

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

...
**Legislative Assembly
15th May 1861**
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Extracted from the third party account as published in the
Courier 16th May 1861

The SPEAKER took the chair at ten minutes past three, and read prayers.

PETITIONS.

Mr. LILLEY presented a petition from the inhabitants of Brisbane, in public meeting assembled, praying that the house would take measures to secure the continuance of the services of Mr. Justice Lutwyche. The petition having been read by the Clerk of the Assembly, Mr. LILLEY gave notice that he should move on the following day that the petition be received and printed.

Mr. FERRETT presented a petition signed by 91 inhabitants of the Condamine and Maranoa, praying for the erection of a bridge over the Condamine junction.

The petition having been received, Mr. FERRETT gave notice that he should move tomorrow that it be printed.

CONDUCT OF POLICE MAGISTRATES.

Mr. WARRY, seeing the hon. the Colonial Secretary in his place, would ask him whether Police Magistrates were authorised to make such Impertinent remarks as has recently fallen from the Police Magistrate of Drayton with regard to the highest judicial functionary?

The COLONIAL SECRETARY replied that the government did not approve of such remarks, as that made by the Police Magistrate alluded to. He had himself written to that gentleman on the subject, and his letter had been crossed by a communication from that gentleman, informing him that the remark referred to had been somewhat misreported.

GOVERNMENT PRINTING.

Mr. MOFFATT said that having in his hand a report of the Marine Surveyor on the River Brisbane which contained several glaring typographical errors, he would like to ask of the hon. the Colonial Secretary who was the party supposed to be responsible for these misprints. Some sentences of that report were perfect nonsense. (The hon. member amid some laughter here read portions of the report in question, in which several absurd errors occurred.)

Mr. LILLEY also found several errors in his bill to Amend the Criminal Law, as it was now printed. One clause of that bill was made to set forth that when a man was found not guilty he should be acquitted. (Loud laughter.)

The COLONIAL SECRETARY expressed his opinion that it was the duty of the contractor for the government printing to provide a competent reader to correct the errors of the press. In addition to his ordinary duties, he (the Colonial Secretary) had, with regard to many documents, to do the ordinary work of a reader of the press, because he could not depend upon these documents being properly read at the printing office. He thought that perhaps the best plan would be to employ one of the clerks of the house to supervise returns and reports to the house; and bills brought in by hon. members had better be read by the hon. members who introduced them.

Mr. FERRETT said that his idea of a contract was that, if it were not carried out, and properly fulfilled, it should not be paid for.

SALES OF SPIRITOUS LIQUORS.

Mr. FORBES, pursuant to notice, moved "for leave to introduce a bill to enable other persons than licensed publicans to sell fermented and spirituous liquors in less quantities than two gallons." He anticipated no opposition to this motion for leave to introduce the bill. It set forth the parties to whom, besides publicans, authority should be given to sell, viz.—wine and spirit merchants, and general storekeepers and grocers, with stock above the value of £300. It set forth that the persons must obtain a certificate from the bench of magistrates, and must give due notice of their intention to make application for such certificate; and it also provided that by the payment of £25 the persons desiring to sell could obtain permission to do so for the year. If, in the latter half of the year, the person desired to obtain a licence for that year, he should be compelled to pay only £12 10s. Other clauses of the measure guarded against the sale of drugged spirits, and provided that it should not be drunk upon the premises. Of course the minimum amount to be sold would be an open question. He thought a quart should be the quantity stated. He believed the Bill would tend to increase the revenue, diminish drunkenness and sly-grog selling, and thereby check a great social evil.

Mr. R. CRIBB seconded the motion, which was put and passed.

The Bill was then brought in and read a first time, its second reading being set down as an order of the day for that day week.

ROAD THROUGH DRAYTON.

