

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

...
Legislative Council
9th May 1861
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Extracted from the third party account as published in the
Moreton Bay Courier 11th May 1861

THE PRESIDENT took the chair at a quarter past three o'clock, and opened the proceedings with prayer.

NEW MEMBER.

Mr. William Barker, introduced by Mr. GALLOWAY and Dr. FULLERTON, took the usual oath, and subscribed the roll as a member of the Council.

LEAVE OF ABSENCE

THE CHAIRMAN of COMMITTEES moved that six months' leave of absence be granted to the hon. James Laidley. He was aware that leave of absence had already been granted by his Excellency the Governor to the hon. gentleman named, but it appeared that, according to the usages of parliament, it was necessary, if only as an act of courtesy, that the house also should be appealed to for sanction.

The PRESIDENT explained that he had received a letter from the hon. James Laidley, requesting twelve months leave of absence, which had already, in point of fact, been granted by his Excellency. It appeared from the Constitution Act that, if a member absented himself from the house for two sessions successfully, he thereby vacated his seat, and hence it was rendered imperative that leave of absence should be obtained either from the Governor or her Majesty the Queen. This portion of the action had been complied with in the case of the hon. member, but still it seemed desirable, according to the usages of parliament, that the house should also give its sanction in order to absolve the hon. member from the penalties prescribed by their own standing orders.

Mr. YALDWYN scarcely saw the necessity of the course now proposed to be adopted. The government in pursuance of the Constitution Act had granted the leave of absence asked for, and it seemed to him that nothing further was required, as it was very clear that the standing orders of the house could not override the law of the land.

The CHAIRMAN of COMMITTEES pointed out that there was no difficulty involved in granting the leave of absence sought for, and as it, the motion, was chiefly introduced to pay a becoming difference to the house he could see no reason why they should not pass it. Instead of six months he begged to insert the words 12 months.

Dr. FULLERTON took a similar view. It was the peculiar privilege of that house to grant leave of absence to its members, and if they refused to do so, the members applying could then appeal to the Governor.

Mr. GALLOWAY Hon. members opposite admitted the necessary power to grant leave of absence. If so he could see no necessity for the interference of the house.

PRESIDENT the Governor can grant leave of absence to hon. members, but he has no power to absolve them from the penalties prescribed by their standing orders in cases of absenteeism.

Mr. GALLOWAY then moved that the further consideration of the question be deferred until Wednesday next, in order to give hon. members time to make up their minds.

The amendment was put and negatived, and the original motion carried.

RELATIVE PARLIAMENTARY RIGHTS.

Dr. FULLERTON asked the hon. member representing the government, "If it be agreeable to the usages of the British Parliament, that a subject first introduced into this house, and set aside by the votes of a majority of the Council, may, during the same session, be taken up and acted upon by the Assembly. Or upon what precedent the Address, respecting the Gulf of Carpentaria, which was negatived by a deliberate vote of this Council, was afterwards forwarded by the Assembly."

The PRESIDENT stated that before the hon. gentleman proceeded further, he was desirous of expressing his opinion that the question was one which could not be put in accordance with parliamentary usage. The first part of the question involved a mere matter of opinion as to the parliamentary usage, and one way, however it might be answered, could not be supposed to affect the action of the government. The other portion of the question had reference to the conduct of the Assembly, of which that house, in its ordinary course of procedure was supposed to know nothing. Under these circumstances, he thought the hon. member would do well in withdrawing his question as being out of order.

Dr. FULLERTON withdrew the question accordingly, remarking that he would not have brought the matter forward, had it not been for a statement in one of the papers charging the house with neglecting their duty.

DEED OF GRANT

The CHAIRMAN of COMMITTEES asked the hon. member representing the government—"Whether or not deeds of grant of land, sold by the New South Wales government before separation, had been signed by his Excellency the Governor of Queensland, if so, whether the government are satisfied that such signing is sufficient to vest the legal estate in the purchaser."

Dr. HOBBS replied that the deeds had been signed by the Governor, and that it was the opinion of the government such signing would be sufficient to vest the legal estate in the purchaser.

INTERCOLONIAL DEBT.

Mr BROWN asked the hon. member representing the government—"In what position we stand relative to the unsettled account between this colony and New South Wales; when it is likely the account will be adjusted and the money paid; and further, if the government have any objection to furnish the house with what correspondence they may possess on the subject."

Dr. HOBBS replied that the government, during the last session of Parliament, introduced a measure having for its object the establishment of an arrangement for the settlement of the amounts now pending between this colony and New South Wales. That measure was passed into law, and the necessary steps were taken to give it effect, but he regretted to say, that there was not at present any likelihood of an immediate settlement. In answer to a question recently asked in the New South Wales legislature, the ministry stated that they were not prepared, during the current session, to bring in any bill having reference to the subject. The principal correspondence relative thereto would be found in the Library, and the last despatch would be laid on the table as soon as possible.

MEDICAL BILL.

Dr. FULLERTON presented a bill to regulate the Practice of Medicine, Surgery, and Pharmacy, and moved that it be read a first time, which was carried.

The second reading was fixed as an order of the day for Thursday next.

CORONER'S BAIL ON MANSLAUGHTER BILL.

Dr. HOBBS moved that the house resolve itself into a committee of the whole, for the purpose of considering the bill in detail.

The CHAIRMAN of COMMITTEES explained that having, on the previous day, expressed some doubt as to whether coroners had not already the power now sought to be conferred, he begged to state that he had since examined the authorities on the subject, and found that such was not the case.

The motion was put and passed, and the house resolved itself into committee.

Mr. BROWN moved an amendment on the first clause to the effect that a coroner, in granting bail, shall procure the assent of least one justice of the peace.

The amendment was carried, and the clause, with some verbal amendments was passed.

The other two clauses, together with the schedules, were also verbally amended and passed, after considerable discussion.

The house then resumed, and the adoption of the report was fixed as an order of the day for Wednesday next.

UNLAWFUL ADMINISTRATION OF POISON BILL.

Dr. HOBBS moved that the house resolve itself into a committee of the whole for the purpose of considering this bill in detail.

The CHAIRMAN of COMMITTEES was of opinion that bill was scarcely necessary, inasmuch as the statute 9th, George the Fourth, contained a clause specially providing for cases of wilful intent to commit murder by poison. The same clause further provided that in the event of the accused not being found guilty of murder, he might be found guilty of felony.

Dr. HOBBS explained that the bill was designed to provide not so much for cases of intent to commit murder as for those of mere unlawful administration of poison.

The motion was eventually carried, and the house went into committee accordingly.

Clause 1 was carried without amendment.

Clause 2, enacting that any person maliciously administering poison, &c., with intent to injure, aggrieve, or annoy any other person, to be guilty of a misdemeanour, was seconded on the motion of Dr. FULLERTON, by the insertion of the words "or ignorantly or carelessly" administer, &c.

The remainder of the bill having been agreed to without opposition, the house resumed, and the adoption of the report was fixed as an order of the day for Wednesday next.

The House adjourned at half-past 5 o'clock until 3 o'clock on Wednesday next.