Record of the
Proceedings of the Queensland Parliament
...
Legislative Assembly
22nd May 1861
...
Extracted from the third party account as published in the
Courier 23rd May 1861

The SPEAKER took the chair at a quarter past three o'clock.

PAPERS, &c.

The COLONIAL SECRETARY laid upon the table a draft of the regulations respecting commonage, and moved that it be printed. He stated that the government, after the recess, intended to introduce a bill to amend the Impounding Act.

TROOPERS, &c, IN MARANOA DISTRICT.

In answer to questions of Mr. Ferrett, the COLONIAL TREASURER stated that during the year 1860, two troopers had been employed in the Maranoa district—one white man and one black man. The total amounts paid for their services for that year was £274 10s. There was only one Commissioner of Crown Lands there at present, together with three troopers. Another commissioner would shortly proceed there, with a staff consisting of one chairman and four laborers. He would have no additional troopers.

ROAD BETWEEN BUNDAMBA CREEK AND IPSWICH.

Mr. R CRIBB asked the Col. Secretary—If there was not a sum of money voted last session for Repairing the Road between Bundamba Creek Bridge and Ipswich; and, if so, why the repairs were not made ?

The COL. SECRETARY replied that £1000 had been voted last session for this work. The government had since advertised for tenders three times, and the lowest tender received was £1000 per mile. The government had therefore instructed the Engineer of Roads to commence the work himself, and to do as much as he could of it for the money voted.

BRIDGE OVER LOCKYER CREEK.

In answer to Mr. B. Cribb, the COL. SECRETARY stated that the £3000 voted for the erection of the bridge over Lockyer Creek would be amply sufficient to construct the bridge of which the plans were already drawn. The government had no intention of asking for more money for this work.

CORRESPONDENCE WITH Mr. JUSTICE LUTWYCHE.

Mr. LILLEY asked the Col. Secretary—

> Whether it was the intention of the government to print all the correspondence now on the table of the house between Mr. Justice Lutwyche and the honorable the Colonial Secretary, relative to the Supreme Court Bill, before the second reading of that bill ?

The COLONIAL SECRETARY assumed that the hon. member thought it desirable that the correspondence should be printed to facilitate the discussion of the bill, and the government were therefore quite prepared to print it. The only considerations which induced the government not to have it printed before were considerations of economy. He would now move that the correspondence in question be printed.

The motion was seconded and passed.

TOUR OF INSPECTION.

Mr. MACALISTER asked the following question —

"Seeing that the sum of £900 has been voted by this house for the expenses of his Excellency the Governor, while on tours of inspection, has any report been drawn up of such tours of inspection? And, if so, does any objection exist to such report being placed on the table of the house?

The COLONIAL SECRETARY stated that the only reports of these tours were contained in his Excellency's despatches to the Secretary of State, which were somewhat voluminous, and which he had no objection to lay upon the table of the house. As however, these despatches would be printed at home, and printed copies would shortly be out here, it would save expense to refrain from ordering them to be printed now at the cost of the colonial government. Of the nine hundred pounds voted but three hundred had been spent. The remaining six hundred would be expended during the years 1861 and 1862, and the government regretted their inability to lay upon the table of the house, in compliance with the hon. member's request, the report of the tours for the next two years (laughter).

LEGALISATION OF THE QUEENSLAND CONSTITUTION.

Mr. MACALISTER, pursuant to notice, asked the Colonial Secretary the following questions:—

"Are the government in possession of a copy of a bill introduced into the House of Lords during the early part of this year by the Secretary of State for the colonies, for the purpose of legalising the proceedings of the Queensland Parliament? If so, whether the Executive of Queensland applied for such bill—whether any opinion was sought for, and obtained by, the Government from his Honor the Judge on the subject referred to in such bill—and whether there be any objection to a copy of the said opinion, and of the despatch transmitting same to the Home Government, and a copy of said bill being laid on the table of this House?"

