

**Record of the
Proceedings of the Queensland Parliament**

...
**Legislative Assembly
24th July 1860**
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Extracted from the third party account as published in the
Moreton Bay Courier 26th July 1860

The Speaker took the chair at 20 minutes past 3 o'clock, and read prayers.

WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, leave was granted to the committee of Ways and Means to sit again to-morrow.

ORGANISATION OF THE DEPARTMENTS.

On the motion of Mr. RAFF, leave was granted to the departmental committee to adjourn its sittings from place to place.

PETITION.

Mr. MACALISTER presented a petition from Mr. North, praying the house to enquire into, and report upon, his right of pre-emption over certain lands.

The petition was received.

SURVEY OF THE MOUTH OF THE BURDEKIN.

Mr. BUCKLEY asked the Colonial Secretary, pursuant to notice, "With reference to the resolutions of this house of 21st June, what steps have been taken to procure the services of Captain Denham, or some competent officer under his command, for survey of the Burdekin river."

In reply, the COLONIAL SECRETARY said he was obliged to the hon. member for putting his question as it afforded him an opportunity of stating that Mr. Smith, master of H. M. S. "Herald," had arrived in Brisbane by the last steamer from Sydney, and would proceed during the week after next in the government buoy-boat "Spitfire," to explore the estuaries of the Burdekin river.

PRINTING OF THE STATUTE LAWS.

Mr. LILLEY asked the Colonial Secretary, "Whether it is the intention of the Government to put the statute law of this colony into print."

The COLONIAL SECRETARY replied that the government proposed to place on the estimates for 1861 a sum sufficient to enable a competent person to do the work indicated by the question.

PRIVILEGE.

Mr. MACALLISTER rose to a question of privilege, and would conclude his observations by moving a formal resolution. A bill had been brought down to the Assembly for its concurrence, after having passed the Legislative Council; and as he considered that the bill in question was a money bill which should have first received the assent of the representatives of the people. He contended that it was a breach of the privileges of the Assembly to inaugurate it in the Council. The bill had for its object primary education, and although it had been read a first time, he considered that he was not therefore irregular in moving in the matter as he had done, because

no hon. member had an opportunity of reading the bill till after it had been read a first time. He rose under strong conviction that the measure thus introduced into the other branch of the legislature was a breach of the privileges of the Assembly; and he considered it was not a sufficient excuse for such a procedure to allege that there was not sufficient employment for the other house, and that it was necessary to give it something to do. The Orders in Council expressly provided that all bills for the appropriation of any portion of the public revenue should originate in the Assembly, and looking at the bill in question, he could see in it nothing more nor less than an Appropriation Act. In England and in the other colonies Appropriation Acts were passed by the Commons or the representatives of the people, and with such measures the Councils in the one case, or the House of Lords in the other, had nothing to do. The government appeared to have lost sight of the fact that the bill provided for the appointment of an education board to administer sums of money to be provided by the legislature. He would like to know what was the authority which had been referred to on a former occasion by the Attorney-General, for his stating that the passing of the Primary Education Bill in the other house implied no breach of the privileges of the Assembly. For his own part, as it provided for the administration of funds, the granting of which had never been sanctioned by the Assembly, he considered it was an Appropriation Act, and as such implied a breach of privilege. He had no wish to stand in the way of good legislation; but at the same time he would be no party to the admission of a right on the part of the other house to deal with money bills or to make arrangements for the spending of the public funds. The hon. member concluded with moving the adjournment of the house.

Mr. BUCKLEY seconded the motion.

The ATTORNEY-GENERAL said, as he had been formally challenged to offer some explanation with regard to observations he had made on a previous occasion; he would state that not only was it not the intention of the government to commit a breach of privilege, but that they had not done so. The hon. member for Ipswich had failed to show the house that there was any breach of privilege, and he (the Attorney-General) would now show there was none. The clauses in the Orders in Council that had been referred to did not bear out the hon. member's statements; for the Primary Education Bill does not profess to authorise the appropriation of funds at all. It merely provides for the appointment of a Board to superintend the appropriation of money to be asked for from the Legislature in the legitimate manner. The bill, as passed by the Council, does not attempt to deal with funds, nor does it profess to impose new burdens on the people. It merely provides a suitable machinery for the appropriation of funds to be provided for hereafter by the Assembly. He would be the last member of that sort to tolerate any breach of its privileges; but because he was fully assured that the bill did not constitute such a breach he would oppose the motion of the hon. member for Ipswich.

