

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 2 SEPTEMBER 1875

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Thursday, 2 September, 1875.

Breach of Privilege—the Council Establishment.—Communication between the Ports of the Colony.—Grace-mere Pre-emptive Bill.—Crown Lands Alienation Bill.—State Education Bill.

BREACH OF PRIVILEGE—THE COUNCIL ESTABLISHMENT.

THE PRESIDENT said: Honorable gentlemen—I have a motion on the paper for this day which it is my duty now to explain to you. At the usual time when the estimates of the various departments of the public service are called for, it is the practice of the House, as it is of the other, to send in to the Government an estimate of the provision supposed to be necessary for the Council establishment; and I did so, in reference to the present year. In this estimate I recommended an increase of £50 to the salary of the Parliamentary Shorthand Writer attached to the Council. I had necessarily to do it at my own discretion and upon my own responsibility, because, at that time, the House was not sitting, and I could not have the advantage of the advice of the Standing Orders Committee, which, otherwise, I should have sought; but, I may inform the House that as soon as the Standing Orders Committee did meet this session, I mentioned the subject to them. I brought it before the committee casually, not formally; and I then understood from the honorable gentlemen forming the committee that they believed the increase recommended a proper one. I have not heard and I have not received any reason why the recommendation made was not acceded to. I merely know that when the estimates of expenditure for the year were placed before the other House, the increase to the Shorthand Writer's salary was not on the Estimates; and, of course, was not discussed, and was not granted. Now, this is a question which this Council has always viewed with very considerable jealousy; as, of course, it is incum-

bent upon it to do. In the year 1866, the Council agreed to an address to his Excellency the Governor, Sir George Ferguson Bowen, laying before him the desire of the House that a Bill should be brought in to fix the establishment of the Legislative Council on a proper footing and at a proper rate without submitting it to annual discussion; and in that address it was set forth that—

“The Legislative Council cannot for a moment allow that the formation or control of its establishment should rest with any body in the State other than with the Legislative Council itself.”

HONORABLE MEMBERS: Hear, hear.

THE POSTMASTER-GENERAL: And the Legislative Assembly.

THE PRESIDENT: And it was further pointed out, in the Address—

“That the practice of the Parliament of Great Britain is, as stated to the House of Commons by the report of a Select Committee appointed on the 22nd February, 1848, for ‘the Treasury to receive an estimate of the expenses of the House of Lords, and to submit a vote to the House of Commons to cover the deficiency of the Fee Fund.

“‘This vote and estimate have passed without alteration by the Treasury or the House of Commons, there being an unwillingness to canvass the details of the account submitted by so high a Judicial Tribunal, as well as a branch of the Legislature.’”

Now, that was brought under the attention of the Governor at that time; and, by a subsequent address of similar purport, in 1872, to the Most Honorable the Marquis of Normanby, the opinions of the Council were represented in almost a repetition of the same words:—

“The Legislative Council cannot for a moment allow that the formation or control of its establishment should rest with any body in the State, other than the Legislative Council itself.

“It will be evident to your Excellency that the power to interfere with its establishment, if used injudiciously, might paralyse the action of the Legislative Council, and prevent the full exercise of that co-ordinate jurisdiction, which the Constitution has conferred upon it; and that, therefore, it is essential this power should remain full and entire as a constitutional safeguard to the Legislative Council itself.”

For these reasons, honorable gentlemen, I think it proper to bring before you what has occurred; and, as I have no reason to suppose that there can be any objection to the increase recommended, it is proper that the House shall not allow the circumstance to pass without notice;—because, if such interference is allowed in a small matter, it may be repeated in a large matter. And, we are bound constitutionally, I think, to take care that no such alteration as has been made shall be made without observation, at least, on our part. The proposed increase was made by me upon these grounds:—That the officer in question has been in the service of the Parliament for the last eleven years—a very considerable time, at any rate—without any increase

to his salary; and that he has performed his duties always satisfactorily. This seemed to me, when put before me, a very fair case, and induced me to recommend the increase of salary. It is a fact, also, known to honorable members, that, during this session and the session before, increases were made to the salaries of other officers of the Legislature. And I was guided, moreover, by this fact—that the salary paid to the Shorthand Writer of the Legislative Council of New South Wales, Mr. Scarr, is £550 per annum, as shown in the Blue Book of the colony. Now, for a gentleman whose attainments are, we may say, professional, and who brings to the performance of his duties a long training and considerable experience, whose services, required by us, are well worth retaining—because, as far as my observation goes, no one in his situation could perform his duties more efficiently or attentively than he has done—the increase proposed, to bring his salary up to £450 a-year, or £100 less than the officer in a similar position in the neighboring colony, certainly does not seem an extravagant one. Besides the Shorthand Writer of the Legislative Council of New South Wales, there is a first clerk who gets £400 a-year; a second clerk, £300; a third clerk, £250; and a copying clerk, £200. So that he has a strong staff to assist him, without, I presume, very much more business for the Council than we transact; while our Shorthand Writer has no assistance at all, but does in his own person all that is required of him by this House. I have made these few observations to explain to you, honorable gentlemen, why I think it proper to put the increase on the Estimates; and to inform you why I do not think it right that we should allow the alteration that has been made, by striking out the increase, to stand without question or reference—without, indeed, taking serious notice of this fact. For these reasons, I gave notice of motion—

“To call the attention of the House to an alteration made in the Estimates sent into the Government for the expenses of the Council’s Establishment for this year;”

and, if you agree with me, you will affirm by your votes the resolution which I shall now move, in pursuance of that notice. I beg to move—

That this House is of opinion it is a breach of its privileges that any alteration should have been made in the estimates sent in for the official establishment of this Council for the present year.

I have made a slight change in the resolution, because an alteration has been attempted, indeed, three or four times; which, in fact, the Council has resented.

HONORABLE MEMBERS: Hear, hear.

The POSTMASTER-GENERAL: I believe the President did send in to the Government a letter to the effect that the Shorthand Writer in the House should receive £50 a-year addi-

tional. I believe no such recommendation was made by the honorable the Speaker in another place.

The PRESIDENT: Oh!

The POSTMASTER-GENERAL: I believe it is the practice to assimilate the salaries of the officers in this House and the officers in another place.

An HONORABLE MEMBER: Oh, no.

The POSTMASTER-GENERAL: Otherwise, why should not the Usher of the Black Rod, who has seen considerable service in this Council, receive an addition to his salary over and above that paid to the Sergeant-at-Arms, who has been only some few months in office in another place? I contend that he is as much entitled to it as the officer referred to by the President. Mr. Byrne is an excellent gentleman. I do not wish at all to say anything about his abilities, or as to the efficiency with which he performs his duties. I think the same rule ought to be applied to the Shorthand Writers in another place; and I do not understand that the Speaker has made any recommendation with reference to them. I do not see that any breach of faith has been committed. It would be a breach of faith, at once, if the Government allowed the officer of the Council to have a salary over the other Shorthand Writers. The arguments of the President as to the privileges of the Council are, therefore, I think, needless. I think this House has unnecessarily interfered with the privileges of the other House, when honorable members evaded the Payment of Members Bill. This is an excellent argument in that way. The Council should not have interfered at all with that Bill; and this argument is quite in keeping with certain arguments advanced by the President some time ago. The Council should not interfere at all with matter not affecting it, and affecting the other House only. I hope the Council will not assent to the motion, because I think myself that the salaries of officers in both Houses should be, as they are really now, the same.

An HONORABLE MEMBER: No, no.

The PRESIDENT: I do not see that.

The POSTMASTER-GENERAL: They are different in New South Wales. I do not see why they should be here. The Shorthand Writers were not recommended for an increase in another place. Why the officer here should be singled out for an increase, and no other deserving officer, I cannot understand. I think Mr. Masters is entitled to an increase, seeing that increases are the order of the day, at present; and seeing that his services are as long as those of the Shorthand Writer. I do not see any breach of privilege.

The Hon. E. I. C. BROWNE: The Postmaster-General has found some very ingenious arguments which he has given to us; but I confess that I do not see the force of them. I really wish, for our benefit, that he had applied his powerful mind to the ques-

tion before the House. The question before the House, now, is, not whether our Shorthand Writer is entitled to the increase or not; but whether we have been properly treated by the Government in the matter of a recommendation which was sent to the Government by our President for and on behalf of the Council.

HONORABLE MEMBERS: Hear, hear.

The Hon. E. I. C. BROWNE: The question is, whether we are to be the arbiters of what we require for the conduct of our business? Unless we do insist upon our rights, we do to a certain extent ignore our position as a co-ordinate branch of the Legislature. One argument of the Postmaster-General was, that something else was not done—that some other officer was not recommended for increase, and that the officers in both Houses were on the same footing;—and another was, that if the recommendation of the President had had the approbation of the Speaker, then we might have got what we require. Really, it is satisfactory to know that there are some means by which we might have got it! But I do not think we shall be put into the position to go cap in hand to the Speaker, or to the Assembly itself, which is a greater body than the Speaker, who is only the servant of the House; or that we shall do anything that the Postmaster-General or his colleagues may advise. I trust that the President will not withdraw his motion, but that he will insist upon it. The House will pass it, I am sure.

