Queensland

Parliamentary Debates

[Hansard]

Legislative Assembly

WEDNESDAY, 23 JUNE 1875

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LEGISLATIVE ASSEMBLY.

Wednesday, 23 June, 1875.

Return.—State Education Bill.—Jurors Bill.—Discharge of Cargo Bill.

RETURN.

The Secretary for Public Lands laid upon the table a Return to an Address, relative to Forest Conservancy, adopted on motion of Mr. Douglas, on the 10th instant.

Mr. Palmer said he wished, when the honorable the Secretary for Lands put papers on the table, he would let honorable members know what they were. He had never yet been able to hear from that honorable gentleman what he laid on the table.

The Secretary for Public Lands said it was a return to an order of the House respecting forest conservancy.

Ordered to be printed.

STATE EDUCATION BILL.

The Attorney-General said: Mr. Speaker,—In rising, sir, to move the second reading of this Bill, I must, in the first place, express my regret, and the regret of the other members of the Government, for the absence of the honorable the Colonial Secretary from his place.

Honorable Members: Hear, hear.

The Attorney-General: Unfortunately, owing to illness, he is not able to be present; and I may inform the House at once that, were it not a matter almost of certainty, considering the amount of discussion that is likely to take place on this Bill, the debate will extend over this evening—if I thought it probable we should come to a division this evening, in the absence of that honorable gentleman, I should have moved the adjournment of the debate to another day; but in the absolute certainty, should the illness of that honorable gentleman not continue or increase, of which I believe there is no probability, that he will be here before the debate is concluded, the Government came to the conclusion that it was proper the question should be brought forward, considering the state of the session and the length of time likely to be occupied by this Bill before it passes this House. The subject, sir, is, I think, familiar to every honorable member; but perhaps I may be pardoned if I remind honorable members of what has taken place during the last two or three years. During the year 1873, a Bill was introduced by the honorable member for Port Curtis, who was then Colonial Secretary, which has generally been called "Mr. Lilley's Bill." That Bill was unexpectedly defeated in this House by a majority, I think, of one. The honorable member for Port Curtis then intimated his intention of bringing in another Bill, which he had printed, and of which a copy will be found annexed to the report of the Education Commission. That, however, from various causes, was not introduced; and, last year, seeing the difficulty that had arisen in regard to a private member dealing with the whole question, in consequence of the many different matters that were mixed up on the subject of education, I, with the approval, I believe, of the honorable member for Port Curtis, who had then given notice of motion to introduce the Bill which I have just referred to, introduced a Bill myself dealing with one phase of the question; the object being, as was then expressed, and I believe generally concurred in, to simplify the matter by removing one

bone of contention that had given rise to the most serious difficulties. That Bill, although it was carried in this House by a large majority, was not successful elsewhere. The matter standing so, and I, being no longer a private member, but being a member of the Government, have now to move the second reading of a Bill dealing with the whole question. Honorable members are aware that in the Speech of the Governor, closing the last session of Parliament, it was promised that provision should be made to issue a Royal Commission—

"To inquire into the management and working of the whole of the Educational institutions of our said colony, which are maintained or supported at the public expense, and to report as to the best means to be adopted, by legislative enactments or otherwise, to render the same if possible more useful to our said colony, and generally to inquire into and report upon the whole subject of public education."

That commission was originally issued to yourself, sir, Mr. Justice Lilley, Dr. O'Doherty, Dr. Prentice, Mr. Mein, Mr. Douglas, Mr. Hockings, and myself; but two of these gentlemen, owing, I believe, to a misapprehension, or reasons given by them which appear to me to be a misapprehension of some remarks that were made, declined to act, and ultimately resigned. But, sir, notwithstanding their absence—your absence, and the absence of Dr. O'Doherty, which I for one very much regretted, the matter was fully and fairly investigated by the commissioners, and I think it will be found, on reference to the proceedings of that body, that every consideration was given to the views that were erroneously supposed to be reprobated—strongly reprobated by the members of the commission who continued to act. I do not think it necessary to call the attention of the House at very great length to the report, but I must do so to some extent in order to show the foundation upon which the Bill I now bring before the House has been based; and perhaps it may be convenient, in doing so, that I should follow the general order adopted by the commissioners themselves. It appears, sir, that under the present system of education—dealing with primary schools first,—there are 206 primary schools in the colony, 40 of which are provisional schools, 137 are vested, and the remaining 29 are schools the property of the Church of England and the Church of Rome, which are commonly called non-vested schools. It appears, therefore, the large majority of the schools are under the control of the Board, and may be called secular schools. The commission examined a great number of witnesses, and had other means of information before them; and, in particular, they sent Mr. Cameron, one of the masters of the Grammar School, to Victoria, to examine and report on the system of education adopted there, and his report, a most exhaustive and able document, will be found as an appendix to the report of the commission. I do not think it necessary at present to call attention more fully, or in detail, to that. The commission dealing with the subject of free education, came to the conclusion, as might have been predicted by one with any experience on the subject, that the consequences of establishing free education have been highly beneficial to the country at large; and I think it may be taken now as an axiom, in dealing with the education of the colony, that primary education is to be free. I think, if that is borne in mind, it will assist to a great extent in solving some of the difficulties which arise in other branches of the subject. Upon secondary education, there was a difference of opinion amongst the commission, the majority being of opinion that the advantages of free education should be extended to all educational institutions established by the State. When I come to deal with the Bill itself, I shall give reasons why that is not proposed by the Bill now before the House. With respect to the subject of secular education, it may be said the commissioners were biassed, but I think any gentleman who will take the trouble to read the evidence on which they founded their opinion, will come to the conclusion—in fact, almost without reading the evidence—that it is a matter simply of opinion, and all the evidence and all the argument in the world would scarcely convince some gentlemen who take a particular view on the subject. For their views, I have the greatest respect; but as to convincing them I am afraid it is almost, out of the question. That, however, is a matter for the House to deal with, and it must be determined on the principle that the majority must govern. The grounds stated by the commission, on which I will say a few words directly, are:—

"We think, moreover, that teachers, who are maintained and paid out of the public revenue, should be appointed exclusively by the State; and that as, on the one hand, State schools should, without exception, be vested in the State, so, on the other, the education imparted in them at the expense of the State should be uniform and should be secular."

They recommend, at the same time, that every facility should be given for religious instruction. They then went on to deal with compulsory education, the establishment of schools, and various other matters, to which I will call attention when I come to deal with the Bill. I desire here to call particular attention to the dissent of two of the commissioners, Mr. Justice Lilley, and Mr. Douglas, the honorable member for Maryborough, in which very forcible reasons are given why contributions should not be required in regard to the establishment of new schools, and why a university should be at once established; and also to the arguments on the other side, which are contained in the dissent signed by Dr. Prentice and myself. Now, sir, the principles of the Bill now before the House may be said to be, so far as primary education is concerned, free, secular, and compulsory. As

I said before, free education must be now taken to be settled. Whether it shall be secular or not, is, I believe, the most vexed question of the whole subject; and it is certainly the one that has caused the most heart-burnings and the most bitter quarrels, even amongst friends, in this colony; and it has, I believe, been, in many instances, not conducive to the free and proper exercise of political rights by many of the people. I think, sir, every one in the community, and all sections of the community, desire that that question should be settled one way or another; and I am only desirous the House, in dealing with the question, will settle it fairly and upon an equitable basis, regarding every right that is entitled to be regarded, but, at the same time, with a firm determination to give effect to the wishes of the majority of the people. There cannot be the slightest doubt in the world as to what the wishes of the majority of the people of this colony are on this subject. I do not propose to discuss the details of the question at great length, because they have been already discussed in the House, and very little new can be said; but I think I am justified in putting the arguments in favor of non-vested schools—that is the term I may as well use—to be these:—The only grounds on which they can be supported at all are, that they are institutions for the purpose of giving religious instruction, or else that the members of religious communities are entitled to choose the servants of the State, to be paid by the State; because, starting with the proposition that all education in primary schools is to be free—that the State is to bear the expense, it seems to me that it is impossible to say that the teachers in these schools ought not to be appointed by the State, unless one of these two propositions can be maintained:—Either it is the duty of the State to provide its schools with religious instruction, or else it is a right possessed by some sections of the community—by the religious communities in the colony—to say who are to be the teachers to be paid by the State. Now, sir, with regard to the duty of the State to give religious instruction, I think that was settled in the first session of the first Parliament of this colony. It was then determined that the State should not have anything to do with religion as such, and that principle has been acted upon ever since. It is true on that occasion the Legislature did, as they always have done, and as I hope they always will do, make full provision for the protection of vested rights; and, in that case, there were certain individuals in the colony who were entitled, under the existing law, to certain benefits for life, or for so long as they continued in the performance of their duties, and these rights were very properly preserved to them. It was suggested in a previous debate in this House, that the same principle should be applied to the non-vested schools now existing, and at first sight it seems very plausible, but there is this difference, which, I think, is fatal to the argument:—The life of an individual is limited; in the course of time, whether it be long or short, he must cease to exist; but in the case of schools, it would be in perpetuity, so that the only way to deal with the matter is to provide by statute that they shall die; to make them, in fact, mortal; to make provision for them as long as it is considered they ought to subsist, and after that, it should cease. Whether the time proposed by this Bill, for that purpose, about two and a half years from the present time, is a proper time, it is for the House to consider; after very great consideration the Government think it is. With regard to that part of the Bill—the principle of secular education being provided by the State, I have already called the attention of the House to the passage in the report of the commissioners, in which they state their opinion:—

> "That teachers, who are maintained and paid out of the public revenue should be appointed exclusively by the State; and that as, on the one hand, State schools should, without exception, be vested in the State, so, on the other, the education imparted in them, at the expense of the State, should be uniform and should be secular."

I think, sir, it is right to draw the attention of the House to the fact, that another mode of dealing with the suggestion in this Bill, which is to continue the remuneration for two years or a fixed time, was proposed by two of the commission, but lost by the majority, as will be seen on reference to page 24 of the report of the proceedings of the commission. The proposition was:—

> "Or if the owners should prefer, to pay three times the average amounts of the grants in aid that have been made to them during the last three years, as a commutation of the State help they have hitherto received. We believe that it would be better to deal at once with the non-vested schools on a liberal and comprehensive principle, such as we have indicated, than to pave the way for a state of chronic agitation, by proposing to continue aid to them, during a definite or indefinite term of years."

The majority of the commission were of a contrary opinion, for reasons which it is not necessary to point out, because they will suggest themselves to the mind of any honorable member who has considered the question. There is another phase connected with secular instruction which arose in the proceedings of the commission. It was suggested by the honorable member for Maryborough—

> "That, while deeming it necessary that the State, in deference to the present divided opinion on matters of religious obligation, should refrain from attempting to impart religious instruction, I think it is, nevertheless, extremely desirable that it should recognise the influence which religious teaching has had, and will have, on life and conduct."