Mr. LILLEY had felt no inconsiderable alarm when the hon. member for Ipswich stated on rising that he had to complain of a breach of the privileges of the House. He felt reassured, however, as the hon. member proceeded to state his case, and by the time he had concluded he felt sure that no breach of privilege had taken place. The bill was to provide for the administration of certain funds, but the administration was contingent of course on the granting of the funds by the Assembly. He was inclined to be as jealous of the privileges of the house as any other member of it, but could not consider that any violation of their rights had taken place on the present occasion.

Mr. MACALLISTER having briefly relied, withdrew his motion, as he saw the feeling of the house was against him, and he had only desired to ascertain what that feeling was.

INTER-COLONIAL DEBT.

The COLONIAL SECRETARY gave notice of his intention to ask leave to introduce a bill for the appointment of Commissioners to settle the question of debt between New South Wales and this colony.

STEAM COMMUNICATION WITH ENGLAND.

The COLONIAL SECRETARY moved, without notice, that the resolutions which had been affirmed by the house, with reference to the mail route via Torres Straits and Singapore, be

communicated by address to his Excellency the Governor.

The ATTORNEY-GENERAL having seconded the motion, it was put and passed.

POSTPONEMENT.

Mr. JORDAN again postponed the motion standing in his name, with reference to the Great Northern Road towards the Burnett, the Committee on Internal Communications not yet having completed its labors, or brought up its report.

REWARD FOR GOLD DISCOVERIES.

Mr. RICHARDS moved, "That this house will, on Wednesday next, resolve itself into a committee of the whole to consider of an address to the Governor, praying that his Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1860 the sum of £3000 as a reward for the discovery of a working gold-field in the colony of Queensland.." The hon. member said that he did not consider that it would be necessary to detain the house with any lengthy remarks on his resolution as it must be apparent to everyone that great good would accrue to the country from the discovery of gold and the consequent influx of a large population into the territory. Hon. members would recollect what the condition of Victoria and New South Wales was before the discovery of gold, and no-one could deny that a vast increase of both population and wealth had succeeded the discovery of gold-fields in the south. The offer of rewards would present inducements to enterprising parties to prospect the country, and he was sure the result of such prospecting would be the finding of paying gold-fields.

Mr. COXEN seconded the motion.

The COLONIAL SECRETARY said that the colony had too recently been cast on its own resources, and called upon to manage his own affairs, for him to desire that gold-fields should be soon discovered, or that any great rush of population should take place before the colony was in a sufficiently advanced state to receive it. He thought it would be better for them to go along steadily for two or three years till they were better prepared to meet the consequences of the discovery of gold-fields.

Mr. TAYLOR readily endorsed the view that had been expressed by the Colonial Secretary, and stated his doubts as to the extent of benefits that many persons supposed had been conferred on the neighbouring colonies by their gold discoveries. He thought if gold-fields existed it would be better to trust to private enterprise to find them out, and would therefore oppose the motion of the hon. member, as he considered it would be a mere waste of time for the house to go into committee upon it.

Mr. RAFF considered that it would be soon enough to legislate about rewards for discoveries of gold when the discoveries had been made.

In reply, Mr. RICHARDS said he thought the sooner a large population was attracted to the territory the better it would be for all parties; and therefore he would pass his motion, as he conceived that nothing would tend more to people the country or develop its resources than the discovery of gold.

The motion having been put was negatived without a division.

EXCLUSION OF REPORTERS.

Mr. FERRETT, with reference to the motion of which he had given notice for the exclusion of reporters, said that, with the consent of the house, he would withdraw it, as he had learned that it was in the power of the house to deal with the matter in another way.

DEFENCE OF THE COLONY.