Mr. WATTS, pursuant to notice, moved "That this house will, to-morrow, 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 upon the Supplementary Estimates for 1861, a sum not exceeding £600, for repairs to the main road through Drayton." Judging from the remarks which had fallen from the Col. Treasurer on Thursday last he anticipated that he should not find all the ministers supporting the motion. He hoped, however, that by this time the Col. Treasurer had come to the conclusion that there was something to divide, and that he would by acceding to this motion give to his (Mr. Watt's) constituents something like a fair share. The Col. Treasurer in his speech the other evening had very justly remarked that the town of Drayton was wrongly situated. It was placed in a gully, and every shower of rain cut the gully wider, and by no means improved the condition of the main road passing through the town. The road was an outlet for the produce and trade of the large districts South, West and South-West of the Downs. At the present moment it was impossible for a loaded dray to pass through the town on this road without a team of twenty-four bullocks. A sum of £200 was voted for for the repair of this road last year, but it would be absurd to commence to spend that sum unless a further sum was voted so that the repair of the road might be carried out properly. It must be patent that by the formation of a good road through townships where many allotments were unsold and much land was available for agricultural purposes, the value of such allotments must be considerably enhanced, and the government eventually were gainers by the expenditure. He trusted that hon. members who last year had voted against a motion of this nature which he had brought forward, and who subsequently brought forward motions of a precisely similar character for which he had voted, would on this occasion give him their support. No doubt, if the house assented to the motion, the Colonial Treasurer, in spite of his protestations, would be enabled to find the money.

Mr. MOFFATT seconded the motion.

The COLONIAL TREASURER assured the hon. member that the government had every desire to assist hon. members in their endeavours to improve the internal communication of the colony, but the supplementary estimates of 1861 were so heavy that it would be as much as the revenue could do to meet them. On these estimates it would be found that the sum of about £10,000 was put down for public works. If this motion were assented to, the question for the house would then be, where were they to draw the line. If these demands were allowed, to continue the only resources left for his adoption would be to come down to the house with a proposition for fresh taxes. Other towns would naturally make similar demands. He, or his hon. colleague (Mr. Haly) would at once come down to the house as a matter of justice and demand a sum to be placed on the estimates for the repair of the road through Gayndah. This was a great

outlet of trade and as yet the house had not voted one penny for the repair of this road. He was of opinion that we should avoid being indebted to a loan for sums of money for the repairs of our roads and streets. He believed that two or three months of this weather would do more to repair the road in question than the expenditure of six hundred or even one thousand pounds. He had no personal objection to this house acceding to the motion if they chose to do so, but he wished distinctly to point out to them that the grant of this sum would simply lead to further demands of a like character from various other quarters.

Mr. HALY would oppose this motion on the grounds of economy. If it were acceded to he should feel bound in justice to come down to the house and ask for £500 for the repair of the road through Gayndah. Such a motion would be even more defensible than the present one, as £500 would put that road, which was one of equal importance, in thorough repair, whilst a much larger sum would be required to place this road through Drayton in the same condition.

Mr. FITZSIMMONS could bear testimony to the bad state of the road for which the sum was asked, having lately visited the district. He believed that in wet weather there was not a worse road in the colony. The Treasurer took great care of Brisbane and Ipswich, and one or two favoured districts which could bring some power to bear on them. (Hear, hear, and counter-cheers.) But when any sum was asked by an hon. member for a remote district he was met by a blunt refusal, as in the present instance. He (Mr. F.) also wanted a sum on money. (Laughter.) Indeed he felt almost inclined to vote against the small and inadequate sum which he found in the estimates for 1862 for his constituency. He thought that the Treasurer kept his books by a very questionable method. At the end of the year, when the balance was made up, all the profits were allotted to Brisbane and Ipswich, whilst the remote districts had to divide the losses. (Hear, hear, and counter-cheers.) He should vote for the motion because this road was in a wretched condition.