The COLONIAL SECRETARY: The government are not officially in possession of the bill referred to, but a copy has been received by his Excellency, as a private letter from the Secretary of State, who says that it would have been passed and sent out before now had it not been delayed by the Easter recess of the Imperial Parliament. The executive of Queensland did not originally apply for the bill. The facts are as follows:—After the close of last session, the Judge petitioned her Majesty to disallow the Supreme Court Bill; and as the same petition expressed a doubt whether the Acts of the Queensland Parliament were not invalid, this petition was transmitted by the Governor at the Judge's request on the 4th October, 1860, and in transmitting it the Governor remarked, that as much confusion might arise from the possible refusal of the Judge to carry out the Acts of the Queensland Parliament, it would probably be safe to pass an Imperial Act removing his Honor's doubts. The Secretary of State has done so, and has taken the opportunity of introducing provisions into the bill for dealing with those parts of Australia, which, as yet, are not definitely attached to existing colonies. As the bill does not concern this colony only, and may be altered in its passing through the Imperial Parliament, the government do not advise its production at present; but it will probably be received officially during the present session. The despatches cannot be produced until the correspondence is complete, and with the permission of the Secretary of State. The petition of the judge I have the honor to lay upon the table, and move that it be printed.

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

WITHDRAWAL OF MOTION.

Mr. O'SULLIVAN said that finding on a reconsideration of the motion standing in his name would involve arguments that might tend to accusations against gentlemen who were not able to answer for themselves, he would beg leave to withdraw it. Leave granted.

BUSINESS OF SUPREME COURT.

Mr. R. CRIBB moved—

"That there be laid on the table of this house, a return showing the number of writs of summons issued forth from the Supreme Court of Queensland, from the first day of January, 1860, to the 31st day of December, 1860, inclusive; the number of defences entered thereto, the several cases in which judgment was marked, specifying those that were defended from those undefended, the amount of the bill of particulars in each case sued for, and the amount of taxed costs allowed in each case."

The motion was seconded by Mr. MACALISTER and carried without a division.

LAW RELATING TO THE ERECTION OF FENCES.

Mr. BLAKENEY, in moving for leave to introduce a bill to amend the law relating to the erection of fences, said that although he did not intend entering into the particulars of the bill till it came before

the house for a second reading, he might state that he thought the present law, which had been in operation for thirty or forty years, was in very many instances found to act badly. Under it, in the event of any dispute as to the fencing in of adjoining allotments, and one party neglected to erect his share of the fence, the owner of the other could give him six months notice to do so, and if at the end of that time the notice was disregarded, the party giving it was empowered to erect the fence and receive from the party to whom such notice had been given, the moiety of the expense. There was also a clause regulating that in the event of any further dispute arising as to the cost, the matter could be referred to arbitrators, which, however, was so complicated in its character that persons erecting such fences were often kept out of their money for eighteen months. To prevent the inconveniences thus occasioned his bill proposed to give a power to magistrates in petty sessions to adjudicate in such cases in a summary manner up to £50.

Mr. R. CRIBB seconded the motion.

Mr. LILLEY thought that as the government had promised to bring in a bill relating to the Impounding Law, on which this one might be engrafted, it would be wholly unnecessary to go to the expense of printing this bill.

The COLONIAL SECRETARY said that the Impounding Bill, which would be laid upon the table, did contain some clauses relating to fences; but, as he had not seen the bill moved for by Mr. Blakeney, he would like to see it for the sake of the information contained in it. He would, therefore, support the motion.

Mr. R. CRIBB said a few words in support of the bill, which, he said, might require some alteration.

Mr. O'SULLIVAN thought that if the bill were properly managed it would be a great public benefit.

Mr. WATTS would support the motion as he conceived that it would be a valuable measure if it contained clauses relating to the share of the expense for fences on lands, the owners of which were unknown.

Mr. MACALISTER said that if a clause could be inserted in the proposed Impounding Bill which would comprise the provisions of the bill under discussion, it would be advisable to wait till that bill was introduced.

The ATTORNEY-GENERAL was certainly astonished that Mr. Macalister, as a lawyer, could be guilty of such folly, as proposing to any twenty-six men the insertion of a clause in the Impounding Act, relating to fences. He (the Attorney-General) would as soon think of introducing into the Impounding Act a clause relating to vaccination, or of introducing one big bill including the whole business before the House. Such a course would be just as pertinent as the one proposed. Besides this, he thought a separate bill relating to each subject, would be preferable to inserting in one bill a lot of clauses not directly relating to the main object of that bill. He had himself experienced the inconvenience arising from such a procedure, and would therefore vote for the bill.

The motion was then put and carried without a division.