Mr. Douglas also thought that the ancient Hebrew and Christian Scriptures should be recognised, and read every day in school by

the head master, and Mr. Hockings was of the same opinion; but the objection to that, it seems to me, will be very great. I am considering the question now from the point of view that the State should not give religious instruction. It is obvious that if the State attempted to impart religious instruction, it could not do so to the satisfaction of every one. The idea was suggested in connection with the first Bill I referred to, that a system of religious instruction might be devised by which children of all denominations in the colony might attend, and if that had been practicable, it would have been an extremely satisfactory conclusion; but, I believe, on further consideration, Mr. Justice Lilley, who made the suggestion, himself saw it was impracticable, and I believe that is embodied in the report of the commission. That being impracticable, on the ground that parents would be entitled to object to their children receiving such religious instruction, it appears to me the same argument is equally fatal to the proposal to give the particular kind of religious instruction suggested by the honorable member for Maryborough; because, if children are entitled to consideration, so also are the teachers, and you would not, and could not in fact, make it a compulsory part of a system of education to give religious instruction of any kind—even the reading of the Bible, or any form of prayer. You could not compel a teacher to impart religious instruction, because his religious scruples are entitled to as much consideration as those of children or the parents of children; so that it appears to me there is no middle course—you must go in for teaching or imparting religious instruction as part of the instruction of the State schools, or you must not, one of the two; and the State in this colony, has distinctly laid down that it will not undertake to support religious teaching in the churches, and I think it must be taken to be part of the principle, that no religious instruction should be given in schools. If that is so, what becomes of the only other argument there can be for the support of non-vested schools? The matter is put very plainly, sir, by my friend, Dr. Quinn, Bishop of Brisbane, in his evidence. The passage I refer to is at page 110 of the report of the commission. He is asked by the chairman :—

"Do you think that it would be better to have the children taught purely secular instruction in the public schools, and leave the religious teaching to the Sunday schools; in other words, is there any objection to giving purely secular instruction to Protestant and Catholic children together? Answering your question as it was first put, I say that whenever Catholic children attend public schools, through necessity, I would prefer that nothing but purely secular instruction should be taught in them. To the question put in the second form, I answer, that there is no objection simply to Catholic children attending purely secular instruction with Protestant children. They do so in all our non-vested schools.

"2469. Would there be any objection to all our public schools being of that character—namely, a public school in which the children would receive secular instruction together, and religious instruction outside school hours? None at all to the principle of combined secular and separate religious instruction, so long as we own the school and have control over the teacher. That is the principle of the national system.

"2470. Then you say—I have no objection to the children of my own church being educated with the children of other denominations or sects, or even of no sect, provided the teachers in all the schools in the colony are in my hands? Your Honor seems to think my pretensions very exorbitant. You are urging my claim far beyond the limits to which I confine it myself. I lay claim to the control of teachers only in my own schools, and I say that in other schools, where I have not that privilege, I cannot provide for the religious instruction of Catholic children, nor protect their faith and morality."

Then, in question 2474, he is asked—

"Then, as I understand your objection, it is not to the separation of secular instruction from religious instruction during school hours, but to there being only one class of schools to all of which the teachers would be appointed by the State? Exactly.

"2475. In places where there is no non-vested school belonging to your church, do you allow your children to go to a vested school? We tolerate their going, and endeavor to provide a school of our own as soon as possible. Only about one-half of our schools are under the Board, the other half are supported by the parents of the children who frequent them, and are increasing rapidly.

"2476. *By the Chairman:* But would you have any objection to separate teachers for secular and religious instruction, so that, after the secular teaching, you would be at liberty to send in your teachers for religious teaching? Yes, I should. The scheme is impracticable."

Then he went on to say he had a very strong objection to the reading of the Bible—either the authorised English version or the Douay Bible—in the schools. There is another question I cannot lay my hand upon, but, from that, it appears the objection is not to giving secular education in State schools, but to the fact that the teachers are not appointed by, and under the control of, the clergy. That is the reason—and, as I said before, that is the only one—other than the one that the State should give religious instruction, on which the claim can be supported. Now, what reason is there why the State should delegate the power of appointing teachers to any section or portion of the community? *Prima facie,* there would seem to be none, provided the State pays the cost of instruction. If the State provide the funds for giving instruction out of the taxes of the colony, why delegate the mode of spending that money to any particular class of people? I have endeavored to separate the two arguments from each other, but I am afraid it is very difficult to separate them entirely. It

appears to me that the real object is—and, in fact, it is admitted by the reverend gentleman whose evidence I have quoted—that, by exercising control over the appointment of teachers; by, in fact, having that substantially in their own hands, they would be enabled—I would not put it so high as to say teach their own doctrines, because that is entirely disclaimed, and, I am sure, with perfect sincerity – but, at any rate, to exercise indirect control over the religious teaching of children, which brings it down to the reasons I have shortly stated, and both claims are entirely untenable. This question of claims for religious instruction has been so fully debated, that I will not dwell upon it further. I do not think any argument that could be brought forward would be likely to change the opinion of any honorable member, and as all honorable members must have had the subject under notice for the last two years, no doubt they have formed definite opinions on the subject. I think, possibly, the most convenient way for me to deal with the remainder of the subject will be to draw attention to the provisions of the Bill; but before doing so, I wish to say a few words about compulsory secular education. With respect to compulsory education, sir, the evidence adduced before the commission, I think may be taken to contain a very fair basis for coming to the conclusion that, in the opinion of persons competent to judge, it is desirable that there should be some provision in the statute law of the colony for compelling education. And, sir, again he accident is, that primary education in this colony is free, and conducted at the expense of the State, and that is one of the strongest arguments for compulsory education. By compulsory education, however, I do not mean what some gentlemen appear to understand it to be—compelling children to attend State schools. That, I believe, would be a most unwarrantable interference with the liberty of the subject; but when it is recognised as the duty of the State to provide means of instruction for all children in the community, it should also be recognised by the State as the duty of every parent to see that his child is educated at the State school or elsewhere. It must be obvious to any one acquainted with the circumstances of the colony, that no rigid rule could be enforced in this respect all over the colony. You may make a law to compel a parent to educate his child, but I am happy to believe that in very few instances in this colony is there any inclination on the part of parents to deprive their children of the advantages of education. But there are some instances spoken of by the witnesses who gave evidence before the commission, and I think it is desirable that, in a measure which attempts to deal with the whole question, the subject of compulsory education should also be dealt with. I may say further, that, with regard to secondary education, there is a great diversity of opinion. Many gentlemen, whose opinions are entitled to the gravest consideration, are of opinion that all education ought to be free; that the State undertaking the duty, it should not be limited to primary instruction, but extended to every educational institution in the colony, and I do not think I can put the argument in favor more strongly than it is put in the note appended to the report by Mr. Justice Lilley and Mr. Douglas, which I before referred to :—

"The principle of free education is that it is the interest, as well as the duty, of the State to educate the whole people, and that such education should be of the most practical, useful, and elevating character within the resources of the community to command; and that, being provided by State expenditure, it should be shared equally by all citizens who have the capacity and desire to take advantage of the provision made for them and who will accept it on a national basis."

That states, I think, exactly the argument in support of extending the advantages of free education to the higher schools; but, sir, it will be observed there is one limit to the degree of education to be provided It should be "of the most practical, useful, and elevating character within the resources of the community to command." I now put the argument on the other side, as stated in the dissent, at page 43, signed by Dr. Prentice and myself:—

"It appears to us that the true ground upon which the State may be called upon to provide elementary education for all classes of children is, that it is for the advantage of the State that all its citizens should receive such instruction as will enable them intelligently to perform their duties in after life, and that such advantage being common to the whole community, and the opportunity of receiving instruction being, so far as practicable, afforded to all, the revenues of the State may properly be applied for the purpose.

"But the same reasons are not applicable in the case of secondary education, which partakes somewhat of the character of a luxury, and cannot, under any circumstances, be brought within the reach of more than a limited number of children residing in or near large centres of population, and which moreover does not seem to us to be in itself so necessary or highly advantageous to the welfare of the whole community that the State should be called upon to do more than assist those whose parents or friends are prepared to take some part of the expense upon themselves, or who have shown, by their proficiency in the primary schools, that they are deserving of further education as a reward of merit."

That is the argument, and no doubt similar reasons will suggest themselves to the minds of honorable members. But, sir, I think there is another argument that may be adduced, and it is this: I take it that, in dealing with all questions of State policy, expediency is, with the qualification I am about to state, after all, the final test. It has been said, over

and over again, that the question first to be asked is, whether the thing proposed is in itself wrong, and if that is answered in the negative, it is not wrong; and, being indifferent, so far as morality or any moral law is concerned, the ultimate question is—is it expedient? Now, sir, considering that if the State extended the advantages of free education to secondary education, it could not at present be taken advantage of, except by children living in large towns, or whose parents can afford to keep them living in large towns, it appears to me the number of children who could take advantage of it would be so small, compared with the total number in the colony, that the State would not be justified in incurring the necessary expense, and making it a charge on the general revenue. That is one reason, in addition to the others, I have stated. With regard to the establishment of a university, I concur, sir, and I am sure every member of the Government does, in the statements of the commission, at page 40:—

"Our secondary schools will never do the educational work of which they are capable until they become component parts of a system vitalised by the controlling influence of a university."

That is perfectly clear, but it is merely, again, a question of time and expediency. No doubt there will be, some day, a university here; but the question is, is it desirable to establish a university now? It is perfectly clear a fixed annual endowment would be necessary, because you could never get competent professors to come here to conduct the business of the institution—and that professors are necessary is, I believe, admitted on all hands—if they had to depend on the remuneration annually voted by Parliament. One House might be inclined to be liberal in the matter, and for some years the amount would be voted; but another House, in perhaps a highly economical mood, might say: "What is the use of the institution; here, we are spending £4,000 or £5,000 a year on it, and there is not a single student attending; we will not vote it." Under such a system it would be impossible to procure the services of competent professors. I do not go into the question of buildings, because building a university is a mere accident, and does not form an essential part of the institution. I think, sir, as I have expressed in the note to the report of the commission, and, of course, I speak for the Government as well, it is premature at present to establish a university. I think I have now touched generally on the main questions that arise—the freedom of education, the secular character of the instruction, compulsory education, and secondary education; and I now propose to call the attention of the House, shortly, to the mode in which the principles I have endeavored shortly to point out have been worked out in this measure. And I may say, sir, I have not scrupled to avail myself of assistance from all sources. I had before me the various Bills introduced in this colony, and Bills introduced and passed in other colonies, and I acknowledge my indebtedness to these various sources for very great assistance in preparing this measure. I am quite aware that it is not by any means so grand or comprehensive a scheme as many gentlemen in the colony would like to see brought in, but I am inclined to think it is the best we can at present afford. I omitted before to deal with one question, that is, the present mode of administering the law, which, as honorable members are aware, is under the control of a Board. I believe the present Board and their predecessors from the commencement of the colony, have worked very hard and very laboriously, and have honestly done their best to promote a good system of instruction in the colony; but I think the system is faulty in itself. It seems to me that when so large a sum of public money is expended as there is now—about £100,000 a year—it is too large to be placed for expenditure in the hands of a Board who are practically irresponsible. It is true the Colonial Secretary is chairman of the Board, but practically, the working of the system is, I know, that they spend the money as they please, and establish new schools when and where they please, without feeling in any way bound by such restraints as they would if they were under the direct control of a Minister. I think it is better, if the whole subject of State education is to be taken into consideration, and if secondary education is to be provided by the State as well as primary education, that the whole system should be under the control of a Minister. It is therefore proposed in the Bill to provide for the appointment of a Secretary for Public Instruction, who shall be a responsible Minister of the Crown, and shall be eligible to be elected to, and sit and vote in the House. Whether the House thinks there should be another Minister or not, is a matter of trifling consequence; the main principle is, that the control of the Department of Education should be in the hands of a responsible Minister of the Crown. I do not know anything, from practical experience, because I have had none, as to the working of the Board of Education, or of the amount of labor there will be for this officer; but I am certain that, for the first few months, his work will be enormous. What it may be afterwards, those honorable members who have had experience, the honorable the Colonial Secretary, and the honorable member for Port Curtis, who was chairman of the Board, will be able to form an opinion, and give the House much more reliable information than I can. That is the first principle contained in the Bill. The next two clauses provide that regulations shall be made from time to time by the Governor in Council and shall be proclaimed in the *Gazette*. Then comes the fifth section, which is one of those on which I fancy there

will be considerable difference of opinion, namely, that in State schools secular instruction only shall be given, and that under no circumstances shall a teacher give religious instruction in any State school building; in other words, the teacher is to be an officer of the State, and, as such, is not to be allowed to give religious instruction in State schools. Now I think that the necessity of this provision is obvious, because, if a teacher is allowed in the same building in which he gives secular instruction to give religious instruction also, he would directly, or indirectly at all events, be able to exercise an influence on children of other denominations than that to which he himself belonged. The second part of the clause provides that school buildings may be used for other purposes, for instance giving religious instruction at such times other than those set apart for giving secular instruction, and I think it thus fully meets the desire expressed in his evidence by the Right Reverend Bishop Quinn, whilst, at the same time, it does away with the objection of combining religious with secular instruction. The clauses following this, to the 9th clause, merely provide the machinery for carrying on the department of the Secretary for Public Instruction, who is to be made a corporation sole. The 10th section contains what appears to me to be a very important provision, namely, that the Government may from time to time grant land for the purposes of the Act, for endowment in fact; and although it may at first sight appear probable that such a power may be attended with abuse, I think honorable members will see that it is not capable of it, inasmuch as the Governor cannot grant any land except upon an address presented to him by the Legislative Assembly. If land is set apart for this purpose, I believe that in a few years it will be found of great advantage in relieving the revenue partly, if not altogether, from the burden of the cost of education. At present, as I have already stated, the annual cost is £100,000, and that may be very greatly increased as the necessity arises for more schools; and when we consider what the expenses of education in Victoria are at the present time, we may well feel alarmed, inasmuch as the population in this colony is scattered over a very much larger territory, making the cost of imparting instruction greater. The 12th clause provides for the trustees of any non-vested school conveying their property to the Secretary for Public Instruction. I confess that I was unable to follow the arguments used by you, sir, last year on this subject, when you termed this power an offer to trustees to become dishonest as the Bill then before the House did not make any provision as to what was to be done with the money; but that is entirely obviated by this Bill, as will be seen by the following clause:—