The Hon. H. B. FITZ: I may say, honorable gentlemen, that I never listened to weaker arguments than have just been advanced by the Postmaster-General. He says that the Shorthand Writer here is not entitled to an increase of his salary, because our Usher also has not been recommended. Although our Usher is a worthy gentleman whom we all respect greatly, yet I think that his duties cannot for a moment be compared to those of our Shorthand Writer. We must also bear in mind this fact, that when Mr. Barlee was the senior Shorthand Writer, he was in the receipt of £450 a year. I think when the President says he requires so much increase for an officer, he should not be expected to go to the other House for support; and I do not see why anything he proposes on the estimates for the Council should be dependent on the Speaker, as the Postmaster-General seemed to put it. We must take into consideration, also, that Mr. Byrne has been here for eleven or twelve years; that he has not had an increase of salary in all that time; and that we have used up two Shorthand Writers, Mr. Lindsay and Mr. Barlee, by overwork, while he has kept on. There can be no doubt that no more arduous duties than those of a Shorthand Writer have to be performed in the public service; he has to be in attendance on the sittings of the House, frequently very late, and he has generally to sit up through the night to keep pace with

his work—and he has had to give his attendance in another place as well as in the Council. I think that the Government have not treated this one well, and that the recommendation of our President has not been accepted as it should be. We must also bear in mind that the Clerks of both Houses have received increases of salary to the same amount.

HONORABLE MEMBERS: No, no.

AN HONORABLE MEMBER: Not the same increase.

The Hon. H. B. FITZ: Yes; Mr. Radford and Mr. Johnson have both had increases of the same amount. The motion should be passed; because we are aware that we cannot make any question of detail or offer any opinion upon the Estimates; and that otherwise it is only when the Appropriation Bill comes up from another place that we can act with any effect.

The Hon. H. G. SIMPSON: Honorable gentlemen—I do not, for one moment, wish to discuss this question upon what we call the merits of the case, as to whether the Shorthand Writer deserves the increase or not. I do not think that is a question, at all; or, I think it might be very easily answered. The length of that gentleman's services, compared with that of other officers—and the other Shorthand Writers—is a sufficient answer. But I look upon the matter as one of privilege affecting the Council; not as a question of £50 to be given to an officer of this House; and it resolves itself into this—Whether the Council has a right to require what it wants for the conduct of its business? and from that point we should treat it. If what we require is not provided for us, I shall go so far as to vote against the Appropriation Bill, on that ground.

HONORABLE MEMBERS: Hear, hear.

The PRESIDENT: I shall avail myself of my right to reply on this occasion, because I wish to answer the argument that was brought forward by the Postmaster-General—whose statements have been answered pretty well, indeed, already, by my honorable friend, Mr. Browne—that the Government have apparently refused to put this increase, recommended by me, on the Estimates, because the Speaker of the other House had not recommended his Shorthand Writers for a similar increase. Well, I have no doubt that if the Speaker thought it was a proper time to make such a recommendation, he would have made it; but, because the time had not arrived when he thought his officers were deserving of an increase, and he did not make that recommendation, does it follow that we should be debarred from following what we believe to be just and fair to our own officers? If that is an argument, it is one that I can hardly bring myself to agree to. Those gentlemen in the other House came into the public service some seven or eight years after the Shorthand Writer of this House; and is he to remain in the same

position, to grow grey in it, while those gentlemen get into a sufficiently advanced period of service to enable them to be brought in with him for advancement? When would the time arrive when they should all work in together, if, under such circumstances, one man must wait for the other? The argument which the honorable gentleman applied to other officers of this House is so far from the question that I really cannot condescend to reply to it. In looking over the requirements of the service for this House, I take into consideration each individual case before me; and I can hardly see that, because one case deserves recommendation, all others, without special reasons, should also be included. I am very glad to find that the majority of the House agrees with me in this matter. I think it is essential that we should take care that our estimates are not interfered with, without good reason, at any rate, laid before us; and that we should have an opportunity, if any alteration is made, to discuss the reasons for which it is made. I shall now put the substantial resolution which I moved.

The Hon. W. HOBBS: Honorable gentlemen—The resolution put by the honorable the President does not, to my mind, meet the case. There ought to be some expression of opinion, that the increase to the salary of the Shorthand Writer should be restored—should be placed on the Estimates in the usual way. It is too late to expect it to be placed on the Estimates-in-Chief now; but I do not think it at all reasonable or just that the Shorthand Writer should wait over another year for his increase, and probably then just find himself in the same position as he is in at the present time.

HONORABLE MEMBERS: Hear, hear.

The PRESIDENT: I thank the honorable gentleman for his suggestion.

The Hon. W. HOBBS: I think the resolution should be amended by adding something more practical and demonstrative than it contains at present.

The PRESIDENT: I thank the Honorable Dr. Hobbs; and I will, with the consent of the House, add—that this resolution be forwarded to the Governor, requesting His Excellency to place the amount in the Supplementary Estimates for the current year.

HONORABLE MEMBERS: Hear, hear.

The POSTMASTER-GENERAL: I may inform the House that the Supplementary Estimates are down.

The PRESIDENT: Then you will find another additional Supplementary Estimate.

The question was put and passed, in this form:—

"1. That this House is of opinion it is a breach of its privileges that any alteration should have been made in the Estimates sent in for the official establishment of this Council for the present year.

"2. That the above resolution be forwarded, by Address, to His Excellency the Governor, requesting that he will be pleased to cause the amount to be included in a Supplementary Estimate."

COMMUNICATION BETWEEN THE PORTS OF THE COLONY.

On the Order of the Day being read, the House was put into Committee of the Whole for the consideration of the Message from the Legislative Assembly respecting communication between the ports of the colony.

The CHAIRMAN read the Message, as follows:—

"MR. PRESIDENT,

"The Legislative Assembly having this day agreed to the following resolutions, viz.:—

"1. That, in the opinion of this House, the present means of communication between the different ports of the colony are inadequate and unsatisfactory.

"2. That the Government be empowered to enter into an agreement with any company, whose head-quarters in the Australian Colonies shall be in Queensland, for a service, to be performed upon the following basis:—

"a. The annual subsidy not to exceed £15,000.

"b. The company to keep not less than five steamers, of not less than 400 tons register, and one steamer of not less than 200 tons registrar, and two river steamers, and a guaranteed speed of not less than eight knots per hour, constantly running in Queensland waters.

"c. Communication to be maintained weekly between Brisbane, Cooktown, and the intermediate ports.

"d. The time table to be arranged annually, subject to the approval of the Postmaster-General.

"e. The subsidy to be payable from the commencement of the service.

"f. The term of the proposed agreement not to exceed ten years.

"g. All mails to be carried free.

"Beg now to transmit the same to the Legislative Council, for their concurrence.

"WM. HENRY WALSH,
Speaker.

"Legislative Assembly Chamber,
Brisbane, 31st August, 1875."

The POSTMASTER-GENERAL moved—

That the House do concur in these resolutions.

He recapitulated the purport of the message, and said that in respect to the northern mail service he was for a considerable time under the impression that the A.S.N. Co., who now had a contract from the Government, had been more sinned against than sinning; but he found out eventually that that company deserved all the condemnation that was heaped upon them out of doors. He found that they not only ran their steamers irregularly, but that they did everything they possibly could to get their steamers out of the way when they were most required, and not to please the Government. In fact, unless they had a large subsidy, they cared nothing for carrying the Queensland mails. He gave, as an instance, that when the arrival of the royal mail steamer at Glenelg was signalled, the company, knowing well what time she would arrive at Sydney

and Melbourne, hurried away their steamers beforehand, so that they should not bring on the Queensland mails. They sent their boats away only a few hours before the arrival of the "Pera," with the English mails, because they had not a subsidy for carrying them on from Sydney to Brisbane; and the consequence was not only delay in the delivery of the mails, but great inconvenience to the public. Again, with regard to the northern trade, it was the practice of the company, some time ago, to send their boats up from Sydney full, when they would not be able to take cargo from Brisbane for the northern ports; indeed, they did not think it worth while to come up to the wharf sometimes. Under those circumstances, goods for the North had remained here for weeks. Again, the steamers did not start at the advertised time; but, often, twenty-four hours before or after, just as suited the Company; which entailed great expense upon passengers and extreme irregularity in the postal service. In fact, they did all they could to keep up the connection which existed for a long time between the northern ports, with the exception of Maryborough, and Sydney, and to keep the whole trade for Sydney to the exclusion of Brisbane from any participation in it. There were thirteen ports on the coast of Queensland north of Brisbane; and they required regular mail communication. Rockhampton, Townsville, and Cooktown especially demanded it; and there were several intermediate places that required to be attended to equally. In fact, the seaports should have regular mail communication, just as much as Toowoomba, Roma, and the inland towns of the colony; and for the conveyance of mails inland a very large subsidy was paid by the Government. Substantial mail coaches were provided on several lines which facilitated the passenger traffic with the interior of the colony. The Government paid something like £15,000 a-year for the conveyance of mails inland, and the effect of that expenditure was further to open up the country; because, no doubt, coaches were used where they would not be used but for that subsidy, and traffic was promoted by it. He had no doubt that the coast service should be as regular and reliable as the interior service. With regard to freights and passage rates, he desired to point out how the A.S.N. Company acted towards Queensland with the view of keeping all the sea-borne trade of the colony for the benefit of the neighboring colony of New South Wales, where the head quarters of the company were situated. There might have been an alteration since, but lately the saloon fare between Brisbane and Cooktown was £12 10s.; whilst the fare between Sydney and Cooktown was £10. The steerage fare was 10s. more from Brisbane than from Sydney; and freights, likewise, were 10s. a ton more from Brisbane than from Sydney, to Cooktown. So that the object of the A.S.N. Company seemed to be

