

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

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**Legislative Assembly**  
**3<sup>rd</sup> July 1862**  
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Extracted from the third party account as published in the  
Courier 4<sup>th</sup> July 1862

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The SPEAKER took the chair at twenty minutes past three.

**COMMITTEE OF ELECTIONS AND QUALIFICATIONS.**

Mr. LILLEY laid upon the table of the House a report of the Committee of Elections and Qualifications upon the case of Messrs. Sandeman and Fleming, and, on the motion of the same hon. member, the report, with the accompanying evidence, was ordered to be printed.

**ROAD DEPARTMENT.**

In reply to Mr. WATTS, the MINISTER for LANDS stated that all the cattle and property in the Road department did not bear the Government brand, that accurate descriptions of all the said property were kept in the department, and that he had given instructions to the Engineer of Roads to have all the property of the department thus branded.

**MORETON BAY TRAMWAY COMPANY.**

Mr. R. CRIBB asked the Minister for Lands, in reference to the answer made to the hon. member for Ipswich on 16th June, that "a communication had been received from the manager of the Moreton Bay Tramway Company," (1) Was there any objection to state that communication to the House? (2) The answer to the communication? (3) Had any action since been taken on the subject?

The MINISTER for LANDS stated that the Government had no objection to produce the correspondence referred to, and therefore he now laid it on the table for the hon. member's information. No further action had taken place in the matter beyond that communicated to the House by the motion standing in his name on the business paper.

**ABSENCE OF MEMBERS.**

Mr. O'Sullivan rose to a question of privilege. He wished to know if there was any record amongst the proceedings of that House, of leave of absence having been granted to the hon. member for Port Curtis (Mr. Sandeman). If there was no such record, and if the hon. member was absent without leave he (Mr. O'S.) desired to know why the rules of the House were not carried out.

The MINISTER for LANDS perhaps might save further discussion by stating that he had been that day asked to move for leave of absence for the hon. member referred to, who was detained in Sydney by domestic affairs. He begged, therefore, to move that leave of absence for fourteen days be granted to the hon. member for Port Curtis.

Mr. O'SULLIVAN was scarcely surprised at his question being met by this, what he would term subterfuge, were it not perhaps an expression scarcely parliamentary. But how did the motion affect the time during which the hon. member had been already absent? The rules of the House had been violated, and was such violation to pass unpunished. As far as the hon. member referred to was concerned, he (Mr. O'Sullivan) had no objection to give him leave of absence for a fortnight, or indeed to give him leave of absence altogether

The MINISTER for LANDS, in answer to the charge of the Government being interested in this matter, and therefore guilty of a subterfuge, might state that he had been that day requested to make this motion by the hon. member for the Burnett (Mr. Haly.)

The SPEAKER informed the hon. member for Ipswich (Mr. O'Sullivan) that it was always open for any hon. member to take notice of the absence of any other hon. member.

Mr. HALY stated that he had been requested by the hon. member (Mr. Sandeman) to request the Minister for Lands to ask for leave of absence for that hon. member.

The motion for leave of absence was then put and passed.

On the motion of Mr. FERRETT, leave of absence was also granted to the hon. member for Western Downs (Mr. Taylor.)

## AUDITOR-GENERAL.

On the first order of the day, for the Auditor-General to be heard at the bar of the House, being read, that officer was summoned.

Mr. SPEAKER informed the Auditor-General that his petition to be heard at the bar had been acceded to, and he hoped that the Auditor-General in the course of his observations would take care to violent none of the Standing Orders by in any way referring to anything which had taken place in the course of any previous debate in that House.