Mr. MACALISTER differed with the previous speaker, as to his estimate of the influence which Brisbane and Ipswich could bring to bear upon the ministry. He also thought that the hon. member had no cause to complain that his constituents were neglected, as the surplus of the profits, as the hon. member had termed them, had, it appeared to him (Mr. M.) been spent in the neighbourhood of Rockhampton. (Hear, hear.) He thought it desirable that the house should now understand the principle upon which the government regulated their support or refusal of such demands as the present one. To one argument made use of he must demur. It was alleged that the government, by meeting these demands, were eventually gainers, inasmuch as the unsold land in the neighbourhood of the desired improvements increased in value. Now this was not the footing on which the government ought to stand with regard to the Crown lands. If it were adopted, they had better begin making public improvements at once on the sheep-walks at Maranoa, and thereby get a large rental for those lands. (Hear, hear.) He would like to know upon what principle the government, for the future, intended to base their refusal for these demands. The people of Drayton might have formed a municipality, but they refused to do so. He believed they were capable of forming a corporation (no, no); at least, then, they had the chance of being incorporated with Toowoomba. Had they chosen to be incorporated, they might then have asked government for a loan, as he had done, upon the guarantee of that bill, which the government last session promised to introduce by which every corporation would receive a land endowment. No doubt the Colonial Secretary would admit having promised to introduce some such measure. (The Colonial Secretary—yes.) In the face of a promise for the introduction of this bill the hon. member for Drayton was not justified in asking for this money. When, however, the Colonial Treasurer the other night told the house that he had no money to spare, he (Mr. M.) thought it very inconsistent of that gentleman immediately afterwards to vote for a sum of money for a number of additional police for Brisbane.

The COLONIAL SECRETARY felt sure that the hon. member for Port Curtis had thrown down the apple of discord, when he expressed his conviction that Brisbane and Ipswich received more than their fair share of public money. (Hear, hear.) He thought the remarks of that gentleman scarcely justified, as Rockhampton certainly need not complain of not having received a fair share of that money. The Chairman of Committees had, in the course of his remarks, very correctly described the views of the government with reference to grants similar to that now asked

for. Wherever a municipality was formed, the government thought it more desirable to give assistance as the roads, when once improved, would, in such cases, be likely to be kept in a fit state of repair. Drayton had refused to be incorporated with Toowoomba, and a very spirited attempt of the townspeople to form themselves into a separate and independent municipality had failed owing to the paucity of population. The government were of opinion that a grant of land be given to supplement the rates, but some doubts arose as to the best mode of bestowing the endowment. If a large grant of land were given to let on a long lease, or to be sold, it was feared that hardly a fair amount would be realised for the benefit of the municipality. A plan perhaps worthy of consideration had occurred to him—viz., to grant a fair share of the proceeds of the land sale to the municipality, to be handed over to a board for expenditure in the repair of roads.

Mr. MOFFATT supported the motion, and contended that the chairman of committees, to act consistently with his motion of last session for £3000 for the road through Ipswich, should also support this motion. As that £3000 had been granted as a loan on the security of a future endowment, he felt sure that the inhabitants of Drayton would be willing to receive this sum now asked for on the same conditions.

Mr. GORE, although personally interested in the condition of this road, as most of his produce passed over it, should yet vote against the motion. He thought the amount asked for quite inadequate to make the road a good one in wet weather. Three or four weeks of dry weather would do much more to render the road passable than the expenditure of a thousand pounds. He saw on the estimates the sum of £6,500 to be expended on the repair of the road between Ipswich and Drayton, and this was a large amount. With regards to the remarks as to the money spent on roads in Brisbane, he was sure that the road at Drayton was not so bad as some portions of the roads in Brisbane are at present.

