

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

...
Legislative Assembly
23rd July 1861

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Extracted from the third party account as published in the
Courier 24th July 1861

The SPEAKER took the chair at twenty minutes past 3.

WHARF AT MARYBOROUGH.

Mr. HALY presented a petition from the Mayor and Town Council of Maryborough. The petition set forth that, under the 82nd clause in the Municipalities' Act, the corporation had applied for power to gather the rates accruing from the wharf; that the government, in reply, stated that the wharf had been let on lease for five years; that the rent received by the government was most disproportionate to the actual annual value of the wharf, and that, by the wharf being thus let, the municipality was deprived of one-third of its just revenue.

The petition having been read, Mr. HALY moved that it be received.

The COLONIAL SECRETARY rose to object to the reception of the petition. Unfortunately there were more circumstances connected with the allegations of the petitioners than appeared upon the face of the petition. The petitioners set forth that the wharf was let at a very inadequate rental, which was very true. It was a fact that the wharf fetched only £5 per annum; the government had, however, come to the knowledge that it was owing to a combination amongst the merchants of Maryborough that the lease of the wharf was sold for so small a sum. He knew a gentleman in Maryborough who would have been prepared to give £250 for that wharf. The merchants of Maryborough, including some of the present members of the corporation, had agreed that only one man should make an offer, and had arranged to share the profits of the proceedings amongst themselves. Under these circumstances he thought that the house could scarcely entertain the petition.

Mr. BLAKENEY vouched, from his personal knowledge, for the truth of most of the facts stated by the Colonial Secretary, he (Mr. B) having been in Maryborough when the lease of the wharf was offered for sale. No less than five or six of the principal storekeepers, including some members of the present corporation, had arranged amongst themselves to rent the wharf at a nominal sum to enable goods to come to Maryborough free of wharf dues. They thought that if they could "do" the government out of the rent they would have their goods free of these charges. He had cautioned one of the gentlemen that he had better take care, or else he might be brought under the scope of the law as party to an illegal compact, and might have the Attorney-General down upon him.

Mr. GORE, before the house refused to receive the petition, would like to ask the Colonial Secretary how far the corporation of Maryborough were identified with the disgraceful proceedings which had been alluded to. The petition appeared to be directed against that transaction, inasmuch as it complained of the low rate at which the wharf had been let. According to the government's own version of the case this complaint was a very just one. By refusing to receive the petition they might be the means of inflicting an additional hardship upon the municipality of Maryborough.

Mr. LILLEY deplored very much the occurrence of the transactions divulged by the Colonial Secretary. He thought, however, that the petition should be received, as it would be the means of

furnishing the house with a record of the matters therein set forth. It was, moreover, a dangerous precedent to commence the practice of refusing to receive petitions.

Mr. FITZSIMMONS was of opinion that the house ought not to refuse to entertain a petition in consequence of statements, for the truth of which they had merely the *ipse dixit* of one or two persons. It was unjust to accept as true, charges against any community, merely on the word of one man. The house had no correspondence before it. They had merely the opinion of the hon. member for North Brisbane (Mr. Blakeney).

Mr. RAFF pointed out that they had something more than the mere opinion of the hon. member for North Brisbane. They had that hon. member's statement of what he alleged to be facts, coming as a corroborative testimony of the truth of the statements previously made by the hon. member at the head of the government. He (Mr. Raff) could not see, however, that any participation in the transactions alluded to had been traced to the Mayor and corporation in their corporate capacity, and for that reason he thought the house would not be justified in rejecting the petition.

The ATTORNEY-GENERAL could not see that any object would be served by receiving and printing the petition, inasmuch as the house could not cancel the lease of the present lessee of the wharf. It was true that they might refer the petition to a select committee. By receiving the petition they would be admitting that some compensation was due to the municipality of Maryborough (cries of No, no.) If that were the case, he had no objection to the petition being received, but he could not perceive that any good object would be attained by its reception.

Mr. R. CRIBB supported the reception of the petition.

