

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

...
**Legislative Assembly
28th April 1863**

...
Extracted from the third party account as published in the
Courier 29th April 1863

The SPEAKER took the chair at a quarter past three o'clock.

PAPERS.

The COLONIAL SECRETARY laid on the table of the House papers referring to the removal of Mr. Clyde, late Clerk of Petty Sessions at Maryborough; also papers referring to the employment by the government of Messrs. J.G. Jones and Blakeney at Maryborough.

COTTON REGULATIONS.

Mr. LILLEY asked the Colonial Secretary,—Whether the government intend to extend the time within which land may be selected under the Cotton Regulations of 1861 to any other fixed period, or to make those regulations permanent?

The COLONIAL SECRETARY replied that the government was of opinion that the Cotton Regulations of 1861, giving free grants of land in consideration of a certain expenditure in cotton growing, should be extended over an additional year, from the date at which they are now fixed to terminate; and that a resolution would be submitted to the house.

On the motion of Mr. LILLEY, the answer was ordered to be printed.

COTTON CULTIVATION.

Mr. BELL asked the Secretary for Lands—Whether the government have it in their intention to extend the period at present fixed for the limitation of the bonus given for the cultivation of cotton?

The SECRETARY for LANDS said, in reply, that the subject involved in the hon. member's question was then under the consideration of the government, and so soon as a decision was arrived at, the same would be submitted, by resolution, to this house.

On the motion of Mr. BELL, the answer was ordered to be printed.

CHIEF COMMISSIONER OF CROWN LANDS.

Mr. BLAKENEY rose and said that he had been requested by many of his friends to postpone the following motion for a week—(laughter),—(1.) That in the opinion of this house no necessity existed for the creation of a department of Chief Commissioner of Crown Lands. (2.) That the payment of the salaries connected with this department without a parliamentary vote and as an "unforeseen expense," is contrary to the spirit of the 20th section of the Audit Act. (3.) That the conduct of the government in this instance is highly censurable, and contrary to the principles of Responsible Government." He thought, however, that, as it was very desirable that it should come on for consideration before a full house; and as a number of members would be absent in Ipswich that day week, it would be as well to postpone it for a fortnight.

Mr. GROOM would object to the postponement of the motion—

The SPEAKER would beg the hon. member's pardon for a few moments, at the conclusion of which,

Mr. GROOM expressed his willingness to withdraw his objection.

The SECRETARY for LANDS thought it was only right that the house should be put in possession of some of the reasons why the hon. member wished to postpone the resolutions. They contained a direct vote of censure on the government, and the government was quite prepared to meet them. Unless satisfactory reasons were given, he should oppose their postponement.

The SPEAKER said it had always been the practice of the house to allow any hon. member to postpone a motion; but not to bring it on at an earlier date than that named when notice of it was first given. The hon. member for North Brisbane was quite in order in postponing his resolutions, as until they were before the house they must be looked upon as being his own private property.

Mr. O'SULLIVAN would ask the Speaker if there was not a standing order of the house in existence, which required that a motion for the withdrawal of a motion received the concurrence of the whole house.

The SPEAKER: Yes; for the withdrawal of a motion, but not for its postponement.

After a few remarks from Dr. CHALLINOR, the consideration of the resolutions were postponed until that day fortnight.

MR. INSPECTOR GREGORY.

Mr. GROOM moved that an address be presented to the Governor, praying that his Excellency will be pleased to cause to be laid on the table of this house the papers and correspondence that led to the dismissal from the office of magistrate of Edward Gregory, Esq., of Goondiwindi.

Mr. JONES thought it would not be too much to ask the hon. member for Drayton and Toowoomba for what purpose he required the papers. It was desirable to save as much as possible the amount of trouble, inconvenience, and expense caused by the production and furnishing of voluminous papers, especially if hon. members did not intend to found any substantive motion upon them. If it was anything that the public should know, or that any attempt had been made to conceal, all very good; but he objected to the production of papers on trivial matters. The facts of the case appeared to him to be that it was thought desirable when Mr. Gregory was appointed pleuro-pneumonia inspector, that he should be placed in the commission of the peace; and when it was found his services would no longer be required as pleuro-pneumonia inspector, and from his position having no other claim to the commission, he was deprived of it. He thought for one that the production of the papers was unnecessary.

