

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

...  
**Opening of Parliament  
30<sup>th</sup> April 1861**  
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Extracted from the third party account as published in the  
Moreton Bay Courier 1<sup>st</sup> May 1861

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THE second session of the first Parliament of Queensland was opened at noon yesterday by his Excellency Sir George Bowen in person. The weather was all that could be desired for such an occasion—the sky overhead being clear and sunny and the change from the late wet and disagreeable days so inviting as to draw out a large number of spectators. Shortly before 10 o'clock, the volunteer infantry assembled at the barracks—Captains Dudgeon and Drury commanding, and in company with the "regulars", under Lieutenant Seymour, marched, headed by their band, to the front of the chambers in Queen-street, where they formed a guard of honor. A body of the mounted rifles had meanwhile assembled under the company of Lieutenant May, and taken up their station at Government House, their province being to act as an escort to his Excellency, and accompany him to the Legislative Chambers.

The crowd outside, composed of all classes of citizens, behaved in the most decorous and orderly manner, and testified their appreciation of the solemnity and importance of the occasion by observing a solemn and rigorous silence.

The interior of the Council-chamber presented a gay and lively appearance, as compared with its usual lugubrious aspect when its members are sitting in debate. For at least half an hour before the time announced for the arrival of his Excellency, all parts of the building allotted to visitors were uncomfortably crowded. The back benches on the floor of the house, both ministerial and opposition, were occupied by ladies, whose bright glances and beaming smiles, more eloquent than any rhetoric ever heard in that chamber yet, recalled the days when the Duchess of Devonshire, and beautiful political syrens of a kindred character, exercised so potent an influence in carrying elections, and turning out ministries. The doorway leading into the Council-chamber through which the members of Assembly had to pass when summoned to hear the speech, was blocked up by visitors, through whom the representatives of the people had to push their way in rather an undignified manner, when the time arrived for them to present themselves before her Majesty's representative. Shortly before 12 o'clock Lady Bowen arrived, and was led by the aid-de-camp to her usual seat on the floor of the House, at the left of the Presidential chair. Upon the entrance of the President, Captain O'Connell, at five minutes to 12 o'clock, the following members of Council were present, viz.—Messrs. Harris, Fullerton, Compigne, Roberts, Macdougall, Yaldwyn, and Galloway.

Precisely at twelve o'clock, his Excellency left Government House, escorted by the troop of mounted rifles, and arrived at the door of the Chambers at the appointed time, the band playing an appropriate air. His Excellency was met at the entrance to the Legislative Council Chamber by the President (M. C. O'Connell, Esq.), by whom he was conducted to the chair of state.

The Assembly having been summoned with the usual formalities, his Excellency delivered the following speech

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF  
THE HOUSE OF ASSEMBLY—

1. It is with much satisfaction that I again meet you in Parliament, and invite you to deliberate on the measures deemed necessary for maintaining this colony in that healthy and

prosperous condition, which has been the result of your recent legislation.

2. The execution of the several enactments of the past session, and the acceleration of those public works and other undertakings, which were then sanctioned by you, have received the unremitting attention of the government during the recess. Pastoral occupation has proceeded rapidly, and has been impelled onward by the accession of capital from the neighbouring colonies; while agricultural lands for the immigrants who may be soon expected from Europe, will be amply supplied by the survey, now nearly completed, of above two hundred thousand acres, in the richest and most accessible districts. The surveys of the agricultural reserves, as well as of other lands, will be kept always in advance of the demand.

3. Upon the return of the expedition, sent by your desire to explore our north-eastern coasts, the government proceeded forthwith to establish communication both by sea and land with the new district of Kennedy. A settlement has already been formed on the excellent harbor of Port Denison, and it is confidently anticipated that the expense this incurred will be fully repaid even during the current year. Our territory is now open for settlement to within three hundred miles of the Gulf of Carpentaria. This further step in the progress of Queensland has been watched with keen interest, as an important contribution to geographical knowledge, and as the opening of a fresh and extensive field for colonisation. Papers on this subject will be laid before you.

4. In transmitting her Majesty's approval of the laws enacted by you in the last session respecting the public lands, state-aid to religion, education and several other important questions, the Secretary of State for the Colonies has informed me that he has "perceived with great pleasure the evidence afforded by those acts of the industry, intelligence, and good sense with which the Council and Assembly have applied themselves to the practical duties of legislation." I am only directed to recommend you to re-consider those portions of the Supreme Court Bill, which in effect reduce an existing salary. The despatches to which I refer will be laid before you immediately.

