

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

...
**Legislative Assembly
12th July 1861**
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Extracted from the third party account as published in the
Courier 13th July 1861

The Speaker took the chair at a quarter past ten.

MR. FREDERICK WALKER.

Dr. CHALLINOR, pursuant to notice, asked the Colonial Secretary the following question—

“Whether he has received a letter from Frederick Walker, dated“ Nuballin Post Office, via Rockhampton, April 3rd, 1861;” and what are the measures contemplated by the government in reference to the matters brought under their notice in that communication?”

The COLONIAL SECRETARY stated that the government had caused enquiries to be made, and had received a report contradictory of the statements referred to.

COMMISSIONER OF MARANOA DISTRICT.

Mr. FERRETT asked the Colonial Secretary—

“If he be aware the Crown Lands Office in the Maranoa District has been locked up for two months of late, and no one there to do the duties of Crown Lands Commissioner?”

The COLONIAL SECRETARY said that the commissioner had received a month's leave in order that he might be enabled to remove his family to Surat. He had been delayed by the state of the roads. He (the Colonial Secretary) believed that the commissioner was now in the district, and another commissioner would shortly join him.

CLOSING OF ROADS IN TOWNS.

The COLONIAL SECRETARY moved for leave to bring in a bill to provide for the closing of unnecessary roads and streets in towns. There was in the Crown Lands Act a provision for closing unnecessary roads, but some doubts had arisen whether this provision would apply to roads and streets in townships. The bill he wished to introduce would confer the power to close such thoroughfares. From Maryborough applications had been made to close streets which were quite unnecessary and never used. This was owing to the bad manner in which the town had been laid out. Similar applications from Toowoomba were anticipated.

Leave was granted, and the bill was subsequently brought in and read a first time, its second reading being set down as an order of the day for Tuesday next.

SAVINGS' BANKS BILL.

The COLONIAL SECRETARY moved the second reading of this bill. He said that it provided for the extension of the provisions of the Moreton Bay Savings' Bank Act, to towns in which there were five hundred inhabitants. Power was given by the bill to establish district banks. The Moreton Bay Act applied solely to Brisbane, and this bill was to extend its provisions to other large towns.

The bill having been read a second time, the house, on the motion of the COLONIAL SECRETARY, went into committee on the bill.

The latter portion of clause 4, from the word "provided" to the end of the clause was omitted on the motion of Mr. RAFF.

The other clauses of the bill were put and passed, with merely verbal amendments.

The bill having been reported, with amendments, to the house, its third reading was, on the motion of the COLONIAL SECRETARY set down as an order of the day for Tuesday next.

CONSTITUTION OF LEGISLATIVE COUNCIL.

Mr. MOFFATT, pursuant to notice, moved—"That the thanks of this house be transmitted by message to the Legislative Council for their communication, on the 26th ultimo, of certain resolutions, setting forth the views of the Council relative to the Constitution of that house." This was the only course the house could pursue, in consequence of the manner in which the resolutions had been brought before them. It was necessary, however, that due acknowledgment of the courtesy displayed in transmitting those resolutions should be made. He did not see that it was necessary for him to make any further remarks upon the subject, as there was nothing in his motion to provoke discussion.

The COLONIAL SECRETARY quite concurred in the motion. It took the view of the matter which, according to the wording of the message transmitting the resolutions, it was incumbent upon that house to take. The resolutions, he might remark, besides having been forwarded to that house, had been forwarded to the government, and would be taken into consideration during the recess; and something would be done by the next session of Parliament to meet the views of those by whom the resolutions had been passed.

Mr. RAFF thought that the other house must have intended to insert the words "for their approval" in the message. It was evidently a mere oversight on their part. It would be better as an act of courtesy to that house to put the question to them, whether they intended the insertion of such words. (No, no.) He contended that it was fair for that house to presume that the words had been omitted by mistake. The construction now put upon the message would have the effect of shelving for another long period a question which it would be much wiser for the house to grapple with at once. (Hear, hear.)