Mr. WARRY quite agreed with the motion of the hon. member for Drayton and Toowoomba. On reference to the *Gazette*, it would be found that Mr. Gregory had been dismissed from the commission of the peace, and thereby a stigma might be supposed to have been cast upon his character, and he (Mr. Warry) therefore thought it quite right that the government should be asked for the papers, to see whether it was deserved or not.

The COLONIAL SECRETARY said it was not the intention of the government to refuse the papers should it be the wish of the house that they should be produced. He would, however, state that the government had some time since invited Mr. Gregory to resign the commission of the peace, which he held as a sort of addenda to his office of pleuro-pneumonia inspector, he not being thought by the government a fit person in other respects to hold it. He was informed that his name had been left in the new commission by mistake, and was requested to resign. He assumed an attitude of defiance, which conduct of course the government could not brook and therefore at once took the necessary steps to remove him from the commission.

Mr. GROOM had no private motive for asking for the papers; but with reference to what had just fallen from the hon. Colonial Secretary, he must submit that it was somewhat strange that it had been found necessary to go to such an extreme in only one case, as nothing similar had occurred with any other magistrate. If it was the wish of the house, he would withdraw the

motion, and would state that his object in moving for the papers was merely that information on the matter might thereby be afforded to the house and the public.

The motion was accordingly withdrawn.

AGRICULTURAL RESERVES.

Mr. GROOM moved, That an address be presented to the Governor, praying that his Excellency will be pleased to cause to be laid on the table of this house a return of the land selected and leased in the various Agricultural Reserves of the colony, from the date of the proclamation of these reserves to the 31st March, 1863, the date of selection; by whom selected; by whom now occupied; the nature and value of the improvements effected on each selected and leased portion; and the number of acres at present under actual cultivation in each reserve. He would briefly state a few of his reasons for placing the above motion upon the paper. Last week he had asked the hon. Secretary for Lands a question with reference to the Drayton and Toowoomba agricultural reserve, the answer to which was not at all satisfactory. It had originally been his intention to apply for the returns for the Drayton and Toowoomba agricultural reserves only, but subsequently he had seen reason to alter his original intention, and apply for the returns for the whole colony. In the matter of the Drayton and Toowoomba agricultural reserve, a large amount of jobbing had been done. As much as one thousand or fifteen hundred acres had been purchased by persons under fictitious names, and he knew that portions of land on agricultural reserves had been selected in the names of minors, and paid for with land orders purchased for £8, not higher than £10. That same land had been forfeited, and then application had been made to the Treasury for the full amount of cash less ten per cent. It was therefore pretty evident that some means should be found by which a step might be put to this wholesale jobbing, and the necessity for further legislation on the subject was obvious. He had heard of another case in which it was stated that a certain hon. member of that house had been allowed to purchase fifteen hundred acres of an agricultural reserve under his pre-emptive right. There was no doubt but that the circulation of reports of that kind must have a very damaging effect, and therefore he had conceived it to be his duty to bring forward the present motion.

The SECRETARY for LANDS said that there was no objection on the part of the government to furnish the returns asked for, as far as lay in their power, although he thought that it would be as well to place the house in possession of some objections which might be raised to their doing so. The government were not aware that any land had been purchased under fictitious names, and no member of that house had purchased fifteen hundred acres of an agricultural reserve under his pre-emptive right. With regard to what the hon. member had advanced concerning the land orders, he (the Secretary for Lands) must remind that hon. member that the evils complained of did not arise from regulations framed by the government, but that it was the law itself. As far as regarded the nature and value of the improvements made on selected land, he would remark that the government only took notice when a man commenced to improve, and, of course, to obtain the necessary returns a valuation would have to be made, which would, of course, be very expensive. And, in order to find out the number of acres under cultivation a survey would have to be made. It was impossible to provide the return in any other way. Of course, if the house would authorise the expenditure by the government of an amount of money sufficient to employ the number of surveyors who would be required to do the work, there could be no objection to place the returns upon the table of the house.

Mr. R. CRIBB thought it was of no use to cripple enterprise by act of parliament, and thought it was scarcely advisable to go to the great expense which was evidently necessary in order to furnish the returns.

