

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

...
**Legislative Assembly
Opening of Parliament
29th April 1862**

...
Extracted from the third party account as published in the
Courier 30th April 1862

PARLIAMENT was opened yesterday by his Excellency the Governor in person. The hour of noon was, as usual, appointed for the ceremonial. The Legislative Council presented quite a contrast to its usual somnolent and dull appearance, owing to the number of fashionably dressed ladies, who occupied the back benches on the ministerial and opposition side of the House. The space allotted to the strangers on these state occasions to the right and left of the dais, upon which is the President's chair was also crowded with ladies. The stranger's gallery was crowded to an uncomfortable degree by the sterner sex, who showed in such numbers that the entrance to the chamber at that end of the building was quite choked up, so that the "Commons," when summoned by the Usher of the Black Rod, were compelled, headed by that intrepid officer, to force their way through the serried ranks of visitors, at the expense of the exercise of a very undignified amount of physical exertion. Owing to this inconvenience, and also to the fact that to reach the floor of the house from the door, a considerable descent has to be effected, one very august officer of the Lower House, and more than one member, very narrowly escaped making their appearance before his Excellency and amongst the Lords much in the same way as the clown in the circus first presents himself to his audience, viz,—in the execution of a graceful somersault. The gentlemen alluded to would, however, had they been betrayed into this involuntary display of physical agility, no doubt have refrained from the traditional "here we are again," however appropriate they might have felt it to have been.

At about a quarter to twelve those soldiers of the XIIth Regiment who are stationed here, together with the Volunteers, assembled at the barracks, from which, headed by the Volunteer Band, they marched to the Parliamentary Chambers, outside of which they formed to await the arrival of his Excellency, Captains Bramston and Drury being in command. The weather was delightful, and in consequence a considerable number of people had gathered in the front of the parliament to witness as much of the paraphernalia usually appertaining to such a ceremonial, as could be seen outside. At precisely twelve o'clock, his Excellency drove up in his carriage, escorted by a guard of honor composed of the Mounted Rifles and Mounted Police, and entered the Council chamber.

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The SPEAKER took the chair a few minutes before 12 o'clock, and opened the proceedings with prayer. The following were the members present—The Colonial Secretary, the Colonial Treasurer, the Minister for Lands and Works, Messrs. Moffatt, Lilley, Raff, Forbes, Fleming, Royds, Watts, R. Cribb, B. Cribb, T.S.Warry and O'Sullivan.

Almost precisely at 12 o'clock, the Usher of the Black Rod entered and announced that it was his Excellency's pleasure that the Assembly should attend him in the other chamber.

Thereupon the members rose, and, headed by the hon. the Speaker, proceeded forthwith to the Legislative Council chamber.

After a short absence the members returned, and the Speaker adjourned the house until half-past three o'clock the same day.

AFTERNOON SITTING.

The SPEAKER took the chair at half-past three o'clock.

NEW MEMBERS.

The SPEAKER reported to the house the resignation of C. Fitzsimmons, Esq., for Port Curtis, St. George Gore, Esq., for Warwick, and of A. Macalister, Esq., for Ipswich severally, at various dates during the recess, and that writs had been issued to supply the vacancies, and been returned; the result of the elections alluded to being that Alfred Sandeman, Esq., had been returned for Port Curtis, J. Gore Jones, Esq., for Warwick, and A. Macalister, Esq., for Ipswich.

Mr. JONES, introduced by Messrs. Forbes and O'Sullivan, took the oaths and his seat for Warwick.

The MINISTER for LANDS and WORKS, introduced by Messrs. Herbert and Mackenzie, took the oaths and his seat for Ipswich.

QUESTION OF PRIVILEGE.