The AUDITOR-GENERAL stated that during the whole of the time in which he formerly had the honor to hold a seat in that Parliament, and also in the Parliament of New South Wales, he did not remember ever having violated the Standing Orders, and he hoped to adhere to the instructions of the Speaker by conforming to the Standing Orders on this occasion. Under the peculiar circumstances of the case, however, he trusted that a certain amount of latitude would be sanctioned in this respect; he thought he might claim that a greater amount of latitude should be accorded to him than was usually accorded to most hon. members. If he diverged from the exact practice of hon. members themselves, he trusted to be excused. He wished to explain some matters of vast importance to the House, and to the colony generally. Certain reports having got abroad calculated to raise doubts of the manner in which he discharged the duties of his office, he considered it necessary to give an explanation. The unanimous manner in which the House had granted his wish to lay before them that explanation convinced him that he had not asked more than he was entitled to ask. It appeared to him that, considering his isolated position, standing as he did alone, and not responsible except to the House, any statements calculated to create doubts of the efficiency of his department were calculated very much to shake a public confidence in the administration of affairs. He could not but regret the occasion which had given rise to the present state of things, and he begged to state at the commencement of his observations that the best feelings had always existed and the greatest courtesy been maintained between himself and the present Government ever since he had held his present office. The utmost desire had always been evinced to afford the fullest assistance to his department in carrying out what he conceived to be for the best interests of the colony. The reports, indeed, to which he had previously referred, were of such magnitude as to startle not only the hon. members of that House, but also many other persons outside the House. It had been stated that £66,000 had been expended without the Legislature authorising such expenditure. A statement of this kind should not be allowed to go abroad uncontradicted, for it reflected in a serious manner not only upon his department, but also upon the Government generally. The accusations made had perhaps been overrated and had assumed a higher coloring than originally belonged to them; but he considered that the statement to which he referred that £66,000 had been spent without legislative or executive sanction, and that he had permitted such expenditure, fully justified his appearing that day in the position in which he did. He would prove that instead of £66,000, vouchers to the extent of scarcely £6000 in connection with these additional estimates for 1862 had reached his office. The speaker here proceeded to read several different items, amounting in all to less than £6000, explaining each of the items as he proceeded, and stating that each was sanctioned by one of the Executive, or by an Executive minute, and that in each instance the expenditure in excess of money voted was rendered absolutely necessary. Adverting to the additional estimates in 1861, he pointed out that the items under the head of Salaries had been

sanctioned by a vote of the House. The item under the head of Harbours had been stated by the Colonial Treasurer to be a necessity expenditure. The next item for Ocean Mail Subsidy had been sanctioned by an executive minute. After adverting to each of the items under the head of Refundments, Debentures, Immigration, Port Denison and Miscellaneous and pointing out that the expenditure of each was either rendered necessary by a vote of the House, or else sanctioned by the Executive, the speaker, in referring to the item under the heading of payments on account of native police accounts of 1859, said that he had endeavored eight months ago to ascertain from the New South Wales Government what was the actual state of this account between the two Governments—but although he had furnished all the information which had been asked for to the New South Wales Government they could not furnish him with the slightest information in return. Referring to another item which had attracted considerable attention—viz., that of £1537 16s. 6d. for the Burnett road via Durundur, the speaker proceeded to state that when some of the accounts in connection with this sum were first sent in, he had, as explained by the Colonial Treasurer, gone to that Minister (the Colonial Secretary being absent at the time in the interior) and told him that this sum was over expenditure. Subsequently, on November 5th, he had received an Executive minute to this effect, “Engineer of Roads, to complete works on Northern roads *quant. suff.*” This, of course, enabled him to take action in the matter, and to make arrangements with the bank for the necessary payment. In the month of February the vouchers for October, November, and December, in connection with these works, had not reached his office, and he then had a conference with the Government, as he was anxious to procure all those accounts which were in arrear, in order to be enabled to lay before the House his yearly statement. The accounts having been procured, were agreed to by the Government, and he then signed the vouchers. The delay in sending in the accounts was no doubt attributable to the fact that the Engineer of Roads having been absent for these three months in the Southern district, was, as soon as he returned, sent off again to the Northern district. It was but right to say that the Engineer of Roads, with duties extending over the country from Maryborough to Broad Sound, could not be expected to attend to the clerical duties of his office. It was utterly impossible that that officer, with the enormous duties which came under the range of his department, should be able to attend to the duties of his office as well. The accounts referred to having been sent in and paid, he (the Auditor-General) was enabled to make his yearly statement to the House. The peculiar position in which this colony was placed with regard to public works, rendered the system of payment of accounts necessitated in this particular department highly objectionable. Owing to the absence of persons there who would take such contracts at a reasonable figure, a considerable number of road parties in different parts of the colony were rendered necessary. Owing to the number of wages &c, which thus had to be paid by Government, this system multiplied to a great extent the vouchers which had to pass through his office. He had experienced considerable disappointment in his endeavours to put a stop to the credit system in connection with this department. No one had greater objection to it than himself, but in the present state of the colony he feared it was impossible to avoid it. When he acceded to office in 1860 he had found the whole of the departments under the credit system, in all, the accounts were audited after payment. In order to put matters on a fresh footing, he at that time addressed letters to the different heads of departments, stating that after a certain date the credit system must be discontinued. He found subsequently that he had to make exceptions in favor of particular departments. He had adverted to this matter in his report for 1860 in the following terms:—“The method adopted in the disbursement of expenditure I found the same as that which prevails in New South Wales, that of authorizing credits, month by month, at the Government bank in favor of heads of departments, within the amounts appropriated by Parliament, thereby causing the entire direct pecuniary responsibility to rest upon the Colonial Treasurer, which, in the absence of bonds of indemnity, usually existing in appointments of trust, places that minister in an unconstitutional position. To remedy this, and resort as nearly as was practicable to the system which universally obtains in commercial usage, that of audit before payment, I addressed a circular to the Registrar-General, Principal Under Secretary, Collector of Customs, Harbor Master, Immigration Agent, Clerk of Legislative Council, Clerk of Legislative Assembly, and Director of Botanical Gardens, intimating to each respectively, that after the month of October the system of credits would be discontinued, and requested that all accounts, viz.:—abstract of salaries, and vouchers for contingencies, might be transmitted to this office for audit, at the