Mr. O'SULLIVAN argued that the Maryborough council, in their corporate capacity, was not answerable for the acts of its individual members. For that reason, even although one or two members of the corporation had been parties to the combination alluded to by the Colonial Secretary, this petition, emanating as it did from the corporation collectively, should be received. He believed that the petition had its origin in the recent acts of the government with respect to the wharves. The government had an idea of selling these wharves to the parties who hold them now on a ground rent. (No, no, from the COLONIAL SECRETARY.) Would the hon. member who said "no," answer a simple question then. How was it that the government had sent round a circular, dated July 11th, asking for returns from the lessees of the wharves as to ground rent, area, &c., and stating that the government contemplated selling the wharves to present lessees under a pre-emptive right, by virtue of powers vested in them by the Alienation of Crown Lands Act. He (Mr. O'S.) contended that it would be most impolitic to sell the wharves in such a manner.

The COLONIAL SECRETARY, by leave of the house, would offer an explanation with reference to the remarks of the previous speaker. Before doing so he would state that he was not in a position to impute to the Maryborough corporation direct participation in the transactions to which he had alluded. The wharf was let before the town had been incorporated, and there was only one bid, viz. that of £5. Shortly after the lease had been knocked down for that sum, the corporation was constituted. Complaint was made by that body to the government that injury had been done to the municipality by letting the wharf at so low a figure. The government were well aware that the wharf was worth more, but of course the obvious and only reply they could make to the letter of the corporation was that the lease had been put up to the public competition, and that it was the fault of the Maryborough merchants themselves that it did not realise a larger sum, being, according to their own representations, worth a much larger sum. On the receipt of this reply of the government, one of the aldermen at Maryborough gave notice of a motion to the effect that a full explanation of the whole proceeding connected with the letting of the wharf be given to the government. Unfortunately when the time came for making this motion the alderman in question was induced to withdraw it, and the Town Clerk was instructed, instead, to reply to the communication of the government. Another alderman, indignant at the proceeding, laid the whole facts of the case before the government. He (the Colonial Secretary) did not wish to make unnecessary accusations, but he felt it due to himself to state that one of their own body had furnished him with the facts of the case. If the house received the petition they would be

endorsing the claim upon the government, now put forward by the corporation. (Cries of No, no.) If that were the case, then he did not care to oppose the reception of the petition. With reference to the statements made by the hon. member for Ipswich (Mr. O'Sullivan), that gentleman had again been guilty of injustice towards the government. He had told that hon. member a few days ago that the government had no intention to sell the wharves at Ipswich. The government had, it was true, sent round the circulars referred to, but since sending them round, had discovered that they were in error in the matter. They had, as he had informed the hon. member, determined to hand the wharves over to the corporations, exacting at the same time that a fair rent for improvements, &c., should be secured by those bodies.

Mr. O'SULLIVAN denied that in the interview referred to by the previous speaker anything was said about the circulars. He had drawn the attention of the honourable gentleman on that occasion to an article in a newspaper.

Dr. CHALLINOR thought that the petition should be received, as he inferred that if the lease of the Maryborough wharf had been obtained by such a fraudulent combination as that mentioned, it would be in the power of government, in proof of the facts of the case, not only to cancel the lease but to prosecute the parties for combination, if it were thought desirable to do so.

The question that the petition be received was then put and passed.

PRIVILEGES BILL.

On the motion of the COLONIAL SECRETARY, the consideration of the Council's amendment on this bill were set down as an order of the day for to-morrow.

TRAMROAD TO THE INTERIOR.

Mr. BLAKENEY presented a petition from the inhabitants of Brisbane in favor of the formation of a Tramroad to the interior of the colony.

COOLIE IMMIGRATION.

Mr. HALY presented a petition from certain land and stock holders in the Maryborough district, in favor of the immediate introduction of the Coolies from British India.

CORRESPONDENCE.

The COLONIAL SECRETARY laid upon the table certain correspondence from Mr. Frederick Walker, which, on the motion of the Colonial Secretary, was ordered to be printed.

APPROPRIATION ACT.

On the motion of the Colonial Treasurer, this measure was brought in and read a first time, its second reading being set down as an order of the day for Thursday.

LOANS BILL.

On the motion of the Colonial Treasurer, the Loans Bill was read a third time, and passed.

WAYS AND MEANS.

The report from the Committee of Ways and Means was brought up, and on the motion of the Colonial Treasurer, adopted.

MASTERS' AND SERVANTS' BILL.

The Colonial Secretary moved the third reading of this measure, but withdrew his motion until to-morrow (this day), upon the application of Mr. O'Sullivan.

The house adjourned at four o'clock, until three o'clock this day.