5. The large amount of useful Legislation achieved by you last year leads me to hope that it may not be necessary to protract the present Session to any inconvenient length. Much, however, yet remains to be done in order to consolidate our institutions, and to adapt the laws of England and the neighbouring colonies to the requirements of this community. Among the measures which will be laid before you during the present session, I will more particularly mention the Bills to Facilitate the Transfer of Real Property; to regulate the Audit of the Public Accounts to Organize the Civil Service; to Amend the Masters' and Servants' Act, and the Impounding Act; and to render Vaccination Compulsory. The proposed measures are all based upon the experience of other Australian colonies, and their necessity and value have already been proved.

6. Other new laws and amendments of local enactments will be brought under your consideration. Care has been taken to add to our existing code of Criminal Jurisprudence such improvements as may enable it to keep pace with the progress of Imperial Legislation.

7. The law of insolvency at present in force in this colony has, in consequence of recent proceedings elsewhere, been held to be in an unsatisfactory state; and it will be desirable that steps should be taken for its establishment upon a sounder basis. This question is now receiving serious consideration in the adjacent colony, and much legal and practical information may be gained by awaiting the results of that inquiry.

8. I recommend you to direct your attention to the condition of the aborigines in Queensland and to take evidence before a Parliamentary Committee as to the feasibility of improving it whether by the establishment of Industrial Schools, or in any other practical manner. In connection with this subject, I recommend you to take evidence as to the organization and present condition of the Native Police Corps, and to consider what means it may be desirable to adopt to increase the discipline and efficiency of this necessary protective force.

9. Recent intelligence from Europe and America has given a strong impulse to the projects already on foot for growing cotton in Queensland. Frequent experiments have proved that this

colony is, beyond all doubt, capable of exporting that staple, even to an extent far exceeding its present production of wool.

10. With a view to an enterprise of such high Imperial as well as colonial importance, the introduction of Asiatic labour has been largely discussed. As regards this question you are recommended to adhere to the position established during the past session, and defined in the Report of the Committee of the Assembly on Immigration, unanimously adopted by the House; namely, that no restrictions shall be thrown in the way of persons desirous of procuring that description of labour at their own cost, and under the proper supervision of the Government, but that premiums on immigration in the shape of free land orders shall be given for Europeans alone.

GENTLMEN OF THE HOUSE OF ASSEMBLY:—

11. The Estimates for the ensuing year will be laid before you forthwith. They have been prepared with a due regard to economy, and to the efficiency of the several branches of the public service.

12. I recommend you to make special provision for the extension of Electric Telegraphs, for the Building of Bridges, and for other works of a permanent and remunerative nature, calculated to facilitate our internal communications, and to accelerate the development of the several districts.

HONORABLE GENTLEMEN AND GENTLEMEN:—

13. I congratulate you on our growing revenue and steadily increasing prosperity. Every week brings us fresh accessions of capital and population. I have received strong assurances from many quarters that the high character already attained by Queensland both in the mother-country and in Australia is due not only to our vast material resources, but even more to the confidence inspired by the wisdom and moderation of the first parliament. It is my earnest prayer that the blessing of the Almighty may continue to direct your councils, and may guide your efforts to secure the permanent welfare of this colony.

At the conclusion of the Speech his Excellency, accompanied by Lady Bowen, retired and returned to Government House—escorted as before. On the motion of the President of the Council then adjourned until three o'clock.

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...  
**Legislative Assembly**  
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Upon returning from the Legislative Council, to which chamber they had been summoned at noon to hear the Vice-regal Speech, the Assembly adjourned until three o'clock in the afternoon.

On their re-assembling, an announcement of the resignation of Messrs. Broughton, Thorn, Buckley, and Jordan was made by the Speaker.

Henry Challinor, Esq. (West Moreton), Thomas Symes Warry, Esq. (East Moreton), and Robert Cribb, Esq. (North Brisbane), were introduced as new members, and took the oaths and their seats.

The SPEAKER announced that he had received a petition from R. Cribb, Esq., against the return of T. S. Warry, Esq., and also one from G. E. Forbes, Esq., against the return of H. Challinor, Esq.

Despatches from the Home Government, having reference to the measures passed last session by the Queensland Parliament, were then laid upon the table of the house by the Colonial Secretary.

Various public papers were laid upon the table of the house by the Colonial Secretary, and ordered to be printed.

The COLONIAL SECRETARY moved for, and obtained leave, to introduce a Bill to amend the Masters' and Servants' Act.

Mr. LILLEY gave notice that he should, on May 7th, move for leave to introduce—(1) A Bill to amend the law in Criminal Cases; (2) a Bill to grant further facilities for the Naturalisation of Aliens; (3) a Bill to legalise marriage with a Deceased Wife's Sister.