"Any trustees or other persons having title or a majority of such trustees or other persons may on obtaining the consent of the Minister in that behalf within two years from the commencement of this Act and notwithstanding any condition or restriction contained in any grant deed or other instrument sell and convey to the corporation any land or other property now used for the purposes of a primary school under the Board and the property wherein is not now vested in the said Board.

"The fair value of the land or other property so conveyed shall be paid out of the consolidated revenue and such value shall in case of dispute be ascertained in the same manner as if the land or property so conveyed were land required for railway purposes and had been taken by the Commissioner for Railways under the statutes in force relating to the construction of railways and to lands required and taken for such purposes.

"And all moneys payable in respect of any lands or other property conveyed to the corporation under the provisions of this section shall be paid to such persons and applied and disposed of in the same manner in all respects as if the property in respect whereof they are so payable were lands which had been taken by the Commissioner for Railways under the provisions of the last-mentioned statutes and all the provisions of such statutes relating to moneys payable in respect of lands so taken shall extend and apply to moneys payable under this section."

It will be seen that it provides in the same way as if the land was taken for railway purposes. There is no doubt that, if a railway went through a school, the Commissioner would take the land, value it, and the trustees of the school would have to apply the money so received to the same purposes as those for which the land was originally granted. This provision is almost the same, except that a voluntary surrender of the school property is made. I now come to section 14; and that is another about which I am afraid there will be great difference of opinion, as it is well known that many honorable members hold strong views on the subject. I may say that I conscientiously respect those views, although differing from my own, and I only wish we could all see it in the same way. I know that, in proposing this principle, the members of the Government and myself are raking up strong feelings of antagonism; but I can assure honorable members that in this proposition we are actuated only by a desire to do what we consider the best. The clause says that the amount of aid now received by non-vested schools is not to be continued after the 31st December, 1877. That is carrying out the principle, as I have before stated, of recognising vested rights, and at the same time, it fixes a period after which those rights will no longer exist. Last year, I think the time fixed by the majority of the committee, was 1879, but as the subject has now been before the country for two years, I think that no one can say that the time now proposed will not be sufficient notice. The clause says—

"From and after the said thirty-first day of December one thousand eight hundred and

seventy-seven no aid shall except as hereinafter provided be given from the moneys of the State to any primary school not being a State school or to the teachers in any such primary school."

But after this, there is power to appoint provisional schools, and I may here remark that it has been asserted that the establishment of these provisional schools is deliberately intended to re-establish the non-vested system. But this is extremely captious, and I think it will remove from the most suspicious person all suspicion when I inform the House that the obnoxious section is taken from the Victorian Act; and I do not believe it has ever been stated that a Minister of the Crown in that colony wished to play into the hands of the advocates of the non-vested system under that Act. It is also expressly stated that, in these provisional schools, only secular instruction shall be given. I am at a loss, I confess, to understand how, in a Bill like this, it could be thought for a moment that it was intended to give with one hand what it had taken away with the other. The second part of the Bill, sir, deals with primary education, and with the establishment of primary schools. Now, there has always been the same difficulty in regard to establishing a school in a district, as there is with a post-office or other public building, namely—in what part of the district the school shall be built; but I do not see that the same difficulty will exist if there is a Minister for Education, because, if it is once recognised that there shall be such a Minister, he must be responsible; and I cannot understand how men of such weight in the community, as it would be desirable to have as a Board, would tender advice which the Minister felt he might not adopt. It has been the practice hitherto—and I believe it has never operated hardly—that, as a test of a school being required in a district, some portion of the cost of erecting such school should be subscribed by the residents of the district; and I think if that is continued, no great hardship can be inflicted. I think, sir, it is a very keen test of whether a school is required, if the persons asking for its establishment are required to contribute a portion of its cost—not less than one-fourth or more than one-fourth. That proportion may, however, be altered by the House, should it see fit. If that principle is established, one great difficulty in the way of the Minister for Education will be avoided, as he will be then enabled to say, in answer to petitions for schools, that the law does not allow a school to be erected until a portion of the expense has been subscribed. If it was to be a school established for political purposes, people would not subscribe; they might sign a petition, perhaps, but if it came to subscribing, it would be different, and the difficulty would not arise. I think it is really the only practical way of testing whether a new school is required or not. The 20th section provides for provisional schools, of which I find by the report of the commission there are no less than forty, and, I believe, they are found to be of very great use. It must be obvious to honorable members that there may be places where there are a great many children, and the State may be called upon to expend a certain sum of money for the purposes of education; but where it might be undesirable, for many reasons, to erect a permanent building; take, for instance, the children of men at a railway camp. I think there should be some provision for establishing these provisional schools, and that the principle should be the same as that adopted in Victoria, or nearly the same. I have taken the clause from the Victorian Act, except as regards the period for which these provisional schools are to be established. There, it is made a temporary provision for five years, but that might be made a temporary provision in Victoria which would be almost a permanent provision in this colony, as Victoria is very thickly populated, and most of its lands are alienated. The 21st clause, sir, provides for itinerant teachers, which is an experiment which has been already tried in some districts, and which is found to be very desirable in places where the population is scattered. On looking at the subjects of primary instruction in primary schools, honorable members will perceive that they are more limited than has been proposed in previous Bills; for this reason, that I think if the State undertakes the supervision of secondary schools, it must be provided that the two schools must not clash. It is of no use the State having two schools, one free and the other with fees, in which the education taught is in many respects the same; for instance, there are many things taught in the normal schools which are also taught in the grammar schools, and it is not desirable that there should be this competition. The only other provision in this part of the Bill has reference to the constitution of school boards, and defines their duties. I will now pass on to part three, which deals with compulsory education. The first clause in this provides that a parent shall send every child of not less than six, or more than twelve years of age, to a State school for sixty days at least in each year, unless some valid cause can be shown to the contrary, as follows:—

"1. That the child is under efficient instruction in some other manner.

"2. That the child has been prevented from attending school by sickness fear of infection temporary or permanent infirmity or any unavoidable cause.

"3. That there is no State school which the child can attend within a distance of two miles measured according to the nearest road from the residence of such child.

"4. That the child has been educated up to the standard of education."

Some honorable members seem to think that the provisions are at present so great that there is no necessity for compulsion; but

I confess, from evidence which was given before the commission, that I think it is better that there should be compulsion, especially as the State gives free education. The mode in which a prosecution for non-attendance will be instituted will be in the same manner as in offences against Customs or Excise laws. By them certain things are made penal, but no prosecution can be commenced unless some one is responsible, and I think that that is essential in any provision for compulsory education. If the law considers that any person neglecting to send his child to school should be prosecuted, the proof must not be on the defendants, for it would be monstrous if any policeman or any person in a district could summon a parent, a mother for instance, to a police court, and there subject her to a cross-examination merely to gratify personal spite, or, it may be, a vicious spirit of duty; I think, however, with this safeguard, this part of the Bill will work well. Part four of the Bill relates to secondary education. It provides for the conveyance to the corporation of existing grammar schools, and also for the establishment of new grammar schools. With regard to the establishment of new grammar schools, whatever may be done in reference to primary schools, if any argument can apply to them, it must apply with greater force to grammar schools, and it is proposed that the sum of £1,000 must be raised by subscription to show that there is a *bonâ fide* desire for such a school before it can be established. It is also proposed that there shall be annual examinations for exhibitions to primary schools, the number of such exhibitions to be granted in each year not to exceed an aggregate of twenty for each grammar school. These scholarships are only to be open to scholars from primary schools, as the education in those schools is free, and the exhibitions would give free admission to any State grammar school for a period of three years. The number of exhibitions is proposed, as I have just said, to be twenty, which number would be obtained by multiplying the number of schools, and which would be a very fair proportion of the whole. It is, certainly, desirable that the entrance into all State grammar schools should be by examination; but that cannot be done at the present grammar schools except with the authority of the trustees. I think, however, that if the State has the control of the grammar schools, that provision should be necessary. There is another provision which, as nearly as possible, approaches asking the House to provide for a university. I am not aware how the exhibitions to a university are provided for in Victoria, but in this Bill it is provided that there shall be annual competitive examinations, open to all scholars who have attended State or other grammar schools for a period of two years, and that an exhibition, tenable for three years, and of the annual value of £100, shall be granted to each of three

scholars who shall attain the highest place at such examination. The maximum charge that those exhibitions would be to the State, in any one year, would be £300, which, I think, would not be a very large sum. I think the experience we have had up to the present time will not warrant the establishment of a university of our own. I find that, in Tasmania, in the year 1861, no scholarships were granted; in 1862, two were granted, and that was the only year up to 1868 in which any were granted, and that has been the experience of a colony distinguished for having excellent schools. I believe, however, that the system of having annual competitive examinations is a good one; there has always been such a provision in Tasmania, and in New South Wales, and it has had a most beneficial effect upon education. I think, sir, I have now referred to all the provisions contained in the Bill, and I believe everything in it is very clear and intelligible, I trust so, at any rate, and also that honorable members will see their way clear to adopt it as a scheme which will be acceptable to the country. In adopting such a measure, I am perfectly well aware that there are many things in which there always will be a great difference of opinion; but I do sincerely hope that this measure may be the means of settling this question, which has been agitating the public mind for so many years, and that the session will not close until it, or something very like it, has become the law of the land.

Mr. PALMER: Sir, I have listened with considerable attention to the greater part of the speech which has just been delivered by the honorable Attorney-General on the Bill now before the House, but in no part of that speech could I gather from the remarks of the honorable member whether this is a Ministerial Bill or not. Whether it is merely a measure brought in by the honorable gentleman in the same way in which he introduced a Bill on the same subject last session; or whether it is a Bill brought forward by him as a Minister, with the consent of his colleagues, I have gathered from no part of his speech. Now, before going any further, I think it is extremely desirable that the House should know, and that the country should know, whether it is a Ministerial measure or not.

The ATTORNEY-GENERAL: It is a Ministerial Bill.

Mr. PALMER: Do I understand that it is a Ministerial measure?

The COLONIAL TREASURER: Hear, hear.

