

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

...
**Legislative Assembly
23rd April 1863**

...
Extracted from the third party account as published in the
Courier 24th April 1863

The SPEAKER took the chair at twenty minutes past three o'clock.

PETITION.

Mr. MACKENZIE presented a petition from Mr. Robert Alexander, of Preston, setting forth that, about twelve months ago, he contracted with an agent for the engagement, in Germany, of twelve adult immigrants as farm servants; that such immigrants in due course arrived in the colony, but that, owing to the accident of there being no ship at the time laid on direct to Brisbane, they were forwarded *via* Sydney; that the spirit of the regulations was not violated by such mode of introduction into the colony of the said immigrants, but that the government had refused petitioner the land order due to him, in virtue of that introduction—and praying relief; and moved that the petition be received.

Carried.

PREFERABLE LIENS ON YEARLY CROPS.

Mr. FORBES, seeing that the hon. the Minister for Lands and Works had expressed his intention in the notice paper of moving in the matter, would beg to withdraw the following question standing in his name:—"If it is the intention of the government to introduce a bill this session to legalize preferable liens on yearly crops?"

EVILS AFFECTING PASTORAL INTERESTS.

Mr. FORBES asked the Honorable the Minister for Land and Works—If it is the intention of the government to introduce a bill this session to provide a fund for suppressing certain evils affecting the pastoral interests?

The MINISTER for LANDS, in reply, said that the Scab Act, when amended as proposed in committee, would provide a fund for alleviating the only conspicuous evil with which the pastoral interests are threatened.

INTERCOLONIAL TARIFF CONFERENCE.

Mr. FORBES asked the Honorable the Colonial Secretary what steps have been taken to represent this Colony at the Intercolonial Tariff Conference?

The COLONIAL SECRETARY replied that the government appointed delegates to represent the colony at the Intercolonial Conference; but, as their appointment had not received the sanction of the parliament, as in the case of the other colonies, it was thought that they would not stand in the same position as the other delegate, and they did not attend the conference. The government proposes to obtain parliamentary authority for the appointment of delegates to act on any future occasion.

PUNTS FOR IMPROVING COMMUNICATION WITH INTERIOR.

Mr. BELL asked the Minister for Lands and Works—If it is the intention of the government to provide suitable punts to be made at the various crossing places at the rivers which they are

now bridging, or intend to bridge hereafter, in order that the traffic to the interior may not be impeded by floods?

The MINISTER for LANDS said it was not the intention of the government to provide punts generally; but where considered necessary a punt would be specially provided.

SALE OF FERMENTED AND SPRITUOUS LIQUORS.

Mr. GROOM withdrew the following question standing in his name;—"Whether it is the intention of the government to introduce this session a bill to amend and consolidate the laws relating to the sale of fermented and spirituous liquors?"

DRAYTON COURT-HOUSE AND LOCK-UP.

Mr. GROOM asked the Secretary for Lands and Works, —(1.) Have any communications been received by the government since last session, from the police magistrate of Drayton, relative to the dilapidated condition of the Drayton court-house and lock-up? (2.) Has the police magistrate been authorised to expend any moneys in effecting the temporary repairs; and, if so, to what amount? (3.) Is it the intention of the government to place a sum of money on the estimates for the erection of a new court-house and lock-up in the town of Drayton?

The MINISTER for LANDS said: The police magistrate had personally explained to him the state of the court-house and lock-up. (2.) The police magistrate was authorised to spend £40 in repairs. (3.) No application for a new court-house and lock-up having been received, and the government being ignorant of any necessity for new ones it is not intended to place any amount on the estimates for these buildings.

DRAYTON AND TOOWOOMBA AGRICULTURAL RESERVES.

Mr. GROOM asked the Honorable the Secretary for Lands and Works—(1.) Whether any communication was forwarded on or about the month of August last, from the office of Lands and Works to Mr. Surveyor Haege, requesting a report from that gentleman of the nature and value of the improvements then effected on the selected portions of the Drayton and Toowoomba agricultural reserves? (2.) Have the government any objection to lay a copy of Mr. Surveyor Haege's report on the table of the house?