to ignore altogether the interests of Brisbane, and to keep up the connection of the northern ports entirely with Sydney. His (the Postmaster-General's) opinions on the subject had undergone a change since he came into office. The A.S.N. Company's boats were sent to Brisbane for the convenience of the commercial community of New South Wales, not in the interest of the Brisbane public. For one mail they conveyed from the northern ports to Brisbane, there were two or three carried to Sydney. Cargo was kept waiting in Brisbane when the boats from the South were freighted for the North. However, since a contract had been entered into for a fortnightly mail service, there had not been so many complaints; and, indeed, honorable members had not heard so much about the separation of the North, not even about financial separation, since the service was instituted. The Government now paid the A.S.N. Company £6,000 a year for that service, including gratuities. He had no doubt that the proposed weekly service could be established at a price very little more in proportion than that now paid. Perhaps, it would cost only £10,000, instead of £15,000. If the weekly service should be established, the country would hear the last of Separation; and North and South would be united, and the whole people of the colony would be one happy family. Honorable gentlemen from the far districts of the North and from the unsettled interior would no more come forward in Parliament with a demand for Separation. The reason why Separation had been agitated for was that the people at a distance had no connection with Brisbane and the southern part of the colony; they had no regular communication with the metropolis; they were isolated from the seat of Government. Those were some of the reasons why the Council should agree to the resolutions. He need not tell honorable gentlemen that they had been agreed to almost unanimously in another place; and he hoped they would be passed unanimously by the Council. The service was to be for eight knots, probably it would be nine, if the Government chose to accept it. It was within his own knowledge that the A.S.N. Company were having steamers built now in England, to run along the Queensland coast at a greater speed than that of their boats in the northern trade at present. Whoever should be Postmaster-General when the contract was entered into would doubtless see that it was to the interest of the colony that the mails should be conveyed by fast steamers; which would be an advantage not merely for the conveyance of mails, but for passengers. Tenders would be called for in the colony and out of the colony. McTaggart and Co. would have an opportunity of tendering. He might say that overtures had been made to the Government already in regard to the proposed service. But no fear or favor would be shown to any firm or individual. Tenders would be called for, and the Government would accept the

best—it would not necessarily be the lowest—for the service. If honorable members wanted any further information, he would give it. If the resolutions should not pass, the A.S.N. Company would be soon playing their old pranks; there would be no regular communication; trade would go past Brisbane to and from the northern ports, as before. As Queenslanders, it behoved honorable members to see that the Government got some benefit from the subsidy paid, and that it would be as well to pay it in such a way as would secure an efficient service and establish the trade between Brisbane and the northern ports.

The Hon. G. HARRIS said the Government were entitled to every credit for having brought forward such important resolutions as those under consideration. If carried, and he had no doubt they would be in their entirety, they would tend to place this colony upon something like a reasonable footing in reference to the protection of her own trade. For a number of years past the trade of Queensland had been directed towards New South Wales and other southern colonies, entirely, he thought, by the action of the A.S.N. Co. They had adopted a practice of charging lower rates and freights to and from Sydney and the northern ports than from Brisbane. It was quite time that some such action as was now proposed by the Government should be taken to check the effects of an outside policy so detrimental to the commercial interests of this colony. For his own part, he willingly supported the resolutions in all particulars. As an instance of the effects of the practice of the A.S.N. Co., he called honorable members' attention to the export of wool: wool being produced largely in the colony, the shipment of it hence direct to England might be commanded by this colony. No. From the northern ports it went in the A.S.N. Co.'s steamers, past Brisbane, to Sydney, to load British ships there. That arose from the company charging the same freights from the northern ports to Sydney as to Brisbane, and in some instances less for the longer trip. He had heard frequently northern shippers—"We should like to export direct from Brisbane, but the A.S.N. Co. give us better terms to Sydney: they convey our wool and other produce for the same rates to Sydney as to Brisbane, and, in some instances, less." Placing the A.S.N. Co. in the position of common carriers—which they were, neither more nor less—it was their duty to charge so much per mile, the same as by railway, for conveying produce; and then this colony would be placed on a proper footing to compete with New South Wales in the trade of Queensland. Perhaps one or two of the resolutions might be a little more explicit in their wording, but he should hesitate to jeopardise their passing by any alteration. He observed that there were to be five sea-going steamers of 400 tons and one of 200 tons, and two river steamers.

Most honorable members were aware that a river steamer could be of any size, from five tons upwards. It might be a matter of consideration for the Postmaster-General to define the size of the river steamers, in order to put the thing beyond doubt.

The POSTMASTER-GENERAL said he would do so.

The Hon. G. HARRIS: The subsidy was not to exceed £15,000. Of course, he was glad to have heard from the Postmaster-General that tenders would be invited within and outside the colony; but no mention was made of the time when the tenders would be called in by the Government.

The POSTMASTER-GENERAL: The first of January.

The Hon. G. HARRIS: Perhaps the honorable gentleman would mention, if the tenders would be opened in London and in Brisbane at the same time.

The POSTMASTER-GENERAL: Yes.

The Hon. G. HARRIS: That was all that was required. £15,000 per annum was a liberal subsidy, and it represented interest on a considerable capital—more than would be sufficient, he thought, to get up a strong company to undertake the service.

The POSTMASTER-GENERAL said he omitted to mention that, under the new arrangement proposed, the service would be conducted with six boats; three large sea-going steamers to run between Brisbane and the most distant northern ports—say, calling at Keppel Bay, Flat-Top Island, Bowen, Townsville, Cardwell, and going on to Cooktown; two smaller steamers, one to run between Brisbane and Rockhampton, *via* Maryborough, Bundaberg, and Gladstone, and one, about 200 tons, between Rockhampton and Mackay, *via* Broadsound; besides the two river steamers, 50 or 60 tons each, to meet the ocean steamers in Keppel Bay and at Flat-Top Island. In this arrangement, it was contemplated that the English mails by the Torres' Straits steamers would be taken on board the colonial steamers at Keppel Bay, as, if the ocean steamers called at Maryborough, it would cause a detention of seven or eight hours, because such large vessels could not go over Wide Bay bar, and would have to go round Break-sea Spit. The smaller steamers would meet the mail steamers in Keppel Bay and at Flat-Top Island, and take the English mails to the intervening ports. The subsidy would be at the rate of $7\frac{1}{2}$ per cent. on a capital of £200,000; and it was calculated that efficient steamers, with all modern appliances, could be provided for that sum.

The Hon. G. HARRIS: It appeared that the intention was to ply between Brisbane and Cooktown. In the event of any port opening beyond Cooktown;—he presumed the Government would make the contract to meet that contingency? Otherwise, the resolutions should apply to Cooktown or any port further northward. If not, some difficulty might arise hereafter, for want of such a provision.

Honorable members had seen many new ports opened up in the North, and he hoped to see other new ports established;—indeed, it might be expected.

The Hon. H. G. SIMPSON observed that the suggestion of the Honorable Mr. Harris was rather an important one. Knowing the coast as he (Captain Simpson) did, it was exceedingly likely that a new port would be established to the northward of Cooktown, in what was called, he thought, Princess Charlotte's Bay, before the House were much older. Most of the northern rivers came to the sea in that bay; and, in his mind, there was very little doubt that a port of very considerable importance would be established there. The matter was one that the Government should look to. It was not necessary that an amendment should be made in the resolutions, so long as the Government should not lose sight of such a contingency. He looked upon the resolutions as the most important measure of the session. Such an undertaking had been required for years; and he was very glad, now, to vote in its favor. He thought it was quite safe, that the Government would see the resolutions carried out. The colony had been long at the mercy of the A.S.N. Company. Two or three futile attempts had been made to free the colony from the monopoly; but all opposition had been run down by the superior capital and power of that company. The great hope of the colony now was that a contract would be taken by an efficient company, backed by as much capital as were the A.S.N. Company, to meet them on their own ground of reducing prices and running at a loss. An efficient competition was the only means to give a chance to the coasting trade of the colony. He felt perfectly confident that any Government, armed with such resolutions, had the means of carrying into operation a good and fair system of steam communication; and the Government ought not to be fettered with conditions. The resolutions should be left as they stood.

The question was put and passed; and on the resumption of the House the resolutions were reported, and the report was adopted. The usual message was sent to the Assembly, acquainting that House with the concurrence of the Council in the resolutions.

GRACEMERE PRE-EMPTIVE BILL.