Mr. PALMER: Then, sir, all I can say is, that it is the most extraordinary thing I ever heard of, for a Government to attempt to go on with a measure of this importance in the absence of the honorable member at the head of the Government; and I think, if the honorable Attorney-General has any discretion, he will postpone any discussion on the Bill until the honorable the Premier is in his place to inform the House what course he intends to

take upon it. I believe, sir, that the honorable Premier voted against the second reading of the last Education Bill that was before the House—the Bill of the honorable Attorney-General—and therefore how can we know that he will not vote against this Bill? Besides, I am aware that there are certain rumors about, that the honorable gentleman is not in favor of it. I may say, sir, that I have not altered my opinions on the subject of education one iota. I have always had the same opinions, and I shall carry those opinions to the grave. I shall also be prepared to do my best to assist in passing any Bill which I think will prove beneficial to the colony on this subject; but I will never consent to be made the catspaw of the Government, in assisting to pass a measure which we have grave reasons for believing the honorable Premier objects to. I think, until that honorable gentleman is in his place, it will be a wanton waste of time for the House to go on with the Bill, and I am quite sure that nearly every honorable member will agree with me in that opinion. I repeat, again, that last session the honorable Colonial Secretary voted against the Education Bill introduced by the honorable Attorney-General, who was then a private member; and how, I may ask, do we know that he will not vote against this Bill? How do we know that, supposing the Bill passes its second reading, he will not baulk it in some way? I, for one, will take no part in it; and, much as I am interested in the subject—much as I feel its importance, and the necessity of legislation upon it, and much as I feel it will tend to the good of the colony to pass a Bill settling the whole question, I refuse to say whether I think this Bill is even a good Bill or not, until the honorable Colonial Secretary is in his place. I believe that is the feeling of the House, and I say again, that I absolutely refuse to discuss the Bill in any way until the honorable gentleman is present. I move, sir—

That this debate be now adjourned.

Mr. DOUGLAS said that, as regarded the motion for adjournment, he wished merely to observe that he thought it was desirable that there should be an adjournment of the debate, not only on the grounds put forward by the honorable member for Port Curtis, but on the grounds that an important statement connected with a great public measure had now, for the first time, been made in that House, and a very able explanation of that measure given, which it was very desirable honorable members, and the public outside, should have an opportunity of reading and considering. For that reason, apart from that put forward by the honorable member, he supported the motion for adjournment.

The COLONIAL TREASURER: As his honorable colleague, the Attorney-General, had stated, when moving the second reading of the Bill, there was no intention on the part of the Government to ask the House to come to any division that night; in fact, there was every probability that the debate would occupy two or three nights. As the Bill had been before honorable members for some time, and as he had informed them that the second reading would come on that evening, he certainly thought honorable members had ample time to prepare themselves for entering upon its discussion; if, however, they were not so prepared, there would be no objection to an adjournment. He wished to reply to some remarks made by the honorable member for Port Curtis—among others, that it was the first time the House had heard that the Bill was a Ministerial Bill——

Mr. PALMER: I made no such statement. What I said was, that I was unable to gather from the speech of the honorable Attorney-General, whether it was a Ministerial Bill or not.

The COLONIAL TREASURER was at a loss to understand that it was necessary for a member of the Ministry, when introducing a Bill, to say that it was a Government measure, especially when he was bringing forward a public Bill; although it would be a very natural thing, if he were introducing a private measure, to inform the House of that fact. But the Bill before the House was to all intents and purposes a Ministerial Bill——

Mr. BELL: To stand or fall by?

The COLONIAL TREASURER: It would be quite sufficient time to know that when the Government were defeated. Why, it had been stated in the Governor's Opening Speech that a Royal Commission on Education had been appointed, and that a Bill dealing with the subject would be placed before the House. If that did not imply that the Bill was to be brought in as a Government measure, he should like to know what would. With regard to the vote given last session on the Education Bill by the honorable member at the head of the Government, he might say, that that Bill dealt with only a portion of the whole question of education, namely, the abolition of non-vested schools; and he could quite understand an honorable member voting against a measure which only partly dealt with a question; but the Bill now introduced was a measure which dealt with the whole question of education, and was brought in by the Government as a Ministerial measure. If, however, the House was not prepared to go on with the Bill, the Government had no objection to adjourn the debate. He thought the remarks of the honorable member for Port Curtis, about the absence of the honorable member at the head of the Government, were perfectly uncalled for, as the honorable member must be quite aware that his colleague was prevented from being in the House that afternoon through indisposition.

Mr. PALMER: I am not aware of anything of the kind; I heard the honorable Colonial Secretary was in town yesterday.

The Colonial Treasurer: As the honorable member was in the House on the previous day, when he informed the House that his honorable colleague was unwell, he must have known the cause of his absence. It was perfectly true that the honorable Premier had been in Brisbane on the previous day, but he had since gone to Sandgate; it was probable, however, that he would return on the following day. He should have thought the honorable member for the Burnett would have been particularly anxious, for one, to go on with the debate; but, after the reasons given by the honorable member for Maryborough, the Government would have no objection to an adjournment, although, at the same time, they considered that some progress might have been made with the Bill.

Mr. McIlwraith said the honorable Colonial Treasurer had referred to the fact, that the honorable Attorney-General had not considered it necessary to state that the Bill was a Government measure, as it was announced in the Governor's Speech that an Education Bill would be introduced; but, on referring to "Hansard," he found that, last session, when moving the second reading of the Non-vested Schools Abolition Bill, the honorable the Attorney-General stated, that so long as the antagonism of different religious creeds was involved, he thought it was a subject which a Government ought not to take up. He would like to know whether anything had happened to eliminate that element of antagonism? He thought not, but rather that it had increased; and yet they now saw an honorable member who, last session, gave every reason why it should not be a Government measure, coming forward and saying there was no reason why it should not be a Government measure. As to the remarks of the honorable member for Port Curtis, about the absence of the honorable member at the head of the Government, he might say that it was a matter of belief that the honorable member was keeping away purposely; at all events, if that was not the case, there was no reason why the Government should not have gone on with some other business. He believed that, when the Government understood that they would not be allowed to go on with the Bill until the honorable Premier was in his place, it would have the effect of bringing him to the House.

Mr. Macrossan said that, as a member of that House who took a very warm interest in the measure now before it, he must endorse every word which had fallen from the honorable member for Port Curtis. He thought that a measure of such importance should not be discussed in the absence of the honorable Colonial Secretary, who ought to be present to say whether he took upon himself and his Government the responsibility of the measure. He thought the honorable member for Port Curtis was correct as to the course followed by the honorable Colonial Secretary last session in regard to the Non-vested Schools Abolition Bill. He might also say that, having some doubt himself upon the subject, he had asked a member of the Government whether the present Bill was a Ministerial measure, and he was told not. He thought it came with very bad grace from the honorable Colonial Treasurer to express such surprise at the question of the honorable member for Port Curtis, when there was a doubt among the Ministers themselves whether it was a Government measure. He was quite prepared to go on with the discussion of the Bill, but he should certainly refuse to do so in the absence of the honorable the Colonial Secretary.

Mr. De Satge said he had always been of opinion that there was no necessity for the Bill, but, since the Government had introduced it as a Ministerial measure, he agreed with the honorable member for Port Curtis, that the honorable Colonial Secretary should be present during the discussion of it. He believed that at the last general election all the candidates addressed their constituents on that very subject of education; it was, in fact, the question of the day, although he considered himself it was a false one, as they had got on very well with the present system, and no change was called for. Since, however, it had been advertised by the Government throughout the colony, he considered the Bill should not be discussed in the absence of the honorable the Premier. That honorable gentleman should come down to the House with his opinions, and he was sure all honorable members would be prepared to listen to him; the honorable gentleman had given pledges here, and pledges there, and, therefore, he should be prepared to come forward and state what his opinions really were, as it was a most important question.

Mr. Morehead said he should vote for the adjournment of the debate, for the reasons given by the honorable member for Port Curtis, namely, the absence of the honorable Premier. He was sure, however, that if the honorable gentleman had the smallest component part of honor, he would be an opponent of the Bill.

Mr. Thompson said there had been an endeavor made to put the objection to go on with the debate on the ground that honorable members were not prepared to do so; but he thought that, as the matter had been for so many years before the House, and had been made the turning point of the last general election, it was not a fair ground to put it on. The real ground, no doubt, was the absence of the honorable the Premier, which, under the circumstances, was nearly as important as the Bill itself; inasmuch as it was necessary that the honorable gentleman should make a thorough explanation of his opinions regarding the Bill, and of the position in which he stood towards it. That being the case, he should support the honorable member for Port Curtis, and strongly oppose going on with the measure

until the honorable Colonial Secretary was in his place in that House.

Mr. IVORY said he had listened with great interest to the speech of the honorable member for the Kennedy, and he might say, that he also took very great interest in the Bill. He really thought that they ought to have the honorable member at the head of the Government in his place before they discussed such an important measure. He could not believe the insinuations which had been thrown out against that honorable gentleman; he could not believe that he would for a single moment absent himself from that House, if it were not for some previous malady with which he was afflicted; he was quite certain, from the deep interest the honorable member had always manifested in the Bill, that, if it were possible, he would be present to take part in the debate. He placed no reliance on the statements that the honorable gentleman had given pledges in this quarter and in that, for he was perfectly convinced that the honorable gentleman was above doing anything of the kind, and would not demean himself so far as to give the pledges it was said that he had given, and then bring forward a measure like the present as a Ministerial measure. He thought the honorable member for the Kennedy must have made a mistake when he stated that a member of the Government had characterised the Bill as not being a Government measure. He thought honorable members must be mistaken, as all the honorable members of the present Government were so thoroughly straightforward, so clear in their statements, and so candid in everything they did—if they had any idea that the honorable Premier was absenting himself at that present moment from the House with any view to avoid a full explanation of his candid views on the subject of the Bill. He thought it was decidedly due to the honorable member at the head of the Government that the House should adjourn, out of deference to him, if for no other reason, to give him an opportunity of being in his place, and expressing his views on the present Government measure.

Mr. MILES would strongly advise the Government to consent to an adjournment of the debate, and he must say that he thought it was very unjust of the honorable Attorney-General to bring forward a matter of such importance in the absence of the honorable Premier. That honorable member found that, last session, the honorable Colonial Secretary was opposed to his Bill, and it was his (Mr. Miles') private opinion, that he was now trying to undermine the honorable gentleman, and to oust him from the position of head of the Government. He recollected that, last session, the honorable Colonial Secretary voted with him on the Non-vested Schools Abolition Bill, and he voted against it; and, therefore, he firmly believed that the honorable gentleman had been sent out of the way to enable his colleagues to carry the present Bill through the House. Under all circumstances, it appeared to him that there was something extraordinary—whether they had smuggled away the honorable gentleman to Cleveland, or elsewhere, so that he would not raise any opposition, he could not say; but it was, to say the least, unseemly on the part of the members of the Government to declare the Bill a Government measure, when perhaps, on the next day, up might come the honorable Premier and denounce the whole thing. If he had been in that honorable gentleman's position, and they had acted without his sanction, he would very soon send them about their business; moreover, the honorable member ought to look sharply after them, or they would be undermining him; the honorable member ought to be in the House.

The SECRETARY FOR PUBLIC WORKS said that, in the present discussion, honorable members opposite were only following the same line of opposition they had adopted throughout the present session—namely, of attacking the honorable Colonial Secretary, although, in the present instance, it was during that honorable member's absence. He would only compare their conduct with that of honorable members on his side of the House, when the honorable member the leader of the Opposition was absent for two nights. If an honorable member was ill, he had a perfect right to be absent from the House, and he thought, therefore, that the insinuations which had been thrown out, that the honorable member at the head of the Government was only shamming illness, were not only unseemly, but most ungentlemanly. He ventured to say that the debate on the Bill could not be concluded in one evening; and when it was brought on in the absence of the honorable Premier, it was fully stated by the honorable Attorney-General, that in all probability that honorable member would be able to attend on the following day.

Mr. BELL said, if he understood the speeches which had been made from his side of the House, there had not been any complaint made of the absence of the honorable Colonial Secretary, but of the honorable Attorney-General bringing forward the Bill during that honorable gentleman's absence. He did not think that, under the circumstances, the Opposition were going out of their way in proposing the adjournment.