The MINISTER for LANDS said: That Mr. Haege was instructed, on the 26th August, 1862, to report upon the improvements effected on lands selected in agricultural reserves in his districts, and has reported that he is proceeding with his examination. (2.) No objection to lay extracts from Mr. Haege's progress journals before the house.

ELECTIVE UPPER HOUSE.

Mr. GROOM asked the Colonial Secretary,—Whether it is the intention of the government to introduce this session a Bill for an Elective Upper House?

The COLONIAL SECRETARY said that the government had under consideration a measure for amending the present constitution of the Legislative Council, by doing away with nominations for life.

BRIDGE OVER THE BARAMBAH CREEK.

Mr. HALEY asked the Secretary for Lands and Works—Whether it is the intention of government to proceed with the works of the bridge over the Barambah Creek, between Maryborough and Gayndah?

The MINISTER for LANDS said the Bridge over the Barambah Creek was being proceeded with.

DISEASED RAMS.

Mr. GROOM, without previous notice, asked the Colonial Secretary whether his attention had been drawn to a paragraph which had appeared in one of the newspapers, to the effect that the Yarra Yarra was bringing four imported rams, who were diseased, from Sydney?

The COLONIAL SECRETARY said that his attention had been drawn to the paragraph in question, and the necessary instructions had been issued to the scab inspector to prepare for their arrival.

PAPERS.

The COLONIAL SECRETARY laid on the table of the house the third annual report of the board of education, and moved that it be printed.

Carried.

ADDRESS TO THE QUEEN.

The COLONIAL SECRETARY said it was not necessary for him, in introducing the motion standing in his name, to preface it with any remarks. In the first place, the house had been informed in his Excellency's speech that action was to be taken in the matter, and it was patent to everyone that the feeling of the colony was decidedly averse to transportation. The Imperial Government had not the slightest wish to act in opposition to the wishes of the colonists; but still it was desirable that an address should be sent home in order that the hands of the other colonies should be strengthened. Had Queensland been represented at the late conference in Melbourne there would have been no necessity for the present motion, seeing that an address of a similar character had been adopted by the delegates. However, it was only necessary for him to move the following resolution in a formal manner:—"That this house do now resolve itself into a Committee of the Whole, to consider an address to her Majesty the Queen, praying that her Majesty will be graciously pleased to take such action as may relieve her loyal and dutiful subjects in the colony of Queensland from the grave apprehension with which they must ever regard proposals for the renewal or continuance of transportation to any part of this continent."

The motion was put and carried, and the house resolved itself into a committee of the whole, when

The COLONIAL SECRETARY moved that the following address be adopted:—

"Most Gracious Sovereign—

"May it please your Majesty, —

"We, your Majesty's loyal and dutiful subjects, the members of the Legislative Assembly of Queensland, in parliament assembled, desire humbly to approach your Majesty with renewed assurances of our affection and loyalty.

"We have heard that the grave question of the renewal or continuance of transportation from the United Kingdom to some part of Australia, has of late been brought under consideration in England.

"We desire humbly to assure your Majesty that we entertain no apprehension that your Majesty will be advised in this instance to deviate in any degree from that justice and consideration with which your Majesty has ever guarded the best interests of this colony; but we feel, nevertheless, that silence might be misinterpreted were we to leave unnoticed a subject, in respect of which we concur in the representations that have been addressed to your Majesty on behalf of the other Australian colonies.

"We, therefore, humbly pray your Majesty to adopt such measures as to your Majesty's wisdom may appear necessary, to relieve their communities from the fear that the rapid progress of our colonisation, and the moral and material prosperity for which, under God, we are so largely indebted to your Majesty's beneficent rule, may at any future time be imperilled by the renewed or continued introduction of a criminal population into any part of the Australian continent.

"Reposing the utmost confidence in your Majesty's justice and forethought, we humbly pray that your Majesty may long be spared to rule over that mighty empire, of which this distant portion is not the least devoted to your Majesty's person and crown."

The motion was carried, and it was resolved, on the motion of the COLONIAL SECRETARY, that the address should be presented with another address to his Excellency the Governor, and a request that his Excellency would communicate with the Secretary of State.