The Hon. H. B. FITZ said he had charge of the Gracemere Pre-emptive Bill, by request. It was, he thought, unnecessary to take up the time of the House with any lengthy remarks upon the measure. He imagined that honorable members were pretty well aware of the concession that the Government were willing to make to Mr. William Archer; otherwise, if they read the report of the Select Committee of the Legislative Assembly, to whom the Bill had been referred, with Mr. Archer's letter in the correspondence

laid before that committee, it would show the nature of the claim set up by Mr. Archer. That gentleman had given up in the most praiseworthy manner some 165 miles of country which he held, when the Government wanted additional land for the public; and, in consideration for that, he merely asked the Government to allow him an extended pre-emptive right, to secure certain lands on Gracemere Run, as described in the schedule of the Bill. The following letter was addressed by Mr. Archer to the Colonial Secretary, on the date given:—

"Brisbane, 18th May, 1875.

"SIR—Referring to a conversation I had with you this morning on the subject of the Bill I purpose laying before Parliament, to acquire an additional pre-emptive right on the leased portions of the Gracemere and Meadow Flats Run, I may, in the first place, mention that I have only been induced to take this course with the full approval of the late Minister for Lands, and his express promise to induce his colleagues to support the measure. By the enclosed petitions you will see the grounds on which I claim the consideration of the House, namely—That, from our proximity to Rockhampton, the resumed portions of the runs were eagerly selected, and we were at once deprived of our grazing rights. That, in consequence of the demand for land, we voluntarily surrendered 165 square miles of the leased portion of the run, on which we had very few improvements, and, consequently, did not conditionally select any portion of it. That we have erected improvements to the value of £10,021 5s. on these runs—of which £3,985 12s. 6d. worth are in the immediate neighborhood of the lands applied for under the Bill—and these improvements will, in a great measure, be rendered valueless, if we are not allowed to acquire land in proximity to them, for the purposes of depasturing stock—for which the land is alone suitable. That the land selected has almost solely been taken up by conditional selectors for pastoral purposes, and, if the Bill was passed, each member of the firm which I represent would only hold 4,340 acres of first and second class pastoral land—the smallest area that can profitably be worked in connection with our improvements.

"To show the state of public feeling in our district in regard to this matter, I beg to enclose a petition which was got up, unsolicited on my part, at the township of Gracemere, and printed by order of the House last session. This petition was signed by 126 conditional and homestead selectors and inhabitants of Rockhampton. The resolution on which the petition is based is to the following effect:—'That this meeting of free selectors and others, held at the township of Gracemere, is of opinion that the petition to the present Parliament, by Mr. William Archer, on behalf of himself and his co-partners, is one that every member of this meeting concurs in and supports.'

"In conclusion, I would beg to state that I cannot see how the country can be injuriously affected by granting the prayer of my petition, for an extension of pre-emptive right in lieu of a right of selection which has not been exercised, as the effect of it would simply be the certainty of the land being acquired by us, instead of the proba-

bility of its being acquired by some other conditional selector; and, considering that we have now been settled upwards of twenty years on that part of the country, and made a home on it, we do not think we are claiming any excessive privilege by the Bill.

"Trusting you will, on consideration, be able to give the Bill a hearty support when it is brought before the House,

"I have, &c.,

"WILLIAM ARCHER,

"Managing Partner for Archer and Co.

"The Honorable The Colonial Secretary."

Mr. Archer had petitioned the Assembly, and the Bill which had been presented to the House was, as a private Bill, referred to a committee, and the committee found the preamble proved, and agreed to the Bill, which was then passed. As Mr. Archer truly observed, he could not have acquired a larger portion of land than he now held without the consent of Parliament to the Bill. If he had chosen to adopt the system known as "dummying," he might have done so, perhaps; but honorable members who knew the reputation of the Archer family in this colony, knew that they would not resort to such a system. As Mr. Archer told him (Mr. Fitz) the other day, he would not have an acre of land, the acquisition of which would not bear the strictest investigation. He trusted that the Bill would pass; and, without comment, he moved,—

That this Bill be now read a second time.

The question was put and passed, and the Bill was advanced through all its succeeding stages without demur, and returned to the Assembly.

CROWN LANDS ALIENATION BILL.

The POSTMASTER-GENERAL, in moving the second reading of a Bill to amend the law relating to the Alienation of Crown Lands, observed that it was a very short measure, there being only nine clauses in it. The main principle was to increase the homestead area from 320 acres to 640 acres, and to allow persons who had selected land and obtained the deed of grant thereof, under the Homestead Act, to make a further selection to the extent of the maximum area named. The Bill further entitled minors of eighteen years of age to select land. He presumed the idea was borrowed from New South Wales. Lessees of land under the Crown Lands Alienation Act of 1868, residing *bonâ fide* on their selections, or any owners in fee of country lands residing personally on their holdings, were exempted from the conditions of residence on other selections of country land within fifteen miles of that whereon they resided, and so long as they resided thereon, provided the selections of any one person did not exceed 1,280 acres, inclusive of the land he lived on. The clause applied to present as well as future selectors. The first two clauses of the Bill were excellent provisions

for the case of lessees who had become insolvent. Some time ago a case came before the Supreme Court, *Miskin v. Tully*, in which it was held by the judges that land acquired under the Act of 1868, once it got into the hands of the official assignee, could not afterwards be dealt with. That was a state of things that ought not to exist; the official assignee ought to have the power to deal with that land. He (the Postmaster-General) thought the clauses were drafted originally by Mr. Thompson, Minister for Lands in the late Government. It was necessary that there should be some such provision in the land law, in order that the creditors in an insolvent estate should not suffer unnecessarily.

The Hon. T. L. MURRAY-PRIOR said he should like to ask the Postmaster-General, in the first place, what had become of the comprehensive Land Bill, which he some time ago promised should be laid on the table of the Council? Was this the Bill which he had promised and for which the Honorable Mr. Gregory had waited so long with his resolutions? The House had reason, from what the honorable gentleman had said, to expect more than what had come before them. Instead of a comprehensive Land Bill, it was nothing but a shred of a Bill, which, on the last day of the session, the Postmaster-General wished the House to pass.

The POSTMASTER-GENERAL: To-morrow.

The Hon. T. L. MURRAY-PRIOR: Was it anything like the Land Bill which the House had been taught to look for at the hands of the Government? Some time had elapsed between its first and second reading and its committal in another place, during which the Postmaster-General had promised much. He (Mr. Prior) could sympathise heartily with the honorable gentleman, who was very much tried. But the House had been shown that they could not depend upon promises made on behalf of the Government. It was now a great question, whether, on the last day of the session, the Council should go on with any Land Bill; and, for his own part, he thought they ought not. Although he did not intend to propose an amendment, yet he would support one to that effect if any honorable member moved it. He thought it would be far better to wait until a comprehensive Land Bill was brought before the House than that the statute book should be crowded with a number of small measures, when the meaning of those already in force not even the lawyers could find out, nor what the conditions of the land laws were which the people had to fulfil. The country was crying out for some knowledge of this matter. Yet, after the long session, nothing was brought up to the House by the Government but the Bill now before honorable members. He hoped that some honorable member would make a motion for taking it off the paper; or, at any rate, that the Bill would be so altered as to be a better measure for the

country generally than it could be in its present shape.

The Hon. W. WILSON said he was very much disappointed to find that the Land Bill so long spoken of was such a miserable shred as that before the House. And it was brought in by a Ministry that commenced as a great land reform Government. The House had very good reason to be disappointed. In the Opening Speech of the session, the Parliament was told of two measures which were to be presented: the Land Bill and the Selectors Relief Bill. The Council had not seen the latter at all. What had become of parts of the other as it was when it first came before the other House? The House were hardly called upon to consider the scrap of a Bill before them. Amendments had been made in the Bill, many of which could not solve the difficulties of the land question. It was, he thought, too much, at this stage of the session, and when the Standing Orders were suspended, to expect honorable members to pass the Bill: they had not time to consider it—they saw this piece of paper only this morning.

The POSTMASTER-GENERAL: He was not going to put it through to-day.

The Hon. W. WILSON: It was too late for the second reading. If an amendment was moved for shelving the Bill he should support it.

The Hon. F. T. GREGORY: It was only yesterday, or the day before, that the House received a promise that the Bill would be laid before them—that it would, at least, make its appearance; and, really, after the length of time they had been waiting to get some measure from the Government that would benefit the country, that would come in some sort within the limits of the comprehensive measures that they were led to expect from the Opening Speech, here they were, at the eleventh hour, with a little scrap of a Bill of few clauses, hardly one of which was operative in any way for any good purpose whatever. There was certainly a questionable clause introduced for the encouragement of homestead selectors, who were, no doubt, a very deserving class; but it was very doubtful whether it was for the benefit of that class that the homestead areas should be increased. If the homesteads were increased from 320 to 640 acres, only one-half of the number of those who could now avail themselves of the privilege to select would be able to do so under the Bill. The extent of country, generally speaking, that was adapted for that class was limited; and the homestead selectors would only crowd one another. He might also mention that it had come to his knowledge—he had alluded to it before—that an attempt was made to convert homestead selections to the worst class of dummying in Queensland. There were men, now—he would not say they committed perjury, by offering to convey to anyone else—who were doing what was done in New South Wales,

becoming occupiers of land for no other purpose than to sell it the moment they became possessed of their title, and to move further off. He asked, was that for the benefit of the country? He denied that it was. He was opposed to the grasping capitalist taking up the country; but the Government were now going to allow another class to do it. The worst of it was, that the revenue would be deprived of those proper and reasonable results from the sales of Crown lands which it ought to receive. The difference over and above the homestead payments went into the pockets of a class of men who arrived from the other colonies for the purpose he described. If they really settled on the land, he should be the last to interfere with them in any way. As he stated only two days ago, when he, under the promise of the introduction of the Government Land Bill, withdrew the Bill of which he had charge for some time, drawn up by a Select Committee, he did it in the hope that he could engraft a portion of the latter Bill to meet the requirements of the present time upon the Government measure. The House did not expect such a scrap of a Bill as was now before them; presented, too, when, according to the Postmaster-General, the session was within less than a week of its end. He was the last to try to burke any measure; but the present Bill, instead of benefiting any one, would encumber the statute book with another leaf; and so, contrary to his intentions when he came down to the House, to go into the Bill clause by clause, he should now move, by way of amendment—

That the word “now” be omitted from the question, with the view to add at the end, the words “this day six months.”