Mr. W. GRAHAM thought it was an act of courtesy to the honorable member at the head of the Government that the debate should be adjourned. There had been a number of insinuations made against that honorable member, and, therefore, it would be a good thing if the honorable member was present during the debate, so that he might see the error of his ways, and be led to amend them.

The ATTORNEY-GENERAL said that he had moved the second reading of the Bill that afternoon for the reasons he had stated—

namely, that it was a question attracting very great attention in the colony, and was one which would occupy a great deal of time in discussing before it could be finally settled; so that it was desirable that they should get on with it as quickly as possible. He had already explained that the Bill would not go through the second reading until the honorable Colonial Secretary was present, and therefore he could see no reason for all the speeches which had been made. He had stated the reasons why it was brought on, and had also expressed to the House his regret at the absence of his honorable colleague. In conclusion, he might say, that it was something quite new, in his experience of Parliamentary usage, for honorable members to make statements and insinuations regarding a gentleman in his absence, which, probably, they would not make in his presence, when he would be able to answer them.

Mr. HODGKINSON said that hitherto the great complaint of the Opposition had been that no good measure had been brought forward by the Government; but the moment one was brought forward, which was considered of importance, those honorable members, instead of discussing it, proceeded to attack the honorable Colonial Secretary for being absent. The honorable member for Carnarvon had particularly distinguished himself in that respect, which he was the more surprised at, as hitherto that honorable member had always been the greatest upholder of British fair play. Although he had listened to the honorable member attacking the honorable Colonial Secretary——

Mr. MILES: I never attacked the honorable Colonial Secretary; if the honorable member is paid to attack me, let him go on.

Mr. HODGKINSON should treat the last remark of the honorable member with the contempt it deserved, and would meet with from all who knew him; and with regard to the statement that the honorable member had attacked the Colonial Secretary, he would withdraw it, as the honorable member had denied it. He could only express his regret that he had not appreciated, as compliments to the honorable Colonial Secretary, the remarks of the honorable member, but had regarded them as covert attacks; however, he had been assured that they were not intended as attacks. It had been stated by the honorable members of the Government, that the object of introducing the Bill that evening was simply to get on with the preliminary stages of it, which could be done in the absence of the Colonial Secretary, as well as of any one else; and he would at once say, even although he was accused of being a paid Government supporter, that if the honorable Colonial Secretary were to disallow the measure as a Government measure, there would not be a greater opponent in that House than himself.

The question of adjournment was put and passed.

JURORS BILL.

The ATTORNEY-GENERAL, in rising to move the second reading of this Bill, said that with reference to the first part of the preamble, the effect was, that under the present Jury Act, no person was qualified to be a juror unless he had real estate of the value of £200, or a yearly income of £50 in real estate, or a yearly income of £100 in lands held by lease for a term of 21 years, or occupying land assessed at £25 per annum. None of these qualifications applied to gold fields, and though there were plenty of persons qualified in other respects to act as jurors, they were not qualified according to law. He thought it desirable that that state of things should now be amended, and that jurors should be placed on a legal footing. Under the present Act, if any person objected to a jury formed on a gold field, he would be remanded to some other place where there was a legally qualified jury. As to the compensation to jurors, it was quite inadequate. The allowance was only to jurors attending under a general jury precept:—

	s.	d.
"If within three miles of the court, per diem	2	6
If above three, but not exceeding five miles, per diem	4	0
If above five miles, per diem	6	0
And for every mile of distance beyond such five miles	0	8

(That is, fourpence each way.)"

It seemed to him almost an insult to a juror to offer him such a sum.

Mr. THOMPSON: What was that amount for?

The ATTORNEY-GENERAL: It was for mileage. The proposal which was to remedy that was, by providing that any jurors who were summoned should receive five shillings a-day if resident within three miles; six shillings and sixpence a-day within five miles, and seven shillings and sixpence a-day beyond that distance. It was still little enough to receive. For special jurymen, the present remuneration was five shillings within three miles, and seven shillings and sixpence beyond three miles and under five miles, and beyond five miles ten shillings, and one shilling a mile additional beyond five miles. Persons qualified to act as special jurors were found by the statute to be: squires, merchants, commission agents, and two or three other classes of people. The remuneration of five shillings a-day was complained of as being quite inadequate, and was fixed by the 47th section of the Jury Act of 1867. The third section of the proposed Bill was so worded that no juror would, unless absolutely in attendance, be entitled to remuneration. He thought the Bill would remedy one serious evil—that of juries being illegally constituted on gold fields. He begged to move the second reading of the Bill.

Mr. THOMPSON had no objection to the Bill, but there was no alteration in it with regard to the distances jurymen were compelled to travel

The ATTORNEY-GENERAL: Thirty miles.

Question put and passed.

DISCHARGE OF CARGO BILL.

The COLONIAL TREASURER, in moving the second reading of this Bill, said it was a very simple measure, and, in his opinion, a very necessary amendment of the Customs Regulations of 1872, contained in the Bill introduced by the Government of which the honorable member for Port Curtis was the head. Honorable members would recollect that that was a very long, and, he believed, a very useful Bill, inasmuch as it consolidated all the then existing laws relating to Customs, and introduced some important modifications. One of the principal a terations, so far as the commercial public was concerned, effected by that Act, was restricting the time for passing entries. Up to the time of the passing of that measure, consignors were allowed twenty days within which to complete their entries, and the consequence was, that ships were put to much inconvenience. For instance, if a merchant or importer had a large quantity of salt, or other bulky cargo, he would not pass entries until almost the expiration of the time, and he would endeavor to sell in the meantime, in order to save himself the expense of double cartage; and the consequence was, the discharge of ships was very much delayed. The alteration made by this Act reduced the time within which consignors could pass entries from twenty days to four days, and the reason assigned by the honorable member for Port Curtis, or Mr. Ramsay, who introduced the Bill, was as he had just stated—that it was a case of great hardship that owing to the then existing state of the law, vessels might be compelled to remain in port an unnecessary length of time. He pointed out at the time the Bill was going through, that this was rather a one-sided arrangement, because, while consignors had to pass entries and pay duty within four days after the report of the ship, there was no corresponding provision to enable them to get their goods within a reasonable time. The reply to that objection was, that it was to the interest of the ship to discharge as speedily as possible, and no doubt, under certain circumstances, that argument would be a good one, and would apply; but it depended entirely on the circumstances of the case. Supposing, for instance, a vessel under charter wanted to get away as quickly as she could, no doubt the owner would hurry on her discharge with all practical speed, and to that extent the argument was good; but, as often happened, supposing a vessel was consigned to a particular firm, and it was the intention of that firm to load her with wool, for London, and before she could take the wool on board, there was another vessel that had precedence, and must be filled before the second vessel could take her cargo on board. In that case, there was not the slightest inducement to the captain or agents to hurry on the discharge of the ship; and it was acknowledged, by every person engaged in business, that consignors and importers had been put to very serious inconvenience and loss by the dilatory manner in which vessels were sometimes discharged. In fact, so great was this inconvenience, that many persons got their goods out by Sydney, in consequence of the greater rapidity with which they could be discharged in that harbor. He thought it desirable that that state of things should not exist longer than they could possibly help it. When importers had to pay large amounts on passing entries, it was only right and reasonable that there should be a limited time within which they might expect to get their goods. This Bill would apply principally to vessels discharging in the River Brisbane, although there was one provision with reference to vessels discharging in the Bay; and he hoped the day was not far distant when all vessels arriving at the port of Brisbane would be able to come at once up the river. He did not attach much importance to the clause referring to vessels discharging in the Bay. He might point out, that under the present law, the 62nd clause provided——

Mr. DE SATGE: What Act?

The COLONIAL TREASURER: The Customs Act of 1872. That clause provided that an importer should make a complete entry of his goods, if for home consumption, within four days, or pass a bond entry, which would necessitate removing the goods, first to the bond, and again to his premises, which was very inconvenient. He must do that or pay duty within four days, and yet it might happen that he would be two months before he got his goods. There was a penalty imposed by the 75th clause:—

"If any importer by this Act required to enter any goods shall wilfully fail to comply with any of the provisions of this Act so far as the same are applicable to such goods he shall forfeit and pay a sum not exceeding twenty pounds."

So that, if a consignor neglected to pass entry within four days after the report of the ship, he was liable to a penalty of £20. Now, what was the duty of the shipowner or the captain? The clause bearing on that was rather ambiguous, and he proposed calling the attention of the House to it. It was the 81st clause; which provided:—

"If before the expiration of seven clear working days from the date of entry of any vessel in which goods are imported such vessel being a sailing vessel or three clear working days such vessel being a steamer entry of such goods shall not be made."

This was the important part of the clause:—

"Or if such goods having been entered such goods shall not be landed before the expiration of

seven clear working days or three clear working days as the case may be or within such further period in either case as may be allowed by regulations as hereinafter provided or by special permit in writing of the collector or principal officer the officers of the Customs may convey such goods to a Queen's warehouse."

Now, it was the opinion of the honorable the Attorney-General that the power to convey goods to a Queen's warehouse carried with it the necessary powers antecedent to such conveyance; and, therefore, the officers of the Customs could do everything necessary to take the cargo that was not landed within seven clear days from the day of entry out of a ship, and convey it to a Queen's warehouse. Now, it would be apparent to every honorable member that that would be a very inconvenient proceeding. It was altogether outside the functions of the Custom House to go on board ship and take goods out, although it was distinctly provided in the Act. The course adopted by this Bill was to have a fixed schedule of the time within which a vessel must complete her discharge. A vessel of 400 tons would be allowed seven days, and extended time was allowed to vessels of larger tonnage, in proportion to their tonnage. He thought every one would admit that, if they were to have a law on the subject at all, it was much better and more convenient that the time allowed to a ship to discharge cargo should be regulated by a schedule of this kind. Under the present Act, only seven days were allowed to vessels of all sizes, large and small, and Custom-house officers had power to convey all cargo, not discharged at the expiration of that time, to a Queen's warehouse. That had never been actually carried into effect, although it had been the intention of one party to do so, in the instance of a vessel which was abusing the leniency of the Customs department by improper delay in the discharge of cargo. He had had a return made out of the time occupied by vessels in discharging cargo during the last year, and he found, in some instances, they had discharged within the time which would have been allowed by the schedule of this Bill; but, in other instances, there had been, evidently, very unnecessary and improper delay. In one instance, he saw the "Queen of the Bay" was twenty-eight days in discharging, while, under the schedule, she ought to have been emptied in seven days. Another, the "Abbey Holme," was thirty-four days, and she ought to have been emptied in ten. The "Henry Lichfield," which, he supposed, wanted to get away, was thirteen days discharging, and the actual time that would have been allowed was twelve. The "Alexandra" was eighteen days, and would have been allowed fifteen under the Bill; the "Nourmahal" was fifteen days, and would have been allowed that time. There were other vessels which took thirty-four and thirty-five days, which would have been allowed only ten or twelve days; and others, again, were discharged in shorter time than was allowed by the Bill. But there were many instances where vessels had taken altogether undue time. The "Storm King" was forty-one days discharging, while she should have been only twenty, if this Bill had been in operation. He did not think there was any hardship in the Bill, because the fifth clause provided that in the event of a ship having unusual cargo, such as machinery or other bulky goods, which it would be impossible to discharge in the time of ordinary cargo, or which might be prevented from being discharged by circumstances over which the master had no control, such as bad weather or floods, or anything of that kind, the Collector was authorised to extend the time for discharging, and in such cases the penalties would not be operative. He would just explain to the House how cases of inconvenience and annoyance to importers frequently happened. Supposing there was a vessel consigned to a firm, and on arriving it was found that the wharf belonging to the persons to whom she was consigned was already full, there being another vessel discharging there, the practice of the port was, to pay two shillings a ton to the wharf-owners for wharfage accommodation; and another practice was, that in the event of a wharf-owner taking a vessel not consigned to him, he and the agent of the ship divided the wharfage fees between them; and numerous instances were known where, rather than sacrifice the wharfage fees by sending the ships to another wharf, and notwithstanding the inconvenience to consignors, the ship was anchored out in the stream until the wharf was clear. He knew one instance where the consignors paid their entries when the captain of the ship was on the Downs.