Various other notices of motion were given by several hon. members.

The SPEAKER then reported that the Assembly had that day attended his Excellency at the Legislative Council, when the viceregal speech was delivered. (The Speaker here read the Speech.)

On the motion of Mr. CRIBB, a select committee was appointed to prepare a suitable address in reply to the Speech, consisting of Messrs. Herbert, Pring, Mackenzie, Coxen, and the mover.

After retiring a short time, the committee brought up the following:—

**ADDRESS.**

"To His Excellency Sir George Bowen, &c., &c.

"May it please, &c.—

"We, her Majesty's loyal and dutiful subjects the members of the Legislative Assembly of Queensland in parliament assembled, desire to express our loyalty and affection towards the person and government of our most gracious Queen, and to thank your Excellency for the speech with which you have opened the present session of the

Legislature.

"We learn with sincere satisfaction that our recent legislative labours have already been productive of material advantage to the colony; and we are especially gratified to observe that the principles upon which the more important of those enactments were based have met with the marked approval of her Majesty's government. We trust that the same character may attach to our future legislation.

"The measures indicated by your Excellency as about to come under our consideration, shall receive our careful attention, and we anticipate no small advantage to all classes of the community, from the introduction of that one especially which in a neighbouring colony has been of so much value in simplifying dealings with landed property.

"It will be our desire to continue, in a degree consistent with its resources, the progressive development of the colony, and establishing speedy and regular communication with the more remote districts to ensure to each of them its full share of the public expenditure and of other material benefits.

"The inquiry recommended by your Excellency into the condition of the aborigines, and the constitution of the Native Police force shall be instituted forthwith. While we recognised the paramount duty of affording protection to the lives and property of our fellow subjects settled upon the lands of this colony, we feel deeply the necessity of enforcing humanity and justice in all dealings with an inferior race.

"Feeling confident that the capabilities of Queensland will produce cotton to an almost unlimited extent, we trust that private enterprise will not be slow to avail itself of the favorable terms upon which the lands are thrown open, and of the unrestricted facilities which clearly exist for procuring any description of labor.

"Finally, we desire to join your Excellency in the fervent prayer that, under the guidance of Providence, we may be able to continue successfully that important work of legislation to which our best endeavors have been hitherto addressed."

Mr. R. CRIBB moved the adoption of the address. He anticipated no opposition to the speech from his Excellency or the address in reply. One of the chief measures mentioned in the speech, or ministerial programme, was a bill to amend the law relating to the Transfer of Real Property, and he cited instances of the unjust working of the law as it at present stood both here and in the mother country. Being a new country, the law was not so oppressive in its workings here as at home, but the very fact of this being a new country offered us greater facilities for reforming the law than would exist in older communities, where, owing to the land having been for ages possessed by civilized occupants, the questions of actual ownership and derivation of ownership became much more intricate. If the whole session were occupied in passing this much needed reform in this branch of law the session would not have been spent in vain. It must be gratifying for the house to find that their past labours had been approved of by her Majesty's Government. The reforms in the Impounding Act and the act rendering vaccination compulsory, would also, if properly framed, prove most useful measures. He believed the expenditure of the public money by the government had hitherto given general satisfaction, and that they were not open to the charge of centralisation, which in other countries had been productive of such evil effects. He was happy to find that the government did not intend to encourage the importation of Coolies by making grants of land for each one imported as had been hinted at in some quarters. At present no restrictions existed to prevent private capitalists from importing this class of labor at their own expense, if they chose to risk the experiment.

Mr. COXEN seconded the motion for the adoption of the address.

Mr. LILLEY ironically complimented the ministry for the dexterity they had exhibited on this occasion, as on other occasions, in employing language for the concealment of their thoughts and intentions. He commented upon the paucity of the measures indicated in the speech, and also the insignificance of many of those measures. The Colonial Secretary has last year promised that the subject of electoral reform should be dealt with as soon as the census had been taken. Yet now, in direct violation of that promise, the ministry entirely burked the subject. The government might have, at least, introduced a bill dealing with the matter, and then, following the policy which had hitherto characterised them, have left the house to alter that bill as they (the Assembly) might think fit. He believed that nearly every member of the house had pledged himself before his constituents to endeavour to get the franchise restored to the basis which

