

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

...
**Legislative Assembly
16th May 1861**
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Extracted from the third party account as published in the
Courier 17th May 1861

The SPEAKER took the chair at ten minutes past three.

WEST MORETON ELECTION.

Mr. GORE brought up the report of the Committee of Elections and Qualifications upon the petition of "Forbes v. Challoner," in the matter of the recent election for West Moreton. The report set forth that the elected candidate was disqualified, by his position as coroner, and that the election was null and void; consequently a fresh election must take place.

PAYMENT OF WITNESSES BEFORE SELECT COMMITTEES.

Mr. GORE, as Chairman of the Select Committee upon the Native Police, and treatment of the Aborigines, wished to ascertain the sense of the House upon a certain matter. The Committee desired that their enquiries should be as extensive as possible, and that every person should be examined before that committee whose evidence might tend to throw light upon a very obscure and difficult subject. The Committee wished to know, therefore, whether they might authorize the payment of expenses to witnesses. Many of the witnesses whom it was desirable to examine before such a committee were in humble circumstances, and could not afford to lose time in attending before the committee unless remunerated, other witnesses lived at a great distance from Brisbane, and it would be unfair to summon without defraying all their expenses.

The SPEAKER read the practice of the Imperial parliament in such cases, which showed that witnesses summoned at the instance of any individual to support a case, could claim expenses from that individual at whose instigation they were summoned. Witnesses, however, summoned at the instance of a committee to give evidence upon a question of general importance, without reference to particular individuals, were entitled to payment of expenses from the Treasury. The portion of May quoted went on to state that parties residing in London could not claim such expenses except under certain conditions.

Mr. GORE presumed, from the practice of parliament just quoted, that the committee would be entitled to allow expenses.

Mr. MACALISTER thought that the matter was one with which the Executive should deal, by placing a sum on the Estimates for the payment of witnesses before select committees. It was undoubtedly a great hardship for witnesses to be summoned and to get nothing for their attendance.

The COLONIAL TREASURER said that these payments would be defrayed from the item on the estimates for unforeseen expenses.

PARLIAMENTARY REFRESHMENT ROOM.

Mr. MACALISTER brought up the report from the joint committee of both Houses, recommending that £500 be placed on the estimates to provide the requisite furniture for the new rooms, and also recommending the adoption of certain arrangements for the management of the rooms. On the motion of the hon. member the report was adopted.

PAPERS, &c.

The COLONIAL SECRETARY laid upon the table the following papers;—Report of Lieutenant Heath upon the New Harbour to the Northward; returns relative to Immigration, moved for by the hon. member for the Northern Downs; and correspondence relative to the Western Boundary of this colony. On the motion of the COLONIAL SECRETARY the documents were ordered to be printed.

HEAD COMMISSIONER FOR MARANOA.

In answer to a question of Mr. Ferrett, the COLONIAL SECRETARY stated that, the Head Commissioner of Crown Lands in the Maranoa district was at present in Brisbane on leave of absence, and that he would return to his district in ten days.

CASE OF MR. HALLORAN.

In answer to a question of Mr. Ferrett, the COLONIAL SECRETARY stated that Mr. Blakeyne, one of the commissioners appointed to inquire into the charges against Mr. Commissioner Halloran and Mr. Chapman was absent from Brisbane 24 days, and received from the government £75 12s., inclusive of passage money. For the same gentleman's services in the inquiry into the charges against Mr. Commissioner Doyle, no remuneration was given.

REAL PROPERTY ACT.

In the absence of the Attorney-General, the COLONIAL SECRETARY moved for leave to introduce a bill to Simplify the laws relating to the Transfer of Encumbrance of Freehold and other Interests on Land. He merely moved the resolution in the absence of the Attorney-General, in order that the Bill, which was a very lengthy one, might be as soon as possible in the hands of hon. members, so that they might have ample time to consider its provisions. Leave was granted, and the bill introduced, its first reading being set down as an order of the day for Tuesday next.

DRAFTS ON BANKERS BILL.

The COLONIAL SECRETARY, on behalf of the Attorney-General, who was unavoidably absent, in consequence of professional duties, postponed the second reading of this bill until Tuesday next.

REPORT FROM COMMITTEE.

The CHAIRMAN OF COMMITTEES reported that the Committee had yesterday come to a resolution to grant £7000 for the completion of Government House.