THE MARYBOROUGH INQUIRY.

Mr. FERRETT, in moving "that the evidence taken before Messrs. Blakeney and Jardine, in the case of Mr. Commissioner Halloran, be printed." said that his object in asking for the printing of the papers was to ascertain if the Government were prepared to admit that the pamphlet recently published relating to this enquiry, and which purported to give the evidence, was a correct record of the proceedings on that inquiry. If so, there would be no necessity to incur the expense of printing it afresh. If not, he thought it necessary that the evidence should be printed.

Mr. GORE thought there was no necessity to rake up a case which had been fully inquired into by commissioners appointed for that purpose, the more especially as the Governor had complied with the recommendations made in the report, and had removed Mr. Halloran to Warwick, where his conduct as Police magistrate, had given every satisfaction to the inhabitants.

The COLONIAL SECRETARY concurred in the remarks of the hon. member for Warwick, and thought that no object could be gained, and needless expense would be entailed by acceding to this motion. With regard to the pamphlet, he had read the preface, and found it contained a series of mis-statements and violent charges against the government. He could not, however, accept the evidence published in that pamphlet as the correct evidence, inasmuch as he could not, if he desired, afford time

to collate the evidence therein contained with the evidence sent in by the Commissioners. He had every confidence in the Commissioners, and believed there to be impartial and unbiased, whilst the gentleman who had published this pamphlet evidently was biased. That gentleman might possibly have misrepresented the evidence, as he certainly had, no doubt unintentionally, misrepresented the intentions and acts of the government. To print the evidence would entail a very heavy expense. If any hon. member wished to make a substantial motion upon that evidence, it was on the table of the house within his reach. He was glad to find that the gentleman, against whom the charges had been made which caused the enquiry, was giving satisfaction in his new sphere.

Mr. O'SULLIVAN had every confidence in the impartiality of the commissioners appointed by the government to enquire into the charges made against Mr. Halloran, and therefore could see no grounds for this motion. No shadow of reason for printing this voluminous evidence had been given by the mover, and, therefore, if only on the score of economy, he (Mr. O'S.) would oppose the motion. He contended that this motion would be almost tantamount to a censure on the commissioners. He was prepared to endorse the statement of the hon. member for Warwick, with regard to the satisfaction with which the inhabitants of the district in which Mr. Halloran was now placed, regarded that gentleman's conduct in the discharge of his duties.

Mr. LILLEY could not conceive for what object the hon. and learned member for Maranoa brought forward this motion. If he were to find fault with any one in this matter, it would be with the Executive. He did not, however, think that in this case they had been deserving of censure.

Mr. FERRETT, in reply, repudiated any feelings of personal animosity towards the gentleman referred to in his motion. His only object in bringing it forward was to elicit from the Col. Secretary whether he accepted the pamphlet published as a true version of the evidence. He had no desire to rake up matters which were better buried in oblivion, neither did he wish in any way to cast blame on the Executive by this motion.

The motion was then put and negatived, without a division.

BAIL IN MANSLAUGHTER BILL.

A message was received from the Legislative Council, transmitting for the consideration of the Assembly a Bill to enable Coroners to admit to bail parties charged with manslaughter.

On the motion of the ATTORNEY-GENERAL the bill was read a first time, and its second reading fixed as an order of the day for June 12th.

PETITION IN FAVOUR OF Mr. JUSTICE LUTWYCHE.

Mr. MACALISTER moved that the petition of certain inhabitants of Ipswich, received by the House yesterday, be printed.

Mr. LILLEY seconded the motion.

Mr. MOFFATT opposed the motion on the ground of economy. Any hon. members who wished to make themselves acquainted with the contents of the petition could read it, as it would lie on the table of the house. The house had asserted the principle that unnecessary expense in the matter of printing petitions should be avoided as much as possible. The prayers of the petitions he felt sure would have the full weight with the house, even although the petition were not printed. He thought, moreover, that this was a petition affecting private interests.

Mr. R. CRIBB could not imagine how the printing of this petition could be opposed on the ground that it was a petition affecting private interests. It was a petition having reference to a gentleman who stood in nearly the highest public position in the colony.