LICENSED PUBLICANS' BILL.

The MINISTER for LANDS moved for leave to introduce a bill to consolidate and amend the laws relating to licensed publicans.

Carried.

The bill was read a first time, and its second reading fixed as an order of the day for Thursday, April the 13th.

PREFERABLE LIENS ON YEARLY CROPS BILL.

The MINISTER for LANDS moved for leave to introduce a bill to legalize Preferable Liens on Yearly Crops.

Carried. The bill was read a first time

SUPREME COURT OF QUEENSLAND AMENDMENT BILL.

The MINISTER for LANDS moved for leave to introduce a bill further to amend the Constitution of the Supreme Court of Queensland, and further to provide for the better administration of justice.

The motion was carried; the bill was read a first time, and its second reading fixed an order of the day for Wednesday, 13th April.

CONSTRUCTION OF RAILWAYS BILL.

The MINISTER for LANDS moved for leave to introduce a bill to make provision for the Construction by the Government of Railways, and for the regulation of the same.

The motion was carried, and the bill was read a first time, its second reading being fixed as an order of the day for Tuesday, 12th May.

THE DREDGE.

Mr. MACKENZIE rose, and said: That in bringing forward the motion standing in his name with reference to the dredge, he begged to assure the house that he was actuated by no factious motives whatever, and he intended to take up the time of the house on public grounds alone. It would be remembered that some months since, when the dredge first made its appearance in Moreton Bay there was a very long delay before it could be got to work; and in the meantime the working engineer, who was engaged to superintend the operations of the dredge, discovered the new channel, which discovery, appeared to be looked upon by many people as being a feather in his cap. But, on the other hand, it was asserted by many nautical men that the new channel was not nearly such a good one as the old channel, an opinion confirmed by the marine surveyor, Lieutenant Heath. It was asserted by those persons that the work of the dredge would be thrown away upon it—that it would rapidly fill up; in fact, that it was of no use at all. However, the work was commenced, and they had been cutting at an angle of forty-five degrees, so that in the course of time the channel might possibly be available for steamers, but would not admit of the passage of large ships. He (Mr. Mackenzie) would be very glad to find that he was mistaken, and that the engineer of the dredge had taken the correct view of the matter. Perhaps the most suspicious part of the affair was, that an engineer had recently arrived from Sydney for the purpose of inspecting the work, and he (Mr. M.) thought that the engineer should have been sent for before the work was commenced at all. It was the opinion of Captain Wickham, who ought to know something of the matter, that the old channel was the best one. Two experienced surveyors had also expressed a similar opinion. He had no further remarks to make, but would move—"That an address be presented to the Governor, praying that His Excellency will cause to be laid on the table of this house, all the reports, correspondence, and other documents connected with the late alterations in the dredging operations at the River bar.

The MINISTER for LANDS said: That he did not rise for the purpose of opposing the motion, but must express his pleasure at the very temperate manner in which the hon. member had dealt with the question—he was glad to see that the hon. member took such a deep interest

in the progress of such an important undertaking. He had always been under the impression that the master of the dredge was an experienced engineer, and when that gentleman had stated that he had discovered a new channel, the necessary steps were taken to ascertain whether it was really as good as had been represented. Accordingly the bay was visited by many practical men, and they one and all agreed that the new channel was decidedly superior to the old one. One or two months after the dredge had been at work, a report was received from the marine surveyor (Lieutenant Heath) which was quite uncalled for, and the nature of which was very unpleasant, seeing that in the face of it was apparent a large quantity of animus, and proving that the writer was very unfavorable to the new channel. However, he (Minister for Lands) did not consider that he was bound to obey the dictum of Lieutenant Heath, and had therefore taken the necessary precautions to prove that the superintendent of the dredge was right and the Marine Surveyor was wrong. He had written to the Engineer of Harbors in Sydney, requesting that the very best man in his department might be sent down for the purpose of making the necessary survey. The engineer had arrived, and at once set to work, and in two or three days would be completely finished. He (the Minister for Lands) would conclude by expressing his satisfaction that the gentleman in question entirely concurs with the master of the dredge that the new channel is vastly superior to the old one.