termination of every month, or earlier if practicable, and if found correct, the sums due and payable would be placed to their credit, against which their cheques would issue, and pointing out, also, the desirability of their retaining all duplicate payment vouchers, for their own protection, in the event of reference at any future time, and that all original vouchers would be filed at the Audit Office." The report then went on to say:—"Having, however, brought the expenditure of the departments before particularized, within the legitimate control of the Finance Minister, I was under the necessity of yielding to the continuation of credits at the Government bank, in favor of the Engineer of Roads, Colonial Architect, Secretary of Police, Surveyor-General, Sheriff, and Cashier of General Post-Office. After a close investigation, and some enquiry into the position of the departments just named, I found the sphere of their operations extended over the whole colony, and claims for public services were being daily received from every part of the interior, comprising those on account of contracts for roads and bridges, public buildings, ordinary and native Mounted Police, Surveyors and Commissioners of Crown Lands, jurors and witnesses for attendance at the sittings of the Supreme Court, together with those affecting the General Mail Service, the payment of which, if made at the Treasury, must necessarily have led to the procuration of considerable additional clerical assistance, besides, probably in some instances causing inconvenience to the public creditor." If this system were not extended to the public works no men could be obtained for these works in distant parts of the interior, except at exorbitant rates, on account of the delay in obtaining their wages to which they would be liable. It certainly might be possible to bring these departments under the system which obtained with those included in the first category, but if this were done three additional clerks would be required for his department and three for the Treasury. The speaker having quoted a portion of his report for the present year with reference to this subject, concluded his address by impressing upon the House the necessity of having all the clerical assistance in his department of the first class. At present he doubted if there were six men in the colony competent to go into his office and, taking his books, follow on and discharge the duties as they ought to be discharged. For him to attempt to engage any clerical assistance except of the first class would be a mere waste of the public money. If they gave him a second-class clerk only, he would require two. It was also highly necessary that the Minister for Lands and Works should have a proper accountant in his office.

The Auditor-General having retired,

Mr. RAFF moved that to-morrow the House resolve itself into a Committee of the whole for the purpose of considering the Auditor-General's address.

Mr. JONES seconded the motion.

Mr. O'SULLIVAN really could not conceive what there was in the Auditor-General's address that required consideration.

Mr. WATTS had never heard any hon. member say that the Auditor-General had wrongly sanctioned the expenditure of £66,000. As far as he (Mr. Watts) was concerned; he thought that no one had ever blamed that gentleman, and that he had always been looked upon as one of the best men in the Government service. He (Mr. Watts) therefore thought it would be advisable for the hon. member (Mr. Raff) to withdraw the motion.

The COLONIAL SECRETARY would never have consented to such an irregular proceeding as the Auditor-General being heard at the bar of the House had it not been for a letter he had received from that gentleman, stating that he (the Auditor-General) had been unjustly accused of wrongly sanctioning the expenditure of the public money. Now, what he (the Colonial Secretary) had stated was to the effect that owing to the prevalence of a certain system of credit which was adopted in auditing the public accounts, great dissatisfaction had been occasioned. He had imputed no blame whatever to the Auditor-General. Judging from the aggrieved tone of that gentleman's address, he (the Colonial Secretary) was under the impression that some friend must have misrepresented to the Auditor-General what was said and done on the occasion referred to. There could, therefore, be no good effected by the further consideration of the address in that House.

Mr. JONES stated that he remembered the discussion referred to, and that a charge was then made by the Colonial Secretary to the effect that the Auditor-General persisted in auditing

expenditure which was unauthorised by the Government or House. (The Colonial Secretary: "I beg to say that I made no charge.") At any rate that was the construction generally put upon the hon. member's language. It now appeared that with reference to this particular item which had provoked the discussion, the Government had given the Auditor-General a *quant. suff.*

Dr. CHALLINOR said that with reference to what had occurred on the occasion alluded to, his impression was the same as that of the previous speaker. He (Dr. C.) remembered remarking at the time that if such a state of things were allowed to continue the sooner the Audit Office was abolished the better.

