to apply for a committee, so that the whole facts of the case might be revealed. He trusted the House would afford the petitioner justice, by giving him an opportunity of proving his case as set forth in the petition.

The question was put and agreed to.