Mr. MACALISTER did not anticipate any debate on this motion, as the course proposed by the hon. member (Mr. Moffatt) was the only course left for that house to adopt. He could not agree with the hon. member (Mr. Raff), as for that house to ask the other house a question with reference to a communication received from them, as it would be contrary to the usages of Parliament. (Hear, hear.) At the same time he must protest against any attempt to shelve the question involved in the resolutions, as the sooner it was disposed of the better. For that reason the house were entitled to look on the resolutions with some degree of favor, and no doubt if the other house had through an oversight made an omission, the motion of the hon. member (Mr. Moffatt) would elicit some communication from them upon the subject.

Mr. LILLEY had no doubt that the object of the hon. member (Mr. Raff) in offering his suggestion had been to elicit some expression from the other house. He (Mr. L.) of course quite concurred in the motion of the hon. member for Western Downs, as it was the only course for the house to adopt. He thought it highly desirable, however, that the other chamber should put their communication in such a form as to elicit the opinion of that house upon the important question involved in the resolutions. If the resolutions obtained the concurrence of the two branches of the legislature, they would impose a necessity upon the government of dealing with the question, which they would not be able to evade. (Hear, hear.)

Mr. O'SULLIVAN thought that the motion of the hon. member (Mr. Moffatt) might express the approval by that house of the resolutions, as well as approval of the courtesy displayed in transmitting them. (No, no.) The Colonial Secretary had stated that the resolutions would be taken into consideration during the recess, and that the government would be prepared to do something next session in this matter. He (Mr. O'S.) thought that this was a very vague promise. He would like to know more explicitly what the hon. gentleman meant when he said the

government would "do something." (Laughter.)

The question was then put, and the motion carried.

PARLIAMENTARY SALARIES.

On the motion of Mr. LILLEY, the house went into committee to consider an address to the Governor with reference to certain alterations in parliamentary salaries recommended by the Standing Orders Committee. The address having been agreed to, the house resumed.

SUPPLEMENTARY ESTIMATES.

A message was received from his Excellency submitting to the house the Supplementary Estimates for 1862.

On the motion of the COLONIAL TREASURER, the message was ordered to be printed, and referred to a committee of supply.

IMPOUNDING ACT.

On the motion of Mr. GORE, the Speaker left the chair, and the house resolved itself into a committee upon this bill.

Clauses 1 and 2 were passed with amendments of a purely verbal nature.

Clause 3 having been proposed and certain verbal amendments passed

Dr. CHALLINOR proposed that all the words after the word "swine" on the 16th line of the first page to the word "required" on the second line of the second page be omitted; and the words "in default of such notice having been served" substituted. As the bill at present was worded, a person wishing to search for his stray cattle upon another person's run, would first have to give notice to the owner of such run that he was about to search for the cattle, and subsequently having found his cattle he would have to drive them all the way to the head station for the inspection of the person in charge. This would be a hardship. His amendment would obviate the necessity of the person having to drive the cattle, perhaps a considerable distance, for the inspection of the person in charge.

Mr. TAYLOR expressed his concurrence in the amendment. The clause, in its present shape, would inflict great injustice. A man might have first to go thirty miles to give notice to the owner of the run that he wished to search for his stray cattle; and then, after giving this notice, he might have to drive the cattle over another thirty miles for the inspection of the person in charge of the station. The present rule was that, if a person thought his cattle had strayed upon another man's run, he gave notice to the proprietor of the run that he wished to search for such cattle. The squatter then sent his stockman, or somebody about the station, to accompany the person in search of the stray cattle, and to see that no cattle was taken away which rightfully belonged to the run. If the person in search of the stray cattle were an honest and trustworthy individual, the squatter in many cases would not think it worth his while to send a man to accompany him, but would give him permission to look for his cattle, and drive them off the run where he had found them. If this clause in the bill before the house were passed in its present shape, it would prove a most arbitrary clause. Instead of being an amendment upon the present Impounding Act, he believed that in practice it would be a perfect nullity. It would be almost impossible to carry it out in practice. A man must first give notice that he wished to search for the cattle, he would then have to find them and muster; he would then have to drive them some indefinite distance for the inspection of the person in charge of the station, and he would finally have to drive them back on to his own run. He hoped that the house would never consent to adopt such a clause, but would pass the amendment of the hon. member for West Moreton.