Mr. COXEN moved—"That this house will, on Wednesday next, resolve itself into a committee of the whole, to consider of an address to the Governor, praying that his Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1860, a sum not exceeding £3000 for the purpose of obtaining a sufficient stock of fire arms for the protection of the colony of Queensland." He hoped that the members would pay some attention to the

statements of the press with regard to the gloomy aspect of European politics which seemed to portend the occurrence of some dreadful events. Continental Europe was at present like a smouldering volcano, and only needed a little breath to fan it to a flame, which, when it does break forth will be felt through its results by all the rest of the world. It could not be expected by any reasonable person that England should be called upon to supply the whole of the colonies with troops, and it became necessary therefore for them to consider how they could best supply themselves. England was at present at war with China and New Zealand, which was a great drain on her resources; and against any possibility of invasion from New Caledonia, which was only ten days' sail from Moreton Bay, it became the interest and duty of the house to provide. If we were at this moment called upon to resist an attack of the French, we could not muster 100 muskets, much less 100 rifles, fit for service in the place. Not long ago a few runaways from Norfolk Island landed on their shores, and spread consternation amongst the inhabitants, who with difficulty mustered sufficient firearms to take them. If two men of war were to anchor in the bay, their boats could come up the river and take the city. This was not a proper state of things, and he called upon the house to rectify it. New South Wales had voted £12,000 for rifles; Victoria £30,000; South Australia £7000; and he did not think £3000 could be considered too high a sum to ask for this colony. It would just be sufficient to procure 700 rifles, which, if they were here, could readily be made available in case of attack, as there were plenty of strong hands and stout hearts to bear them. It might be said that there was little here to induce any invading force to attack us, but it must be remembered that they had upwards of £50,000 in specie in the banks, and that sum even, which they had no arms to defend, would sufficiently repay an enemy for any risk he might run in capturing it. Lately they had formed an infantry corps, but had no arms to give them, and the consequence would be that the members of it would become disgusted, and retire from it altogether. A manufacturer in town had told him that very morning, that he could find in his own employment from ten to fifteen staunch men who would be glad to join any rifle corps if the government had arms to give them; and he was sure that a force of 300 men could be readily raised and drilled in Brisbane for the protection of the city, and no-one could say that their services might not be shortly required, or that invasion was an improbable thing.

Mr. BLAKENEY seconded the motion.

Mr. TAYLOR said they had heard over and over again from the Colonial Treasurer, that there were no funds in the exchequer for such purposes, and what with £3000, for nothing, for gold discoveries, and £500 the other day for volunteers, it appeared to him that the government were anxious to anticipate the revenue, and spend the money long before they got it. If this sum of £3000 were granted for arms, the house would be called upon next to vote a sum for a house to keep them in, for people to look after them, and for men to use them. He would object to the vote as unnecessary, or totally inadequate; he could see no other alternative.

Mr. BLAKENEY anticipated that the hon. member for the Western Downs would object as usual, for no doubt he considered we were out of the range of the French, because he himself was far beyond the Range. He thought the question before the house deserved serious consideration, as it was no time to look for arms when it was necessary to use them. He referred to the report of the commissioners appointed to enquire into the defences of the colonies, received only by the last mail, and said that it had been recommended by the home government to advise the colonies to raise militia regiments for their own protection or to require them to pay half the cost of the military sent to them from England. He had no great faith in the volunteer movement himself and would prefer to see regular militia regiments organised by the government; as people in business could not afford to give up their valuable time and devote their attention to volunteer drill. He would support the motion if for no other purpose than the arming of efficient bodies of militia.

The COLONIAL SECRETARY was glad that the motion had been introduced by a private member, and as a member of the government he would give it his cordial support. The question was a serious one, whether in the event of a hostile force attempting to invade our territory we were in a fit condition to defend ourselves. Queensland was the nearest British colony to New Caledonia, and would likely be on that account one of the earliest points of attack. As ships of war could not come up the river but would have to send their boats, a few hundred riflemen posted

along the banks would be able to protect us against any force. This colony should not stand alone amongst the Australian colonies in this movement. They had come forward to assist the mother country in defraying the cost of defending their territories, and it was right that we should follow their example. The home government had intimated its willingness to supply the colonies with the best rifles at cost price and he was sure that if they got them and found they were not needed they could readily dispose of them at cost price, and if they were required he was equally sure they could find plenty of stout hearted men to bear them.

The question having been put was carried, without a division.

RESERVOIR AT EAGLE FARM.

On the motion of Mr. EDMONSTONE the house went into committee to consider of an address to the Governor praying that his Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1860, a sum not exceeding £100 for the purpose of fencing in and repairing the reservoir at Eagle Farm.

The address having been agreed to was reported to the house and adopted.

CENSUS BILL.

On the motion of the COLONIAL SECRETARY this bill was carried a third time and passed and ordered to be carried to the Legislative Council by Messrs. Pring and Herbert, requesting their concurrence in the measure.

STATE-AID DISCONTINUANCE BILL.

The COLONIAL SECRETARY moved that this bill be now read a third time.