The POSTMASTER-GENERAL said he hoped the House would not agree to the proposal of the Honorable Mr. Gregory, who had not pointed out where the Bill was defective, but had merely stated that it was not a comprehensive Bill. The honorable gentleman had not shown that it was in any way unsatisfactory to the country; but if it was, it would be for him to endeavor to engraft his amendments upon the Bill.

The Hon. F. T. GREGORY: Did the House sit long enough?

The POSTMASTER-GENERAL: It was not his intention to ask them to sit long, to-day, on the Bill. The honorable member would have time to prepare his amendments by to-morrow. The honorable gentleman could not have any real objection to any principle of the Bill. Let it go to committee, and he could make it a comprehensive measure.

The Hon. W. HOBBS: He hoped the honorable gentleman would not press his amendment to a division. There were some clauses in the Bill which were calculated to be of great service to the country; and if the Honorable Mr. Gregory would, on the advice of the Postmaster-General, incorporate his

amendments in the Bill, it would, no doubt, be all right.

The Hon. A. B. BUCHANAN said he should be rather sorry to see the Bill thrown out. It was a very small affair, but if it got into committee, something might be done with it. He wondered that the Postmaster-General was not ashamed to bring it forward, after all the talk there had been about it.

The Hon. H. G. SIMPSON said he thought that, under all the circumstances, it would be best to pass the second reading, and see if the Bill could not be amended in committee. Certain clauses in the Bill of which the Honorable Mr. Gregory had had charge, and to which he (Captain Simpson) had objected, might be brought forward by him as amendments on the present Bill, in which they would be placed properly. To-morrow would be time enough to go into committee, and, meantime, the honorable gentleman could shape his amendments.

The Hon. H. B. FITZ: The Government made a great mistake in introducing the Bill at the far-end of the session. They only required to increase the homestead selections from 320 to 640 acres. It would have been better for them to have introduced Mr. Thompson's Bill, which was a good one. He should always oppose a Bill brought in at the end of the session for dealing with the land. The Honorable Mr. Gregory's amendments would not be accepted, he (Mr. Fitz) knew, by the Assembly; so it would be a perfect waste of time going into committee on the Bill. The only gain in doing so, would be to place the onus of shelving the Bill on the other House. The Council had best deal with the Bill at once.

The Hon. W. WILSON: The Bill could be very easily disposed of. It proposed to increase homestead selections, and to care for the interests of creditors. He thought there were a great many other interests which ought to be embraced in such a Bill. The Government could not say that they had not had a hint of what was wanted. He had asked the Postmaster-General certain questions about the Land Bill and the Selector's Relief Bill; and the Government had only themselves to blame, if the present measure should be shelved. However, if reasonable time was given for its consideration in committee the second reading might be allowed to pass.

The Hon. J. F. McDUGALL said the Postmaster-General should be ashamed of his chicken, which had been four or five months incubating; for the Bill was one of the most contemptible that was ever seen or heard of in the Council;—and that, too, after all the promises that had been made of a comprehensive Land Bill! He asked, was it worth the consideration of the House? He felt that a Bill of its nature should not be taken into consideration at all, at so late a period of the session. The proper way of dealing with it was that proposed by his honorable friend, Mr. Gregory.

The Hon. T. L. MURRAY-PRIOR expressed his hope that the Honorable Mr. Gregory would press his amendment to a division. If he saw any means, in the ensuing two or three weeks, say, of doing what some honorable gentlemen had suggested, he should be very glad to assist them in committee in amending the Bill. There were some matters in it, which, if brought forward another time, he should support. If a comprehensive Land Bill should be hereafter brought forward, honorable members should be unshackled, which they would not be if the present Bill became law. The first clause ran—

"If the estate or interest of any lessee of land under the fifty-first section of '*The Crown Lands Alienation Act of 1868*' shall have heretofore passed by operation of law to any assignee or trustee under the provisions of any laws for the time being in force relating to insolvency such assignee or trustees shall upon proof being made to the satisfaction of the Governor in Council within two years from the passing of this Act that the several conditions required by the said Act have been performed in respect of such land;—

and so on, the deed of grant should issue. Well, would it not be as well to ascertain what those "conditions" were, before passing another Act? The same with respect to the second clause of the Bill, which would have to be very much altered to divest it of the character of class legislation. The Bill was only applicable to one class of the community; in further proof of which, he quoted the third clause:—

"Whenever any lessee of any land under the provisions of the said Act who resides personally and *bona fide* thereon or any owner in fee of any land which if it had not been alienated from the Crown would be country land who resides personally and *bona fide* thereon shall have selected any other country lands within a distance of fifteen miles from his said residence he shall in such case but for so long only as he shall continuously and *bona fide* reside on the first-mentioned land be exempt from the condition of residence in respect of such last mentioned lands

"Provided that such exemption shall not extend to any selections of greater area in the aggregate than one thousand two hundred and eighty acres inclusive in the case of a lessee of the selection whereon he so resides."

He supposed that applied to the Act of 1868. But, he asked, if a person holding 1,280 acres of land was not obliged to have a bailiff on each selection, why should the person who held a greater area be obliged to have a bailiff? Every clause in the Bill was of a piece with those—class legislation entirely. He could not possibly see how it could be amended in a short time, even with the amendments which his honorable friend, Mr. Gregory, could bring forward. Other honorable members might wish to make other amendments, or to alter his amendments. What would be the consequence? Instead of an Act properly worded, the country would have one more unintelligible than the Act of

1868. The only thing the House could do, on the last day of the session—for the Appropriation Act might come up, this evening, if honorable members waited long enough—and they had passed the Loan Bill without looking at it—was, to do away with the Land Bill, which they were expected to pass without consideration.

The Hon. E. I. C. BROWNE said he thought the Government mountain in labor had most certainly brought forth a very ridiculous mouse. After all that had been said in anticipation of its production, he thought the House might have looked for a much more valuable document—a very much more lengthy one; but for all that, he thought it would be very cruel and unkind to the Government, after all their labors to keep their promise to the Council and to the other House, if honorable members should refuse to entertain the Bill. There were only two features in the Bill, and those he approved of; therefore, he should vote for the second reading. Those features were, that minors, aged eighteen, would be allowed to select homesteads; and that the area of homesteads would be extended.

The Hon. G. HARRIS said he quite agreed with the remarks of the Honorable Mr. Browne. He thought it would be a matter of regret that the Bill should be lost, whatever its value might be; and the House might take it as something on account. Very great promises had been made in connection with the Bill; and the House had had fair reason to expect that a measure of a more comprehensive character would be placed before them. He certainly agreed with the main features of the Bill, that minors should be permitted to select homesteads, and that the area of homestead selections should be doubled. It had some advantages; and if it was passed, the House might, next session, look for and perhaps receive the more comprehensive measure that had been promised.

Question—That the word proposed to be omitted stand part of the question—put, and the House divided:—

CONTENTS, 11.

The Honorables D. F. Roberts, J. Mullen, A. B. Buchanan, W. Hobbs, G. Harris, W. Thornton, J. C. Heussler, E. I. C. Browne, H. G. Simpson, G. Thorn, and H. B. Fitz.

NOT-CONTENTS, 5.

The Honorables F. T. Gregory, J. F. McDougall, W. D. White, W. Wilson, and T. L. Murray-Prior.

Resolved in the affirmative.

The original question was then put and passed, and the Bill was read a second time.

The POSTMASTER-GENERAL then moved—

That the consideration of this Bill in committee stand an Order of the Day for to-morrow.

The Hon. F. T. GREGORY moved—

That the consideration of this Bill in committee, stand an Order of the Day for Wednesday next.

Having tested the sense of the House, he said he did not wonder at their decision, seeing that he was himself very much averse to throwing out the wretched production before them. However, honorable members' votes were now placed on record. To go into committee to-morrow was like trying to drive the Bill through the House by force of the majority the Postmaster-General had at his back. The fact of the matter was, that it was impossible for any one to prepare amendments on the Bill within twenty-four hours. The Bill had hardly been before honorable members more than that time. For himself, much as he disapproved of any honorable member absenting himself from the House, he should be very much inclined to go away home. The time of the Council had been trifled with so contemptuously that he felt averse to assist in passing a measure over which the House had been so treated. He hoped honorable members would not think he was out of temper, though he was speaking warmly: he spoke warmly because he spoke from conviction. If the committal were put off until Wednesday, he should assist in the consideration of the Bill.