Mr. GORE had no objection to adopt the amendment of the hon. member for West Moreton, and he was glad to find the squatters so willing, as he should infer from the language of the previous speaker, to let parties come on their runs and drive off stray cattle, without first submitting such cattle to the inspection of the owners of the runs. He had proposed the clause as

a compromise between the townspeople and the squatters. Under the existing Act a person could claim the right of going on a squatter's run once in three months and searching for his own stray cattle, which he was empowered to drive off the run. If the squatter wished to protect his own interest and distrusted the party making the search, he was of course compelled to send a person to accompany him. By the present clause the limitation of the search to once in three months was abolished, but on the other hand, the party making the search before he drove cattle off the run had just to show the cattle to the person in charge of the run. However, he (Mr. Gore) as he had before stated, had no objection to adopt the amendment of the hon. member for West Moreton.

Mr. O'SULLIVAN and Mr. FITZSIMMONS expressed their concurrence with the opinion of the hon. member for Western Downs (Mr. Taylor), and would certainly support the amendment.

The COLONIAL SECRETARY was of opinion that of course the squatters themselves knew their own interests better than he did. At the same time he believed that the clause in the old Impounding Act, limiting the exercise of a person's right to search on a run for stray cattle to once in three months, was devised for the purpose of preventing the squatter from annoyances on the part of people who might owe him a grudge, and who might in consequence, for the mere purpose of annoyance, be constantly pretending that they believed their cattle had strayed on the run; thus necessitating the constant attendance of persons in the squatter's employ to accompany them in their search, and see that the squatter's own cattle was not driven away.

Mr. TAYLOR contended that this particular portion of the Impounding Act, referred to by the Colonial Secretary, had always proved practically quite inoperative.

Mr. FERRETT spoke in favour of the original clause. He deemed it but right that parties driving cattle off a run should first show them to the person in charge of the run. He always, whenever his own cattle had strayed on a neighbour's run, made a point of never removing such cattle until he had first shown them to the person in charge of the run. His run was situated on a thoroughfare of the colony, and he had suffered much inconvenience and loss from persons driving off his cattle with their own stray cattle. He contended, in opposition to the hon. member for the Downs (Mr. Taylor), that no hardship would be inflicted by the proposed clause.

After some further discussion, the amendment of Dr. Challinor was put and passed.

Mr. MOFFATT expressed his intention of moving a proviso to the clause, making it necessary that the notice of intention to search for stray cattle should be served on the squatter or his agent, in writing, twenty-four hours before the search was instituted.

At this stage, on the motion of Mr. GORE, the Chairman left the chair and reported progress; and the house resumed.

ADJOURNMENT.

The COLONIAL SECRETARY proposed that the house do now adjourn till Tuesday next.

Mr. TAYLOR expressed a hope that the Standing Orders would be altered next session. It was very inconvenient for persons like himself, hundreds of miles away from home, to have their stay in town prolonged on account of the Ipswich members, who, no matter how pressing might be the business on the paper, always made a point of getting the house adjourned at an early hour on Friday.

Dr. CHALLINOR pointed out that on Wednesday last, when the house adjourned at 6 o'clock, the Ipswich members would have been quite willing to go on with the business that evening, and were averse to the adjournment.

Mr. O'SULLIVAN said that whatever were the faults of the Ipswich members, none of them, at any rate, had stopped away and neglected the business of the country for months together, on pretence of having the chicken-pox. (Laughter.)

The house then adjourned, at a quarter to twelve until three o'clock on Tuesday.