Mr. MACALISTER was extremely surprised at the opposition expressed by the hon. member for Western Downs, and even more surprised at the arguments he had advanced in support of that opposition. This was a petition of 250 inhabitants of Ipswich in favour of the rights of a judge, which a bill introduced into that house last session attempted to take away from him. The private interests affected by that bill were certainly of a public character. He conceived that the House would see the propriety of having this petition printed.

The motion was then put and passed.

ENCOURAGEMENT TO COTTON CULTIVATION.

Mr. WATTS in moving the resolutions standing in his name, regretted that their advocacy had not fallen into abler hands. The House were aware that hitherto the Australian colonies had chiefly relied on one great export, viz., wool. That export had been the means of raising the Australian colonies to their present proud position. Seeing that so much fertile land was unoccupied and lying waste in this colony, it was their duty to afford every encouragement by legislation to the creation of another export. Difficulties of course had to be overcome, but similar difficulties had to be overcome before the introduction and propagation of the merino sheep were successfully effected, and wool became our staple export. It was a well-known fact that when the wool-producing interest was in its infancy the government fostered and encouraged that interest by conferring liberal grants of land for the introduction of free labor. Mr. M'Arthur, of Camden, had many and great difficulties to contend with in his endeavors to introduce sheep, and create that export which had now attained such magnitude. The present was a favorable opportunity to offer inducements to individuals with energy and capital, to come here and engage in undertakings which would eventually result in creating for the colony another export. If ever that time should come when the glowing anticipations of a late hon. member of that house would be realised, and our rivers would be crowded with shipping, our cities with ships, and our country districts with smiling homesteads, the approach of that time he (Mr. Watts) felt assured would be accelerated by the measures he now proposed. They might, perhaps, consider it strange that a sheep farmer, like himself, should introduce such a motion as this, which tended to create another export than wool. He, however, endeavored to act always for the good of the whole colony when in that house, and not for the benefit of one particular class at the expense of the rest. Moreover the creation of this other export would eventually tend to his benefit, and to that every other sheep farmer and landholder in the colony. He had no desire to depreciate the value of the property of owners of land, but the ultimate effect of his resolution, if carried out, would be to enhance the value of land to its present owners. He had first conceived the idea of bringing forward this motion when on a visit to a piece of land, which he possessed, near Ipswich, the other day. He there saw a few straggling cotton plants, and ascertained that from each of these, even with the rude mode of cultivation adopted, four ounces of cotton could be picked three times a year, or nearly one pound weight per annum from each plant. It being, then, a fact proved that even under great difficulties cotton, has been, and is being cultivated here with success, he contended that the only thing required to bring this branch of agriculture to a full development, was the introduction of capital and its concomitant labour. (The hon. member here quoted statistics to prove that the production of wool in the first days of the colony was just as meagre for many years as our present production of cotton.) Arguing, from the figures quoted, he contended that, as from such small beginnings, and under such great disadvantages as it had at first to contend with, the wool-producing interest had attained its present importance, there was every reason to believe that by judicious legislation the attempts to create another export in the shape of cotton would prove equally successful. He hoped the Government would support his motion. In a few years it would be the means of introducing an immense sum of money amongst us, and this sum of money would benefit him as a sheep farmer, would enhance the value of land, and would find vent into the hands of the labouring classes. He begged to move—

> That this House will, to-morrow, resolve itself into a Committee of the whole, to consider the following resolutions:—(1.)— "That, considering the importance of promoting and establishing another export staple from Queensland, it is desirable that land be granted to any person or company undertaking the cultivation of cotton on an extended scale." (2.)—"That the government be therefore empowered to grant land in fee simple, in blocks of not less than 320, nor more than 1,280 acres, if, within two years, capital in the proportion of £5000 to each 640 acres shall have been expended in preparing for and in carrying on the cultivation of cotton." (3.)—"That the above resolutions be communicated by Address to his Excellency the Governor, with a request that the necessary regulations in this behalf may be notified without delay.

Mr. R. CRIBB objected to the motion, in the first place, because he conceived that by the second resolution the House was called upon to empower the Government to do an illegal act.

The COLONIAL SECRETARY denied that such was the case, and quoted the fourth clause of the Land Act, by which he contended the Governor by the advice of the Executive Council, was empowered to alienate lands in the exact manner indicated by the resolution.