Mr. RAFF said that the hon. member at the head of the Government had made a charge which he now denied having made.

The COLONIAL SECRETARY rose to order. He had distinctly denied having made any charge.

MR. RAFF: The Colonial Secretary most certainly did state on that occasion that he had always found fault with the system of audit (the Colonial Secretary: "Hear, hear; I did state so.") When the Colonial Secretary made that statement he must have intended to attach blame to the Auditor-General (the COLONIAL SECRETARY: "No, no.") At any rate many members of the House attached blame to the Auditor-General for pursuing a system not in accordance with that clause in the Audit Act which was quoted on that occasion. The Executive, too, were not doing their duty when they allowed such a system to be pursued. He did not consider that the Auditor-General was correct when he stated that he was responsible to nobody. He believed that the Government had power to suspend that officer, if he did not pursue the course laid down by the act. The Auditor-General had evidently endeavoured to remove all blame from the Government, and the Government as evidently had endeavored to remove all blame from the Auditor-General. That officer had failed to prove that he had not sanctioned expenditure not first voted by the House. He (Mr. R.) had never said that £66,000 had been spent without legislative or executive sanction. He had, however, stated on a recent occasion that it appeared from the statement of the Colonial Treasurer, that they were called upon to vote certain sums of which a great portion had been already spent without the authority of the House, or of the Executive Government. He (Mr. R.) denied that the Auditor-General was responsible to that House alone; he was responsible to the Government, and the Government were as responsible for the proper discharge of that officer's duty, as they were in the case of any other officer. Hon. members would do wisely to keep a watchful eye on both the Auditor-General and the Government for the future. (Hear, hear, and laughter.) He begged to withdraw his motion.

## SUSPENSION OF STANDING ORDERS.

The COLONIAL SECRETARY, pursuant to notice, moved the suspension of so much of the standing orders as related to the passage of bills through the Assembly. The Government were willing to extend the session to a later period, but they saw very plainly that the chance of assembling a quorum after a portion of next week, when several members would be leaving town, was very precarious. The Government did not desire to postpone the Appropriation Act, or that for the creation of another Judge until next session, a period, perhaps, of nine months. Both these bills were but mere embodiments of resolutions which had been fully discussed and assented to by the House.

Mr. O'SULLIVAN opposed the motion, and argued that the Insolvent Act and the Publicans' Act, measures promised in the Governor's speech at the beginning of the session, were of much greater importance and much more eagerly demanded by the country than either of the bills which the Colonial Secretary was now so anxious to rush through the House. The House ought to end the session as they began it, viz., in a calm and deliberate spirit.

Mr. JONES also opposed the motion, and also dwelt upon the importance of the two bills alluded to by the previous speaker. The standing orders of that House were especially framed to prevent hasty, prejudiced, or passionate legislation, and the importance of the two bills alluded to by the Colonial Secretary were not sufficiently great to justify the suspension of those orders. The Insolvency Bill and the Publicans' Act were both measures demanded by the country, and it was now the evident intention of the Government not to pass those measures this session. The

Government had acted this session as in a previous one—viz., they rushed all their most important bills on at the end of the session, when they knew that the measures could not be fully discussed. They acted this way last year with the Supreme Court Bill. Let the Government adjourn the House if necessary. If they attempted now to force through the measure alluded to by the Colonial Secretary he (Mr. J.) Would do all could to obstruct its progress.

Mr. WATTS said that he knew for a fact that the previous speaker was as desirous as anybody to adjourn the House next week in order to attend to his professional duties elsewhere (Hear, hear.) If the House were to meet to carry on the business next week that hon. member would not be present to assist in forming a quorum. It was owing to the hon. member being absent, attending to his professional duties in Ipswich, that much valuable time had been lost at the commencement of the session in consequence of the want of a quorum. He (Mr. Watts) considered that it would be desirable for hon. members, instead of hurrying over the Insolvency Bill as they would have to do if it were brought in now, to study that measure, which contained over 180 clauses, and to come next session with minds fully prepared to deal with it.

After some remarks concerning the financial condition of the colony made by Mr. Raff, and replied to by the Colonial Treasurer, the motion for the suspension of the Standing Orders was carried without a division.

### ADDITIONAL JUDGE.

The MINISTER for LANDS having moved for and obtained leave to bring in a bill to provide for an additional Judge for the Supreme Court, the bill was brought in and read a first time.