The ATTORNEY-GENERAL seconded the motion.

Mr. MACALISTER moved as an amendment that the bill be recommitted with a view to take into consideration the clause fixing the time during which clergymen are to enjoy their salaries. He considered that the amendment proposed on the second reading of the bill, by the hon. member for North Brisbane, had not been fully understood; and he was surprised to hear the Attorney General pronounce it to be illegal. The bill in its present shape was illegal, and proposed to perpetrate a fraud. For it must be remembered that under Sir Richard Bourke's Act every clergyman had to show that he had a certain number of adherents in his congregation before he could obtain a salary from the government, and he considered that it would be an injustice to those congregations which had enabled the clergymen to receive their stipends to allow the ministers to remove to other localities, and while they continued to enjoy their salaries, oblige their old congregations to provide for new pastors. He did not allude to mere temporary absences of clergymen, but to permanent removals.

Mr. LILLEY seconded the amendment.

The ATTORNEY-GENERAL said it mattered very little to him whether the amendment of the hon. member for North Brisbane be carried or not, as he considered that he would be obliged to advise his Excellency to send the bill home for the assent of her Majesty, in whatever shape it might be passed. He would not pledge himself to do so, however; but he thought he would be bound to take that course. The question presented two aspects: first, they were to consider whether the congregation had a vested interests in the stipends, or whether, in the second place, the clergymen who had been induced, in anticipation of receiving the salary, to come to this country from England had claims to their stipends irrespective of their congregations altogether. He thought that whatever might be the claims of the congregations, it would be a breach of faith in the government to refuse to give the stipends to the clergy in the event of their removal to other localities in the colony.

Mr. GORE would take a common-sense view of the question, and begged the house to consider that in the Church of England the clergymen could be removed from place to place by their bishops, and at the same time reminded hon. members that under Sir Richard Bourke's Act a clergyman applying for his stipend had to procure the signature of the bishop to his abstract, otherwise he would not receive it. The bishop, therefore, by refusing to sign, could deprive a

clergyman of his stipend, and he did not consider it right that the bill before the house should sanction the continuance of such a right.

The COLONIAL SECRETARY said the government introduced the clause in the bill because they were aware that if sufficient compensation were not provided for the clergymen in receipt of state pay, the home government would refuse to assent to the bill altogether, and the legislation of this colony in the matter would be rendered futile. The clergymen of the Church of England in this diocese were mere curates of the bishop, and were entirely dependent on him for the continuance of their stipends; therefore he considered that as the salaries hitherto granted by the state belonged to the persons receiving them rather than to them as ministers of particular congregations, they should be properly secured against any oppressive interference on the part of the bishop. He did not consider that the bill would be worth anything if it did not provide adequate compensation for the clergy; as it would not be passed by the home government if it did not come up to the mark required.

Mr. TAYLOR considered that the more the question before the house was investigated the more apparent was it to him that the house generally did not consider that the time had arrived when state-aid to religion could be abolished, and the more convinced was he that the government did not act from conviction in the matter, but from pressure from without. He did not think if clergymen were imported on certain conditions that they should lose their stipends if they were removed from one locality to another as long as they continued to discharge their duties within the colony.

Mr. MACALISTER having briefly replied, the original motion was carried, and the amendment lost on the following division :—

Ayes, 16.		Noes, 6.	
Mr. Haly		Mr. Lilley	
" O'Sullivan		" Raff	
" Richards		" Thorn	
" Fitzsimmons		" Fleming	
" Coxen		" Macalister	} Tellers
" Watts		" Buckley	
" Forbes			
" Taylor			
" Ferrett			
" Royds			
" Blakeney			
" Herbert			
" Pring			
" Mackenzie			
" Gore	} Tellers.		
" Jordan			

The bill was accordingly read a third time and passed, and ordered to be carried to the Council, requesting its concurrence, by Mr. Pring and Mr. Herbert.

SUPPLY.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the house resolved itself into a committee of supply.

The COLONIAL TREASURER stated to the committee that the items now to be proposed were founded on votes of the house, or represented sums that had been temporarily withdrawn when the estimates were under consideration.

The following items were then put and passed :—

Library for both Houses of Parliament	...	£1000
Commandant of Native Police	...	500

The COLONIAL TREASURER proposed £150 as travelling expenses for the commandant.

Mr. TAYLOR opposed the vote, as he believed the commandant could travel from one end of the country to the other without incurring any expense.

