

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

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**Legislative Assembly  
26<sup>th</sup> July 1861**  
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Extracted from the third party account as published in the  
Courier 27<sup>th</sup> July 1861

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The SPEAKER took the chair at 10 minutes past three.

**COMMISSIONER AT MARANOA.**

In reply to Mr. FERRETT, the Colonial Secretary stated that a Crown Lands Commissioner for the Maranoa district was appointed in September last, and had been performing duty there since. The surveyor for the district had also been acting as commissioner. A second commissioner would shortly be appointed, and the government did not anticipate the absence of the present commissioner from the district.

**EXPLANATION.**

Dr. CHALLINOR rose to make an explanation with reference to statements made by the Attorney-General in the course of the debate upon the report of the Native Police Committee. The remarks of the hon. member (Dr. Challinor) were very inaudible, but we understood him to say that he denied ever having made the assertion that the government had declined to prosecute because Mr. Hardie had entertained his Excellency and some hon. members of the government at his residence. What he (Dr. C.) actually did say was that it was utterly incredible that he should, in his judicial capacity, make wanton charges against a gentleman in Mr. Hardie's position who was on such friendly terms with members of the government. He had also not, as represented, attempted to defend the practice of spearing bullocks amongst the blacks. He had simply asked what greater cruelty was there in hunting foxes, as practised amongst the aristocracy of England, than in spearing bullocks.

**REVENUE AND AUDIT BILL.**

On the motion of the COLONIAL-SECRETARY the house went into committee for the consideration of the Legislative Council's amendments upon this measure.

The COLONIAL-SECRETARY in proposing the adoption of the amendments said that they were all of a trivial character, and there was nothing in them to interfere with the general principles of the bill. The measure had been for a long while absent, and he should be sorry to have to trust it again out of the chamber.

Mr. LILLEY believed that, as stated by the Colonial Secretary, there was really nothing in the Bill.

The amendments of the Council were then put and agreed to without discussion, and the house resumed.

**ASIATIC LABOUR.**

Mr. R. CRIBB moved, pursuant to notice—

"That an address be presented to the Governor, praying that his Excellency will be pleased to cause to be laid upon the table of this house copies of the following documents mentioned in a despatch from the Secretary of State for the Colonies respecting Asiatic labour—(1.) Copy of a memorial addressed by Sir Charles Nicholson and others to his Excellency the Governor. (2.) Copy of a "similar application from a number of gentlemen" to the Secretary of State for the Colonies." (3.) Copy of the "principal laws on the subject enacted in the West Indies."

As he did not anticipate opposition, he should confine himself to simply moving the resolution.

The COLONIAL SECRETARY stated that the government had no objection to furnish the documents referred to. He had stated on a previous occasion that the enclosures in the despatch of the Secretary of State were copied out of the report of the Emigration Commissioners in England, in which would be found all the information alluded to in the last clause of the resolution of the hon. member. That report was in the library, and accessible to hon. members, and to reprint the information required would involve considerable expense. At the same time, if the house thought it desirable, the government had no objection.

Dr. CHALLINOR, as the matter was one of great importance, should vote for the printing of the documents alluded to.

The question was then put, and the motion declared carried.

### ADDITIONAL MINISTER.

On the motion of Mr. WATTS, the Speaker left the chair, and the house resolved itself into a committee for the consideration of an address to the Governor, with reference to the resolution passed by the house on the previous evening.

Mr. WATTS moved that an address be presented to the Governor, praying his Excellency to take the necessary steps for giving effect to the following resolution, viz., that this house is of opinion that the creation of an office of Minister for Lands and Works is imperatively necessary, and that such appointment be forthwith made.