Mr. McILWRAITH: What ship?

The COLONIAL TREASURER: The "Corinth." The Customs authorities raised an objection, and the answer was, that the wharf was occupied, although it was quite competent for the captain to have made arrangements to go to another wharf. So there was great hardship to importers, in consequence of continuous and unnecessary delays. Vessels, as a rule, made long passages to this port, and when they arrived, instead of being discharged with celerity, consignors were kept day after day, while cargo was being dribbled out by hand power, when steam power could be engaged. And he thought, as they had such a stringent law in regard to consignors passing entries within a limited time—he believed a shorter time than in any other part of the world—much shorter than in Sydney—it was only an act of fairness to these parties that there should be some distinct limit to the time within which a ship should deliver goods under ordinary circumstances. As a matter of fact, it was only in Brisbane that any necessity for a provision of this kind existed,

because, with the exception of Rockhampton, where a ship arrived occasionally, there was no direct trade done with Great Britain in any of the other ports of the colony; and it was evident a Bill of the kind would not be applicable to Rockhampton, because he believed none of the vessels arriving there went direct to the wharves.

Mr. PALMER: Yes, they do.

The COLONIAL TREASURER; If they did, it was a very exceptional circumstance. The fourth clause dealt with cases of lighters coming up from vessels which had to discharge portions of their cargo in the Bay, but it was not likely they would see that very long, because, with the improvements that were being made in the navigation of the river, it was probable that vessels would, before very long, be able to get up to the city at once. The principal object of the Bill was, to provide a definite time within which vessels must discharge cargo, when they were alongside the wharves in Brisbane. He begged to move—

That the Bill be now read a second time.

Mr. DE SATGE said he thought this was one of those Bills that he had always called "Brisbane Bills," of which they had had so many during this session; and, if the object of the Colonial Treasurer was, to introduce measures that were to conduce to free-trade, and leave unhampered the facilities of the port of Brisbane, he did not think he could have chosen a worse time to embarrass in any way the freedom of that port. He did not think, in anything that honorable member had said with regard to the Bill, he had shown anything but a personal desire—a desire with respect to the convenience of his brother merchants in this city. This was one of those harassing acts of legislation which would take away the freedom of the port, and he did not see that the regulations already in force could in any way impede the traffic or the trade of the port. If goods were required by a consignor he would invariably act in unison with the authorities of the ships, and get his cargo when he wanted it; and, as he understood the Bill, it was simply to save Brisbane merchants, who, at the same time, wanted to get storage dues instead of the ships retaining the goods and thereby saving storage. He could not imagine that there was any hardship in the existing state of things. The other day the honorable member for Clermont depicted the hardships and difficulties which merchants and traders up country had to submit to, in having to pay customs duties and so forth, although a long interval, of, perhaps, two or three months, elapsed during the trip from the port to the place where the goods were to be sold. In that case there were some hardships. Here there was, perhaps, a little hardship—perhaps a few days delay in the delivery of goods, from want of wharfage accommodation, or some other cause; and were they to have a Bill introduced, at the very worst time in the session, to legislate specially for a few merchants in the capital town of the colony? The capital seemed to him to have this one aim—that all legislation should be conducive to the interest of honorable gentlemen in that House, and the merchants generally of the town. He did not see anything that could warrant them in passing a measure such as this, which was to a certain extent an embarrasment to free trade. If this Bill would encourage the trade of the port of Brisbane or any other port in Queensland, he was very much mistaken indeed. He thought it would have the very opposite effect. The honorable the Colonial Treasurer had drawn attention to no very great hardship; and they had not heard anything to show that the Bill was necessary. He had listened attentively to the honorable gentleman's speech, and he (Mr. De Satgé) called it a trumpery Bill—a Bill that it was an utter waste of time to introduce at that period of the session, and which might lead to the shelving of other measures. He thought at that period of the session they should be called upon to spend their time in a way a little more useful than discussing a measure which was so decidedly an act of special legislation. They might easily find some measure of greater interest to the House and the country to proceed with, and he thought the honorable the Colonial Treasurer had failed to show, in anything he had said, that there was any reason at all for this Bill in any shape or form. As for the comparison of Rockhampton with Brisbane, he thought that might also have been left alone. He should vote against the second reading of the Bill.

Mr. McILWRAITH thought there was some little truth in the objection that had been started by the honorable member for Normanby, that this Bill might possibly be called a Brisbane Bill. It was decidedly a Brisbane Bill; but it was for a different reason that he objected to it. That reason was, that it was founded on so bad a principle that he could not support it. Every one knew there was no port in Australia that had got a worse name than the port of Brisbane. There was no port that shippers in London and other large shipping ports had greater hesitation in sending ships to than Brisbane; and if, in addition to the drawbacks of the port at the present time, they added this Bill, they would have the greatest difficulty in getting ships to come here at all, and the inevitable consequence would be, that freights would be generally increased. If they just considered what were the interests concerned with this Bill, they would be able to see what its effect would be. A shipowner, when his ship arrived in Brisbane, had to pay the whole expense of keeping the crew, and he had to look for the interest on his capital; and every one could see it was to his interest that the ship should get out of Brisbane as soon as possible, and go to London, and deliver his freight there as soon

as possible. Everyday he was in Brisbane he lost an amount of money in the maintenance of the crew, and he (Mr. McIlwraith) was told that the average expenses of a ship of 500 tons burden was not less than £50. It seemed, by the statement of the honorable the Colonial Treasurer, there had been some delay in ships discharging; that was to say, they could not get ships to discharge so quickly as they would be made to do if this Bill were passed, and some cases had been quoted where they would be obliged to discharge in ten days where they had actually taken twenty, and what the honorable gentleman proposed to do was to impose penalties on men for matters over which they had no control. In Sydney, they could discharge much more expeditiously than in Brisbane, and why? Because it was a larger port and had larger trade and much better facilities for discharging, and here it was proposed to fine a man for things over which he had not the slightest control. What effect could that have except to induce ship-owners to refuse to come to Brisbane altogether, unless they were paid largely increased freights. That would be the result of the Bill, and it was really an embargo on the trade of the colony. That it would have that effect he had not the slightest doubt. And for what interest in the colony was this to take place? For the interest of a very limited class of merchants in the colony —men who more particularly imported fashionable goods, and who sold goods to arrive at a particular time, and it came hard on them, he admitted, that they could not get goods out of the ship at that time to deliver them. But why should the whole of the port—the whole of the merchants who received freights —be taxed for that reason, and why should they try to attain the object these persons desired by fining those who had nothing whatever to do with it? He would take a case exactly similar to the case here. Supposing he had a store at Roma, where he sold silk dresses and so forth, and he came to Brisbane, and bought certain goods of that kind, he would send them up by the most respectable bullock-driver he could find; and supposing they did not arrive in time for the Roma race ball, and therefore remained on his hands, he would never dream of coming down to that House to pass a Bill to fine the bullock driver for not delivering the goods within a certain time. The remedy was to be found in another way. It was to be found by business men putting their heads together for that purpose. If a man treated him in that way, he would find a remedy by not employing him again; and by giving every possible facility for the discharge of goods from ships, they would also have a remedy. It was perfectly clear, to impose a fine was absurd. The remedy should be got by the people themselves, who had the management of the discharge and the taking away of cargo. The fact of the matter was this: that the drawbacks to the discharge of cargo in this port, in the first place, arose to a great extent from the smallness of the port, and secondly, from the laxity and carelessness with which merchants took away their goods. They would sometimes see wharves loaded with goods at twelve o'clock, and the captain and his crew standing idle through importers not removing their goods; and here, with all these things before them, showing the necessity for giving more facilities for the discharge of ships, and for compelling consignors to take away their goods, they were fastening on the men who were most oppressed, and said they would fine them, although they had nothing whatever to do with the matter. The effect would be simply to increase the freights of the port. At the present time they were too high, compared with other ports, in consequence of the want of proper facilities, and they would simply increase it if they adopted this Bill. There was one point which struck him, when the honorable Colonial Treasurer was delivering his speech, and that was, that whilst proposing legislating in that way, the honorable member had not pointed out one place where there was similar legislation. He did not himself know of one. Since the Bill had been on the business paper, he had tried to get the best information he could on the subject. He had no doubt that it would be said that it was the practice in Sydney; but it was nothing of the sort, for, whilst vessels were alongside the wharf there, they paid so much a ton for discharging, and after the appointed time, the wharfinger charged so much a day, but that was only for the use of the wharf, and not for the delay. He was quite sure that not one example could be found, and if one could have been, he was certain the honorable Colonial Treasurer would have brought it up in support of his measure. That honorable member, in order to bolster up his case, had cited the case of the "Corinth;" but he had not the slightest doubt that if that case was inquired into, it would be found that the captain of that vessel was not to blame; possibly some of the obstructions in the port might have stood in his way. He was not acquainted with the facts of that case, but he knew that there had been some delay; at any rate, it was not a case of sufficient importance to call forth the intervention of Parliament. As regarded the Bill not being applicable to other seaports besides Brisbane, his opinion was, that it was just as much wanted for Rockhampton as it was for Brisbane, and that it was not wanted at all anywhere. He would move as an amendment—

That the Bill be read a second time that day six months.

Mr. BEATTIE said he could not understand what the honorable member for Maranoa wished to convey by comparing the case of a captain of a ship with that of a bullock-driver taking goods to Roma; because, in the latter, an agent could not complain unless the

bullock-driver arrived at Roma, and then refused to deliver his goods. That was just the difference, and was what the Bill intended to remedy, namely, that captains of ships, on arriving at the end of their journey, should not keep goods on board, to the injury of those to whom they were consigned. The honorable member also said that there was no regulation limiting the period in which ships should discharge at Sydney.

Mr. McIlwraith: I said nothing of the sort.

Mr. Beattie understood the honorable member to say so; at any rate, there was such a regulation there, and a fine was attached to each ship according to her registered tonnage. The amount fixed by the Government—he did not say it was inflicted, as it would be most arbitrary—was 1s. 2d. a day per registered ton. That large sum was put down to compel captains of vessels to be expeditious in discharging their cargoes. He knew that cases had occurred in Brisbane where ships had been for thirty days alongside a wharf doling out ten or fifteen tons of cargo a day, causing consignees of goods up the country to be four or five weeks without their goods. He did not see any reason to complain of the Bill being harsh, as the time allowed by it would be quite long enough; then, again, the captains would take very good care to press upon consignees the necessity of taking away their goods as soon as possible, so as not to make them liable to the fine. He believed the Bill would tend to the advancement of the character of this port for giving expedition to the discharge of vessels; and as it would also be to the advantage of captains of ships coming to the port, he should support the second reading.

Mr. Palmer said it appeared to him that the Bill was legislation beginning at the wrong end, and that it would have been much better to have provided additional wharf accommodation before introducing the Bill. It was now found that a few ships filled up all the available space at the wharves; and he should like to know, therefore, how the Government would be able to carry out the provisions of the Bill. Another thing was, that if the Bill would be good for Brisbane, it would be good for the rest of the colony, for he had seen ships at Rockhampton, notwithstanding what had been said by the honorable the Colonial Treasurer, that the provisions of the Bill would not be required there, and there were also vessels arriving at Cooktown, where there was no wharf.

The Colonial Treasurer: There is one wharf there.

Mr. Palmer: If there was, he supposed that if more than one ship was there at a time, one would have to back out to make room for the other. However, he looked upon the Bill as bad legislation, as unnecessary, and he hoped the House would not pass it.