Mr. O'SULLIVAN said, before the report was adopted, the House of course were to distinctly understand that this sum was not of necessity to be provided for by loan.

The COLONIAL TREASURER said that the item was yesterday voted as it stood on the Estimates, the only form in which it could be voted. At the same time that vote did not interfere with the decision of the House upon the general question of a loan, which, of course would subsequently come on for discussion. The Report was then adopted by the House.

THE UPPER HOUSE.

Mr. MACALISTER moved for leave to postpone until Tuesday, 28th instant, or until the first business day after that date, the motion standing in his name, for leave to introduce a bill to alter and amend the Constitution of the Legislative Council by rendering it elective. He found that he should be unable to complete all the details of that measure before that date.

Mr. LILLEY seconded the motion, which was put and carried.

PETITION IN FAVOUR OF THE JUDGE.

Mr. LILLEY moved that the petition from the inhabitants of Brisbane presented by him yesterday be printed.

Mr. R. CRIBB seconded the motion.

Mr. O'SULLIVAN objected to the petition being received as the petition of the inhabitants of Brisbane. There was, he believed, but one signature affixed to it. It was unparliamentary for one man to sign a petition for another man, or set of men, and he could therefore only look upon this as the petition of one man.

Mr. R. CRIBB: That matter should have been discussed yesterday. The question now before the house is shall the petition be printed.

Mr. LILLEY reminded the hon. member (Mr. O'S.) that it was the invariable practice at home for the Mayor to sign petitions on behalf of the municipality. If, however, it were out of order to receive the petition as the petition of the inhabitants of Brisbane, the house could, if they choose, look upon it as simply the petition of "John Petrie." The petition had been received yesterday, and he now had merely moved that it be printed, anticipating that there could be no objection to the motion.

The motion was then put and passed.

BRIDGE AT CONDAMINE.

Mr. FERRETT moved the printing of the petition presented by him yesterday,

Mr. MACALISTER opposed the motion. He found that on the business paper of that day was a motion for a sum of money for this very bridge. As this motion was just now coming on for discussion no possible good could accrue from printing the petition, and it would be therefore an act of unnecessary extravagance.

After some remarks in opposition to the printing by Messrs. R. and B. CRIBB, the motion was negatived without a division.

ENCOURAGEMENT TO COTTON CULTIVATION.

Mr. WATTS withdrew the resolutions standing in his name on the paper in order to give notice, to-morrow, of other resolutions referring to the same subject.

BRIDGE AT THE CONDAMINE.

Mr. FERRETT moved—

"That this house will, to-morrow, resolve itself into a committee of the whole, to consider an address to the Governor, praying that his Excellency will be pleased to cause to be placed on the supplementary estimates for 1862, a sum of £1000, for building a bridge across the Condamine River, at the Condamine township."

It would be seen by a perusal of the petition that great necessity existed for the erection of a bridge at the township, The frequent floods at the Condamine, which at such periods the absence of a bridge rendered impassable, entailed serious loss to the parties whose produce and supplies had to pass over the river at this particular point. The traffic was frequently stopped for days together, and had been at times impeded for even so long a period as nine months. He did not ask for a large sum, as an inexpensive bridge of such a character as that described by Mr. Haly before the Internal Communication Committee last session, would meet all requirements. It was quite unnecessary to build a large and expensive bridge above high water mark. The absence of a bridge at this point was no new grievance, for as far back as March, 1859, a petition had been forwarded to the Minister of Public Works at Sydney, signed by twenty justices of the peace and over two hundred inhabitants. There was already a sum granted for a bridge over the river at Greenbank, and the petition he presented recognized the existence and necessities of the grant. But a bridge was also an absolute necessity at the spot indicated by the petition, and a similar sum to that voted for the bridge at Greenbank, viz., £1000, would also provide a bridge at this spot. He (Mr. F.) had seen fifteen or twenty drays stopped at the river at this point, and prevented from crossing, and this at a time of no extraordinary flood. In justice to the inhabitants of the town who possessed land on both sides of the river, and who were subject to extreme

inconvenience by the communication being so often stopped, this motion should be acceded to. The district benefited was one of the largest in the colony, in which many run's had been, and were still being, taken up.