Mr. LILLEY moved as amendment in the shape of an appendix to the resolution, to the effect that in the opinion of this house the gentleman appointed to the office of Minister of Lands and Works, as he would have the control and expenditure of a most important branch of revenue, should be a member of this house. He thought that the committee would at once see the advisability of rendering it necessary that the proposed Minister of Lands and Works should hold a seat in that house. (Cries of "Oh, oh," and "how about Robertson from the government benches.") Mr. Robertson had been appointed to the Upper House in New South Wales simply as a matter of temporary political expediency. Mr. Cowper, the Colonial Secretary, there had also been appointed for a time to the Upper House for similar reasons. These facts however did not interfere with the principle contained in his amendment, as he considered that it was necessary for that parliament to practice the political dodgery which had been practised in New South Wales. No doubt the ministry must have a representative in the Upper House. He was free to admit the urgency of the case, as he was not blind to the imbecility of some of the recent appointments. The government certainly wanted help in the conduct of the business of that house. The Minister for Lands and Works, however, would be a gentleman having the control of the expenditure of a larger sum of money than the head of any other department, and therefore that minister ought to be in the chamber which possessed the control and was answerable for the expenditure of the public funds. When hon. members come down to the house to ask for sums of money for particular public works, it was necessary that the Minister for Land and Works should be there to explain the merits of each demand. If the government required the services of a gentleman to represent them in the other chamber, he felt sure the house could dispense with the services of the hon. and learned Attorney-General. (The Attorney-General: "I'm sure they cannot.") The hon. and learned member's vanity might lead him to think that he was necessary in the house, but if he were removed to the upper chamber, his opinion in writing upon questions of law could always be obtained, and his written opinion would be often more clear and satisfactory than his *viva voce* opinion. New South Wales was a bad example, and the Minister for Lands and Works there had been put in the Upper House simply to serve a political purpose, and as a matter of temporary expediency. As it was necessary to submit to the vote of last night, he thought that the government should at least concede that the minister appointed should be a member of that house. He (Mr. L.) did not make his amendment out of any wish to embarrass the government, but because he considered the utility of such an officer as the one proposed would be considerably impaired were he appointed to the Upper House. (Cries of "no") If they could not spare the Attorney-General, perhaps they might be able to dispense with the services of the

Colonial Secretary. That honourable gentleman would perhaps have no objection to being sent below. When he (Mr. L.) talked of sending the Attorney-General or Colonial Secretary below, of course he did not mean further than the second floor. (Laughter.)

Dr. CHALLINOR had an amendment to propose, that the words "made to take effect after the 1st of January, 1862, should be added to the resolution." The house had decided that this appointment should be made, therefore, although he had yesterday voted against the creation of this office, he would not now again enter into this question. The ministry had stated that it would be necessary for this minister to be at once appointed, in order that he might be well up in the bills of which he would have the charge, and also in his general business at the commencement of next session. He contended however that, although it might be necessary to have a responsible minister in the Upper House, this minister would have plenty of time between the 1st of January, 1862, and the commencement of next session to make himself acquainted with any bills which might be entrusted to his charge as head of a department.

Mr. LILLEY having signified his willingness to withdraw his amendment in order to make way for that of Dr. Challinor,

The COLONIAL SECRETARY expressed his regret that the hon. member for Fortitude Valley had again thought fit to endeavour to throw obstructions in the way of the government. That hon. member had, as usual, laid down the law with reference to the office of Minister for Lands and Works with a great deal of confidence in his own opinion. He had quoted two instances which had occurred in another colony, in one of which the Colonial Secretary and in the other the Minister for Lands and Works had been appointed to the Upper House. The hon. member might also have gone on to state that in making such appointments it was quite unusual for the ministry of the day to submit to any dictation from the house, and that the constitutional course was to leave it to the discretion of the ministry to decide as to which of the ministers should sit in the Upper and which in the Lower House. (Hear, hear.) The hon. member had also very virtuously deprecated any attempt on the part of the Legislature to sanction those arts of political dodgery which he said had prevailed in another colony, but it was a pity that he had not set a better example in practising the precepts which he inculcated. What he (the Colonial Secretary) would like to know, was the hon. member's conduct yesterday evening but a piece of most barefaced political dodgery? In order to endeavour to get rid of an important question upon which he knew that a large majority of the members were agreed, he and others had left the house for the purpose of obtaining a "count out." (Hear, hear.) Luckily the hon. member had not succeeded, but his allusion now to political dodgery was really a very unfortunate one. The government were certainly not prepared, as suggested by the hon. member to remove the Attorney-General to the Upper House. He could easily understand that the hon. member for Fortitude Valley was anxious for the removal of the Attorney-General. No doubt that hon. member thought that if the Attorney-General were out of the house, his own opinion upon points of law would be received as conclusive by hon. members. He (the Colonial Secretary) was not, however, prepared to give up the Attorney-General, as he thought him highly necessary to that house, and even if that hon. gentleman were to be removed, he (the Colonial Secretary) would not certainly think of accepting the legal opinion of the hon. member for Fortitude Valley as conclusive. The hon. member was not a member of the more learned branch of the profession, and although he fully appreciated the opinions of the hon. member, yet he thought it necessary that a member of that branch of the profession should be in the house. He must therefore decline to adopt the suggestion of the hon. member.

The ATTORNEY GENERAL thought that before he was disposed of in the manner suggested by the hon. member for Fortitude Valley, he ought to be permitted a voice in the matter, more especially as he had heard a certain hon. member of the house assert the other evening, that he would sooner go to a locality unmentionable than go below (laughter). He (the Attorney-General) held a good seat, and certainly had no idea of giving it up in such a summary manner as suggested by the hon. member. At the same time, if it were for the good of the country that he should go below—he of course merely alluded to the chamber below stairs—he would offer no objection.