The MINISTER for LANDS, under the suspension of the standing orders, moved the second reading of the bill in a speech of some length, in which he stated that he had always been of opinion that an increase to our Judicial staff was necessary, as every man was entitled to have justice brought as near as possible to his door, and with our wide and scattered territory this consummation could not be effected as long as we only had one Judge. It was likewise desirable to have a Court of Appeal; and had the circumstances of the colony permitted it, he confessed that he would have preferred three Judges to two for this purpose. The hon. gentleman next combated the argument advanced that ill-feeling would be engendered between the two Judges if they should differ in an opinion upon a point of law upon an appeal, and he concluded by maintaining that with the prospect of establishing additional Circuit Courts the appointment of another Judge was highly necessary and desirable.

Mr. JONES argued at length that none but a feeble Government would have brought in such a bill as this. Two members of the Government had expressed their opinion that as a Court of Appeal two Judges would prove insufficient, and not more satisfactory than one, and yet, in the face of this declaration, the Government, instead of boldly bringing forward a bill for two additional Judges, asked the House to sanction the present measure. The Government had no idea of original legislation, but watched which way the wind blew, and framed measures accordingly. The Court of Appeal proposed, he argued, would never work satisfactorily. The bill had evidently been brought forward for party purposes, and to gratify personal feeling, and this was the interpretation which the people of the colony would place on the measure. Had it ever been attempted to be asserted that the present Judge could not visit all the towns at which it was at present proposed to establish Circuit Courts? Had the Judge ever been asked to go on circuit to those towns? He (Mr. J.) was sure not. The attempt to create a Court of Appeal of this nature would prove a failure, as in South Australia and Tasmania, and would only have the effect of sowing bitterness and dissension between the two Judges.

The COLONIAL SECRETARY said that the Government had not to look very far if they desired to find out which way the wind blew, for it generally blew from the quarter in which the hon. gentleman stood very severely, and it was often far from being a very choice wind. (Laughter.) He (the Colonial Secretary) denied that he had said that two Judges would not make a more satisfactory Court of Appeal than existed at present, although he had expressed his opinion that, to make a complete and entirely satisfactory Court of Appeal than existed at present, although he had expressed his opinion that, to make a complete and entirely satisfactory Court of Appeal three Judges would be required. The hon. member (Mr. Jones) had asked if the

Judge had been consulted with regard to the establishment of a Circuit Court at Rockhampton, and as to whether he would go circuit to that town. He (the Colonial Secretary) believed that he was right when he stated that his Honor had been consulted by the Mayor of Rockhampton and had not expressed an opinion favorable to extend his present circuit to that town. He (the Colonial Secretary) believed that such was the case. The Executive had also on this point applied to his Honor, who had expressed an opinion that if there was a great deal of business in that town and it increased, some barrister of good repute should be sent there to hold a Circuit Court. He (the Colonial Secretary) supported the bill, as he considered that the country required Circuit Courts, and also that a tolerable Court of Appeal might be formed in the manner proposed.

Dr. CHALLINOR argued at length that the House were justified in assuming that the Government intended to commit the injustice of making the new Judge the Chief Justice, and that this in cases of appeal would be the cause of unpleasant feeling between the occupants of the bench. He would sooner vote for two additional Judges next year than for one additional Judge this year.

Mr. MOFFATT supported the bill at length. He was surprised at the opposition of the so-called friends of the "poor man." The bill would bring justice nearer the door of the poor man. Both on account of it furnishing a Court of Appeal, and also on account of the extension of Circuit Courts, he considered the bill necessary. Those members who urged for two additional Judges were unwise not to accept this instalment of one, until another year or two had elapsed.

Mr. WATTS, as a settler in South Australia in 1840, denied that a Court of two Judges had worked unsatisfactorily in that colony. The hon. member then proceeded to deprecate the language made use of with regard to the present Judge by the member for Western Downs (Mr. Taylor) in the course of a recent debate, and to recapitulate some of the arguments in support of this bill made use of in that debate.

Mr. R. CRIBB, in spite of the remarks of the Colonial Secretary, felt sure that the Judge had never been formally asked to go to Rockhampton on Circuit. Had he been asked, and had he refused, the House would have been very soon made acquainted with the fact in a more formal manner by the Colonial Secretary. The hon. member then at some length opposed the bill, using similar arguments against it to those reported when the resolutions were under consideration in committee.

Mr. WARRY expressed his opinion that the bill had been brought forward not with a view to the requirements of justice, but with a view to the gratification of personal feeling. If they ought, as represented, to procure a Judge for the sake of gratifying every little township that sprang up, they had better send home for more than two. They would, on this principle, soon have to send up a Judge to the Gulf of Carpentaria, and another to Cape York. If they wished to bring justice to the door of every man, as was stated, it would be better to pay a good barrister to hold circuit courts for the adjudication of cases of minor importance.

