

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

...  
**Legislative Council**  
**1<sup>st</sup> July 1862**

...  
Extracted from the third party account as published in the  
Courier 2<sup>nd</sup> July 1862

---

THE PRESIDENT took the chair at ten minutes past three, and opened the proceedings with prayer.

MR. LEITH HAY.

Mr. BROWN, in order to give the Attorney-General time to answer, postponed the question standing in his name until to-morrow.

**SUSPENSION OF SESSIONAL ORDER.**

The ATTORNEY-GENERAL moved the suspension of the Sessional Order of the 30th April, 1862, so as to allow the House to sit on Friday in each week, from ten o'clock until two o'clock, until further notice. Carried.

**SUSPENSION OF STANDING ORDERS.**

The ATTORNEY-GENERAL moved that the Standing Orders Nos. 50, 51, 54, 55, 56 and 58, be suspended until further notice, for the purpose of enabling the Council to pass bills through the various stages in one day. He briefly explained that this motion was simply intended to facilitate the transaction of business which, under other circumstances, might lapse for want of a quorum in another place.

Mr. GALLOWAY opposed the motion on the ground that they ought not to encourage hasty legislation, which, in point of fact, was an evil which that House was specially appointed to guard against. Some of the most important bills of the session had only just been introduced, and he in common with other hon. members had not been permitted the requisite time for considering their details. No doubt the hon. and learned Attorney-General was fully prepared to go into the consideration of these measures, seeing that he must have had them under his notice long before they were submitted to Parliament, but that was no reason why hon. members should be forced to sanction legislation the consequences of which they had not calculated. On the other hand, he could see no reason why they should neglect their duty to the country simply because members in another place choose to do so.

Mr. YALDWYN objected to the principle of hasty legislation, and thought the time proposed for getting through the business then before Parliament was much too short. Still, as there were one or two important measures then before Parliament, the non-passing of which during the present session might occasion a vast amount of mischief, he was indisposed to incur any risk on the mere account of time, and he should therefore support the proposition of the Attorney-General.

Mr. FITZ had as much reason to attend to his own private business as most other people, but nevertheless he was prepared to give every measure that came before them a full and fair consideration, and consequently he was averse to getting through the business in the hasty manner proposed. If hon. members in another place neglected their duty, was that any reason why they should do so?

Dr. FULLERTON was also strongly opposed to hasty legislation, and cited a case wherein during a previous session he had made a prominent stand against it. At the same time, he thought that by meeting every work day in the week, and extending their sitting to an hour or two later in the evening, they might be enabled to get through all the more important business then before Parliament. He would therefore support the motion of the Attorney-General.

Mr. BROWN partially agreed with Mr. Galloway, but at the same time he could not shut his eyes to the fact that there were one or two important bills which might be jeopardised, unless they agreed to get through the business within something like the time proposed.

The PRESIDENT explained that the motion then before the House need not necessarily involve hasty legislation. As it was contemplated to close the session in the course of a week, the object of the motion was merely to suspend certain Parliamentary forms with a view of enabling hon. members to get through just as much business as they might think proper to undertake. There was nothing in this proceeding calculated to compel hon. members to sanction what was understood by the term "hasty legislation."

The ATTORNEY-GENERAL pointed out that this was merely an enabling motion, and not one of an absolute character, such as some hon. members seemed to consider.

The House then divided with the following result:—

Contents, 12.	Non-contents, 5.
Mr. Harris	Mr. Fitz
W. Wood	Galloway
McDougall	Dr. Hobbs
Yaldwyn	Hon. Louis Hope
Bigge	Mr. Compigne
Roberts	
Balfour	
White	
McConnell	
Dr. Brown	
Fullerton	
Attorney-General	(Teller.)

## CONSTITUTION BILL.

The ATTORNEY-GENERAL moved that the second reading of this bill stand an order of the day for Wednesday next. The hon. and learned gentleman explained that although this was substantially the same bill that had been thrown out a few days ago, yet he was not precluded by parliamentary usage from bringing it forward again. His motion for the second reading on the former occasion was met by a negative to the effect that it should not be read then, but there was nothing in the division to prevent him from submitting the same motion at a future opportunity. In again bringing the bill before the House, he was influenced partly by the belief that he may not have given all the information required; and, secondly, by the fact that the bill did not reach them in a shape calculated to guide their judgment as to its details. As he stated before, the bill was one of three which the Government had introduced for the purpose of consolidating the constitution of the colony, and one of these it would be remembered contemplated an alteration in the construction of the Legislative Council Chamber. He explained that when the second reading of this bill was moved it was intimated that as the bill had reference to another measure the committal of the bill would not be taken until that measure had been determined. Subsequently and before the House went into committee on the bill it was considered by the Government better to go on with the committal of the bill when the day for that purpose arrived, and leave those clauses which referred to the Upper House to be altered by them. He had since caused the bill to be redrafted so as to omit all those portions which were irrelevant to the present constitution of the Legislative Council.