The SPEAKER then rose and said: Believing it to be my clear and unmistakeable duty to take care that no remissness on my part should be the means of causing any appearance of illegality in the proceedings of this house, which might lead to confusion at some future time, and bearing in mind the great responsibility thereby resting on me, I feel myself called upon, most unwillingly I own, on the present occasion to direct the attention of hon. members to the 26th section of the Constitution Act which would appear to affect the seats of two hon. members of this house. I do so as a question of privilege, and I have taken the earliest opportunity of doing so. (The Speaker here read the section of the act alluded to, which sets forth that if any member be absent from his place for a whole session without first obtaining the leave of the house, his seat shall thereby become vacant.) Now, it appears to me that this matter hangs entirely upon what

may be considered to constitute a "session." I will now read what Hatsell says on the subject. (The Speaker here proceeded to quote from the authority referred to, an extract to the effect that, if a bill had passed both houses, and received the Royal Assent and the House were then prorogued, this would constitute a session.) The hon. gentleman also quoted from Cushing as to what, in the opinion of that authority, would constitute a session. The hon. gentleman proceeded: It has been suggested to me that it is not necessary for the Speaker to take notice of such a matter unless his attention is called to it by some hon. member of this house. I can find no authority for anything of the kind, and I say this with all respect for the opinion of those who, on this point, differ from me. The framers of the 27th section of the Constitution Act, who also appear to have been of my opinion, as, by that section, authority is expressly given to the Speaker that he may issue a writ for a new election during the recess when any of the cases mentioned in the 26th section may occur. The law being thus, by whom may I ask is the attention of the Speaker to be called to the existence of such cases? It appears to me to be quite clear that he must act on his own knowledge of the fact. Having, as I conceive, performed my duty by calling the attention of the house to this matter, I now leave it in the hands of the house to deal with as they think proper, merely suggesting, that when a doubtful case of this nature occurs, it is not unusual to refer it to a committee.

The MINISTER for LANDS and WORKS said, that before any discussion arose upon this question, he would, in accordance with the usual practice, introduce a bill. It was entitled a bill to remove doubts in the interpretation of the 26th clause of the Constitution act, and he now moved that it be read a first time.

The COLONIAL SECRETARY seconded the motion, which was put and passed.

The MINISTER for LANDS and WORKS then moved that the bill be printed, and the second reading be an order of the day for Friday next, which motion was carried.

COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

The SPEAKER notified that he had appointed the following gentlemen to constitute a committee of elections and qualifications for the session, viz., Messrs. Coxen, Lilley, Moffatt, Raff, Royds, Challinor, and Watts.

PAPERS.

The COLONIAL SECRETARY laid on the table of the house the census of the colony for the year 1861, and the second annual report of the Registrar-General, and moved that they be printed.

THE ADDRESS.

Mr. WATTS moved: "That the following gentlemen be appointed a select committee to frame an address in reply to his Excellency's speech, viz.:—The Colonial Secretary, the Colonial Treasurer, the Minister for Lands and Works, Mr. Lilley, Mr. Forbes, and the mover and seconder."

Mr. RICHARDS seconded the motion, which having been carried, the committee retired, and returned with the address, which was of the same tenor as that adopted by the Council.

Mr. WATTS, in the absence of the youngest member of the house, begged to move the adoption of the address just read. There were but few—he did not believe there were any—of the inhabitants of Queensland but were prepared to sympathise with her Most Gracious Majesty in the recent loss she had sustained. Few there were, he was sure, who would not join heart and hand in an address of condolence on what was not only felt as a loss by their beloved sovereign, but what was universally admitted to be a great loss to every subject of the British empire; and proud as their colony was in being, as it were, the godchild of the Queen, they certainly should not be the last to endeavor to console her in her distress. It would be perceived that in his Excellency's speech some mention had been made of the defence of the colony, and he had not the slightest doubt but that everyone would be pleased with the amount of protection her Majesty

