

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

...
Legislative Council
9th August 1861
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Extracted from the third party account as published in the
Courier 10th August 1861

THE PRESIDENT took the chair at 25 minutes past 3 o'clock, and opened the proceedings with prayer.

**ACKNOWLEDGEMENT OF THE COMPLIMENT PAID BY THE COUNCIL
TO SIR CHARLES NICHOLSON, BART.**

Sir CHARLES NICHOLSON took occasion to express his gratitude for the highly complimentary resolution passed by the house on the previous day. He believed that the compliment was far greater than he deserved, more particularly when he considered the very humble service he had been the means of rendering to the colony. With reference to his intercourse among them he regarded it as a very great honor that he should have been permitted to take any part in the political affairs of this great colony; and he assured them that whether he remained in it or whether he proceeded to Europe he should still cherish the same deep interest in its welfare, and the same cordial and friendly feeling towards its inhabitants. Although the colony was very young, he looked upon it as deserving of peculiar respect on account of its loyalty and moderation in political matters, and the admitted soundness and usefulness of its legislation. In leaving the colony he hoped to carry away with him the same respect which he had always entertained for its inhabitants.

REPRESENTATIVE OF THE GOVERNMENT.

Mr. GALLOWAY asked the President whether there was any gentleman in the house who represented the government on the occasion.

The PRESIDENT replied that he was not aware whether any gentleman in the house represented the government.

Mr. GALLOWAY stated that had there been any such gentleman present he intended to have put a question requesting information as to why the statistical register of 1860, laid on the table of the Assembly some two or three days ago, had not also been laid on the table of that house.

COOLIE IMMIGRATION.

The PRESIDENT announced that he had received a message from the Legislative Assembly, transmitting certain resolutions relative to coolie immigration.

The consideration of the message was fixed for a later hour in the day.

SUSPENSION OF STANDING ORDERS.

Sir CHARLES NICHOLSON moved, with a view of getting through the business of the session as speedily as possible, that all the standing orders having reference to private bills be suspended until further notice.

The motion was carried without a division.

COOLIE IMMIGRATION.

Mr BROWN moved that the resolutions of the Legislative Assembly be concurred in.

The PRESIDENT remarked that the subject was a very important one, and yet it had come before them in a very unsatisfactory manner. Like himself he believed most hon. members had not been afforded the privilege of even reading the resolutions, and therefore he thought that some time ought to be allowed for their consideration. If they were in any sense to exercise their functions as a separate branch of the legislature, he thought they ought to be permitted at least to exercise their reason with regard to the propriety of introducing coolie immigration, he was decidedly in favor of it, as he believed it would conduce greatly to the extension of their industrial operations throughout the colony. At the same time he thought it was a question for the house to consider as to whether they ought to adopt the resolutions in the hasty manner in which they had been submitted.

Dr. FULLERTON agreed with the President as to the hasty manner in which these resolutions had been brought before them, and also condemned the practice of sending up for their consideration a variety of very important measures at the tail end of the session, when they could not bestow on them the amount of consideration which the circumstances of the case demanded. He should certainly enter a protest against this practice should he hold a seat in the house in any future session. So far as regarded the main principle involved in the resolutions, he was disposed to agree with it, believing, as he did, that coolie immigration was necessary to the successful cultivation of cotton in this colony. He was therefore not disposed to shelve so important a matter as this by postponing it.

Mr. GALLOWAY also protested against this hasty manner of transacting the legislative business of the country. If the same system were persisted in during the next session he should certainly oppose it, and he believed the house would also. Consequently this government, if they persisted in acting thus perversely, would have a right to expect nothing but trouble to ensue.

Sir CHARLES NICHOLSON remarked that from his experience of twenty years in colonial legislatures, he had always found that a very considerable amount of arrears in important business had to be pulled up at the close of a session, and the present case was certainly no exception to the rule. In saying this he did not wish to impugn the opinions of those hon. members who advocated the desirability of giving sufficient time for the consideration of important measures. With regard to the question under discussion—coolie immigration—he pointed out that it was not a new one, seeing that it had been recommended to their consideration by the despatch of the Duke of Newcastle some months ago; and as the resolutions now proposed were only intended to carry out the conditions set forth in his lordship's despatch, he could see no reason why they should not be assented to at once, supposing of course the principle to be admitted.

