

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

...
Legislative Council
17th July 1861
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Extracted from the third party account as published in the
Courier 19th July 1861

The PRESIDENT took the chair at five minutes past 3 o'clock, and opened the proceedings with prayer.

ABSENCE.

On the motion of Mr. GALLOWAY, a leave of absence for three weeks was granted to the Hon. Mr. White.

Mr. YALDWYN then moved that fourteen days leave of absence be granted to the Hon. Mr. Massie.

The CHAIRMAN of COMMITTEES remarked that the hon. gentleman referred to was always absent on important occasions, and that, therefore, it would be a mere farce to grant him leave of absence on the present occasion.

Dr. FULLERTON expressed a similar opinion, and pointed out that there were certain important measures coming on immediately for consideration which would require a full attendance. He instanced among other measures the Supreme Court Bill and the Real Property Bill.

The motion for leave of absence was eventually carried.

TOLL BAR AT DRAYTON RANGE.

Mr. FITZ asked the honorable member representing the government,—(1.) Is it true that the lease of the toll bar at the Drayton Range expired on the 1st of January of the present year ; and that the government did not adopt any measure for re-letting the same. (2.) Has the individual that has been residing at the Toll-house, since the period before alluded to, been authorised by the government to receive the toll dues.

Dr. HOBBS replied that the arrangement under which the present toll-keeper held his position originated with the New South Wales government, and that steps had been taken to make him disgorge the profits over and above those he ought to have obtained under the regulations of the Queensland government. It was also intended to insist upon a re-lease of the toll bar.

JOINT LIBRARY COMMITTEE.

Mr. GALLOWAY withdrew the following motion—"That the Joint Library Committee be empowered to continue their functions until their successors may be appointed." He found upon enquiry that no such committee, according to parliamentary usage, could exist during the recess, and therefore he felt bound to withdraw the motion.

FENCING BILL.

On the motion of Dr. HOBBS, the house resolved itself into a committee of the whole, for the purpose of considering the Fencing Bill in detail.

In the third clause Mr. HARRIS moved, in the 11th line, after the word owner, the insertion of the words "or his attorney or agent." Carried.

The clause as amended was then put and passed.

In clause 4 Mr. M'DOUGALL moved, that the words twelve months be substituted for three months.

Dr. FULLERTON suggested an amendment, to the effect that the matter should be left open in point of time, and in reference to this he had particularly in view persons who might be absent from the colony.

After some discussion, Mr. HARRIS moved the substitution of the words six months for three months, which was carried, the other amendments having been withdrawn in its favor.

The clause, as amended, was carried.

The 10th clause was amended on the motion of Mr. FITZ, by the insertion after the word "two, or more justices."

Clause 11 was amended on the motion of Mr. HARRIS, so as to meet the alterations in clause 3. The amendment was extended so as to include in the 18th line, after the word Queensland, the words "without a known attorney or agent."

The amendment was eventually agreed to, as was also the clause in its amended form.

The other clauses, together with the schedule, were passed without alteration.

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

REVENUE AND AUDIT BILL.

Dr. HOBBS moved that the report of this bill be adopted.

Mr. HARRIS moved as an amendment that the bill be recommitted with a view of re-considering the third clause.

The PRESIDENT said it was not competent for the hon. member to move for the re-committal of a clause to discuss a question which had been decided on the previous evening. The hon. member might, if he thought proper, move for a re-committal of the whole bill, but not the particular clause referred to, the principle of which had been decided on the previous evening.

Dr. FULLERTON was at a loss to understand why they could not re-commit a particular clause if they were empowered to re-commit the entire bill. If the argument was of any value that a particular clause had already been decided on in committee, it was equally valuable with regard to the remainder of the bill, for there could be no question that the whole of the clauses had already been decided on in committee. He maintained, however, that there was no such rule, and that they had a right in the exercise of their revisionary powers, to recommit a clause or a whole bill, as often as they might think proper. (Hear, hear.)

Mr. YALDWYN expressed a similar opinion and finding that the other side were not disposed to give way, he concluded by moving as an amendment, that the adoption of the report be considered that day six months.

The amendment was carried on the following division:—

Contents, 7.	Non-Contents, 5.
Mr. Yaldwyn	Mr. Fitz
Harris	Roberts
Brown	Macdougall
Bigge	Balfour
Galloway	Dr. Hobbs
Wood	
Dr. Fullerton	

The amendment was therefore carried.

Dr. HOBBS then moved the adjournment of the house until three o'clock the next day. Cries of "why?" "what for?" "there is another important measure on the paper.") He could see no use in them going into a long measure such as the Real Property Bill without further consideration, more particularly if there was a chance of its being burked in the same way as the last bill had been burked.

Mr. YALDWYN objected to the postponement. He had heard no sufficient reason why they should adjourn at that hour, whilst there was important business on the paper which the house was both willing and competent in point of number to go on with. (Hear, hear.) Honorable members had already devoted three months of their time to the duties of legislation, and unless some better arguments were offered he should regard the proposed adjournment as a mere waste of time.

Mr. GALLOWAY expressed a similar opinion. There was very important business on the paper, and he saw nothing in the observations advanced by the honorable member representing the government to warrant an adjournment of the house at the present state; nor could he see any reason why the honorable member representing the government should take a huff simply because on a particular measure he found a majority of the house against him. (Hear, hear.)

Dr. HOBBS explained that the bill which they were next called upon to consider contained a great number of clauses, all of which were very important, and therefore required the most mature reflection. Under these circumstances he deemed it advisable that the further consideration of the measure should be deferred.

The question of adjournment was then put and negatived without a division.

[Dr Hobbs here retired from the chamber, which caused a pause in the business. During the interval, the President announced the reception of the following messages from the Legislative Assembly]:—

MEDICAL BILL.

This bill, with amendments, was ordered, on the motion of Dr. FULLERTON, to be taken into consideration on Tuesday next.

MUNICIPALITIES BILL.

On the motion of Dr. HOBBS, this bill, as transmitted from the Assembly, was read a first time, and ordered to be read a second time on Tuesday next.

REAL PROPERTY BILL.

On the motion of Dr. HOBBS, the house resolved itself into a committee of the whole for the purpose of considering this bill in detail.

Clause 6 was amended at the instance of Mr. GALLOWAY, by insertion of the words after the Registrar-General, "or Deputy Registrar."

All the other clauses up to the 10th were agreed to without opposition.

At this stage Dr. HOBBS moved an adjournment, with a view of supplying the committee with some important information not then at his command, but which he would be enabled to supply at their next meeting.

Mr. YALDWYN stated that the reason offered was a sufficient one to justify the adjournment asked for.

The house therefore resumed, and the Chairman obtained leave to sit again the next day.

SAVINGS BANK BILL.

The PRESIDENT reported that he had received a message from the Legislative Assembly

transmitting the Savings Bank Bill.

On the motion of Dr. HOBBS, the bill was read a first time, and ordered to be read a second time on Tuesday next.

The house adjourned at ten minutes to five until three o'clock the next day.