The motion having been seconded,

Mr. FORBES opposed it. The sum was, inadequate; and the house, by voting it would break through the principle they had adopted a few evenings ago.

Mr. COXEN had a knowledge of the locality, and would cordially support the motion. Drays were frequently delayed three weeks, owing to the absence of a bridge at the spot. Horsemen also were frequently prevented from crossing, and thus the occupation and stocking of new country was impeded.

Mr. MOFFATT supported the motion. As to the remarks of the hon. member for Ipswich (Mr. Forbes) that the sum was inadequate, surely the statement of the representative of the constituency interested, that the sum would be quite adequate, should be sufficient guarantee that such was the case. (Oh, oh.)

Mr. MACALISTER would like to know what the hon. Colonial Treasurer thought of this motion. (Laughter.) Had he any money to meet it. He would also like to know whether the hon. member (Mr. Ferrett) had communicated with the government about the matter, and whether the government possessed any information as to the cost of the proposed work, or the possibility of executing it for the sum asked for. He believed the river was here sometimes about three quarters of a mile across, and if such were the case he could not imagine how a bridge was to be constructed for £1000.

The COLONIAL TREASURER stated that the hon. member (Mr. Ferrett) had not communicated with the government with reference to this motion. He also believed with the previous speaker, that, if the river was here as broad as represented, the sum asked for would be quite inadequate. There were so many bridges asked for, or in course of erection over the Condamine, that there would soon be no water visible, owing to the plurality of bridges. Moreover, he could not tell where the money was to come from (Laughter.) If hon. members multiplied their demands in this way, he would have to come down to the house with proposals for fresh taxes or an additional loan. (Hear, hear.)

Mr. GORE observed that, for many miles at its head, this river was dry for many months in the year. He could not, therefore, account for the lower portion being flooded so often in the alarming manner described by the mover. He should infer that in the case of this river the law of nature was reversed, and the water must run up to river to cause these floods (laughter). The bridge, on occasions, might certainly be useful. He quite sympathized with the Colonial Treasurer's lamentations over his lack of funds but if motions such as these were continually acceded to, he (Mr. Gore) should certainly come down to the House for sums of money for works in his constituency, which, although not of instant and vital importance, were so highly desirable.

Mr. HALY reminded the previous speaker that although the river was dry towards its source for several months in the year, yet that between the sources and the spot this bridge was asked, no less than seven creeks emptied themselves into the river, some of them very large ones. He agreed with the hon. member for Maranoa that this sum would be quite adequate. Although the river at times of extraordinary flood was at this place very wide, yet the bridge need not be made of such extensive width as represented, as the waters on such occasions rapidly subside for a considerable number of feet.

Mr. O'SULLIVAN opposed the motion on the ground that this bridge would be a structure not urgently required at present, seeing that a bridge was in course of erection at Greenbank.

Mr. WATTS supported the motion and endorsed the statements of a previous speaker (Mr. Haly), as to the number of creeks flowing into this river. Although the river was not flooded at Warwick, it did not follow that there was not a flood at Condamine township. As an evidence that very serviceable bridges might be erected at a very low cost, he cited the bridge over Laidley

Creek, which originally cost £120, and which was in good repair when it was pulled down to make way for the present more ambitious structure. He had himself been detained at this part of the Condamine for three weeks by floods. The supplies of flour, &c., for the station were continually being retarded, from the same cause, in the transit and great inconvenience, and sometimes, suffering was the consequence. He had known men on a station without flour, vegetables, or food of any kind except salt meat for weeks together, owing to supplies being prevented from crossing the river. This accounted for people from the bush coming down to Brisbane suffering from scurvy, &c.

Mr. LILLEY agreed with the previous speaker that although some streams were very small at their source, yet they acquired volume in their course. This debate was one instance of this truth. (Laughter.) As to people suffering from scurvy under the circumstances alluded to, he could only say that if they were too lazy to grow their vegetables on the spot, they could not expect much sympathy. He was surprised at this motion. Here was Warwick, a town capable of forming itself into a municipality—

Mr. GORE interrupted by observing the bridge was not for Warwick, but another part of the Condamine. (Laughter.)

Mr LILLEY: At any rate, according to an hon. member acquainted with the district, the river at this spot was of extreme width and surely £1000 would not construct a bridge over such a stream. They were certainly told to build the bridge on American principles, but this after all was a mere experiment. He objected that they had no estimate of the cost of the bridge before the house, and no guarantee that it was a necessary work beyond the affirmation of certain private members of the house.