Mr. R. CRIBB contended that the last words of the clause quoted "for such other purposes as from time to time may be previously sanctioned by the legislature "supported his objection, as this sanction could only be given by Act of Parliament, in such a case. (cries of no, no.) That house moreover, was only one branch of the legislature. He contended that the motion was inadvisable, as in that same Act which had been referred to, a bonus of £10 and after two years of £5 was given by the

Government for every bale of cotton produced in the colony. Private parties also wishing to cultivate cotton had by the same Act great facilities afforded them for the introduction of labour, the expense attendant upon its introduction being covered by means of land orders. He thought the two clauses referred to viz, that, giving a bonus to the cotton-grower, and that providing for the bestowal of a land order for every immigrant introduced by private expense, were very admirable provisions indeed. But time should be allowed for the working of those provisions to be tested before fresh changes were made. If the bonuses they had already given were not enough it would be better for them to do without cotton cultivators altogether. He earnestly deprecated any interference with existing regulations at present. He believed that the present inducements held out were sufficient, and that this export would eventually equal in value that of our wool. He trusted that the bait thrown out by the hon. mover in the course of his speech to the sheep farmer and land holder would not be taken, but that this motion would be thrown out by a large majority.

The COLONIAL SECRETARY thought that the previous speaker was quite erroneous in his interpretation of the law of the case. He (Mr. Cribb) had virtually argued that a clause had been introduced by that house into one act of parliament, to empower them to introduce another act referring to the same subject. Such an argument was of course very absurd, and too ridiculous to be seriously answered, had it not been apparently seriously advanced. Clearly the sanction of the Legislature alluded to in the clause he (the Colonial-Secretary) had referred to must be given by the joint resolutions of both branches of the Legislature. Such novel forms of legislation as were from time to time being propounded in that House by some hon. members were very undesirable, (hear, hear.) With reference to the principles contained in the resolutions before the House he thought the hon. member for Drayton and Toowoomba had proved that he had a public object in view when he introduced them. The object of the resolutions was to raise up an opposite interest to the pastoral interest, and as the hon. mover was a representative of the pastoral interest, the resolution came from him with peculiarly good grace. It was a question whether enough has been done by the Land Bill passed last session to induce people to come here. Were people coming here quick enough? He thought not, although he was quite prepared to admit that a large amount of capital was being attracted here from the colonies for investment in pastoral occupation. With reference, however, to the question immediately before the House, although a few enterprising gentlemen had engaged in the cultivation of cotton on a small scale and were raising crops, yet he believed the majority of colonists not to be sufficiently impressed with the advantage to be gained by the cultivation of cotton under the existing Land Act. The bonus held out by that Act was rather intended as an inducement to families already in the colony to cultivate, than as a temptation to the distant capitalist. In order to give a start and impetus to cotton growing, they required the presence of enterprising and energetic men from Manchester or America, who would not hesitate, if once they came here, to embark in a speculation of this character on a large scale. To entice such capitalists to this colony its capabilities required only to be more widely known than they yet were. They saw at present that the cotton crisis had caused various schemes to be mooted for sending capital to the Fijis and other islands in the South Seas and even to out-of-the-way places in Africa, where the climate was such that no European could long exist there. Here we had one of the finest climates in the world, and he repeated the capabilities of the colony only required to be more widely known in order to attract the eyes of English capitalists to us. There was a large quantity of land suited for the purposes indicated by the motion. The land alluded to was not fit for pastoral purposes, and was difficult of disposal by sale. These lands were on the sea board and were admirably suited to give away in the manner proposed. They were in patches, generally speaking, not large enough to be proclaimed as agricultural reserves. The settlement of a population on these lands would not only enhance the value of the neighbouring lands, but would also tend to abolish much of the annoyance which is experienced from the coast blocks. If they actually gave these lands away entirely, on condition of occupation, the interests of the colony would be enhanced thereby. He believed that until the cultivation of cotton had first been initiated on a large scale by capitalists, it would not be undertaken very generally on a smaller scale by men of small capital. The latter class feared the experiment, and could not stand the expense of one or two possible failures. He thought any regulations for granting land under the conditions set forth in the resolution should be so framed as to guard against the land so granted being used for other than the special purposes named. Some guarantee in the shape of a deposit, to be returned when the conditions were fulfilled, should be required. The house could lose nothing by adopting these resolutions. If a person spent £5000 on land given to him by the government, the colony would be a greater gainer than if that person paid £610 for the land unconditionally, unless, indeed, in very exceptional cases. He believed the resolutions to be

perfectly sound in law and sound in political economy, and trusted that they would be affirmed by the house.