Mr. LILLEY felt sure that the great respect expressed by the Colonial Secretary for the

opinion of the hon. and learned Attorney-General was of a very recent growth. With the Supreme Court Bill so fresh in the recollection of hon. members there was a considerable amount of inconsistency in the expression of intense respect for the opinion of the Attorney-General to which the hon. member at the head of the government had just given utterance. No doubt the Colonial Secretary had a higher idea of his own opinion than of that of any other member of the house, and such being the case his sneers at the member for Fortitude Valley, whose opinion he did not disdain to make use of when passing measures through that house, came with a very bad grace. Although he (Mr. L.) was not at present a member of the more learned branch of the profession he was quite prepared to become one. He could at any rate produce credentials of his education at the University, which was more than the hon. and very learned Attorney-General could do. (The ATTORNEY-GENERAL: "I never have professed to have been at a University.") Upon the question of legal attainments also he was quite prepared to meet the honourable learned member outside the house. Since the hon. member, too, had been in the house, his law had been very frequently upset. As to political dodgery before the hon. Colonial Secretary made that charge he should look at home. Were not his ministry sitting day after day in their places in spite of the most ignominious defeats? What character did they possess outside the house? Before casting stones at their neighbors' habitations, they should certainly remember the fragility of their own. What had been their course on this very question? They dared not link order of the day No. 4 with this motion, but they got the hon. member (Mr. Watts) to bring it forward. That hon. gentleman, although professing not to be an organ of the ministry, yet some how or another was always at hand when the ministry wanted a motion brought forward. The hon. Colonial Secretary had told them the other night that this officer for the department of lands and works was necessary, because he (the Colonial Secretary) was sinking under the burden of his labours. Now, it appeared that the officer was wanted for another purpose. The ministry had, on this occasion as on others, been guilty of falsehood, and represented that they wanted an officer for one purpose, whilst it appeared now that they wanted him for another purpose totally different to the alleged one. The salary for this office had only the other evening been refused by a full house.—(The ATTORNEY-GENERAL: "Five members were absent.")—and the ministry now again endeavoured to gain their point in this underhand way. He (Mr. L.) was not certainly amenable to the charge of political dodgery, he was an independent member. He had never consented to become a mere tool of the government; neither had he ever received a farthing of public money from them. The ministry, however, he again asserted, sat there without the confidence of the country, scarcely with the confidence of the house. They had come down during the session with bills, outraging all constitutional principles which had been ignominiously kicked out on their second reading. These men (continued the hon. member pointing to the ministry) —

The ATTORNEY-GENERAL objected to the word "men," as applied to the ministry as being out of order.

The SPEAKER having ruled the word in order,

Mr LILLEY continued—These ministers who, according to the hon. Attorney-General's own showing, were not even men (laughter), with all the patronage of the country for the last eighteen months distilled through their fingers, and with hosts of ministerial dependants, yet came down to that house and dared to accuse an independent member of bare faced political dodgery. (Hear, hear, from the Colonial Secretary.) He had also been charged with dictation, but he denied that his amendment savoured of anything like dictation. He had made that amendment because he believed the principle to be a sound one, and he had already given his reasons for thinking that the Minister for Lands and Works should have a seat in that house. He had no particular desire to see the Attorney-General below; on the contrary, he hoped to continue to see him above for a long while. Perhaps the sudden resuscitation of the late leader in the upper house indicated that he was to have the appointment. He (Mr. L) did not see why the future Postmaster-General could not be placed in the upper house, and made a responsible minister. He thought they were squandering too much of the public money upon salaries for public officers.

The ATTORNEY-GENERAL stated that he had not tendered his resignation on account of any difference with his colleagues on a point of law, but from a difference with them upon a point

which he was not called upon to explain.

Mr. GORE remembered that when the salary of Minister of Lands and Public Works was discussed, the Colonial Secretary urged that such a minister was necessary in order to represent the government in the Upper House. He also stated that Mr. Watts on his recent return from Drayton, had mentioned to him his intention to bring forward the motion on his own responsibility. The proposal to make the Postmaster-General the representative of the upper house, he considered impracticable from the nature of his duties.

Mr. WATTS denied that the motion had been brought forward by him at the instance of the government, and that any vote given by him had been purchased by the ministry. He considered the course pursued by the opposition on the previous night most unjustifiable.

Mr. LILLEY considered that the man who did such work for the ministry gratuitously, to be worse than the man who received pay.

Mr. HALY thought no officer more necessary than a Minister of Lands and Works, and as independent members thought it undesirable to make the Postmaster-General the government representative of the Upper House.

