

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

...
Legislative Assembly
2nd August 1861
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Extracted from the third party account as published in the
Courier 3rd August 1861

The SPEAKER took the chair at a quarter past three.

STEAM NAVIGATION COMPANY.

Mr. LILLEY brought up the minutes of evidence and the report of the Select Committee upon the Queensland Steam Navigation Company's Bill, and moved that they be printed.

The question having been put and the motion carried, the second reading of the bill was, on the motion of Mr. LILLEY, set down as an order of the day for Tuesday next.

MORETON BAY TRAMWAY ACT.

On the motion of Mr. COXEN the second reading of this measure was set down as an order of the day for Tuesday next.

SUPREME COURT BILL.

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

"Whether there will be any objection on the part of the government to lay upon the table of the house the copy made by Mr. Abraham, the Judge's Associate, of the draft of the Supreme Court Bill, prepared by the Judge, and which copy was transmitted by Mr. Abraham to the Honorable the Attorney-General."

The COLONIAL SECRETARY replied that he understood his colleague the Attorney-General to have said that he had not preserved the draft of the bill in question. He would suggest that his Honor the Judge might be able to produce it.

WHARVES AT IPSWICH.

Mr. O'SULLIVAN, pursuant to notice, asked the Colonial Secretary—"For what reason the bye-laws for regulating wharves at Ipswich have not been assented to."

The COLONIAL SECRETARY replied that the matter had been delayed by other business, but that it should shortly be attended to.

Mr. O'SULLIVAN then moved—"That copies of all correspondence respecting the contemplated sale of the Ipswich wharves, be laid on the table of this house." He said that although the answer of the hon. the Colonial Secretary had been somewhat curter and shorter than he had expected, he presumed there would be no objection to lay upon the table the correspondence asked for. As far as he (Mr. O'S.) was personally concerned, he was well satisfied with the assurance given on a previous occasion by the Colonial Secretary, that there was no intention on the part of the government to sell the wharves, and that the circulars had been sent round in mistake. He had, however, been requested by the Ipswich corporation to make this motion, and he had accordingly done so. The reason of the request was, that in spite of the Colonial Secretary's assurance, the circulars had not been officially countermanded, and the matter still appeared to be pending. This fact, coupled with the circumstance that the bye-laws had not yet been published, naturally inspired the corporation with suspicion. After the Colonial Secretary had risen in that house, and stated, as he had done, that the circulars had been sent

round by mistake, he (Mr. O'S.) was perfectly satisfied in his own mind that such was the case. At the same time he thought the hon. member could have no objection to produce the correspondence as asked for.

The question having been put,

Mr. R. CRIBB wished to make a few remarks, as no other hon. member appeared inclined to rise and do so. (Laughter.) He had no objection to see the correspondence produced, but he thought it possible that the government in this matter might have acted rightly in taking it into their own hands. If the corporation desired to sell the wharves—for instance, at an outrageous price to the detriment of present holders, who might have expended large sums of money in improvements, it would be but right that the government should step in to prevent injustice being inflicted upon particular individuals.

The COLONIAL SECRETARY considered it very fortunate for the country that the hon. member was so patriotic as to rise and offer remarks upon a subject with which he was totally unacquainted, rather than let the motion pass without a debate, (Laughter.) He should oppose the motion, upon the formal grounds that, as the matter was still under the consideration of the government, it would be uncharitable to establish an undeniable precedent by producing the correspondence at this stage. Moreover, all the correspondence was not in his possession, some of it being in the Surveyor General's office. He was glad that the hon. member was not suspicious, and he could assure him that he adhered to what he said the other day. At the present stage he did not think it judicious to produce the papers.

Mr. O'SULLIVAN, after the remarks of the honorable gentleman, did not feel called upon to press his motion, and he begged, therefore, to withdraw it.

MUNICIPALITIES ACT.

On the motion of the COLONIAL SECRETARY the house resolved itself into committee, to consider the Legislative Council's amendments in the schedule of this bill, the consideration of which was, through an oversight, omitted yesterday, All the amendments in the schedule were assented to without debate, and the CHAIRMAN having left the chair, and reported progress, the house resumed.

FERRITER AND JONES.

Mr. R. CRIBB moved that the house resolve itself into a committee of the whole to consider the address in reference to the report from the select committee upon the petition of Messrs. Ferriter and Jones.

Mr. WATTS thought that this compensation should be paid out of the special fund raised for this purpose. He had now learnt it would have to be paid out of the general revenue, and he thought it doubly objectionable to make the people in towns pay for that which affected only one particular class of the community, who were well able to pay the compensation out of their own pockets. If a subscription were sent round to the squatters, he felt sure that they would, amongst themselves, pay these gentlemen compensation.

Mr. MOFFATT moved the postponement of the order of the day until Tuesday next, as many hon. members desired to get away by the steamer that morning.

The COLONIAL SECRETARY opposed the adjournment. The house had yesterday affirmed the principle that compensation should be granted to these gentlemen.