The COLONIAL SECRETARY suggested that the hon. member should withdraw his motion for the present. The sum asked for would have, if granted, to come in the supplementary estimates for 1862, and could not be expanded until the revenue was collected, viz. after January next. The hon. member might then bring on his motion, and the government would, in the interim, ascertain the probable expenses of a bridge at the spot indicated.

Mr. B. CRIBB would, if the hon. mover did not adopt the suggestion of the hon. the Colonial Secretary, support the motion. Large sums were being expended in the neighbourhood of Brisbane for works that might easily be held in abeyance, until other matters of pressing necessity to the traffic in the interior were attended to. He did not know whether the hon. mover had first consulted the Executive about this motion. He imagined, from his (Mr. F.'s) speech, that he had not. Now, ie New South Wales it was the custom for an hon. member, when he wished a sum of money placed on the Estimates for a particular work, to consult the Executive in the first place. If, after making inquiries, the Executive refused to place the sum on the Estimates, then the member could appeal to the House by bringing forward a motion of a similar nature to the present one. (Hear, hear.) As to the necessity of this bridge, he thought it certainly was more urgently required than a bridge between North and South Brisbane. ("Question.")

Mr. R. CRIBB thought the question of the advisability of erecting a bridge between North and South Brisbane was not the matter before the House now. (Hear, hear.) The bridge asked for by this motion would be of use, he believed, to one station, and that was all.

Mr. MACALISTER rose to a question of order. He was aware that in all matters not provided for by the standing orders, the house was not supposed to follow the usages of the Imperial Parliament. He conceived such motions as this before the house were scarcely regular, unless the member making them had first applied for the sum of money asked for by them, to the Executive, and met with a refusal. In New South Wales as had been very justly observed by the hon. member for West Moreton, it was the invariable practice for the member requiring a sum for any particular purpose to first ask the Executive to place such sum on the estimates. If the Executive refused to do so, the member could then appeal to the house by means of a motion similar to that now before the house.

The SPEAKER was aware that such was the practice in New South Wales, and it was a

most convenient one which, the house here would do well to adopt. (The Speaker here read the practice of the Imperial Parliament in such matters, by which it appeared that motions of an analogous character to those alluded to by previous speakers were usually made after the Committee of Supply had closed, and in consequence of the refusal of Ministers of the Crown to sanction the sum asked for.)

Mr. MACALISTER thought the quotation confirmed his view of the case. An address to the Crown was adopted where the vote asked for was not supported by Ministers of the Crown.

Mr. FERRETT replied at considerable length, apparently to the great amusement of his audience, going verbatim through the remarks of the various speakers who had opposed him. He deeply regretted that hon. members should presume to talk about matters of which they were ignorant, as so many members had done on this motion (laughter). With regard to the question of privilege, he contended he was perfectly in order, as the petition set forth that the Executive of New South Wales had been applied to (laughter.) Last Session also he had applied to the Executive of this colony, and if this statement were not true, they were there to refute him. He denied that the river at the spot mentioned was more than from 200 to 300 yards wide. It was untrue that it was three-quarters of a mile. If the Treasurer could not find money for these necessary works let him come down with fresh taxes. Do not let him tax sheep and cattle alone, but tax all property. Let him bring down a good Property Tax. It had been stated that this bridge would benefit but one station. This he entirely denied. The road which passed through the station, which he concluded was referred to, connected that station with more than twenty others, and in fact with all the stations of the Baloon river. The erection of the bridge was urgently needed by the occupiers of a very large tract of country. He hoped the house would not reject his motion.

The motion was then put and negatived on the following division:—

Ayes, 8.		Noes, 13.	
Mr. B.Cribb		The Colonial Secretary	
Coxen		Colonial Treasurer	
Fitzsimmons		Mr. Forbes	
Watts		Gore	
Royds		Macalister	
Moffatt		Lilley	
Ferrett }	Tellers.	O'Sullivan	
Haly }		Fleming	
		Edmondstone	
		Raff	
		Blakeney	
		R. Cribb }	Tellers.
		Pring }	

ALIENS BILL.