had vouchsafed to them. They had been also greatly favored by the addition of new territory, by means of the Gulf of Carpentaria being added to their colony, for the people of Queensland—by the aid of the electric telegraph—would soon be within a few hours communication with every part of the world. Another boon had also been granted them—he referred to the money order system, proposed to be established through the post office. In his opinion, on a much scattered sparse population, inhabiting so large an area of country, a great boon could not be conferred. Although he had certainly been in the habit of sitting on the government benches, and the moving of the adoption of the address might be looked upon, as far as regarded himself, as a mere matter of course, and stamp him at once as a supporter of the government, he could tell them that he supported them only when he could conscientiously do so; he was actuated solely by a desire to do his duty to his country. (Hear, hear). It was, he believed, the intention of the government, during the present session, to introduce a measure of electoral reform, having in view the extension of the franchise. He believed such a measure highly necessary, but would deprecate any attempt to go to the extremes of the other Australian colonies. Manhood suffrage was, in his opinion, a decided failure. When they said the prosperous state of the colony, the improvements which were ideally developing themselves; the roads and bridges which were being formed in the interior, they could very justly answer the somewhat contemptuous question of their step mother, as to whether they could govern themselves, by referring to the state of their finances—by pointing out the extent of territory now occupied in Queensland, where man had never trodden before. With regard to the reforms proposed to be adopted in the administration of justice, he was glad to perceive that the Ministerial programme contained some allusion to that most important topic. Some time since he had opposed the appointment of two extra judges, and had also considered quite unnecessary the establishment of a court of appeal. But honest men could always, should they find sufficient cause, change their opinions; and the man who would be afraid to do so would not come up to his idea of what an honest man should be. He now perceived the necessity of establishing courts of quarter sessions; and he believed that the judges should be able to act as chairman of quarter sessions. The adoption of such a course would be of great assistance to magistrates who did not exactly know their duty, besides greatly facilitating the ends of justice. A revision of the police management was very necessary, as was also the increase in the number of police courts, and courts of petty sessions. He had known instances when in consequence of the distance to be travelled to obtain it, justice had been defeated. It was ridiculous to suppose that men were to be compelled to travel some 150 or 200 miles to settle their dispute at a police-court. It was highly desirable that measures should be adopted to secure both to laborers and employers that satisfaction which, at times, both needed. Any further comment on the speech he considered quite unnecessary, and would conclude by moving the adoption of the address.

Mr. RICHARDS, in rising to second the motion, considered that after the address of the hon. member for Drayton and Toowoomba it would be both unnecessary and superfluous for him to make a long speech; he would, therefore, simply congratulate the house upon having met once more to conduct the business of the country, and hoped that hon. member would adopt the address without debate.

Mr. LILLEY said that he rose not for the purpose of raising a debate on the address, on the contrary he felt bound to confess that he was struck with surprise and gratification at the liberal tone and spirit of the speech they had that day heard. He believed that he alone would not be the only person gratified, but that when the speech went forth to the country, its liberality would be highly and universally appreciated, and that the people would be much gratified with that liberality. He trusted that the liberality would not end with the address, but would be observed in the details of the measures which the government had promised when these measures were laid upon the table of the House. He heartily joined, and he believed that all Queensland joined with him in the expressions of sympathy with her Majesty for the blow she had received in her recent bereavement. He might safely say that in every home, however, humble, in the palace and the cottage, not one who had heard of that loss, but had sincerely mourned it, and felt sincere sympathy for that royal lady weeping over a tomb which truly might be said to be “watered with a