Mr. Stewart said he could quite understand the objections of the honorable member for Maranoa, who evidently regarded the Bill from an agent's standpoint of view, and from no other; for his part, he was quite sure that any one who had the interests of Brisbane at heart would support the Bill. One objection put forward by the honorable member for Maranoa to the Bill was, that if it was passed, there would be a difficulty in getting ships to come to this port; but the difficulty always was the small amount of freight offering, which was regulated by the expenses of the port. He was quite willing to confess that the expenses were heavier than they should be; but that was not the fault of the port, or of the Government, but of the agents who made the charge of 2s. a ton, Then there were also the charges of transhipment to Ipswich, of the freight on wool from there, and of the five per cent. for disbursing that money which went into the pockets of the agents; but all that difficulty would be partly removed by a measure such as that before the House. It was a well-known fact, that captains of vessels were often detained by agents to further their own convenience, so that they might go to their own particular wharf. As regarded the interest on the capital, and the expenses of the ship running on, what had been said by the honorable member for Maranoa was perfectly true; but the captains wanted the agents to work pleasantly with them, and did not care about the consignees, as they were not bound to deliver the goods within any specified time. It was, also, sometimes the interest of a vessel to delay in this port, and he knew of one case in particular, where part of the crew had deserted and they were working with a very small number of men in discharging the ship; they had two months to wait before they could expect to get any wool, and it was not worth their while to go elsewhere for freight; so that it paid them to go on painting the ship, discharging their cargo as leisurely as possible, and then come alongside a wharf and take in their wool. But there was another view to take; consignees had their property on board, the interest on which was very great; but they had no remedy, and had to await the convenience of agents. The honorable member said that the only complaint of delay had come from importers of soft goods, but he had no hesitation in saying that from every class of merchants there had been just as much complaint as from soft goods firms, in fact, he had been more than once on a deputation to a Minister to try and get something done to remedy the present state of things. He did not hesitate to say that nothing did more harm to a port than delay in discharging cargo; and he remembered, that some years ago, when there was only one line of vessels coming here, that his firm found they could get goods shipped through Sydney at very little additional cost, and have them landed two months before goods shipped at the same time were delivered by those vessels. He did not hesitate to say that a very large amount of

goods were shipped *via* Sydney on account of that delay. At the present time, however, most of the vessels came up to the wharves and discharged, and he hoped soon to see Rockhampton in the same position—in fact, he thought that every port should have its highways improved as much as possible, so long as it was proved that that would be to the advantage of the place. Another objection was, that there were not the facilities for discharging vessels here; but he had no hesitation in saying that they could have just the same as elsewhere, namely, a small donkey-engine, which could be put on a wharf in a few hours. He had seen vessels cleared in a third of the time they were in Brisbane, and the same facilities could be had here; but the fact was, as he said before, that the captains studied the convenience of the agents. Another objection of the honorable member was that the wharves were crowded with goods at twelve o'clock in the day, but that was, because there was not sufficient room for drays to take them away; that, however, was not very often the case, and when it was, it was because the consignees were taken by surprise, for, as a rule, only one or two drays could get to a wharf at the one time. The honorable member for Port Curtis said that the Government had begun at the wrong end, and that they should have increased the wharfage accommodation before introducing the Bill; but in answer to that, he would say, that if the Bill was passed, the discharge of goods would be commenced earlier, and thus room would soon be made for other vessels. There were plenty of wharves where many times the number of vessels could be discharged that there were at present. He believed the present wharf accommodation would be sufficient for years to come, but it would be just as well that there should be other provision made, especially if trade went on increasing as it was at present. The honorable member for Maranoa stated that the Bill proposed to fine a man who had no control over the discharge of the goods, but any captain could go to any wharf he chose; it was simply a matter of arrangement between himself and his agent. If a captain felt it to be his loss to wait in the stream, he would very soon find his way to a wharf; besides which, the Collector of Customs would, according to the Bill, have power to direct at what wharf the ship should discharge her cargo. With regard to the comparison which had been drawn between sending goods by a bullock-driver and by a vessel, he would point out that when a person employed a bullock-driver, he had a choice of men to select from, and could send him as rapidly as possible; but merchants had not always the choice of vessels; for instance, his firm shipped by every vessel they considered fit, and still there was very little choice. It had also been stated that the Bill would tend to raise freights; but he believed that it would, on the contrary, have the effect of reducing them, as nothing would tend more to dispatch in discharging vessels than a measure such as that proposed. There was also a statement made by the honorable member for Maranoa, that if the case of the "Corinth" was investigated, a reason would be shown for the delay in discharging. It was stated at the time that there was no room to discharge at the wharf, and so the captain went to the Downs, he being in no particular hurry, as he was waiting for another vessel to go, and it did not matter to him whether the cargo was on board or on shore. There was also a case in which a large quantity of paper for one of the newspapers was on board a ship, and, owing to the delay in discharging, the proprietors of that journal were put to very severe inconvenience. If necessary, he was sure that he could get a large number of merchants, chemists, and others in trade—persons who had nothing whatever to do with soft goods—who would make the same complaints that he was making. There was no doubt that if the consignees acted in unison with the captains, there would be less cause for complaint. But the honorable member could not know all the circumstances, or he would be aware that there was no chance of men getting their goods except in their order; and the Customs Act, which was considered a very good one at first, had been thrown aside, as it was found that one single merchant, by delaying the discharge of his goods, could delay all the other consignees. It was also stated by the honorable member for Port Curtis, that what was good for Brisbane was equally good for any other place; but he did not see that the Bill could apply very well to other parts, as there was only Rockhampton which had any shipping trade of any extent, except by steamers, which always got rid of their cargo as rapidly as possible; and if the evil complained of in Brisbane was found to press heavily at Rockhampton, he was sure the merchants there would complain. There were one or two alterations he would like to see made in the Bill when it was in committee. One thing was, that the Bill did not apply to vessels in the Bay, so that a vessel might remain there for a long time, and set the Act at defiance; but he was quite sure that the Bill was a good one, and one that was very much wanted, as it would give to consignees of goods the same rights as to the owners of vessels. He should support the second reading.

Mr. MOREHEAD thought the honorable member had certainly made the most effective speech to dangerously affect the second reading of the Bill; for a more dreary, monotonous, and, he might say, stupid, speech he had never heard. He had no doubt that the speech was studied, and that the stupidity was assumed, to drive honorable members out of the chamber, in order that the Government might pass the Bill. He believed the honorable member was instigated by the honorable the Colonial Treasurer in his

action, and he must say he had suffered very much disappointment himself, for he had expected to hear words of wisdom from the lips of the honorable member. He was rather astonished at the honorable member and the honorable Colonial Treasurer taking up the line of argument they had done, as they knew perfectly well that in that chamber there were no shipping agents to battle with them; in fact, they were simply in the position of large-case consignees who wanted to vent their spleen upon certain agents. He quite agreed with the honorable leader of the Opposition, that if the Bill was good for Brisbane it was good for other places, and if there was any advantage to be derived from the passing of it, it would be only right that it should be made general; to his mind, it looked very suspicious that the honorable the Colonial Treasurer had not proposed a broader scheme. He also agreed with the honorable member for Port Curtis, that before the Bill became law, there should be additional wharfage, and that there should be Queen's wharves, or Collector's wharves, for it seem to him that the Collector was to be vested with the greatest power of any one in Brisbane. That gentleman's name appeared everywhere—he was not only Collector of Customs, but also Water Police Magistrate, in which capacity he wielded autocratic authority at his court; and now, the Bill proposed that he should have the power of directing where a ship should be discharged. He would like to know at what wharf he could direct a ship to be discharged; there was only the Queen's wharf, and that was generally occupied by the steamer "Kate," and the Port Office wharf, which would not afford much accommodation —at what wharf then could the Collector direct a ship to discharge? Supposing he mentioned a private wharf, and the wharfinger refused to allow the ship to go, what then?—or supposing the Collector made an arrangement with a particular wharfinger? Did it not strike every honorable member, for instance, the honorable member for Fortitude Valley, that such wharfinger might make very good terms with the Collector? He believed the Bill would have a damaging effect on the port; and, although he had no interest whatever in it, he should be sorry to see the Bill passed. It seemed to him that the Collector of Customs was to have power to direct vessels to go alongside a wharf, but in cases of flood that would be impossible, and yet there was to be a penalty imposed if it did not go alongside within ninety-six hours of arrival. He noticed that the honorable the Colonial Treasurer was in a somnolent position, and he considered it was most insulting to the House, for the honorable member to be lying full length on the bench whilst his own measure was being discussed. He should sit down until he had the honorable the Speaker's ruling as to whether the honorable member was in order. [The honorable member for Mitchell here sat down.]

The Colonial Treasurer thought that there had been two objections taken to the Bill which were worthy of answer—one was by the honorable member for Port Curtis, and the other by the honorable member for Maranoa. The honorable member for Port Curtis thought the Government were putting the cart before the horse, and that they ought to make wharves before bringing forward the present Bill; but the honorable member must surely have been aware, when making that statement, that there was a sum put down on the Loan Estimates for wharfage; and he hoped, after what had been said, that that item would have the honorable member's support.

Mr. Morehead rose to a point of order. He had called attention to the recumbent position of the honorable Colonial Treasurer whilst he was addressing the House, and he wanted to know whether that was in order. It was with that object that he had sat down.

The Speaker: The honorable Treasurer is now in possession of the floor of the House, and I am not aware of any question of order having been raised. I know of no point of order which makes it out of order for an honorable member to lie down on a bench. At the same time, I may remark that I think it is a practice which is likely to prove inconvenient.

Mr. Morehead: The honorable the Speaker having decided that the honorable member could lie down on the bench, he would now resume his remarks——

The Colonial Treasurer rose to a point of order. The honorable member for Mitchell had closed his remarks by sitting down.

The Speaker: I think the honorable member for the Mitchell did not raise a point of order, but was speaking to the question, and sat down; I think, therefore, he has addressed the House. He can, however, resume his remarks when the main question is put. In the meantime, he closed his speech by sitting down as he did.

Mr. Ivory rose to say, that he had heard the honorable member for the Mitchell say, at the time, that he rose to a point of order; and, as the honorable member sat down, he said he would reserve his remarks until he had the honorable the Speaker's ruling.

The Speaker: The honorable member for the Burnett is right, but there was no point of order raised; it was only about the position of the honorable the Treasurer, which was really no point of order.

Mr. C. J. Graham thought the honorable the Speaker had not exactly caught all that fell from the honorable member for the Mitchell, who was addressing the House on the Bill, and suddenly ceased his remarks by raising, what he conceived to be, a point of order, namely—whether the honorable the Treasurer was in order in lying down, whilst his own Bill was being discussed. The honorable member said he would sit down until

the honorable the Speaker had given his ruling, when he would resume his remarks.

The COLONIAL TREASURER had understood the honorable the Speaker to rule that he was in order in addressing the chair, as the honorable member, in sitting down, had concluded his address. As usual, that honorable member had indulged in tirades of abuse——

Mr. MOREHEAD rose to a point of order.

The SPEAKER said there was no point of order, but he would take that opportunity of pointing out to honorable members the advisability of carrying on the debate in a more pleasant manner, instead of indulging in remarks which were calculated to call forth angry expressions of feeling. He thought the honorable Treasurer had drawn forth remarks from the honorable member for the Mitchell, by assuming a position which might appear unseemly to other honorable members.