The amendment of Mr. Moffatt was put and negatived, and the house then resolved itself into committee to consider the address.

Mr. R. CRIBB then moved that an address be presented to his Excellency, praying him to give effect to the report of the select committee upon the petition of Messrs. Ferriter and Jones.

Dr. CHALLINOR considered that if the precedent were once established, by granting compensation to these gentlemen, other claims of a similar nature would be made.

Mr. FERRETT argued that if this claim were assented to by the house, there would be no use in levying an assessment, as is done at present, to create a fund to meet such claims. By providing this compensation out of the general revenue, the house would be acting in direct opposition to the act which was framed to meet such cases.

Mr. O'SULLIVAN suggested that it would be more satisfactory to name in the motion the sum to be paid to these gentlemen.

Mr. FITZSIMMONS was in favor of the motion, The house had received a sufficient guarantee that this was an isolated case, and that no other such claims would be made. He thought, as suggested by the previous speaker, that it would be advisable to state the amount to be paid as compensation.

Mr. HALY also was of opinion that this was an isolated case. At any rate, after what had passed, were any other case brought forward, the parties concerned would know that it would not be attended to by the house.

Mr. WATTS thought that the last speaker had virtually admitted that he did not support the principle of the resolutions, but merely voted for the sake of the individuals affected by them. He (Mr. W.) opposed the principle of the resolution without reference to individuals. It had been said that the case of these gentlemen was an isolated one, but he knew of other cases which, if this claim were allowed, would be brought forward.

Mr. O'SULLIVAN believed that the resolution would open the door to an indiscriminate scramble for the public money. If other cases were brought forward, the house, if they assented to the claim of these gentlemen, would not be able in justice to refuse to entertain those cases. (Hear, hear.)

Mr. RAFF said that these were the only sheep destroyed just before the act providing for compensation was passed. Any other case would be met by the act providing for compensation.

Mr. WATTS pointed out that these gentlemen when examined acknowledged that the sheep were brought in a diseased state to the colony. During nine months of the year sheep labouring under this disease could be made as fat as other sheep. These gentlemen could have fattened them and then sent them to be boiled down. Instead of that they waited until a bad season, when the disease began to tell on the sheep, and then had to destroy them.

Mr. HALY wished to know how the previous speaker would like to have sheep affected by catarrh driven over his run. For his own part, he (Mr. H.) would prevent any such proceeding upon his runs by force of arms.

The COLONIAL SECRETARY thought that the house having come yesterday to a decision with regard to compensation, would not now reverse that decision. He was of opinion that there could be no danger of this case being established as a precedent, as it had been decided upon its own merits, and all its details had been enquired into. A similar enquiry could of course have to be made into any other case brought forward.

Dr. CHALLINOR was of opinion that the house had affirmed the principle that such claims should not be met out of the general revenue, inasmuch as they had passed an act creating a special fund to meet such claims. It had been admitted that the claim of Messrs. Ferriter and Jones was an equitable one but not a legal one. Now in the case of the claims of emigrants by the ship Fortitude brought before the house a few days ago, it was decided that although such claims were equitable, they were not legal, and the house in consequence refused to entertain them. After that decision, the house would be acting partially and inconsistently to admit this claim. He begged to draw attention to the state of the house. (Oh, oh.)

The house having been counted, and a quorum being present, the debate proceeded.

Mr. R. CRIBB consented to alter his resolution and fix the sum to be paid at £600, the value of the sheep destroyed at 2s. per head.

Mr. O'SULLIVAN moved as an amendment that the sum be reduced to £300. As he saw he

could not negative the resolution altogether, he could make an Irishman's bargain, and meet the hon. member half way. (Laughter.) He believed conscientiously that he could be acting fairly in doing so, and he hoped that the house would believe that, not having yet been in a ministry, he had a little conscience left. (Laughter.)

Mr. FITZSIMMONS opposed the reduction.

Dr. CHALLINOR thought that this money should be paid out of the special fund which had been raised for the purpose.

After some further desultory conversation, in which the ATTORNEY-GENERAL, Mr. O'SULLIVAN, and the COLONIAL SECRETARY took part, the amendment was put and negatived, and the original motion carried.

MORETON BAY TRAMWAY.

Mr. COXEN brought up the minutes of evidence taken before the select committee appointed to inquire into the Moreton Bay Tramway, and moved that it be printed with the report.—Carried.

PUNT OVER THE FITZROY AT ROCKHAMPTON.

On the motion of Mr. FITZSIMMONS, the report of the committee on the motion for a punt over the Fitzroy at Rockhampton was adopted.

BRIDGES OVER THE BARAMBA AND DAWSON RIVERS.

On the motion of Mr. HALY, the house adopted the report of the committee respecting the bridges over the Baramba and Dawson.

CONDAMINE BRIDGE.

On the motion of Mr. FERRETT, the report of the committee on the bridge over the Condamine was adopted

The house was then adjourned, on the motion of the COLONIAL SECRETARY, at twenty minutes to eleven, till three o'clock on Tuesday next.