The POSTMASTER-GENERAL: No.

The Hon. F. T. GREGORY: If not, he should oppose him at every stage of the Bill by every form of the House.

The Hon. H. G. SIMPSON said he was very sorry to have heard one remark from the Honorable Mr. Gregory, that he had an idea of throwing up everything connected with the business of the country, because matters had not taken a course exactly in accordance with what he thought they should have done. There was a great temptation for honorable members to take that line; but they ought to guard themselves against it. He (Captain Simpson) should be happy to assist him in putting into the present Bill those two clauses of the Land Laws Interpretation Bill to which he had previously referred, and which he had protested against as out of place in that Bill, being for the relief of selectors under the Land Acts of 1866 and 1868. Honorable members knew the clauses. If it was only to test the opinion of the country on the point, he should like to see them brought forward; though he was not quite certain as to their advisability, or otherwise. It was, at any rate, a mistake for honorable members to throw up their duties, if they could not get things carried as they thought they ought to be. Two honorable gentlemen had gone away since yesterday, for that reason; and if others did the same, there would be a very beggarly account of empty benches.

The Hon. W. WILSON said he should support the amendment. To go into committee on the Bill to-morrow was out of the question, considering the number of its clauses.

The question was put and the original motion was carried.

STATE EDUCATION BILL.

The House went into committee, for the further consideration of this Bill.

Clause 12—Trustees of non-vested schools may, with assent of Minister, convey to the corporation. Fair value to be paid. Mode of assessment. Mode of application of purchase money.

The POSTMASTER-GENERAL said that under this clause it was optional on the part of the trustees of non-vested schools to make them State schools. He was surprised that the President objected to it last night, and he doubted if the honorable gentleman would continue to do so. Some of the non-vested schools had already come under the State.

The PRESIDENT said, notwithstanding the doubts of the Postmaster-General, he should continue to oppose the clause; and the honorable gentleman's inability to see why opposition should be offered to it, entitled him to give some reason, at any rate, for continuing to oppose it. There was no compulsion upon the trustees, said the honorable gentleman. Well, that showed great discretion on the part of the originators of the Bill; because, if they so dealt with one kind of trust property as to compel a transfer, they would establish a precedent for dealing with any other kind of private property in the same manner, and for interfering with the validity of personal rights. When the amalgamation of the National and Denominational School Boards was enacted by the Education Act of 1860, the property held by them was transferred as Government property to the General Board then established. But, in the present case, the non-vested schools, either Roman Catholic or Church of England, were private property, held in trust for certain purposes, on behalf of the subscribers. If those persons who were in the position of trustees gave up their trusts in the way mentioned by the Postmaster-General, because they were invited to do so, as in the Bill, they were guilty of what he (the President) could not but consider a breach of trust. Certain advantages were held out by the Bill, for a certain purpose. Truly, this measure was not quite so barefaced an attempt as the Bill of last session, which had been introduced by the honorable member for Oxley; as in that, a sort of bribe was held out to the trustees, that they might dispose of the school property and put the proceeds into their own pockets. However, the inducement was not put forward fairly. If, eventually, it should happen that all non-vested schools were done away with, it would be quite justifiable in the Government to resume the land by Act of Parliament. He should not move any amendment on the clause, but he should vote against it, and he hoped some honorable members would divide with him, in order to prevent its becoming part of the Bill.

The Hon. H. G. SIMPSON called attention to the fact that great need was felt by honor-

able members to see the effect of the important amendments that were made in the Bill at the previous sitting. He was inclined to move the adjournment of the committee until the amendments were printed and in the hands of honorable members.

The Hon. F. T. GREGORY observed that one question required an answer from the Postmaster-General before the clause was put finally. The schools were to be purchased; to whom would the purchase-money be paid? The trustees would be, he presumed, the parties recognised by the Minister in handing over the money. What were they to do with it? It was originally subscribed by many persons for the schools, and the land was, in many instances, given by private persons. It was a remarkable defect in the Bill that no provision was made upon that point.

The POSTMASTER-GENERAL: Of course, he was acquainted with only one school, in Ipswich.

The PRESIDENT: It was not the practice to print amendments until the report of the committee was adopted.

The Hon. H. G. SIMPSON: It was a pity that they could not be printed.

The PRESIDENT: Another curious feature in the clause before the committee was, that the trustees of a non-vested school were only called upon to obtain the "consent of the Minister in that behalf" for the sale or transfer of the school to the corporation, and to give up their trust.

Question—That clause 12, as read, stand part of the Bill—put, and the committee divided:—

CONTENTS, 7.

The Honorables W. Hobbs, E. I. C. Browne, W. Thornton, T. L. Murray-Prior, J. C. Heussler, W. Wilson, and G. Thorn.

NOT-CONTENTS, 8.

The Honorables Sir M. C. O'Connell, A. B. Buchanan, F. T. Gregory, J. F. McDougall, W. D. White, J. Mullen, H. G. Simpson, and H. B. Fitz.

Resolved in the negative.

Clause 14—

"The trustees committee of management teachers or other person now receiving aid from the Board in respect of any primary school the property wherein is not vested in the said Board shall be entitled to continue to receive the same aid and subject to the same conditions as are now applicable thereto until the thirty-first day of December one thousand eight hundred and eighty. Provided that the amount of aid given in any such case shall not be increased after the passing of this Act."

The POSTMASTER-GENERAL recommended the clause as a compromise which had met with approval elsewhere.

The Hon. F. T. GREGORY said he questioned very much if the Government would venture to do such a thing as to stop the aid now given to the non-vested schools. If the clause was amended by the limitation being left out, the schools would be in the same position as at present, as every year the money must be

voted, and their existence would depend upon the opinion of Parliament. He moved the omission of all the words following "thereto" down to the word "eighty." The non-vested schools would then exist on their merits, and would be supported accordingly.

The POSTMASTER-GENERAL: That would commit the country to the system of non-vested schools, and that would not be consistent with the fifth clause of the Bill, which was already passed, and which enacted that the system of education for the colony should be secular. The honorable gentleman should recollect that last night the President carried an amendment that the teachers in non-vested schools should give religious instruction after the hours devoted to secular instruction. He did not see how honorable members could reconcile themselves to two systems of instruction.

The Hon. A. B. BUCHANAN said the Honorable Mr. Gregory had shown clearly that the omission of the clause would have a beneficial effect on the non-vested schools. He should support it, and he suggested the omission of the proviso following the words proposed to be omitted.

The Hon. H. G. SIMPSON supported the amendment.

The PRESIDENT supported the amendment, being convinced also that that portion of the clause to which the Honorable Mr. Buchanan had referred should also be thrown out. The proviso was put in the Bill, because, during the last two years, the full amount of aid that ought justly to be given under the Act of 1860 was not given. Therefore, if the Bill passed, the Minister might hereafter refuse to accede to the just claims of the non-vested schools. There was a little piece of Jesuitry, he fancied, in the wording of the clause; and it would be wise on the part of the House to get rid of it, in order that there might not be divided opinions amongst the lawyers as to the construction of the law. The Honorable Mr. Gregory said that one object of his amendment was that the non-vested system should have a fair trial. In the unfair trial that the system had, in those portions of the colony where the two systems were at work, where they were brought into competition, the non-vested system was shown to be strong in the affections of the people and equally favored with the secular system, so far as the attendance at the schools was concerned. As honorable members were aware, through the unhappy differences which existed between the various sections of the community on religious subjects, they could not come to any conclusion as to any one plan of education, or meet on one common platform. It was thought best, therefore, when the Education Act was passing, that there should be secular schools and denominational schools where the population admitted of both; where the people were gathered in good number, leave was given to those who could afford it to establish schools of their own denomination,

which were to receive that fair amount of support to which they were entitled. That combined system had been going on for a good many years; and in spite of great injustice done by the Board of General Education to the non-vested schools—their administration had been a partial one—it had proved all he said. Had the administration of the Board been just and fair, had the Board held the balance evenly between all classes of people, the non-vested schools would not have been objected to, except by extreme bigots, who received no countenance in the Council. By all means in their power the Board had oppressed the non-vested schools; yet, notwithstanding that oppression, what appeared in the last report of the Board of Education laid before Parliament? He had taken the trouble to pick out the numbers of children attending the vested and the non-vested schools within the municipal boundaries of Brisbane, and he found that there were 4,300 children in the vested schools and 3,045 in the non-vested schools. Amongst the vested schools was the Normal School, an exceptional establishment, maintained at very great expense, and at which great advantages were given to the children who attended it. If the attendance at the Normal School was deducted from the total of the vested schools, the number remaining was 2,369 children in the vested schools as against 3,045 in the non-vested schools; so that there was an excess in favor of the latter schools of 676 children. The vested schools cost the country £11,828, including the Normal School, which alone cost £4,838, leaving the amount for the others £6,990, for the education of 2,369 children. The cost to the State of the non-vested schools, with 3,045 children, was £3,842—he left out the odd shillings—being a difference of £3,148 below the vested schools. In other words, the cost to the State of educating the children in the vested schools would be found to be nearly £2 for every £1 in the non-vested schools. That proved conclusively, he thought, that the vested system was the most expensive to the country. If the most expensive, it might be the most efficient. Well, that could be learned from the reports of the Inspectors appended to the Annual Report of the Board of Education. He found in Mr. Anderson's report upon the Brisbane schools, the following:—

"Non-vested schools are generally, but not always, inferior to those vested in the Board only in the character of the buildings in which they are held, and in the quality of the furniture. They are equally well supplied with material for instruction, and the teachers differ nothing in training and professional ability. Nothing is taught (during school hours, or by the teacher) in the non-vested schools which is not also taught in the vested, and all that is taught in the vested schools is also taught in the non-vested. Under circumstances so nearly the same, the results of the instruction are very much alike, the character of each non-vested school being, as elsewhere,

that which is due to the ability, efficiency, skill, and personal qualifications of its teachers."