The motion was then put and passed, and the resolutions were ordered to be returned to the Legislative Assembly.

RELIGIOUS, EDUCATIONAL AND CHARITABLE INSTITUTIONS BILL.

The PRESIDENT having announced the reception of a message conveying this bill from the Legislative Assembly,

Sir CHARLES NICHOLSON moved that it be read a first time, which was carried.

Sir CHARLES NICHOLSON then moved that the bill be read a second time, and in so doing explained at some length its principles and provisions.

Mr. GALLOWAY opposed the second reading, on the ground that the bill was not before the house, and consequently hon. members had not been afforded the opportunity of considering its provisions. He thought it was absurd to ask the house to pass the second reading of a bill, of which they knew absolutely nothing.

Mr. FITZ, Mr. MACDOUGALL, and the CHAIRMAN of COMMITTEES expressed a similar opinion.

The PRESIDENT agreed with the course proposed by Sir C. Nicholson, although he was bound to confess, that the forcing of so important a measure on their consideration without due

notice, was by no means complimentary to the house. Still, as it was an important measure, and one that they should pass during the present session, he could see no alternative but to assent to the motion.

Dr. FULLERTON had read the bill, a copy of which had been left at his house, and as he believed its provisions embodied sound principles, he should certainly support the second reading.

Mr. WOOD observed that if the hon. member (Dr. Fullerton) had seen the bill, he certainly enjoyed a privilege which no other hon. member was permitted to enjoy, for the simple reason that he believed the bill had not been printed. Believing, however, that the object was a good one, he should support the second reading.

After one or two observations from Mr. BROWN, relative to the time when the session was likely to close, the motion was carried without a division, and the consideration of the bill in committee was fixed as an order for the next sitting day.

CARRIERS' AMENDMENT BILL.

On the motion of Mr. FITZ, the amendments of the Legislative Assembly in this bill were agreed to in committee.

The house having resumed, the bill was ordered to be returned to the Assembly.

QUEENSLAND STEAM NAVIGATION COMPANY'S BILL.

Mr. FITZ moved the second reading of this bill briefly explaining the object.

Mr. HARRIS asked the President whether it was competent for a shareholder to vote on this bill. He happened to be a shareholder himself, and as he knew that several other members were also shareholders he thought it right to ask this question now lest any difficulty might hereafter arise.

The PRESIDENT replied that he had no hesitation in saying that it was not competent for any hon. member to vote on the bill who had any direct pecuniary interest in it.

Sir CHARLES NICHOLSON concurred in the President's ruling.

Mr. GALLOWAY thought they ought to have the deed of settlement before them, in order to understand clearly the provisions of the bill.

The motion was eventually carried, and the house resolved itself into committee for the purpose of considering the bill, Mr. Wood taking the chair in the room of Mr. Roberts, who is a shareholder.

The several clauses were agreed to without alteration, and the house having resumed, the report was adopted, and the bill read a third time, and passed.

STATISTICAL REGISTER OF QUEENSLAND.

Sir CHARLES NICHOLSON, by command of his Excellency the Governor, laid on the table the statistical register of New South Wales for 1860, which was ordered to be printed.

TRAMWAY BILL.

Mr. FITZ moved the second reading of this bill, and proposed, in accordance with a resolution passed on the previous day, that Mr. Coote and Mr. Lilley—promoters of the bill—be heard at the bar of the house.

Sir CHARLES NICHOLSON thought the proper time to hear the promoters of the bill would be when the bill was under consideration in committee, because then hon. members could put questions whenever points arose requiring particular information.

Mr. WOOD, the Chairman of Committees, and Dr. Fullerton, agreed generally in this view of the matter.

Mr. GALLOWAY doubted whether they could, according to parliamentary practice, hear the promoters of the bill otherwise than before the bar of the house, prior to going into committee.

Sir CHARLES NICHOLSON said, there was nothing more common than to examine witnesses before a committee of the whole house.

The PRESIDENT thought the promoters of the bill might be heard before the committee, but he thought it would be far more convenient if they were heard at the bar of the house on the second reading.

The motion for the second reading was then put and passed, and the house resolved itself into a committee of the whole for the consideration of the bill, there being an instruction attached, to the effect that the promoters be heard by the committee.

Clause 5 relating to loans was passed, after some explanation, at the instance of the President.

Some discussion took place with respect to the 11th clause, respecting a register of shareholders.