Mr. O'SULLIVAN would call the attention of the house to a resolution passed last session, recommending the appointment of a board of engineers. It was then agreed that a board should be formed, and a petition from Ipswich was received praying that it might be done as soon as possible. It appeared that a dispute had arisen between Lieutenant Heath and the punt man—(laughter)—as to which was the best channel, and the consequence was that the country had been put to a deal of unnecessary expense, which might have been avoided had the board been in existence. However, he agreed with the hon. the Minister for Lands, seeing that some of Lieutenant Heath's work on the river had turned out anything but first-rate. He (Mr. O'Sullivan) simply stood up to point out that the government had failed to comply with the wishes of the people, and to fulfil their own promise. In conclusion, he would be very glad to hear an explanation from the government as to why the board had not been appointed.

Mr. JONES was sorry to hear the hon. Minister for Lands cast a slur upon a very competent public officer, for having sent in a report which in his (Mr. Jones') opinion was not at all uncalled for. In his opinion it was the duty of every man holding a high and responsible office in the public service to send in reports of anything and everything that he might happen to find out was going wrong. The master of the dredge was merely a person who had been engaged to practically carry out any work which might be pointed out to him; and, although, it appeared that he was a sort of pet of the government, it appeared very strange that the opinion of a mere worker was to be taken in preference to that of a competent marine surveyor. Perhaps the most important subject that could be discussed in that house was the best manner in which the obstructions at the mouth of the river could be removed; and he sincerely hoped that before anything more was done a committee of that house would be appointed to see that the necessary operations towards securing a proper opening to our river were directed in the right manner.

Mr. R. CRIBB begged most distinctly to differ with the remarks made by his learned friend the hon. member for Warwick.

Mr. LILLEY thought that the Minister for Lands and Works had taken the right action in the matter under question. He quite agreed that it was the duty of a public servant, if there was anything not to the advantage of the colony or injurious to its interests, to point it out to the attention of the head of his department. Something, however, had escaped the attention of the hon. and learned member for Warwick in rebuking—as he (Mr. Lilley) supposed he intended to do—the hon. the Secretary for Lands and Works (laughter); and that was, that whilst it was the duty of a public servant to point out defects, for a public servant to do so out of animus was to exceed his duty, and deserved reprobation. (Hear, hear.)

Mr. RAFF was very sorry to hear the hon. and learned member for Warwick rebuke the Minister for Lands and Works—(a laugh); yet he was not sure that the hon. member deserved it, nor that the hon. and learned member meant it to be a rebuke. (Hear, hear.) The hon. and learned member might have had some ulterior object in talking in the manner he had on this

occasion. ("Hear, hear," and a laugh.) He (Mr. Raff) was one who thought that the Minister for Lands and Works had done his duty on this occasion. Something had been said to the house about a committee—a committee of the house was not a proper judge in this matter. It was perfectly competent for any hon. member of the house to visit the channel. The hon. member for the Burnett did not believe that the channel existed. Something was said about "elbows"—that the channel was an elbow and turned at an angle of forty-five degrees. Well, he had visited the channel and the bar, and he could state that a stronger current passed along the channel than over the bar. (Hear, hear.) He thought he was perfectly competent to say that. Several other members besides himself visited the channel, and they were ready to say that the work was being done in the right manner and in the right channel. (Hear, hear).

Mr. COXEN said he had visited the new channel, and he had seen the old channel; and he could say with the hon. member, Mr. Raff, that the current set more strongly through the new channel than it did through the old one.

The question was then put and agreed to.

INTRODUCTION OF BILLS.