The COLONIAL TREASURER said that he did not feel at all inclined to measure his language, when replying to the honorable member for the Mitchell, for he had heard the most improper motives attributed to honorable members on his side of the House by that honorable member, without their being in any way checked from the Chair. He did not see why he should measure his words when speaking of such an honorable member as the member for the Mitchell. With regard to the question before the House, he had no doubt that the delay in discharging vessels had had the effect of driving merchants here to have their goods sent out in vessels consigned to Sydney. There was no doubt that, if a vessel could discharge her cargo at Brisbane expeditiously, she could afford to bring goods at a lower rate, and he confessed, with the honorable member for Maranoa, that the freights were now very high. He had no doubt that, if the honorable member for Port Curtis did not again withdraw his resolutions from the paper, the House would hear a great deal more about freights, and have a good deal of light thrown upon the subject of freights generally. There was another point which had not been referred to by any honorable speaker, and it would, he thought, show the necessity of some legislation to limit the time for discharging vessels. Supposing, for instance, there was a vessel consigned to a person here with a large cargo of beer, and that person happened to be the only holder of beer, it would be very important to him that he should clear out his old stock before the new cargo was discharged. In fact, he had been informed that a case of the kind had occurred some time ago, in which a firm had a large stock of some article, and in order to get rid of that stock, the cargo of a vessel was unnecessarily delayed in discharging——

Mr. SCOTT rose to a point of order, which was, whether the present Bill should be brought before the House or not, as a public Bill. He thought that it was a private Bill, and in respect to those Bills, the 251st Standing Order provided—

> "Notice of the intention to apply for every private Bill shall be published once a week for four consecutive weeks in the *Government Gazette*, in one or more public newspapers published in Brisbane, and in one or more public newspapers published in or nearest to the district affected by the Bill, which notice shall contain a true statement of the general objects of the Bill."

On referring to "May," he found that a private Bill was thus defined—

> "Every Bill for the particular interest or benefit of any person or persons is treated in Parliament as a private Bill. Whether it be for the interest of an individual, a public company, or corporation, a parish, a city, a country, or other locality, it is equally distinguished from a measure of public policy in which the whole community are interested, and this distinction is marked by the solicitation of private Bills by the parties themselves whose interests are concerned."

He wished to have the ruling of the honorable the Speaker as to whether the present Bill was not to be considered a private Bill? The title of it was, "A Bill to provide for the speedy discharge of the cargoes of ships arriving at the port of Brisbane;" so that it was evidently for the particular benefit of that city, and of the people in it. He held, therefore, that it was a private Bill.

The SPEAKER: Do I understand the honorable member to raise a point of order?—because, if so, before giving my ruling on the subject, I think it should be stated as to whether honorable members on the Government side of the House wish to raise a discussion. I will give my ruling after hearing honorable members *pro* and *con*.

Mr. DE SATGE thought there was no doubt that the Bill was a private Bill, as it was confined to Brisbane exclusively, inasmuch as the honorable the Treasurer had stated that the Bill could not refer to Rockhampton, or other seaports. With regard to the replies given by that honorable member, he did not think they would have any effect, as the honorable member had merely referred to certain descriptions of cargo. He thought the whole thing was paltry——

The COLONIAL TREASURER rose to a point of order. The question before the House was—whether the Bill was a private Bill or not.

Mr. DE SATGE said he thought the honorable member himself had settled the question, by making the Bill apply to only Brisbane.

The SECRETARY FOR PUBLIC WORKS said the honorable member for Springsure had contended that any Bill not applying to the whole colony was a private Bill; but the practice in Great Britain was dead against such an argument—for he ventured to say that nine-tenths of the Bills relating to Ireland did not relate to other portions of the United Kingdom. If the honorable

member had read from "May" a little further down the page, he would have seen that—

"Though a Bill relating to a city is generally held to be a private Bill, Bills concerning the metropolis have been dealt with as public Bills, the large area, the number of parishes, the vast population, and the variety of interests concerned, constituting them measures of public policy rather than of local interest."

Now, the population of Brisbane was, by comparison, as great to the rest of the colony of Queensland as the population of London was to the United Kingdom. "May" then went on to say:—

"Thus the Metropolis Police Bills in 1828 and 1839, the Metropolis Local Management Bill in 1855, the Main Drainage of the Metropolis Bill in 1858, and other similar Bills, were brought in and passed through all their stages as private Bills."

He would observe that the objection came with singular bad grace from the opposite side of the House, inasmuch as they had passed Bills referring to Brisbane alone as public Bills; for instance, the Brisbane Waterway Act, which was for nothing more than to make a drain across one street. If that was a public Act, he contended that a Bill relating to the whole commerce of Brisbane was much more so; for the former could only be for the convenience of the people of the town, whilst the latter affected people in the most distant parts of the colony.

Mr. GROOM said he had mentioned privately that the Bill was to all intents and purposes a private measure, for it emanated from the Chamber of Commerce. On the other hand, the Bill introduced by the honorable the Speaker, when Minister for Works, was a public Bill, as it affected the sanitary condition of the city of Brisbane. The present Bill was only intended to affect half-a-dozen warehousemen in the city, and, therefore he contended that the objection taken by the honorable member for Springsure was a perfectly fair one. He contended that the Bill was quite as much a private measure as the Rockhampton Waterworks Bill.

Mr. STEWART said he would like to point out that the Bill would not only affect half-a-dozen merchants, but would affect as many mercantile men in Toowoomba as in Brisbane; and he might point out that the port of Brisbane extended to Mooloolah and to Ipswich. If the Bill was not a public one, there had been no public Bills brought in that session.

The COLONIAL TREASURER said he rose to a point of order, to call the attention of the House to a passage in "May"—

"Bills concerning Edinburgh and Dublin have also been public or private, according to their objects and the circumstances connected with their introduction. The abolition of the annuity tax in Edinburgh has thus been the subject of both public and private Bills. The collection of rates in Dublin has also been the subject of public and private Bills; while legislation for the port of Dublin has generally been contained in public Bills."

That appeared to him a case in point. Why should they not legislate for Brisbane by public Bills, when legislation for the port of Dublin was in the form of public Bills? It was not a comprehensive measure; it applied simply to one port. That was precisely a case in point, and it was a case of general policy where it was desirable that vessels should not be kept beyond a limited time. The Bill was not affected by applying to one port only. Then, again, the

"Harbors Bill, in 1861, affected the same four harbors and the local Acts under which they were administered, but otherwise dealt with so many matters of general legislation as to be unquestionably a measure of public policy."

The ATTORNEY-GENERAL said, if the honorable gentleman would consider what was the nature of a private Bill, his objection would seem untenable. On looking at No. 18 of the Standing Orders, honorable members would see that what appeared there made the oddity become stronger still. Standing Order, No. 252, said—

"No private Bill shall be initiated in this House but upon a petition, first presented and received, with a printed copy of the proposed Bill annexed; and such petition shall be signed by one or more of the parties applying for the Bill."

If honorable members considered those conditions, what persons, would they have said, could have brought that Bill in as a private Bill? Who would be affected by that Bill? The whole of that part of the colony was affected which derived its supplies from the port of Brisbane, and that included the whole population of the colony. It was ridiculous to pretend to a point of order of that kind. It was a matter he could quite understand, honorable members being opposed to the Bill. He would ask, what individuals would petition the House with regard to this Bill: would it be the inhabitants at large?

HONORABLE MEMBERS: No, no.

The ATTORNEY-GENERAL: No individuals in Brisbane want a Bill passed.

HONORABLE MEMBERS: Oh! oh!

The ATTORNEY-GENERAL: It was not a Bill to promote the interests of two or three individuals. The Bill was intended to amend "The Customs Act of 1872," although that was not the title of it. The objection to the Bill appeared to be that it only applied to the port of Brisbane; but it was framed for Brisbane, because the largest amount of shipping was there. It might be called a local Bill, but certainly not a private one; it did not apply to particular individuals or cities. Supposing the port of Brisbane to have been the only port in the colony—there had been a time, within the memory of honorable members, when such was the case, though it was not so now—to which imports were made. It was quite unimportant whether it was Queensland then or not. In the colony of New South Wales, all imports had been made at the port of Sydney. It appeared to him that,

if a Bill were brought up in the New South Wales Parliament regulating the discharge of cargo in the port of Sydney, the argument would have as much force as any of those arguments relating to the port of Brisbane. If it appeared to him that the objection was a tenable one, he would be the first to agree to it. The Bill itself was a matter of public policy, and should be dealt with on its merits. It was a Bill that ought to be introduced by Government, as any such Bill was obviously a public Bill, and not a private one.

The SPEAKER said that when the honorable member for Springsure rose to a point of order, he (the Speaker) preferred to listen to the arguments of honorable members on both sides. He had been inclined to think, at first, that the Bill was a private Bill: but, after hearing the arguments adduced, and after examining the Bill, he had come to the conclusion that it was not. He had found that the operation of the measure was to be confided to public officers, and not to the corporation. He found, also, that there was no provision for the fines proposed to be levied in the Bill going into corporation funds; and, moreover, that the operation of the Bill extended to the mouth of the river Brisbane, which was considerably outside the municipality.

Mr. C. J. GRAHAM said he begged that the honorable member in charge of the Bill, having shown cases in which vessels had been very much delayed, would give the reasons. The fault lay with the agents of the vessels, in the case mentioned by the honorable the Colonial Treasurer. It was not the fault of the shipowner or the captain of the ship, but the agents. There were very few wharves in the town, and they were private; consequently, shipowners sending out ships to this port were confined to two or three wharf-owners. Practically, there were none but private wharves. As a matter of fact, the great mass of ships had come to those private wharves. It appeared to him that the remedy for that was, to establish public wharves. The supporters of the Bill said that they had a grievance which they wished to remedy: agents, for instance, threw obstacles in the way to put money in their own pockets; and it was proposed to punish captains of ships; but it should be their duty to provide a remedy for themselves. He could conceive nothing worse than the measure, nor one more likely to give the port a bad character in London. People in London could not understand anything about dealing in beer, and all those details; all they saw was, that if they sent a vessel to the port, and it was delayed, they would suffer a very heavy penalty, which was not inflicted in any other ports, for what was not in any way under their control. It seemed to him, that so far as passing that Act was concerned, instead of increasing imports, it would so frighten shipowners at a distance that shippers would send their cargoes to the northern ports. He was in favor of free trade himself, and he also believed, that if the honorable the Colonial Treasurer would establish public wharves, all the evils complained of would disappear, in fact, were disappearing. About ten years ago the Colonial Treasurer had said, that goods could be got more quickly by way of Sydney. There was no question that, at one time, goods could come to this port more rapidly than by coming direct to Moreton Bay. The evil was being cured by force of circumstances, and it would tend to increase the number of wharves, and to facilitate the more expeditious discharge of cargo.

Mr. GROOM said he wished to support the motion of the honorable member for Maranoa, that the Bill be read that day six months. His constituents felt no interest in the Bill, which was an unnecessary one, and would prove very injurious, if passed. The time of the House had been unnecessarily taken up by many small and useless details, or which, at all events, had that appearance. If the genius of the Ministry could not extend higher than that Bill, it was a pity. He should resist a measure which was more suited to a local vestry than to the Assembly. He would support the amendment. There was a large population to account to for something being done for them; and it really seemed as if the rest of the colony was not to be thought of. It was quite time they reached some important measures. It seemed to him that country members were being worried by those small measures, and that others were being shunted altogether.

Question put, That the word proposed to be omitted stand part of the question.

The House divided.

AYES, 14.

Messrs. Hemmant, Griffith, Fryar, King, Morgan, Macrossan, Foote, Beattie, Fraser, Hodgkinson, Edmondstone, Low, Kingsford, and Stewart.

NOES, 14.

Messrs. Palmer, Thompson, C. J. Graham, J. Scott, Ivory, Amhurst, Morehead, De Satgé, Buzacott, McIlwraith, W. Graham, W. Scott, J. Thorn, and Groom.

The numbers being equal, the SPEAKER—giving as his reason that he would thereby afford the House a further opportunity for considering the Bill—gave his casting vote with the Ayes, and declared the question to have been resolved in the affirmative.

Original question then put.

The House divided.

AYES, 15.

Messrs. Hemmant, Griffith, Fryar, King, Morgan, Macrossan, Beattie, Edmondstone, Low, Stewart, Kingsford, Fraser, Douglas, Foote, and Hodgkinson.

NOES, 14.

Messrs. Palmer, Thompson, C. J. Graham, Buzacott, McIlwraith, J. Thorn, Groom, W. Scott, Ivory, J. Scott, Amhurst, Morehead, W. Graham, and De Satgé.

Whereupon, Bill read a second time.