Mr. LILLEY moved that this Bill be read a second time. He explained that during the last Session he had the pleasure of presenting a petition to the Assembly, signed by a very numerous and respectable body of Germans, resident in the colony, praying for increased facilities in the existing system of naturalization. He was given to understand at the time that the Government would take some steps in the matter so as to effect a reform, such as the petitioners, and he was sure the majority of the public generally, desired. As the Government, however, had not introduced any measure on the subject, he felt it necessary to bring forward the present Bill, and in doing so he had no desire to cast any blame on the Government, as he believed they were not unfavorable to the object, and that in the pressure of other business, it was very probable the subject might have escaped their recollection. He found, however, that complaints were

constantly being made against the present system, and when they remembered that some of their German fellow colonists were so poor as to be wholly unable to pay the fee exacted for naturalisation, he thought they would all agree with him as to the necessity of the reform he now proposed, especially as they expected, under the new Land Regulations, to receive large importations of foreigners from various parts of Europe. He observed that, since giving notice of this measure, the government had granted increased facilities for naturalization, by reducing the fee, and he thought it was not improbable that they had been reminded of this matter by the motion referred to. [The COLONIAL SECRETARY: "Yes."] He perceived, however, from the *Government Gazette*, that the reduction of the fee was only from £1 16s. to £1, and this, he thought, was far from being sufficient for the purpose contemplated. If a man was worthy at all of swearing allegiance to her Majesty, why should he pay one pound for the permission to do so. Such a heavy fee must necessarily be distasteful to every foreigner—at all events it was so to him—and he believed the house generally entertained the same impression. It was in fact a positive disgrace to the legislature to invite Europeans to come and reside in the colony, and then exact from them £1 per head for simply swearing allegiance to the Queen. His bill would obviate this difficulty, in so far that it would exact no price for naturalisation, the only charge being 2s. or 3s., intended merely as fees of office to cover actual expense in a clerical point of view. The hon. member then described in detail the principal features of the bill.

Mr. R. CRIBB seconded the motion,

The COLONIAL SECRETARY agreed with the main principles of the bill, but he nevertheless thought there were several clauses which would have to be altered in Committee. As for the fee he confessed that the reduction made by the government was only temporary; they felt certain that the legislature would take the matter up in the course of the present session and deal with it as a whole. The House would therefore understand that the Government had no objection to a further reduction of the fee for naturalization, but he thought some difficulty might arise with reference to foreigners generally, who might claim the rights and privileges of British subjects. He entirely approved of the proposal to place Germans on the same footing as people from the United Kingdom, but he doubted the propriety of extending the same privilege to orientals, such as Chinese or Malay immigrants. (Hear, hear.) And therefore he thought the bill would have to be altered in this respect as well as in several others. With regard, however, to the main principle of the bill, he entirely agreed with it. As they had specially invited Germans and other Europeans to the colony, he thought it was only right that they should place them on the same footing as Englishmen.

Mr. LILLEY explained that there were one or two matters of detail in the bill which he had intentionally left for the decision of the house in committee.

Mr. WATTS agreed with the objections raised by the Colonial Secretary, but at the same time he cordially concurred in the object sought to be accomplished by the bill, and he thought very great credit was due to the hon. member for Fortitude Valley for having introduced so very desirable a measure. He maintained, however, that a marked distinction ought to be made between the various classes of immigrants, so as to give a preference to Germans and other Europeans who were likely to be the most useful in promoting the settlement of the colony. He could, from experience, bear testimony to the desirability of encouraging German immigration, and to show that they would be right in so doing, he might state that in the district which he had the honor to represent, there was a large and thriving—he might even say a wealthy—community of Germans, who, as cultivators of the soil, were capable of teaching them a lesson, and who, if this bill were passed, would be led to avail themselves of the privileges conferred by it.

The motion was then put and passed, and the committal of the bill was fixed as an order of the day for Thursday next.

MAIN ROAD THROUGH DRAYTON.

On the motion of Mr. WATTS the house went into committee to consider the address praying that a sum of £600 might be placed on the supplementary estimates for the repair of the

main road Drayton.

Mr. FORBES moved, as an amendment, that the sum be reduced to £100.

The amendment was negatived without a division, and the original motion carried.

The house having resumed, the resolution was reported, and the reception of the report was fixed as an order of the day for Tuesday next.

The house adjourned at ten minutes past five o'clock until 10 o'clock the next morning.