Mr. FITZ explained that the register of the names of shareholders had been produced before the select committee, but it had not been deemed advisable to publish it.

Dr. FULLERTON stated that this was a proper stage at which to hear the promoters of the bill as to whether a certain amount of capital had been paid up.

Mr. FITZ read the examination of Mr. Stephen, showing that 2s.6d. a share had been subscribed.

Dr. FULLERTON moved that Mr. Stephens be called to the bar of the house.

The motion having been carried,

Mr. T. B. STEPHENS, in answer to Dr. Fullerton and Sir C. Nicholson, stated that 2s.6d. a share had been paid on £53,000, and that the whole amount had been deposited in the bank to the credit of trustees, who were already appointed.

The clause was then carried.

To clause 82, giving the chairman of directors an extra vote in addition to his casting vote, Mr. GALLOWAY objected, as he could see no reason why the chairman should have two votes.

Sir C. NICHOLSON and the PRESIDENT explained that this was the same practice as was adopted in Sydney and elsewhere.

Mr BROWN favoured the view taken by Mr.Galloway.

The clause, however, was carried without a division.

On clause 120 being proposed, relating to advertisements, the President suggested that according to the clause, the advertisement was only required to be published in the district wherein the company held its place of business. Such being the case, it appeared to him very doubtful whether the information would reach the shareholders in other parts of the colony.

Mr. FITZ explained that, in addition to the advertisement, provision was made by which each shareholder would receive due notice privately.

The clause was then passed without opposition.

On clause 20 being proposed, relating to the plans, Mr. Coote was examined in explanation, on the motion of Dr. Fullerton, who, at the result, declared himself to be more enlightened than he was before. In answer to Mr. Galloway, Sir Charles Nicholson, the President, Mr. Brown, and Dr. Fullerton, Mr. Coote, as engineer of the Company, gave a general explanation of the plans and sections, showing the difficulties to be encountered in going over the main range, the advantages to be gained thereby, and the practicability of eventually converting the tramway into a locomotive railway.

Mr. GALLOWAY and Mr. BROWN disagreed from Mr. Coote's view, on the ground mainly that the descent over the main range would be found impracticable.

The clause was eventually carried without amendment.

In clause 286, fixing a penalty of £50 per month for five years, if the tramway be not

completed within the given period.

Mr. BROWN and Mr. GALLOWAY took objection, on the ground that the penalty was ridiculously small considering the stake.

The clause was passed.

On clause 296 being proposed, giving power to the Company to alienate land, &c.,

Mr. WOOD moved the addition of the following words—"except those lands which come within the 292nd clause of the bill."

Mr FITZ pointed out that all the lands of the Company reverted to the government at the end of twenty-one years.

Dr. FULLERTON explained that the last clause referred to land which the Company might receive by way of compensation along the line, and which, of course, would not include the lands referred to in the 292nd clause.

The PRESIDENT also supported the bill as it stood.

After some further discussion, Mr. WOOD withdrew his amendment.

The clause was then put and passed without alteration.

The whole of the clauses having been agreed to.

Dr. FULLERTON suggested that the name "Moreton Bay Tramway," although rhyming to a certain extent, was not a very euphonious or yet a very applicable name.

It was pointed out, however, that the title could not be altered during the present session.

The house then resumed, and the report having been adopted, the bill was read a third time and passed.

PROROGATION.

The PRESIDENT intimated that through Sir Charles Nicholson, who represented the government on the present occasion, it appeared to be the intention of the Executive to prorogue the house on Tuesday next, at 12 o'clock in the forenoon.

BRISBANE BRIDGE BILL.

The PRESIDENT reported the reception of a message from the Governor assenting to the Brisbane Bridge Bill.

PROSECUTION OF THE *COURIER* FOR LIBEL ON THE COUNCIL.

The PRESIDENT reported the reception of the following letter from the Attorney-General—
"Mr. PRESIDENT,

"I have the honor to acknowledge the receipt of certain resolutions adopted by the Legislative Council on the 1st instant.

"2. In reply thereto, I have the honor to inform the council, that I shall consider it to be my duty to give effect to the request therein contained.

"I have the honor to be

"Mr President,

"Your most obedient servant,

"RATCLIFFE PRING,

"Attorney-General."

The house adjourned at 6 o'clock, until 11 o'clock the next day.