He (the President) had put arguments before the committee which, he thought, it would be difficult to refute, in proof of the non-vested system being, at any rate, an economical and efficient system, and one quite as effectual in providing education for the people of this country as the vested system. Therefore, he supported, as willingly as he could support any measure in the House, the amendment of the Honorable Mr. Gregory. He asked the honorable gentleman to agree to the suggestion of the Honorable Mr. Buchanan to eliminate the proviso to the clause.

The Hon. T. L. MURRAY-PRIOR said, whilst he was willing to save vested rights, he could not vote for the amendment as a whole. The first amendment, moved by the Honorable Mr. Gregory, should be put by itself. He must vote against the elimination of the proviso.

The POSTMASTER-GENERAL: If the amendment should be carried, he was certain it would not pass in another place. His objection to the non-vested or denominational schools was, that sectarianism and bigotry were practised in them. He recollected the case of a bishop denying the right of confirmation to children because they attended the State schools. Was that liberty of thought? Was it to be tolerated that parents were to be dictated to how they were to deal with their children? The non-vested schools brought about that state of things. He contended that State aid to those schools was State aid to religion. It was within his knowledge, that in some non-vested schools of the colony, the aid did not go to the teachers, but to the church.

HONORABLE MEMBERS: Name.

The POSTMASTER-GENERAL: He would not name; but he would mention the district—his own district—where money given for education went to the church instead of into the hands of the teachers. Why not let the non-vested schools die out in five years and a-half? He was certain that if the clause was not accepted, the non-vested system would not get better terms than were now offered. Those schools must come to an end some time. They could not, any more than the clergymen to whom allowances were granted from Separation, live for ever.

The Hon. H. B. FITZ: The Postmaster-General actually made a charge of perjury against somebody connected with the Roman Catholic schools.

The POSTMASTER-GENERAL: He did not. He spoke of a school in his district.

The Hon. H. B. FITZ: He did not think money granted for education could be misappropriated, because the salaries of the teachers were fixed by regulations of the board. He should support the amendment.

The Hon. W. WILSON regarded the clause as a mistake. The time for the non-vested

schools to close might be shortened. If the amendment was passed, it would prevent the Bill ever coming into operation.

The PRESIDENT would take the honorable gentleman who spoke last as an exponent of extreme opinions, with which he had no sympathy. He was glad to be in the committee to take the opposite side, and to bring the question to the test. The honorable gentleman forgot that the parents of the children, Protestants and Roman Catholics, who sat in the non-vested schools, desired that their children should be taught what they believed in as the profound truths of their religion, and that, to that end, they had contributed from their own means to the erection of their schools; also, that they contributed to the public revenue which defrayed the cost of the State schools as much as those people who alone availed themselves of the State schools as distinct from the non-vested schools. The argument of the Postmaster-General, that because a Roman Catholic bishop refused certain religious advantages to children attending the State schools he would not allow denominations to have schools of their own except at their own expense, was an example of cross-reasoning. People who contributed to the revenue from which education was provided were to have no share in it, but were to provide their own schools out of their own pockets, in addition to their contributions to the State schools: that was intolerance, if ever anything was. He saw honorable members counting heads and names. That was not the proper way to discuss questions in Parliament. Not that speeches in the House would now convince any one. They had decided, no doubt, which way they would vote; and, after the arguments that had been advanced in favor of justice being accorded to the non-vested schools, it was only in pursuance of a foregone conclusion that the clause before the committee could be supported.

The Hon. W. WILSON did not, he said, dictate that denominations should not have schools of their own; but he thought it was an unfair advantage that money should be given to them by the State. In a few years after the non-vested schools should have been done away with, no doubt the parties who now supported them would take an equal share in the State schools with other people.

The Hon. J. C. HEUSSLER contended that the President's argument was not logic. He did not see that honorable gentlemen who supported the clause were actuated by intolerance. The Bill left the school houses open to all denominations for religious instruction after school hours; and the ministers could walk in and teach their children their particular tenets. As he had described, on the second reading of the Bill, such was the practice in the schools of his native country. The clergymen of this colony would, under

the Bill, have the same rights or privileges as they had in Germany. Why did not the clergymen of this colony avail themselves of their opportunities? Because they were too lazy, he supposed. Why did not they do their duty? He had not intended to express himself in that way; but as it had burst out, there it was. He thought the clergy of the present day were just as bigoted as they were 1,700 years ago; if they were in power, they would do just the same as when they used to burn their fellow mortals. He did not discriminate—he spoke of all. He had a friend, here, who when he had a child born to him, the minister refused to baptise it. “Why?” asked his friend. “Because,” said the clergyman, “you are not a member of the church.” Well, he (Mr. Heussler) would not be forced into that church. He was a Christian, a member of the Christian church all over the world; and he could go anywhere without reference to any particular creed. He should vote with all his heart and all his power against denominational schools, where a creed was taught, but no religion. In his peculiar career of life he had experience of a great many denominations, from his school days, when he was associated with members of all religions very happily, to the present time. He had lived in various countries—Holland, France, Italy, in different States of Germany, England, Australia, and in the East; and he found they were everywhere alike. Referring particularly to the action of the Honorable Mr. Gregory, he expressed his surprise at it; his high idea of Freemasonry, which put all the world on one footing, without giving Christianity any advantage at all, every creed being alike, should make him deal with all men as one great family—unless the honorable gentleman was a humbug! He (Mr. Heussler) remarked, amongst other things, that in the first and second centuries there was no Trinity at all: that doctrine was decided upon by the vote of a Council, just as the House would decide on the clause now under consideration. He occupied neutral ground, and he observed things, and sometimes he spoke when he felt moved. As to the question of expense, there was nothing so fallacious as statistics, when, sometimes, one side of the question was left out. It might be true that the non-vested schools were, compared with the State schools, a little cheaper; but it must not be forgotten how the pockets of individuals were emptied in another and indirect way—there was nothing but begging and praying going on all round for those schools. In the words of one of the great German philosophers, Goëthe, “the Church has a large stomach;” and this was not less true now than ever.

The PRESIDENT: He had not said it: he quoted from the report of one of the inspectors.

The Hon. J. C. HEUSSLER: If the teaching was the same in the non-vested and the vested schools, it was an argument in his favor. If

there was no difference in them, what was the use of still standing up for non-vested schools which admittedly offered no advantage beyond what would be afforded by the State schools under the Bill? He should vote for the clause in order to bring the people more together and united in brotherhood. That was, for this world, quite sufficient; as far as the other world was concerned, each individual must be left to right himself with his God!

The Hon. F. T. GREGORY, in reference to the honorable gentleman's remark about Freemasons, said that one of the great leading principles of the fraternity was, to tolerate every brother, whatever his views might be, so long as he was a man of true religious feeling: universal toleration!

Question—That the words proposed to be omitted be so omitted—put, and the Committee divided:—

CONTENTS, 7.

The Honorables Sir M. C. O'Connell, J. Mullen, T. L. Murray-Prior, A. B. Buchanan, H. G. Simpson, F. T. Gregory, and H. B. Fitz.

NOT-CONTENTS, 8.

The Honorables W. Thornton, G. Harris, J. C. Heussler, G. Thorn, W. Hobbs, J. F. McDougall, E. I. C. Browne, and W. Wilson.

Resolved in negative.

The Hon. H. G. SIMPSON said, as that reasonable amendment had been negatived, it became incumbent on him to bring forward another. It was, that all the words after the word “until” should be omitted, with a view to the insertion in their stead, of the words, “the Legislative Council and Legislative Assembly shall have, within one session, passed a resolution affirming the desirability of withdrawing such aid.”

He thought it a very reasonable amendment to bring forward. It was introduced in another place, but defeated there, though supported by a large number of honorable members, including those not the least remarkable for their ability and independence. With other honorable members, he regarded the 14th clause as the crucial test on which the fate of the Bill depended. He could not for a moment admit that the feeling of the country was in favor of such a clause. For the reason that the Education Bill had been made a political question, he should oppose it from beginning to end. He thought that it should not have been treated in that manner. It should be gone into on its own merits. The arbitrary stroke of an arbitrary Minister's pen was the beginning of it. That was not the way it should have been done. For his (Captain Simpson's) own part, he cared very little whether education was secular or denominational, or anything else; but he believed firmly that the compulsory part of the Bill would be found utterly unworkable, as it was uncalled for, in this colony with its scattered population. Besides, there was not a labor-

ing man in the colony who was not able to pay for the education of his children.