The COLONIAL SECRETARY felt that after the remarks of the hon. members who had preceded him, he ought to lose no more time in stating to the house that there was no collusion whatever between the ministry and the hon. member for Drayton and Toowoomba. He (the Colonial Secretary) found that his remarks had somewhat disturbed the equanimity of the hon. member for Fortitude Valley, who, although very fond of making attacks upon other hon. members, was evidently very thin-skinned, and not able to bear the slightest attack upon himself. That hon. member had in retaliation made an onslaught not only on the ministry, who of course as they were paid for being abused could stand any amount of that commodity, but also a number of other hon. members of the house. He had favored them with a brilliant oration, in which, as usual, the ministry were represented as being guilty of all sorts of undesirable iniquities. The hon. member, in the course of last session, had delivered two or three similar orations, no doubt to the great edification of his constituents, who certainly, if they were guided by the hon. member's graphic descriptions, must entertain opinions far from complimentary to the standard of morality which prevailed amongst the present ministry. At the same time, it was somewhat to be deplored that the hon. member did not possess sufficient patriotism to oust this corrupt ministry whose political vices afforded so favorable a display for his eloquence. (Hear, hear.) The hon. member had stated that the ministry did not possess the confidence of the country; he could not, however, substantiate that allegation by a vote of the house. (Hear, hear.) He (the Colonial Secretary) joined issue with the hon. member on that point. It might be a fact that the ministry did not possess the confidence of that portion of the press with which the hon. member appeared to be connected, but the hon. member should not confound the confidence of that portion of the press with the confidence of the country. (Hear, hear.) He (the Colonial Secretary) certainly would not admit that the opinions of that portion of the press with regard to the ministry were identical with the opinions of the country generally. Indeed he believed the contrary to be the case. He regretted much that the hon. member for Fortitude Valley should have felt so keenly the observations he had made with reference to that hon. member's law. He (the Colonial Secretary) had no intention of impugning his knowledge of law. He had merely felt it his duty to state the reasons which induced him to think that the Attorney-General could not be spared from that house as at present composed.

Mr. LILLEY felt a considerable amount of curiosity to know with which portion of the press he was connected. Perhaps the hon. Colonial Secretary would be so good as to enlighten him on this point.

Mr. R. CRIBB defended his conduct on the previous night, and asserted that if there were no other way of defeating what he considered an unjust measure, he was bound to adopt that course. He contended that, as the Postmaster-General could represent the government in the upper house, there was no necessity to create a Minister of Lands and Works.

Mr. RAFF justified the course pursued by the opponents to the proposition, and remarked that the Postmaster-General of Victoria had represented the government in the Legislative

Council during one ministry for eighteen months. In reply to Mr. Watts' remarks upon counting out the house, he would remind that gentleman that the same course was pursued by him during last session, on at least one occasion.

The ATTORNEY-GENERAL, after some comments by Mr. Gore upon the conduct of the opponents to the motion, observed that, as Mr. Raff had so often abstained from voting, he was not surprised at his having done so on the previous night.

Mr. RAFF said that the statements of the Attorney-General respecting his not voting were false, upon which the Attorney-General rose to a point of order, and moved that the words be taken down. Mr. Raff hereupon withdrew his expression, and after a few remarks from Mr. Warry upon the time that was being wasted in such badinage.

Mr. O'SULLIVAN expressed himself glad at having an opportunity of getting in a word edgewise. He considered the remarks of the Attorney-General upon Mr. Raff's having abstained from voting uncalled for, and observed that the remark had never been made concerning him (Mr. Raff) "that he resigned his seat to save his principles, and then resigned his principles to recover his seat." ("Nor have I," from the Attorney-General.) As to the remarks from Mr. Watts upon the conduct of the minority, he would remind that gentleman that he adopted that course last year, when the report of the Judicial Committee was brought up. A great deal had been said about the Attorney-General's going below, but he had no wish that he should go further than half-way—purgatory. He saw no reason why the duties of the Postmaster-General should prevent his acting as government representative in the Council, there being no occasion for him to travel the country during the four months the Parliament was sitting.

Dr. CHALLINOR considered the course adopted by the minority on the previous night was quite justifiable.

After some remarks from Mr. FERRETT and Mr. R. CRIBB, with reference to the division upon the previous evening, the amendment of Dr. Challinor was put and negatived on the following division:—

Noes, 12.	Ayes, 6.
Col. Secretary	Mr. Lilley
Col. Treasurer	B. Cribb
Gore	Warry
Moffatt	Challinor
Ferrett	R. Cribb
Richards	Raff
Watts	
Coxen	
Edmondstone	
Haly	
Pring	
Royds	

}Tellers.  
}

The original question was then put, and the SPEAKER, finding that there was not a quorum present, adjourned the house at three minutes to twelve until Tuesday next. The members present when the house adjourned were those composing the majority in the above division.