Mr. O'SULLIVAN supported the motion, and said that, although the last speaker had stated that his produce went over the road, yet he (Mr. Gore) only used it now because he was obliged. He had, no doubt, discovered on the estimates, the sum of £4,500 for the line of road from Warwick, and he therefore intended to throw off the old cloak now that he had got the new one. At least, such was the interpretation he (Mr. O'S) could put upon the conduct of the hon. member for Warwick. In his opinion, the main line of road should be attended to before any other. It was unfair of the Treasurer to warn the house against the motion, and endeavour to prejudice hon. members against it, as he did the other day. When the Treasurer very positively stated that Drayton was in the wrong place, he merely uttered a private opinion. Some persons might think that the hon. member himself was in the wrong place. (Laughter.) In justice to the people who had bought allotments in the town, the road should be repaired. It was monstrous now to turn round and tell these people that their town was in the wrong place. It had been urged that Drayton might have been incorporated with Toowoomba but the places it should be remembered are five miles apart. It was natural that under the circumstances the people of Drayton objected to be incorporated with Toowoomba, as in all probability in the expenditure of municipal moneys the influence of the former town would have been entirely swamped by that of the latter.

Mr. R. CRIBB would support the vote. Drayton was a thoroughfare for the traffic of nearly the whole of the interior. The number of inhabitants in the town was small, and if they formed themselves into a municipality, the amount they could collect would be comparatively trifling for public works as that for which this vote was asked. They now, not being a municipality, derive no assistance whatever from the government. He of course contended that this money, if voted, would be judiciously expended under government control. He deprecated the remarks of the hon. member for Port Curtis alleging that some particular districts were, in the expenditure of the public money, favoured at the expense of others.

Mr. LILLEY thought that the whole matter lay in a nutshell. Here was a little hamlet, not strong in population, and through it ran one of the main roads of the colony. The question then was, is this road to be kept in good repair or not. He certainly thought that they could not refuse to accede to this motion. If the hamlet were strong enough in population to form a corporation and rate itself, there might be some grounds of objection to this grant in its present form. Under existing circumstances, however, he thought the house should assent to the motion.

Mr. FERRETT reiterated the arguments of the previous speaker. It had been proved that

this was the main line of road, and if it were neglected not only would the people of Drayton be the sufferers, but also all the traffic outside from the interior would be seriously impeded.

Mr. WATTS replied. He wished the Government Surveyor were sent up to see the strange way by which this town was laid out. The land all around the town was sold and being enclosed, and this road was now the only thoroughfare for the traffic from the interior. If this motion were not assented to it would be useless to expend the £200 voted last year. That money has been handed over to trustees, and if this vote were acceded to would be expended by them. He hoped that the house would grant this for the sake of getting him some peace. (Laughter.) He concluded that nothing tended more to bring money into the Treasury than the existence of good roads and bridges. He was prepared for such works to borrow even to a large extent, seeing how deficient in such requisites to prosperity our connection with New South Wales had left us. The Treasurer, on a former occasion, had alluded to the large amount which had been spent in New South Wales on roads, and the bad condition of those roads at the present time. This state of things, however, arose from the injudicious expenditure of this money. In South Australia, they had commenced to make roads in 1840, and he was assured that at the present time their roads, for hundreds of miles from Adelaide were in such a good condition that a person could safely drive over them in a carriage and pair. He did not wish to raise a cry about money spent in Ipswich and Brisbane, but when items for particular works were before the house, he should use his discretion in voting for them, no matter what district they were immediately supposed to benefit.

The house then divided on the motion with the following result:—

Ayes, 14.		Noes, 7.	
Mr. Moffatt		Mr Haly	
O'Sullivan		Forbes	
Fitzsimmons		Raff	
B. Cribb		Fleming	
Ferrett		Colonial Treasurer	
Colonial Secretary		Gore	} Tellers.
Blakeney		Macalister	}
Royds			
Warry			
Watts			
Richards			
Coxen			
R. Cribb	} Tellers.		
Lilley	}		

CRIMINAL LAW AMENDMENT BILL.