Mr. FORBES moved—"That with a view of facilitating and expediting the business of the ensuing session, it is desirable, as far as practicable, that the principal bills, for the consideration of the house during the session, should be read a first time and placed in the hands of its members within thirty days from the commencement of the session." He remarked that there had been instances of bills coming into the house, wet from the printer, when the discussion was to be taken on their second reading; and, in consequence, hon. members had been precluded from reading and studying the measures and bestowing that attention upon their duties which this important matter demanded. This had led to what was a bad principle in any legislature, hasty legislation (hear hear); and many acts that they had sanctioned, session after session, would, if more time and attention had been given to their consideration, have been prevented. Under those circumstances, and having heard opinions frequently expressed on the matter—hon. members having from time to time complained of the short time they had for taking bills into consideration—he felt it his duty to place this motion on the paper; and he thought there could possibly be no opposition to it, as every member would know the benefit of having bills placed in his hands some time before the second reading, so that he could come to the house fully prepared for the discussion. (Hear, hear.)

Mr. GROOM seconded the motion.

The COLONIAL SECRETARY, in speaking of the motion, said—Of course, by far the largest number of bills that might be laid on the table of the house were expected to come from the government; and, so far as the government were concerned, he could state they would not object to the motion of the hon. member, because they felt perfectly competent to fulfil the requirements of the motion—to place their bills in the hands of hon. members within thirty days from the commencement of the session. And, he trusted that that would be the case also with bills introduced by private members (hear, hear); because it might be remembered that in previous sessions bills were brought forward (private bills) of considerable magnitude, and there was some difficulty in getting them into the house in compliance with the standing orders. The Governor could safely undertake to act in compliance with the motion.

The motion was agreed to.

THE REV. W. MCGINTY'S CASE.

Dr. CHALLINOR moved—That the petition of the Rev. William McGinty, presented by him on the 22nd instant, be printed.

The hon. member said he did not apprehend that there would be any objection to the motion.

Mr. B. CRIBB seconded the motion.

Agreed to.

Dr. CHALLINOR then moved—"That an address be presented to the Governor, praying that his Excellency will be pleased to cause to be laid upon the table of this house a copy of all the correspondence relating to the discontinuance of the stipend paid by the government to the Reverend William McGinty, Roman Catholic clergyman of Ipswich, under the provisions of the State Aid Discontinuance Act, 1860." He would make no further observation on this matter than to say, that when the papers were laid on the table of the house, and accessible to hon. members, he intended to found a motion thereon.

Mr. B. CRIBB seconded the motion.

The COLONIAL SECRETARY said he merely rose, as was customary, to say that the government would not object to the production of the papers called for by the hon. member. He should not make any remarks on the case, although he believed he concurred with the hon. member. (Hear, hear.) He should state when the papers were produced what the government were prepared to do. (Hear, hear.)

The motion was agreed to.

INTERCOLONIAL POSTAGE.

Mr. FORBES rose to move—(1). That the Commissioners to be appointed to the Intercolonial Tariff Conference be instructed to negotiate a General Postage Tariff, similar to the rates now charged for internal postage in this colony. (2.) That this resolution be submitted to the Legislative Council for their approval and concurrence. This subject was introduced to the legislature last session by the late hon. member for Brisbane, Mr. Jordan. He thought that at that time it was postponed for further consideration; and, as the sitting of the Intercolonial Tariff Conference was now a matter of interest, he thought the present a favorable opportunity to take the subject into consideration. It was one in which he thought the greater portion of the public was interested; and that the desirability of the change proposed was generally concurred in as a very just and necessary measure. Comparing the intercolonial and the internal postage, he said he could not see why one could be more expensive than the other. He thought that, looking at the subject in an economical light, the change would not prove burdensome, if the other colonies reciprocated our adoption of uniform postage rates. He was sure that the change would have a very beneficial effect. Several hon. members thought that the federation of the colonies was desirable; and he was of opinion that this would be a great step towards that effect. He thought that by the government adopting his proposition, it would place the subject in the way of being thoroughly ventilated.

Mr. R. CRIBB seconded the motion.