Mr. O'SULLIVAN spoke strongly against the bill. It was only a few persons who belonged to the class of the gentlemen opposite who desired a second Judge. The present Judge was too much the poor man's Judge for them. None in the colony, except a few persons belonging to the wealthy class, desired or asked for an additional Judge yet. By getting out a Judge who would be the rich man's Judge, and act as the class alluded to pleased, they would gain great power, for the new Judge would be Chief Justice, would have a casting vote, and would thus swamp the voice of the other Judge. He warned the hon. member at the head of the Government that, if this bill passed, the whole colony would rise up in opposition to it. As to the argument with regard to circuit courts at some of the distant townships, why could not a barrister be sent to hold courts and act as a Judge at those places in the same manner as Mr. Purefoy had been once or twice sent down here by the New South Wales Government some years before separation. The intention of this bill was to deprive the poorer classes of law and justice.

The House then divided on the question for a second reading with the following result, after which the bill was read a second time.

Ayes, 13.

Noes, 9.

Col. Secretary

Mr. Jones

Col. Treasurer	Raff	
Minister for Lands	Lilley	
Mr. M'Lean	R. Cribb	
Watts	Edmondstone	
Haly	Warry	
Blakeney	B. Cribb	
Fleming	O'Sullivan	} Tellers
Richards	Dr. Challinor	}
Coxen		
Royds		
Ferrett		} Tellers
Moffatt		}

On the motion of the Minister for Lands, the Speaker left the chair, and the House resolved itself into a committee of the whole for the consideration of the bill.

The MINISTER for LANDS moved that clause 1 as printed stand clause 1 of the bill.

Mr. JONES moved, as an amendment, that the word "two," before the word "Judges," be omitted, with the view of inserting the word "three." He hoped that even at the eleventh hour the Government would reconsider the course to be adopted. The reason that was assigned for the establishment of a second Judge was for the establishment of a Court of Appeal, and in his opinion the establishment of such a court was highly desirable in every country and every colony where it was wished that the law should be administered in a proper manner. The Government had agreed that no Court of Appeal could be complete unless there were three Judges, yet they had brought in and supported a bill by which only two Judges would be appointed; therefore he was justified in arriving at the conclusion that not the establishment of a Court of Appeal was their motive, but that they had some other object in view. He would appeal to them for the last time that they would assent to the appointment of three Judges instead of two.

Mr. O'SULLIVAN, having studied the matter thoroughly, believed that if only one more Judge was appointed, there would not only be parties formed outside the bench, but that even on the bench dissensions would arise; he should, therefore, vote for the amendment.

The COLONIAL SECRETARY did not believe that any dissension whatever would be caused by the appointment of another Judge, and he had no doubt but that the Judge would be very sorry to hear that it had been stated in the House that there was a probability of dissension arising on the bench.

Mr. O'SULLIVAN had never spoken to the Judge in his life, and was not aware what his Honor's feeling might be in the matter. He (Mr. O'S.), however, adhered to the opinion he had expressed.

Mr. R. CRIBB would oppose the amendment, believing as he did that it would cost the colony quite enough to have even a second Judge.

Dr. CHALLINOR said that no satisfactory Court of Appeal could be established unless three Judges were appointed. He would not, however, vote for the three Judges unless it was distinctly understood that the two additional ones should be appointed from the English bar, considering the present state of the Queensland bar. He had determined upon that course of action in consequence of certain assertions that had been made as to the Attorney-General having the right to claim any vacant judgeship—assertions which had been entirely controverted by Baron Watson. Unless the Government explicitly stated that the appointments should be made from time to time, he should oppose the amendment.

Mr. LILLEY said that it was a very ungracious thing for him to speak on a matter in which it might be considered that he was personally interested, but he considered it to be his duty on the present occasion to make a few remarks. He considered that if it were to be laid down as a precedent that all our Judges should be imported, the reputation of the colonial bar would be

seriously damaged. It was generally admitted that the bar as much as the bench was the safeguard of the liberty of the country, and if the influence of the bar were to be decreased, in the same ratio would the independence and learning of that bar decrease. It might not be his present intention to gain any higher position, but he would be unworthy of the robe he wore if he did not state that it was his ambition at some future time to endeavour to attain higher honours in his profession. If it were made an inflexible rule that all our Judges should be imported, it was evident that no man belonging to the colonial bar, whatever might be his learning, would be able to attain the highest honors of his profession. If it came to the vote he should decidedly vote for the amendment, believing, as he did, that no Court of Appeal would be established unless there were three Judges. He would ask hon. members whether, if it went forth to the world that we were compelled to import our Judges, any man would send his son to any University in the colony, in order that he might be qualified for the bar, when it was understood that he would be debarred from the highest honors of the profession.