Mr. LILLEY begged to postpone the second reading of this bill until Tuesday next. He did so in consequence of the Attorney-General being unavoidably absent, having to attend at the sittings of the Supreme Court. The house would of course perceive the desirability of the chief law officer of the ministry being present at the discussion upon the second reading of this bill. He would therefore move that the motion standing in his name be postponed until Tuesday next.

Mr. R. CRIBB seconded the motion, which was put and passed.

BILL TO REGULATE THE LEGAL PROFESSION.

Mr. R. CRIBB, for precisely similar reasons to those advanced by Mr. Lilley on the previous motion, moved that the second reading of this bill be postponed until Tuesday next.

Mr. B. CRIBB seconded the motion, which was put and passed.

COMPLETION OF GOVERNMENT HOUSE.

On the motion of the COLONIAL TREASURER, the house resolved itself into a committee of supply.

The COLONIAL SECRETARY rose and explained that the government did not wish in any way to hurry the consideration of the estimates. The only reason for going into committee on the present occasion was that the government wished to take the sense of the house upon one item. That item was the completion of Government House, including outbuildings, estimated at £7000. One tender had been sent in, amongst others, for these works which was considered a very favourable one, and if the item were now passed, this tender would be accepted. The tenderer alluded to had at present a large number of men engaged in cutting stone, &c., for works in the town. Having these workmen collected together on the spot, he was enabled to tender at a cheaper rate than he otherwise could. Were the vote delayed and those men dispersed, as they would be, the tenderer referred to could not tender for the same amount as he now was enabled to, as in all probability by the time the vote was passed all his men would be dispersed, and there would be some difficulty and additional expense in assembling another lot of men for the work. The vote was brought forward at this early period merely to take advantage of this tender and save the country expense. It was quite possible for the original estimate as passed last session to have been adhered to, but this would have involved the necessity of leaving the house in a very unfinished condition without outbuildings of any kind, and also the number of rooms would have been totally inadequate to meet the requirements of any future Governor who might possess a larger family than our present Governor. The item which he submitted now to the Committee was one of those to be provided for by loan, and would, with other items classed in the same category, if passed, be incorporated here after in the Loan Act. He would lay on the table the plans for the completion of the house, which it would be seen, was manifestly of a very homely description, considering the purpose to which the residence was to be devoted. It was calculated that the additions to the house itself would cost £3,500, and the out buildings another £3,500. He would move that the sum of £7,000 be granted towards the completion of Government House.

Mr. O'SULLIVAN opposed the motion. It was a violation of the vote of the house on the last occasion. It was understood that the £10,000 then voted was to extend over three years. The Colonial Secretary then pathetically lamented that the colony would lose by letting the expenditure of this £10,000 extend over three years, as in the interim the colonists would have to rent a house for the use of the Governor. It was something like a subterfuge to come suddenly down to the house to ask for this sum, and then, after asking for it, to place a lot of plans on the table to distract the attention of members from the real question at issue—viz., the expediency of granting this sum at all. The house had no guarantee that this £7000 now asked for would be all that was required for this particular purpose. He should vote against any further sum than that voted last session being devoted to government house at the present time.

The COLONIAL TREASURER explained that the payment, and not the expenditure, of the sum voted last session was to extend over three years, that sum having been raised by loan.

Mr. FORBES spoke against the motion. He objected to the plans being thus submitted to the house at the last moment. He moved the postponement of this item until Friday next.

The COLONIAL SECRETARY again explained that the item was thus brought forward, somewhat prematurely, in order to save some expense by the acceptance of the tender to which he had alluded. It was asked what guarantee was there that additional sums would not be asked for building Government House. The estimate plainly set forth for the completion of Government House £7000. The former item of last session was merely towards building Government House. This was for the completion of that edifice.

Mr. BLAKENEY supported the motion, and thought that in comparison with the cost of government houses in other colonies, the expense of erecting this house had been remarkably moderate.