existed just previous to Separation. Six months' residence, and the insertion of the elector's name on the electoral roll, was all that was then required to entitle a man to the franchise. He contended that we should endeavor to progress, not to retrograde in our legislation, and that when we have once endowed a man with political rights, it was unjust to deprive him of them unless he had shown himself first unworthy of them. The Colonial Secretary was in his own person an instance of the inexpediency of the Electoral Law as it at present exists, and the necessity for some reform; as had that law been strictly construed the house might have been deprived of his eminent services. He (Mr. Lilley) reminded the house that the two thirds clause also was still in existence as well as the Upper House, and that body, at the rate new Lords were at present being made, threatened soon to swamp the Assembly. He should move an addendum to the address, but wished it to be fully understood that he did not move it as a motion of want of confidence in the ministry. He did not wish to be inferentially construed as such, as he had no desire to obstruct the ministry in any way. But he had a duty to perform to a very large constituency, and the pledges he had given to that constituency he must redeem. He should move an addendum to the effect that the house would have regarded with satisfaction an intimation in his Excellency's speech that a measure was in contemplation by the government by which those who possessed the franchise previous to separation, but were deprived of it by the Orders in Council effecting separation, should be restored to their political rights. He (Mr Lilley) also accused the government of double dealing in the Coolie question. Although for the sake of averting unpopularity, they professed to say that no facilities should be afforded by the government for Coolie importation, yet could they deny that they had written to the home government, asking them to remove certain restrictions to Coolie importation into Australia which existed in India. The hon. member concluded by touching in a sarcastic manner upon the reticence observable in other portions of the vice-regal speech, and concluded by moving an amendment, to the effect that the "addendum," as indicated above, be inserted in the original address.

Mr. EDMONDSTONE seconded Mr. Lilley's amendment.

The COLONIAL SECRETARY, after a lengthened pause, rose to reply to the strictures of the hon. member for Fortitude Valley. He denied that the government had distinctly pledged themselves to the introduction of an electoral reform act during the present session, and avowed that the government had no intention of bringing forward such a measure, but stated that they were prepared to introduce a bill for reforming the franchise, when the circumstances of the colony should appear to demand it. The present state of the law, in his opinion, gave the privilege of voting to every man who chose to obtain it, and he did not see that greater freedom could be accorded. With regard to Coolie immigration, the government had done nothing more than carry out the recommendations of the Immigration Committee which was appointed during the last session, and it was not their wish or intention to encourage by legislative enactment the importation of that class of labor. The hon. gentleman defended the action of the government in opening up the Kennedy district; stated his belief that the agricultural reserves, as at present existing, were well situated; briefly adverted to the necessity for ameliorating, by every possible means, the condition of the aboriginal inhabitants of the colony; and affirmed that the charge of centralization could not be urged against the government, inasmuch as they had done their best to urge forward public works throughout the colony with all possible alacrity. The hon. gentleman concluded by hoping that the House would not assent to the motion of the hon. member for Fortitude Valley.

Mr. WATTS defended the government from the charges brought by Mr. Lilley, and specially contended that they were correct in deferring the subject of electoral reform, and in acting as they had with reference to Coolie immigration. The hon. member also spoke in praise of the government for their intentions with regard to the alterations of the Impounding Act, and finally declared his intention of voting against the motion of Mr. Lilley.

Mr. MACALISTER characterised the speech as an innocent production, but did not agree with the motion of Mr. Lilley. He remarked upon the unprecedented and unconstitutional manner

in which the committee nominated for the preparation of the address had been appointed, seeing that the whole of the members of the ministry were members of that committee. He contended that the money originally voted for the expedition to Port Denison had been thrown away, and that the Executive were culpable in subsequently expending a sum of money in the formation of a settlement there, without the sanction of parliament. The hon. member also taxed the government with a want of candour and sincerity in that clause of the vice-regal speech which referred to the Supreme Court Bill, the real gist of the matter being disguised, and hon. members having to draw their own inferences. The bill had been indecently hurried through the house by the ministry during the last session, and there were other points in it requiring reconsideration besides the mere question of salary. Although the Colonial Secretary had stated that the government had no intention of legislating for the introduction of Coolies, it was evident to him that the government had been in communication with the imperial government upon the subject of removing the restrictions, and the language of the speech anent the subject had been properly characterised as evasive and unsatisfactory. The hon. gentleman concluded his remarks by recommending Mr. Lilley to withdraw his motion.

Dr. CHALLINOR found fault with the speech but did not approve of Mr. Lilley's addition to the address which had just been moved. He did not consider that an extension of the franchise was at present desirable, but wished to see a re-distribution of the electorates brought about. After referring briefly to the Supreme Court Bill, the aborigines, and a few other topics, the hon. member concluded by expressing his determination of voting against the motion of Mr. Lilley, if the question came to the vote.