Dr. CHALLINOR said that he had not the slightest intention of reflecting on the attainments of the Queensland bar. What he meant was, that it would be very undesirable considering the political feeling of the present members of the Queensland bar, that Judges should be selected from among them.

Mr. JONES considered that, however strong the political feelings of the barristers, they would, nevertheless, make impartial Judges.

The MINISTER for LANDS said that hon. members must recollect that the resolutions were not introduced by the Government, and he would state that the Attorney-General had voluntarily surrendered what were really his just claims. The Government had not the slightest intention of carrying out the principle of importing Judges; and he believed that the Attorney-General would not do himself and his brother barristers the injustice of refusing the next Judgeship which might be vacant. As far as regarded the amendment, he thought they had gone as far as possible at present, and no doubt the Government would support the appointment of another Judge at some future time.

After some further remarks from Dr. CHALLINOR, Mr. O'SULLIVAN and the COLONIAL SECRETARY, the House divided with the following result, the division deciding as to whether or no the word proposed to be omitted should stand part of the question.

Ayes, 15.		Noes, 6.	
Mr. Herbert		Mr. Lilley	
Mackenzie		Edmondstone	
Macalister		Haly	
Challinor		Warry	
M'Lean		Jones	} Tellers.
Raff		Sullivan	}
Fleming			
Richards			
Royds			
Ferrett			
Coxen			
B. Cribb			
R. Cribb			
Moffatt	} Tellers.		
Watts	}		

On clause 2 being read, the MINISTER for LANDS proposed certain verbal amendments, whereupon

Mr. JONES said that he intended to oppose both the original clause and the amendments. When the Supreme Court Acts of 1860 and 1861 were being passed, a similar clause had been

inserted therein; but, in consequence of a letter which had been written to the Government by the Judge, in which his Honor had refused to accept a commission, if it were pressed that clause was struck out. It was opposed to every precedent that one judge should have two votes. In England if there was a difference of opinion, and the same number of Judges were on each side the case lapsed. He had never heard a more outrageous and extraordinary proceeding than to give one Judge two votes.

Mr. WARRY thought it would be the fairest way to ascertain from the Colonial Secretary which of the two Judges was to be appointed Chief Justice. It would certainly not be right to allow any gentleman who might come out to ride rough-shod over a Judge who had administered justice in a satisfactory manner in the colony for some years past.

The COLONIAL SECRETARY said that the Government were not prepared to state which of the two Judges would be made Chief Justice—that question had yet to be determined by circumstances. With reference to what the hon. member for Warwick had stated, as to there being no precedent for one Judge being allowed two votes, he (Colonial Secretary) would inform that hon. member that the clause had been copied verbatim from a clause in the Supreme Court Act of Victoria—an act which was generally reckoned to be a very good one.

Mr. JONES said that there were at present three Judges in Victoria.

The COLONIAL SECRETARY: but suppose one of them were to die.

Mr. JONES said; that under these circumstances the clause in the act was but a momentary provision.

The COLONIAL SECRETARY said that was no such thing. If at any time there were but two Judges on the bench, one of these Judges had two votes.

Dr. CHALLINOR said that if the new Judge were to be allowed two votes, and the present Judge one, the indelible impression upon the minds of the colonists would be that the Government had not endeavored to establish a Court of Appeal, but that their object had been simply to humiliate the present Judge.

Mr. HALY was surprised to hear the hon. member for West Moreton make a statement to the effect that the present Judge would be disgraced, immediately after that hon. member had voted against the appointment of three Judges.

Mr. WARRY, to use a common phrase, thought it was much better to trust a rogue that we did know, than to trust a rogue we did not know. He would again ask the hon. member at the head of the Government, which Judge it was intended to appoint Chief Justice?

The COLONIAL SECRETARY said that, as it was a matter for grave and serious consideration, he was not in a position to state then which Judge would be appointed Chief Justice.

Dr. CHALLINOR would state with reference to a remark of the hon. member for the Burnett, that he (Dr. Challinor) had voted against the appointment of three Judges merely from the fact that the two additional Judges would not have been appointed from the English bar.

The MINISTER for LANDS said that, unless the second clause was passed, the first clause would be rendered completely useless. It would be the gross evident act of injustice if, after parties had, at great expense, endeavored to bring cases to an issue in the Supreme Court, that these cases should be allowed to lapse.

After some further observations from Messrs. JONES, CHALLINOR, and R. CRIBB, the clause, with amendments, was passed on the following division:—

Ayes, 13.	Noes, 6.
Mr. Herbert	Dr. Challinor
Mackenzie	Mr. Warry
Macalister	B. Cribb
Watts	R. Cribb
Moffatt	Jones
	} Tellers.