The PRESIDENT said he strongly objected to the proviso remaining in the clause, because it left in doubt the amount which the non-vested schools should receive from the Minister for Public Instruction, who would take the place of the Board. He had more than once stated that the amount of aid given to the denominational system was restricted, and illegally so; and he feared that the restriction would be continued if the clause was passed as it was in the Bill. Therefore, it was desirable that the proviso should come out of the clause; and he should be ready to move its omission. He regretted that the question was to be decided in so small a House, to-night, as the opinion of the majority would not be represented. Honorable members were arguing a question which in all probability would have to be argued again, because those who were absent would not accept the decision of the present committee. It was very easy to make lists in favor of the Bill; but, he durst say, those who were opposed to it could muster their forces and outnumber the majority that would beat them to-night. Therefore, it was futile probably to be now discussing a question which he regarded as of the highest importance, on which no honorable member was likely to give up his opinion. He trusted that the committee understood what Parliamentary tactics were; and that it was not likely a temporarily weak party would accept a present defeat as the final one.

The question for the omission of the words was put and negatived on a division, as before:—Contents, 7; Not-Contents, 8.

The PRESIDENT moved—

That the proviso be omitted.

He did so, he said, for the following reasons:—That the aid now given was not the aid which ought fairly to be given to the non-vested schools in existence; and that if the proviso passed, there would be legal warrant for the Minister administering the Bill to refuse to increase the scanty and starved contributions of the Board to those schools. The Minister might be more amenable to moral and religious influences than the Board, which had neither a soul to be saved nor a body to be kicked. Even believing that a gentleman holding the position of a responsible Minister would be more careful of his character than to attempt to override an Act of Parliament which he was administering; still, he (the President) did not think it was safe to leave a proviso which would give him ostensible and legal power to refuse further aid than that which was given at the present time to non-vested schools. He did not know how to word the proviso so as to avoid the difficulty he apprehended and that he had pointed out; therefore he desired to adopt the safer plan of striking it out altogether, so that the Minister would be required to

give such an amount of aid to non-vested schools as was contemplated by the Act of 1860. It had been held that the Board's regulations were law equal to an Act of Parliament: it was not safe to leave any clause in the Bill which would be open to discussion hereafter.

The question for the omission of the proviso was put and negatived, on a division:—

CONTENTS, 7.

The Honorables Sir M. C. O'Connell, H. G. Simpson, F. T. Gregory, A. B. Buchanan, J. Mullen, J. F. McDougall, and H. B. Fitz.

NOT-CONTENTS, 8.

The Honorables T. L. Murray-Prior, W. Wilson, E. I. C. Browne, G. Harris, W. Hobbs, J. C. Heussler, W. Thornton, and G. Thorn.

The PRESIDENT said that the proviso in being retained in the Bill, so far as his feeling towards it was concerned, he should oppose it in every particular, and on every line; and he would exhaust all the forms of the House to the conclusion of it. So dishonest a proviso ought not to have been retained. The action of the Board towards the non-vested schools was tyrannical and illegal, and the proviso would give authority to the Minister for Public Instruction to continue that tyrannical and oppressive conduct. He was not at all concerned at the refusal of the committee to omit the restricting part of the clause, for he was quite sure that the five years yet to run would enable the non-vested schools to beat the others out of the field in the estimation of the community. But if they were to be continued under humiliating circumstances until 1880, he thought it was much better to fight the battle now, and that the two parties should take their places opposite to each other on the hustings. The Bill was now one which it was desirable by all means in the power of those who were opposed to it, to throw out; and he now moved—

That the Chairman do now leave the chair, report progress, and ask leave to sit again to-morrow.

The Hon. T. L. MURRAY-PRIOR expressed his regret at the conclusion arrived at by the President, and said he should oppose the adjournment of the committee. He contended for the system of secular education in existence, that it could not be altered now without danger.

The PRESIDENT said he did not oppose secular education; he only wished to preserve the system which was in existence since 1860. He brought in the Primary Education Act himself, as a member of the Government of the day, and he ought to understand it.

The Hon. H. G. SIMPSON supported the President's views on behalf of the existing system under the Act of 1860.

The Hon. W. THORNTON deprecated going in for a troublesome and annoying night, as indicated by the last motion. The Bill was a compromise, and a very liberal one on the part of those who were opposed to the non-

vested or denominational system of education, and who believing in State education could not admit that the State had any business to teach religion. They had it in their power to do away with the non-vested system in eighteen months, as the Bill was originally drafted; but they extended the time. Without the proviso the non-vested schools would be increased. An adjournment now would be very unwise.

The PRESIDENT was very much amused at his honorable friend's idea of liberality. The liberality was all on one side, and as long as it was in accordance with the honorable gentleman's opinion, no doubt he thought it was progressive. On all questions there were two sides; and from his side he could see nothing properly deserving the term liberal in the Bill. It was a liberal compromise to give for five years what the supporters of the non-vested system were entitled to in perpetuity! He was not at all afraid of keeping the question before the country. Depend upon it, if the religious instincts and feelings of the people were oppressed, great animosity would be created—much more than by adopting a method of meeting the requirements of the different denominations.

The Hon. H. G. SIMPSON was surprised to hear the Bill called a compromise, when it was the outcome merely of higgledy-piggledy, and the aid to the non-vested system for five years was thrown like a bone to a dog.

The Hon. F. T. GREGORY said he should join the President, believing that if the Bill passed in its present form, it would bring about a very different result from that contemplated by its promoters. If coercion and injustice to override a minority were attempted, the natural result would be a stronger combination against a tyrannical majority, and, as always, the natural result would follow sooner or later. Let honorable members consider that result. Let them not fan the flame of opposition. Instead of a Ministry going to the country upon some fair and reasonable question at issue between political parties, the religious education question would be made one of strong personal feeling, which would affect every individual in the country, not only at a general election, but upon every occasion of a public demonstration. The Bill was a measure of coercion that should not be forced upon the country. He believed in secular education, provided that the different denominations were allowed to follow their own bent as regarded religious teaching. The Bill was an attempt to stamp out those institutions which had been provided by individuals at considerable expense, and to give religious teaching no chance. The five years' concession was only made in the hope that before 1880, all the non-vested schools would be stamped out.

The question was put and negatived on a division:—Contents, 7; Not-Contents, 8.

The PRESIDENT said he understood the Collector of Customs to throw out a challenge

which was quite amusing—even exhilarating. The honorable gentleman said the superior physical power was on his side. Well, it was cheering; and the committee would try it! Honorable members were boys again, and the challenge would be accepted. However, he called attention to the serious question that the House were called upon to deal with; and he hoped that though honorable members held different opinions they would explain them with perfect temper; and, no doubt, however long they would remain together, their good temper would remain with them. He did not think he had made himself perfectly understood when he moved the omission of the proviso, or he should not have been opposed so strongly as he had been by some honorable friends. He now moved the addition of the following words at the end of the clause:—

“ Unless recommended by resolution passed by both Houses of Parliament.”

The Hon. T. L. MURRAY-PRIOR recommended the Postmaster-General to accept the amendment, which he should support.

The Hon. H. G. SIMPSON: The amendment was not an improvement. Though he had no objection to it, yet he could not see his way to vote for it.

The Hon. W. THORNTON could not see the good of it.

The POSTMASTER-GENERAL: The President ought to take his defeat without resorting to the forms of the House to obstruct the passing of the Bill. He should remember, too, that honorable gentlemen who were strongly in favor of it were absent, to-night—Mr. Sandeman, Mr. Hart, and others.

The PRESIDENT: Mr. Yaldwyn and Mr. Taylor were away.

The POSTMASTER-GENERAL: It was their duty to be here.

The PRESIDENT: So it was of the others.

The POSTMASTER-GENERAL: He thought, to say the least, it did not look nice, nor was it dignified, nor was it the practice elsewhere, for the forms of the House to be used to obstruct a measure. The battle had been fairly fought and fairly won. He stated unhesitatingly that the non-vested schools were in direct contravention of the Act of 1860; they were a species of State aid to religion; and if they were not, it was extremely suspicious that the clergy of certain denominations were so strongly against the Bill. If the country was polled to-morrow, the secularists would gain the day by a majority of two to one. He should be glad to see the question put to the country.

The Hon. H. G. SIMPSON wished the suggestion of the honorable gentleman could be carried out; and the result would astonish him and his colleagues, who were very much mistaken as to the opinion of the people.

The PRESIDENT said he was very much indebted to the Postmaster-General for the advice tendered by him to the House. The

honorable gentleman would teach them how to support their dignity;—but that was a lesson they had learned, perhaps, before the honorable gentleman had left school. His opinion, too, of the Act of 1860 was astonishing; but as the introducer of that Act and as a Minister of the Cabinet that framed it, he (the President) might be presumed to know more about its meaning and intention than the honorable gentleman. As to the general question, no one but a heathen would dare to say that that was the best system of education which ignored religion. The system which the Act of 1860 admitted was the one that obtained in England.

The Hon. F. T. GREGORY called attention to the state of the committee.

The Chairman left the chair, and reported that there was not a quorum present.

The PRESIDENT counted the House, and there not being sixteen members present, he adjourned the Council until the next sitting day.