nation's tears." But he would pass from this painful subject to advert to one or two other parts of the speech. He was extremely gratified to find that the government intended to extend the suffrage, believing, as he did, that the people of this colony might be safely entrusted with the full extent of their political rights. In whatever the people of the colony had done, they had shown themselves capable of appreciating and exercising those rights. Whenever they had felt called upon to resist or protest against any act of the Legislature or government or to assert on any occasion their political rights, they had always done so wisely and temperately. The address, he conceived, embodied a large and liberal programme, which, if honestly carried out, would redound to the honor of the ministry, and the country would owe them a debt of gratitude. If they would but honestly carry out their programme, he for one would be prepared to lend them every assistance in his power; and he considered that the first parliament of Queensland, if they succeeded in carrying out the measures shadowed forth in the speech, in addition to those they had already passed in previous sessions, would be deserving of the lasting gratitude of the people of Queensland. Their children would not have cause to hang down their heads or be ashamed of them. And if they should not be returned to that house again—for he concluded that the reforms indicated, if achieved, would necessitate a general election—if they had to give up their seats, they would do so with honor, knowing that by their industry and wise legislation they had materially advanced the colony of Queensland. It must be remembered that theirs had been no light task. They had had to found, as it were, legislature here, and which was to bear good fruit. Whether it hereafter bore good fruit or not, they believed their legislation to be good. They would have the satisfaction of knowing that they had honestly legislated to the best of their ability for the good of the country. And he must say for himself and the others who had usually acted with him, that he believed their labours, as an opposition, had not been in vain. There was no greater safeguard for the interests of the people than an intelligent and independent opposition, and any ministry who should wish to see such an opposition crushed or stifled, could not wish well to the country. (Hear, hear.) It was of the greatest advantage both to the country and to the government themselves that they should have their measures thoroughly canvassed and sifted. He had felt bound to speak in general terms of commendation of the address, but he should not relax his watchfulness as a member of the Opposition, but should, as heretofore, severely canvass the measures of the government; and if he should find anything in those measures trenching on the liberties of the people, he was prepared sternly to resist them. After they had passed these measures of organic reform, and after they had brought together in one Act the statutes and orders in council, making up the constitution which were now all scattered about, the legislature would be able to turn its attention more freely to the material advancement of the colony. He believed that this perpetual indulgence in speculative politics was not to the advantage of the colony. It tended very much to upset the balance of men's minds, to the detriment of more practical pursuits. Such questions as the Upper House question, and Manhood Suffrage, as long as they remained unsettled, disturbed society, and kept it in a perpetual state of agitation and profitless speculation. Now was the time to settle these questions satisfactorily, when the population was small. If they continued unsettled until a large population were introduced, then would they become more difficult of settlement, great discontents would arise amongst the people, the object sought for being gained with much struggling the victors would rush into extremes, and the result would be that those slanders which had been so plentifully cast upon democracy in the other colonies would be repeated here. The evils complained of in the other colonies were not the result of democracy, but were to be attributed to the unwise neglect to concede just reforms in time. He agreed with the framers of the address that the administration of justice here demanded attention. It was possible that the judicial staff was not equal to the requirements of the colony, especially of the measure of which he had given notice were carried into law. When he heard the reasons of the ministry for increasing the number of Judges he would be prepared to give an honest vote upon the matter. It appeared to him at present, however, that the business here would not justify such an increase. The only ground upon which the increase could be supported was that it would afford an immediate appeal; a court of appeal would be here on the spot. At present the appeal was from the Judge in one court to the same Judge in another court. In conclusion, he would again repeat that he was surprised and gratified

with the speech. He had never been, and would never be, a party to a senseless opposition, and whilst he was prepared to resist to the utmost whatever he considered to be evil, he was equally anxious and ready to support what appeared to him to be good.

The motion for the adoption of the address was then put and passed unanimously.

The COLONIAL SECRETARY moved, without previous notice, "That so much of his Excellency's speech as was addressed to that house be taken into consideration to-morrow.

The COLONIAL SECRETARY stated that his Excellency would be prepared to receive the address at Government House at a quarter before three to-morrow (this day).

SUPPLY.

The COLONIAL TREASURER moved, without previous notice, "That so much of his Excellency's speech as was addressed to that house be taken into consideration to-morrow."

The MINISTER for LANDS and WORKS seconded the motion, which was carried.

ADJOURNMENT.

On the motion of the COLONIAL SECRETARY, the house adjourned at half-past four, until a quarter past two to-morrow (this day).