Mr. LILLEY would have supported these resolutions had they been incorporated into the Land Bill at first, because they recognised that democratic principle, for which he was an advocate, that the cultivations of the land should get the land for nothing. This principle, when he advocated it on a previous occasion, was pooh-poohed by those very gentlemen who were now introducing it. The Colonial Secretary had attempted to be very facetious upon the legal phase of the question brought forward by the honorable member for North Brisbane, but he maintained that but a very simple point of law was involved in the question at issue between them. The Land Act plainly set forth that a certain bonus should be given for the production of a certain product. This inferentially excluded any other bonus from being given for this production: if it were given it would not be under the powers conferred by the Act. It was clearly the intention of the Legislature that the bonus named should be the only one given under the Act. The fourth section of that Act said that the Governor should have power to alienate the land for such purposes as were specified in clause 16 of the Unoccupied Crown Lands Occupation Act of 1860, (The hon. member then proceeded to read clause 16 of the Unoccupied Lands Act, and to argue that the resolutions before the House did not refer to “public purposes” as defined by that clause). Setting aside the legal aspect of the question, he contended that it was unfair, in principle, to give land away to the wealthy capitalist who came here with £20,000 to spend, whilst the man of slender means was compelled to pay for every acre of land he acquired. If they were to take action in this matter let first the broad principle be discussed by giving away the land to the bona fide cultivator. He believed that to adopt the principles affirmed in the resolutions the government were bound to come down with a distinct act to the house. What did the resolution propose to do? To give 640 acres to the man who would spend on them £5000. The capitalist who possessed this sum, and who intended to lay it out in agricultural pursuits would have no objection to pay his pound an acre, for the 640 acres, and if they were given to him he would not care for the boon. To men of large capital, as referred to by the Colonial-Secretary, this gift of 640 acres under such conditions would be but a very small inducement. Moreover, no provision was made by the bill to guarantee the wise expenditure of this money laid out on the land. He believed that the legality of the resolutions was doubtful, and that they would be found impracticable. He would caution the house that the motion asserted a very dangerous democratic principle (laughter). It quite ignored the principle of Land Bill which had been so loudly vaunted. The hon. movers had of course lugged in “the poor man” as the individual for whose special benefit these resolutions were intended. He had told them that the capital which would be introduced by means of the resolutions would find vent into the hands of the poor man, but he, (Mr. L.) would ask that hon. member how much of that capital after it had passed through the fingers of the capitalist would reach the poor man, and how much would stick to the fingers of the capitalist.

The ATTORNEY-GENERAL argued that the resolutions were perfectly legal, and quite consistent with the provisions of the Crown Lands Allocation Act. he condemned at some length the bad taste of certain members of that House, belonging to the legal profession, who never rose to address the House without attempting to impugn his (the Attorney-General’s) legal knowledge. Such persistent personal attacks were very unpleasant, and he wished hon. members to know that he was not the Attorney-General of that House, but the Attorney-General of the Executive. He was in that house as all other honorable members were, a representative of the people, the member for Eastern Downs. If he could not stand upon his own bottom in that House (sic) he would not wish to be there at all. (Laughter.) Whatever might be the extent of his legal qualifications, he had never yet learnt any law from any honorable member of that house. The honorable member for Fortitude Valley, whom he (Mr. Pring) conscientiously acquitted of any doubts of this own legal knowledge, had, in the course of his speech, given utterance to more bad law than he had ever heard uttered before in so brief a space of time. He (Mr. Pring) contended that the house were not to blame for not having introduced such resolutions as those into the Land Act. That Act left a large discretion to the Legislature, by which they were enabled to entertain such resolutions as those before the house. Since that bill was passed, circumstances had arisen which rendered the adoption of such resolutions advisable. The honorable member for Fortitude Valley ought to know that in construing an Act of Parliament, certain rules were to be observed, yet upon those rules he had never once touched. The hon. member here proceeded to contend at considerable length that, according to the 4th clause of the land act, the resolutions before the house were perfectly legal. The Legislature especially wished by passing the land bills in the present form on the one hand not to impose restrictions upon the power of granting land for public purposes, and on the other hand not to place this power entirely under the control of the Executive.