Mr. MOFFATT regretted that the full estimate for the completion of the house had not been submitted in the first place when the vote was before the house last session. Gentlemen representing country constituents were placed in an unpleasant position by such demands as these recurring constantly. The people in the interior very justly made bitter complaints of the inconvenience to which they were exposed in consequence of bad roads and lack of bridges, whilst large sums of money, such as the present, were devoted to Brisbane improvements. He believed that his constituency would not object to this particular vote, as the cost altogether, of

the Government House, was moderate. He wished to know, however, whether the Government would consider that by voting this sum the House had adopted the principle that a loan should be raised, and in the manner proposed by the Colonial Treasurer.

The COLONIAL SECRETARY replied in the negative. The Committee having voted the money, could at a future date decide how it was to be raised, whether by loan, or whether out of the general revenue, which the pressure being exerted upon his hon. friend the Colonial Treasurer by the House, might render sufficiently elastic to include such items. (A laugh.)

Mr. FERRETT opposed the motion. He supposed if this item were passed, the Government would come down to the House next session, and require a similar sum for furnishing and beautifying Government House.

Mr. R. CRIBB supported the motion. The expense of erecting the house had been by no means extravagant, and gentlemen in Brisbane had expended sums nearly as large for the erection of private residences.

Mr. B. CRIBB opposed the vote. Let the money voted last year be spent, and the plan, as then submitted to the house, be completed. The money demanded was more urgently required for other public works of vital importance in the interior. When the contingency of a Governor with a large family, alluded to by the Colonial Secretary, arrived, it would be time enough to meet it by the enlargement of the vice-regal residence.

Mr. O'SULLIVAN said the Colonial Treasurer had stated that the original plan could be carried out; if so what necessity was there for going to the extra expense now proposed. At all events he thought they ought not to be more liberal or luxuriant in these matters than the other colonies.

Mr. WATTS had opposed the expenditure for this work during the last session, but seeing that the plan had been assented to and a large part of the public money had been expended in its execution, he was disposed to agree with the hon. member for the Western Downs.

Mr. R. CRIBB thought the government ought to have called for tenders.

The COLONIAL SECRETARY explained that the government had adopted a course similar to the one suggested by the hon. members, but owing to an arrangement over which the Government had no control, it could not be carried out.

The amendment was ultimately withdrawn, and the original motion carried by a majority of 18 to 4, the dissenters being Messrs. B. Cribb, O'Sullivan, Forbes, and Ferrett.

The House then resumed, and the Committee obtained leave to sit again on the 11th June.

On the motion of the COLONIAL TREASURER, the report was ordered to be received the next day.

REVENUE AND AUDIT BILL.

The COLONIAL SECRETARY moved that this Bill be read a second time, and in doing so, he explained that it was based on the same principles as those embodied in the acts of other colonies. The chief provision was designed to secure to the Auditor-General a perfect independence and freedom of action, so as to relieve him from any pressure that might be exerted either by the Executive or the Legislature. The principle had been carried out in a very strict sense in the other colonies, and one of the provisions of the bill now before the house rendered it necessary that an address from both houses of parliament should be presented to the Governor before the Auditor-General could be removed from his office. The hon. gentleman then went on to state some matters of detail included in the bill, such, for instance, as the appointment of a deputy, the creation of an expense account, and the general guarantees to be observed in the management of the public revenue. In conclusion, he stated that it was his intention in committee to introduce some important additions.

The ATTORNEY-GENERAL seconded the motion.

Mr. WATTS had no intention to oppose the bill, but he observed that it contained no mention as to the amount of salary which the Attorney-General might be entitled to claim.

Mr. O'SULLIVAN would not oppose the second reading, but at the same time he reserved to himself the right of proposing such alterations in committee as he might think proper.

The motion was then put and passed, and the committal of the bill fixed for that day week.

WAYS AND MEANS.

The CHAIRMAN OF COMMITTEES brought up the report from the Committee of Supply, which was adopted on the motion of the Colonial Treasurer.

The house adjourned at ten minutes past 5 until 3 o'clock the next day.