M'Lean	O'Sullivan	}
Haly		
Richards		
Edmondstone		
Fleming		
Coxen		
Royds	}	Tellers.
Ferrett	}	

On clause 3 being read, the MINISTER for LANDS moved that the blank be filled up by the insertion of the words fifteen hundred pounds.

Mr. O'SULLIVAN said it would be remembered by hon. members that the House had affirmed, on a former occasion, that no future Judge should receive more than £1200. He should therefore move, as an amendment, that the blank be filled up by the insertion of the words twelve hundred pounds.

Mr. R. CRIBB thought that the Government, by persisting in the adoption of the larger sum, would tacitly acknowledge that the Judge had been correct when he had demanded, some time since, a certain sum for his successors.

Mr. WARRY did not believe that a good man would be obtained for less than £1500 a-year.

Dr. CHALLINOR was of the same opinion as the hon. member (Mr. Warry).

Messrs. RAFF and LILLEY having expressed their intention of supporting the larger sum,

Mr. O'SULLIVAN thought that they would be able to get as good a man for £1200 as they would for £1500.

The House then divided, and the larger sum was carried on the following division:—

Ayes, 15.	Noes, 3.
Mr. Herbert	Mr. B. Cribb
Mackenzie	R. Cribb
Macalister	O'Sullivan
Royds	}
Ferrett	}
Haly	}
M'Lean	}
Moffatt	}
Raff	}
Challinor	}
Jones	}
Fleming	}
Lilley	}
Watts	}
Coxen	}

The bill was then reported to the House with amendments, read a third time, and passed.

### TRAMROAD COMPANY.

The MINISTER for LANDS said that, considering the late hour, and the quantity of business on the paper, he would move the following motion, standing in his name pro forma, and he thought that hon. members would agree with him in deferring any discussion on the resolutions until tomorrow:—That this House will, on Friday next, resolve itself into a committee of

the whole, to consider the following resolutions:—That this House being impressed with the importance of more speedy means of communication and transit than at present exist between the interior of the colony and the metropolis,—Resolved, That the Government be empowered to enter into and complete negotiations with the Moreton Bay Tramway Company, for the transfer, from that Company to the Government, of the whole of the Company's interest, including all surveys, plans, and specifications, in the making of a tramway from Ipswich to Dalby, under the Act passed by this House last year. (2.) That the Government be empowered to pay to the said Company the fair value of such interest, such payment to be made in the Scrip mentioned in the next resolution. (3) That so soon as the arrangements mentioned in the first resolution have been made, the Government be empowered to proceed with the said tramway, and for that purpose to issue scrip bearing interest at five per cent. per annum, to purchasers, such scrip to be transferable, and to be taken and accepted as cash at all Government land sales throughout the colony. (4) That this House pledges itself, when asked to do so by the Government, to repeal the Moreton Bay Tramway Company's Act of last year, and to confer, by Repealing Act, such powers upon the Executive Government as may be deemed necessary for bringing such tramway to a successful completion. (5.) That the foregoing resolutions be transmitted to the Legislative Council for its concurrence.

The motion was put and carried.

### PASTORAL OCCUPATION BILL.

On the motion of the MINISTER for LANDS, the House went into committee of the whole for the purpose of considering the Legislative Council's amendments in the above bill, which amendments were agreed to.

### APPROPRIATION BILL.

On the motion of the COLONIAL TREASURER, the Appropriation Bill was read a second time, considered in committee, read a third time and passed.

### TELEGRAPH AND POST-OFFICE AT IPSWICH.

In the absence of the hon. member who was to move the following resolution, it lapsed:—“That this House will, on Friday next, resolve itself into a committee of the whole, to consider of an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1862, the sum of £250, for the purpose of enclosing the piece of land, in Ipswich, on which are built the Telegraph and Post-offices.”

### CORRESPONDENCE BETWEEN THE GOVERNMENT AND THE HON. MAURICE O'CONNELL.

Mr. MOFFATT moved that the return to the order relative to the office of Government Resident at Port Curtis, laid upon the table of this House on the 2nd instant, be printed.—Carried.

### STANDING ORDERS.

On the motion of the COLONIAL SECRETARY, the following report, from the committee of the whole House, of the following new standing order, was adopted: —(To FOLLOW STANDING ORDER No. VI.)—“Any Member calling the attention of Mr. Speaker or of the Chairman of Committees to the fact that there is not a quorum of members present, shall be held to be present during the counting of the House, whether he be so present or not.”

The House adjourned at 10 o'clock until 10 o'clock to-morrow (this day.)