Dr. HOBBS raised a point of order, as to whether the same bill or question could be entertained and determined twice in the same session, and in support of his argument the hon. gentleman quoted from a well-known passage in May's Practice of Parliament. There could be no doubt that the bill then introduced was substantially the same as the one rejected a few days ago.

Mr. YALDWYN contended that the bill was not the same, seeing that the former one addressed them as an elective chamber. He hoped, therefore, that this bill would be seriously entertained, and not "kicked out,"—to use a phrase which he hoped never again to hear in that House—in the same cavalier manner that the other bill had been dealt with.

The PRESIDENT, after citing authorities, ruled the motion to be in order.

Mr. GALLOWAY argued that the President was right in his ruling, and remarked that the Attorney-General was only doing then what he ought to have done before—namely, bring up the bill in an intelligible form.

Mr. FITZ agreed that it was something like treating the House with disrespect not to have submitted such a bill on the former occasion.

The motion for the second reading on Wednesday next, was then put and passed.

### PETITION OF MR. E. CHAPMAN.

Mr. WESTERN WOOD withdrew the motion standing in his name for the printing of the petition of Mr. E. Chapman, seeing that his object was likely to be accomplished in another place.

### REPORT ON THE CROWN LANDS ACTS.

Mr. GALLOWAY moved that the report from the Crown Lands Acts Committee be adopted, and in doing so he explained that it had been rather hastily proposed, and that there were some portions which he would like to have seen altered. Still, generally speaking, he thought it represented pretty fairly the investigation that had taken place.

The motion was then put and passed unanimously.

### PASSAGE OF BILLS.

On the motion of the ATTORNEY-GENERAL, the following bills were passed through their several stages, and forwarded by message to the other House—viz., the Common Law Procedure Bill, Insolvency Bill, Coolie Labor Bill, and Joint Stock Companies' Bill.

### PASTORAL OCCUPATION BILL.

On the motion of the ATTORNEY-GENERAL, the House resolved itself into a committee of the whole for the purpose of considering this bill in detail.

A lengthy and somewhat desultory discussion ensued, in the course of which several amendments were made and many rejected. The following are the more important amendments agreed to.

Mr. GALLOWAY, with a view of keeping faith with present applicants moved, as an amendment, in the last line but one of the first clause, the insertion of the word twelve instead of six months.

Dr. FULLERTON moved a further amendment that the time be nine months, which was carried on the following division:—

Contents, 9.	Non-contents, 8.
Mr. Yaldwyn	Mr. Compigne
White	Galloway
Dr. Fullerton	Wood
Mr. Bigge	President
Attorney-General	Hon. Louis Hope
Mr. McConnell	Mr. Harris

Fitz  
Balfour  
McDougall (Teller.)

Dr. Hobbs  
Mr. Brown (Teller.)

After clause 5 Mr. GALLOWAY moved a new clause, to the effect that a return of all licenses granted under this Act shall from time to time be published in the *Government Gazette*.

The motion was acceded to with the consent of the Attorney-General.

Clause 10, so as to answer the first clause, was amended by the substitution of 9 months for 6 months.

An amendment of the PRESIDENT to expunge clause 15 was then put and lost.

Mr. FITZ proposed an amendment, to the effect that the survey should be made, at the request of the lessees or licensees. The amendment was supported by Mr. WOOD, and opposed by the ATTORNEY-GENERAL and Mr. YALDWYN. On a division it was negatived by a majority of 10 to 5.

An amendment, proposed by the ATTORNEY-GENERAL, that the words "previously to such tenders having been reported on, or licenses in respect of, such applications issued" be omitted, was carried.

The 17th clause of the printed bill, giving the Governor power to make regulations, was amended on the motion of the ATTORNEY-GENERAL, by the insertion of the words "and to alter and vary the same."

The remaining clauses were then passed without amendment; the House resumed; the bill was reported with amendments, and the third reading fixed for the following day.

The House adjourned at twenty minutes past ten until three o'clock this afternoon.