Mr. HALY was surprised to hear what had followed from the hon. member for the Western Downs, as he was himself aware that the commandant was frequently obliged to camp out when

at a distance from any squatting station, and had to find his own rations.

The COLONIAL TREASURER explained that the officer in question was not only required to find rations, but horses while on his journey through the bush.

The COLONIAL SECRETARY said that the sum asked for was so trifling, that he did not see why the house could refuse it, especially after the explanation given by the Treasurer.

Mr. FITZSIMMONS supported the vote, commenting on the dangerous duties devolved on the commandant, and the great personal hardships he had frequently to undergo.

Mr. WATTS thought that the government should have considered the travelling expenses of its officers in dealing with their salaries, and ought not to require special appropriations for such purposes.

Mr. BLAKENEY had seen larger sums asked for by the government and voted by the house without opposition, for travelling expenses for other officers, and thought there was a good deal of personal feeling displayed by hon. members in objecting to this particular vote.

Mr. LILLEY begged to deny that he opposed the vote on a previous occasion on personal grounds; and he hoped that when the hon. member for North Brisbane again insinuated such charges they would be more maturely considered. He had no personal feelings against Mr. Morrisett, whom he did not know; but opposed the vote on public grounds solely when it was first introduced, because he considered the government and not Mr. Morrisett were to blame in the matter. He believed the hon. member (Mr. Blakeney) was quite out of order in imputing motives as he had done.

Mr. TAYLOR considered the remarks of the member (Mr. Blakeney) as most insulting, in charging gentlemen with personal feelings against any person.

Mr. HALY said no man in the colony had travelled over more country, or been exposed to greater dangers than the Commandant of Native Police, and contended that £150 was a very inadequate amount to allow him for travelling expenses.

Mr. RAFF and Mr. WATTS both complained of the imputations that had been made by Mr. Blakeney, the latter gentleman asserting that if the salary of any gentleman against whom he entertained personal feelings were under consideration he would retire from the house.

The question was then put and passed.

The COLONIAL TREASURER proposed the following items :—

Police Magistrate, Ipswich	£375
Clerk of Petty Sessions, Brisbane	300
Callandoon	175
Condamine.....	175
Dalby.....	175
Drayton and Toowoomba...	175
Gayndah.....	175
Gladstone.....	175
Ipswich.....	225
Maryborough.....	175
Nanango.....	175
Rockhampton.....	175
Taroome.....	175
Warwick.....	175

£2825

Mr. BLAKENEY asked if it was not the intention of the government to make any alterations in these officers, as he was aware that many of the Clerks of Petty Sessions were quite incompetent to discharge their duties.

The COLONIAL SECRETARY stated it was not the intention of the government to make any changes at present; but he hoped to be able to carry out the arrangements that had been suggested by the hon. member for Ipswich with regard to police magistrates, when the government would take care to apply the rules that had been laid down to the cases of Clerks of Petty Sessions as well.

The question was put and passed.

The COLONIAL TREASURER proposed the sum of £800 for blankets to the aborigines, which was passed after he had explained, in answer to a question put by Mr. TAYLOR, that the money had already been expended by the police benches throughout the colony.

The COLONIAL TREASURER proposed the following items, which were put and passed :—

In aid of the Hospital at Brisbane	£300
ditto Rockhampton	200
Government Printing	1000
10 boatmen at £96 each for Harbour	
Master, Brisbane.....	960
Erection of Court-house, Callandoon	800
Water Works, Gladstone.....	250
ditto Toowoomba.....	200
Pilot Building, Moreton Island	900
Refreshment Rooms and alterations	
to Houses of Parliament.....	1500
Survey of the Burdekin	500
Clearing of Rivers Brisbane and Bremer	2000
Additional Furniture for Houses of	
Parliament.....	200
Salaries Generally	600

EDUCATION BILL.

The ATTORNEY-GENERAL proposed to postpone the consideration of the Education Bill till after the usual adjournment at seven o'clock, and proceed at once with the next order of the day, but in reference to the wishes of the house, he postponed the bill till Friday next, as the members generally had not yet had an opportunity of reading the bill.

LIEN ON WOOL BILL.

On the motion of the ATTORNEY-GENERAL the bill was read a third time and passed, and ordered to be carried with a message to the Legislative Council requesting its concurrence.

The house adjourned at 6 o'clock till 3 o'clock next day.