Mr. MACALISTER opposed the resolutions and denied that since the passing of that land bill any special circumstances had arisen to justify them. The only circumstances perhaps, which could call for them, were that the land bill had proved a failure (No, no.) He thought that sufficient time had not yet been allowed to test that measure.

Mr. RAFF spoke at some length in support of the motion. If people were willing to come here to invest capital in cotton cultivation on condition that we gave them land, we should afford them every encouragement. He denied that the resolutions would be impracticable in operation.

Mr. O'SULLIVAN supported the motion upon the understanding that regulations referred to in the last of the resolutions would be submitted to a committee of the whole house, subject to their approval or alteration.

Mr. B. CRIBB opposed the resolutions, contending that the potentiality of the inducements held forth by the Land Act had not yet been fairly tested. He thought it would be even more advisable to increase the bonus given under that act than to adopt the present resolutions.

Mr. FERRETT, in a speech of considerable erudition, advocated the principles of the resolutions, and with eloquence and ingenuity defended the legality of the motion. He pointed out that the recent eruptions in America and the consequent crisis in the cotton market rendered this a favourable time for giving encouragement by all means in our power to the cultivation of this invaluable article of export.

Mr. WATTS having replied, the motion was put and carried upon the following division:—

Ayes, 17.			Noes, 4.		
Mr. Herbert			Mr. B Cribb		
Gore			Macalister		
Blakeney			Lilley	}	Tellers
Raff			R. Cribb	}	
Edmondstone					
Watts					
Ferrett					
Moffatt					
O'Sullivan					
Richards					
Coxen					
Fitzsimmons					
Warry					
Forbes					
Fleming					
Pring	}	Tellers.			
Mackenzie	}				

UNLAWFUL ADMINISTRATION OF POISON.

A bill relating to the unlawful administration of poison was received from the Upper House, and read a first time, its second reading being set down as an order of the day for June 18th.

WINE AND SPIRIT DEALERS BILL.

A petition from certain publicans and inhabitants of Ipswich against this bill, was presented by Mr. MACALISTER, and received by the house on the motion of that honorable member. A similar petition from publicans and inhabitants of Brisbane, was also presented by the same honorable member, and received by the house.

Mr. FORBES then rose and begged to move that the second reading of the bill be postponed until 25th June, as owing to unavoidable delays, it had only just been placed in the hands of honorable members.

Mr. R. CRIBB seconded the motion.

Mr. O'SULLIVAN moved, and Mr. BLAKENEY seconded any amendment, to the effect that the second reading be postponed until that day six months.

Mr. MACALISTER thought whatever opinions might be entertained of the measure that the extraordinary course pursued by the mover of the amendment, was, to say the least, discourteous. (Hear, hear.)

The House then divided on the amendment, which was negatived, as follows:—

Ayes, 3.			Noes, 16.
Mr. Blakeney			Colonial Treasurer
O'Sullivan	}	Tellers.	Mr. Gore
Edmondstone	}		Macalister
			R. Cribb
			Raff
			Forbes
			Warry
			Ferrett
			Moffatt
			Watts
			Fleming
			Coxen
			B Cribb
			Richards
		Tellers. }	Attorney-General
		}	Colonial Secretary

The motion for postponement was then put and passed.

MAIN ROAD THROUGH DALBY.

On the motion of Mr. COXEN, the matter for funds to repair the main road through Dalby was agreed to in committee, and the adoption of the report was fixed for the next day.

QUEEN'S PLATE, 1861.

The report from the committee of the whole house was brought up and adopted.

REFRESHMENT ROOMS.

The report from the committee of the whole house was disposed of in a similar manner.

SUPREME COURT AMENDMENT BILL.