The ATTORNEY-GENERAL, in a speech of considerable length, defended the government from the attacks which had been made upon it. The hon. member for Fortitude Valley had not stated the case in proper terms when he spoke of the disfranchisement of certain people by the Orders in Council. He (the speaker) held that the colonists had expressed themselves willing to accept separation on almost any terms, and those who were disfranchised had virtually disfranchised themselves, and he believed that the majority of colonists would rather have had this a crown colony—that is, without responsible government at all—than not have had separation. (Cries of "No, no.") He (the Attorney-General) contended that the Electoral Act of New South Wales was a bad act, and not worthy of their adoption, and he considered it fortunate that they were free to frame a new act for themselves when the exigencies of the times demanded or required it. Referring to the settlement of Port Denison, he maintained that the government were perfectly justified in anticipating the vote of the house, more especially as the probable revenue to be derived from the settlement would show that the income would be more than equivalent to the outlay. With regard to the Supreme Court Bill, the hon. and learned gentleman said that the words of the Duke of Newcastle's despatch were embodied in the speech, and it was evident that the bill had only been returned on account of the apparent injustice done to the judge by reducing his salary. The government had always contended that the judge was entitled to £2000 a year; they had voted for it and upheld it; and if it had not been for the schedule, that bill would not have been returned. It was not, therefore, just in the hon. member for Ipswich to aver that the withholding of the royal assent from the bill on account of the schedule made the whole bill bad. [Here some slight altercation took place between the Attorney-General and Mr. Macalister, the latter distinctly denying the construction put upon his words by the former, and the Attorney-General was ultimately ruled out of order by the Speaker, for persisting in affirming what Mr. Macalister had denied.] Mr. Pring next referred to the Coolie question, and stated that the ministry, in saying what was said in the speech, were only carrying out the views of the house, as affirmed by it when adopting the report of the Immigration Committee, brought up during the late session.

Mr. RAFF hoped that the hon. member for Fortitude Valley would comply with the suggestion of the hon. member for Ipswich, and withdraw his motion, but at the same time he (Mr. Raff) was not altogether satisfied with the speech. The ministry appeared to be averse to shadowing forth their policy in the vice-regal speech—as evidenced on the last occasion, but they, perhaps, acted on the principle that it was better to promise little and perform much. As to the Coolie question, he thought a great deal too much had been made of it out of doors, and he

could not understand how the belief had got abroad that legislation on the matter was sought for. The hon. member also referred to the Insolvency Law, and the necessity for reform therein, and to the Supreme Court Bill, contending, with regard to the schedule of the latter, that the proper course would have been for the government to bring forward a motion settling the point so that the difference between the £2000 and £1200 should be a matter for decision when the accounts between New South Wales came to be adjusted.

Mr. O'SULLIVAN expressed his concurrence in the amendment, and thought hon. members who had expressed themselves in opposition to the government whilst avowing their intention of voting against the amendment were very hard to please. He disclaimed the idea that because as a member of the house he had voted for the report of the Immigration Committee as a whole that he therefore had agreed with every portion of it as the Attorney-General had seemed to insinuate. He had no idea at the time that one effect of that report would be to put a stop to the remittance system of immigration, and he should bring forward a motion for its revival, as it existed before, at an early date.

Mr. FERRETT thought we ought to have full power to amend an electoral law, just as we had full power to amend our other laws. He should, however, vote against the amendment.

Mr. CRIBB briefly replied. He entirely concurred in the remarks of Mr. Lilley with regard to Electoral Reform, but thought they were made at an inopportune moment, and that the amendment was also inopportune. When the Census returns were made he would be as liberal as that hon. member on the matter of Electoral Reform, and agitate for it just as heartily. After the hon. member had made some further remarks upon the Coolie question, the question was put, and the house divided upon Mr. Lilley's amendment with the following result:—

Ayes, 3.		Noes, 20.	
Mr. Edmondstone		Mr. Forbes	
Lilley	}	Coxen	
O'Sullivan	}	Fleming	
		Challinor	
		Blakeney	
		Haly	
		Richards	
		Warry	
		Macalister	
		Pring	
		Moffatt	
		Mackenzie	
		Cribb	
		Raff	
		Herbert	
		Royds	
		Fitzsimmons	
		Ferrett	
		Gore	} Tellers
		Watts	}

The original motion was then put and carried.

The COLONIAL SECRETARY intimated that it would be consistent with his Excellency's pleasure to receive the house at 12 o'clock to-morrow (this day).

The house then adjourned until half-past 11 this day.

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[It was our intention to have given, in this issue, a full report of yesterday's proceedings, but the protracted character of the debate compels us to issue the foregoing summary, and withhold the fuller report for to-morrow's paper.]