Mr. HERBERT said the subject introduced by the hon. member for Ipswich was one which he was hardly prepared to defend in the whole of its bearings on the present occasion. (Hear, hear.) The question of the rates of postage was a difficult one, and would require examination and statistical reports on the subject, showing the number of letters through the Post-office to and from different places. The conference that had been held lately had had under deliberation the question of an uniform rate of postage, which was a very desirable thing, and which our commissioners should be instructed to negotiate, for should there be another sitting—as he wished that the colony should be represented on any future occasion. But the government were not prepared off-hand to say that letters could be carried to South Australia or Western Australia for twopence. He was not prepared to say that at the present time he was in favor of a reduction of the postage rates on letters; yet that might be met by placing a rate on newspapers. ("Oh, oh," and "hear.") However, that was not a measure of the government—it was only his private opinion; he knew very well that practice would not allow it. Until our population was very much increased, we could not afford to reduce our postage. The expenses were very heavy—the payment of subsidies, &c., for the conveyance of mails. He believed the Victorian system would be an improvement—a graduated scale of rates, according to distance. In conclusion, the hon. member said, in answer to the motion generally, that the government would be desirous of instructing the Commissioners of Queensland to bring the subject prominently before any future conference. (Hear, hear.)

Mr. R. CRIBB was glad the motion had been introduced, he having been in favor of an uniform rate of postage ever since separation. He would have preferred that Queensland should have set the example to the other colonies and reduced the postage to an uniform rate; for he had no doubt that the other colonies, seeing how well the system worked, would follow us. He had no doubt that the hon. the Colonial Secretary since his return from Europe had not time to look into the matter, or he would not have made such a speech as the house had just heard from him. (Laughter, and "hear, hear.") The hon. member contended that postage should not be, looked upon as a matter of revenue.

Mr. JONES felt sure that it was a wholesome principle to set out with in this colony and every other new colony, that we should as far as possible, make each department pay for itself; and he certainly could not see how it was possible in this colony, where the population numbered only 30,000 or 40,000, to have postage as low as in the other and more populous colonies. He did think it was in this colony of much more importance that we should have our mails punctually—that we should know when the mail left Sydney and when it would leave this—than that we should have cheap postage. The bulk of the population—or, that portion of the population, the mercantile classes, upon whom the bulk of the expense fell, would rather pay double ("No, no") to have punctuality in our mail arrangements, than that we should by some parsimonious arrangement send letters from this colony and get our letters from other places at a shorter rate. He did not see why the post-office should be obliged to draw upon the general revenue of the colony.

Mr. WARRY was of a different opinion from the hon. and learned member who last addressed the house; and he quite agreed with the hon. member for North Brisbane (Mr. Cribb) that we could not have postage too cheap. There was a very great difference between the colonies, and a very great difference between the manifestations of common minds. If we could send away a letter for a penny or two, we could get back the difference in the rate through the custom house. (Hear, hear.) It did not matter in this colony how we got the revenue so long as the public were benefitted. If a thing did good in one instance it would in another. He referred for an illustration to the land order system; which though not altogether satisfactory to the Treasury, did great good to the colony. (Hear, hear.) He contended that cheap postage would lead to increased commerce, and that the colony would reap greater advantages than at present. He hoped that the government would be very careful to make postage as cheap as possible, and, if they could give it for nothing, that they would do it.

Dr. CHALLINOR was old enough to remember the adoption of the penny postage in England, and was able to say it had resulted in great public advantages. He pointed out the great importance of cheap postage to our new arrivals. He agreed with the hon. member for Brisbane, that postage should not be regarded as a matter of revenue; and he differed from the hon. and learned member for Warwick, who thought that it was necessary that each department of the government should be self-paying. (Mr. JONES begged the hon. member's pardon—he had said "as far as possible." ("Oh," and "Hear.") He was glad to find the hon. and learned member had put it in such a way. He thought that the postage should be as cheap as possible.

Mr. FORBES having briefly replied,

The motion was put and agreed to.

STATUTES OF THE COLONY FOR THE USE OF MEMBERS.

The COLONIAL SECRETARY, before moving the adjournment of the house, would like to state, for the information of hon. members, that the Government, after consideration, had determined that it was their opinion that a copy of the statutes now in force in Queensland, as compiled by the hon. the Attorney-General, be presented to each member of the house. (Hear, hear.) If that met with the approval of the house it should be done. (Hear, hear.)

On the motion of the COLONIAL SECRETARY, the house adjourned at twenty minutes to five o'clock until ten o'clock next (this) morning.