The ATTORNEY-GENERAL moved for leave to introduce a Bill to amend the Constitution of the Supreme Court of Queensland, and to provide for the better administration of Justice. In making this motion, he felt it necessary to depart a little from the practice usually adopted on the first stage of a bill in so far as to offer a brief explanation to the House of the object intended to be accomplished, and the reasons which rendered such a course necessary. Most hon. members would remember that during the last session of Parliament, a bill was passed through all its stages in both Houses, having for its object, certain amendments in the constitution of the Supreme Court. That Bill being a very important one, was reserved for the Royal assent, and, as they all knew, it had since been returned by the Duke of Newcastle, (Secretary of State,) for further amendment. It appeared that certain difficulties had arisen with regard to his Honor the Judge's position, arising not only from his commission, but from various legal enactments having reference thereto. He did not intend on the present occasion to enter upon the subject at any length, as he should have a more fitting opportunity of doing so when the Bill came on for a second reading. As the matter now stood, however, the Bill would have to go through all its stages again, although with the exception of a few slight amendments it would remain the same still, as it appeared from what had come under his notice out of doors that a great deal of misapprehension prevailed on this subject, he felt bound to state that there was no intention on the part of the farmers of the Bill, or even the legislature, to interfere with his Honor's position as secured to him by law. He admitted, however, that the Bill as originally passed cancelled his Honor's commission without affording any equivalent guarantee, such as the law required, and to this extent there could be no doubt that the measure was defective. Still there never was any intention on the part of the Government to interfere with the vested rights of the Judge, and he now made this statement in order

that there might be no mistake on the minds either of the public or of the House when the bill came on for a second reading. He would now read the amendments which he intended to introduce, and which would be printed tomorrow, and placed in the hands of every honorable member. [The honorable member here read the amendments alluded to.] Instead of the 4th clause, which provided for the constitution of the Supreme Court of three Judges each of whom should be a barrister, he proposed to substitute a clause making the resident Judge first in point of time; but of course it would be for the house to place any construction on the term they might think proper. He also proposed in the matter of pension, with regard to which he had fallen into an error in framing the original bill, to grant his honor the full amount of retiring allowance to which he might be entitled under the New South Wales enactments, and he further proposed that his honor's period of service should date from his first appointment as resident Judge of Moreton Bay, and not from the time of separation from New South Wales. Another amendment was intended to empower the Police Magistrate of Brisbane to grant a rule or order for bail in certain cases during the absence of the judge on circuit. He concluded by stating that the salary fixed in the schedule was £2000, which he intended himself to support.

In answer to a question from Mr. Macalister, the Attorney-General stated that there were other amendments which would also be printed.

Mr. LILLEY was very glad to find that after a long struggle between the government and the judge, the matter was likely to be settled in a conciliatory spirit. He thought, however, that the word first, as proposed in the amendment, should be construed in committee to mean chief justice. This definition he considered to be necessary in order to save his Honor from the possibility of degradation, and he was sure his honorable friend the Colonial Secretary would agree with him in this respect.

Mr. O"SULLIVAN remarked that the whole blame of this matter rested with the honorable member for Fortitude Valley who, when the Bill was being passed, told the House that he had gone through every clause and found nothing to object to. (No, no, from Mr. Lilley).

Mr. MACALISTER thought the discussion was very irregular at this stage of the Bill, but stated that he would be prepared to go into the matter on the second reading. He did not say the government were particularly to blame in connection with the passing of the original bill, but he thought the Colonial Secretary was to blame in not having called for a division when the passing of the Bill in dispute was under discussion.

The COLONIAL SECRETARY deprecated raising a discussion at the present stage, and explained that when the division referred to took place, his honorable friend the Attorney-General, who had charge of the bill, was absent on circuit, and not feeling disposed to deal with the legal portions of the bill, he confined himself almost entirely to the schedule on the occasion of the recommittal adverted to by honorable members.

The motion was then put and passed, and the second reading was fixed for the 15th June.

IMMIGRATION.

The COLONIAL SECRETARY moved—

That this house will, to-morrow, resolve itself into a committee of the whole to consider the present system of immigration into the colony of Queensland, and the desirability of introducing some alterations into the existing regulations.

Carried.

DRAFTS ON BANKER'S BILL.

On the motion of the Attorney-General, the House resolved itself into Committee on this bill.

It was explained by Mr. RAFF that there was no such class of persons recognised in this colony as "bankers," and on his motion the various clauses were amended by substituting the word bank for bankers, and by other alterations to correspond.

The house having resumed, the report was adopted, and the third reading fixed for the 14th June.

REVENUE AND AUDIT BILL.

The consideration of this bill in committee was postponed until the following day.

The house adjourned at a quarter to nine, until three o'clock the next day.