Mr. O'SULLIVAN did not take the same view of the matter as the hon. member who had just sat down. Had the agricultural reserves in the first instance been placed under the control of the municipalities, who could have appointed competent men to choose the locality, the difficulty urged by the hon. Secretary for Lands would not have occurred. Great yearly returns would then have been made, which would, of course, have been at the service of the government. With the exception of one or two instances, he thought that the formation of agricultural reserves, which

was at first thought would have conferred such a boon upon the people, had really been of very little benefit. He thought it was desirable that the runs asked for should be obtained.

Dr. CHALLINOR did not consider that there would be very much difficulty in getting the returns. He believed that fictitious names had been used in procuring land from agricultural reserves, and that cases had occurred in which infants in arms had been supplied with land. He would support the motion.

Mr. M'LEAN should not have troubled the house with any remarks on the motion, had not direct allusion been made to himself. There was no doubt that the hon. member for Drayton and Toowoomba had referred to him (Mr. M'Lean) when he stated that fifteen hundred acres had been selected from the Drayton and Toowoomba agricultural reserve under pre-emptive right. He (Mr. M'Lean) would therefore inform the house that no such selection had been made in his name from any agricultural reserve in the colony. With regard to what had fallen from the hon. member concerning applications made to the Treasury for refunding purchase money, he would admit having written to his partner on the Darling Downs to make the necessary application. He had found it impossible, in consequence of the dry season depriving him of the use of his cattle, to effect the necessary improvements. He had no means of carrying the split stuff to its destination. The only course therefore open for him was to apply to the Treasury for the return of the money, urging as his reason his inability to effect the required improvements in time.

Mr. LILLEY was sorry to see that any hon. member of that house should appear to be rendered uneasy by the remarks which had been made by the hon. member for Toowoomba and Drayton. There was no doubt that the hands of every hon. member were clean, and it was impossible therefore that even the breath of suspicion should fall upon anyone of them. With regard to what had been said about the alienation of the agricultural reserves to minors, he thought it was obvious that an infant would hardly be able to effect the improvements required by the act. He entirely agreed with the principles of free trade advocated so strongly by his hon. friend the member for North Brisbane (Mr. R. Cribb), but still he thought that the production of the returns asked for would be of some service. The government, perhaps, were not in a position to produce the returns in as complete a manner as might be desired, but he hoped that they would do so as fairly as they could, properly ranged under each head. The difficulty, perhaps, arose in some measure from the fact that the survey department was already so overworked—that there was such an immense pressure upon that department. (Laughter). At all events he would support the motion.

Mr. JONES would not press for the production of any very expensive returns, but still was of opinion that it would be advisable to get such as they could. There was not the slightest doubt but that the working of the regulations regarding agricultural reserves had been productive of a deal of dissatisfaction. He thought that a great mistake had been made in the first instance—residence should have been made a primary qualification. Had that have been done, there would not have been so many openings for abuse, and a great deal of bitter feeling at present in existence would have been avoided. They would not have the big men of districts—men possessed of wealth and power—grasping at the benefits to be derived from selecting from the agricultural reserves. It was quite time that some system was devised which would prevent men of capital from stepping in and monopolising rights which properly belonged to the small farmers.

Mr. FORBES was of opinion that the returns asked for should be obtained—that information on the matter should be extorted from the government; at the same time he differed with the hon. member for Warwick as to the necessity of a residence qualification. It would be a gross piece of tyranny to compel a man to reside on land which he might choose to select from an agricultural reserve. Such a system might answer very well in England or the continent of Europe, or in any place with abundance of markets and facility of communication; but here it would in many instances be actual starvation for a man to have nothing else to look to for a subsistence than land he might select from an agricultural reserve. He would never get a livelihood from it, but must necessarily have his attention diverted to other channels, perhaps of a very questionable character, in order to obtain a living. He was of opinion that some good might be expected to result from the production of the papers.

Mr. GROOM rose to reply, and contended that the difficulties apprehended by the Government in the collection of the returns were much fewer than they thought. For instance, on the Toowoomba Agricultural Reserve, out of 1500 acres taken up, not ten acres were under cultivation—that return would be very small. He concurred in much that fell from the hon. member for Warwick (Mr. Jones) with regard to monied men bidding for the land on the reserves; and also in the remarks of the hon. member for Fortitude Valley, respecting the persons, under age, in whose names much of the land was purchased.

The motion was agreed to.

THE INTERNATIONAL EXHIBITION COMMISSIONERS.

On the motion of the COLONIAL SECRETARY, a message embodying the resolutions adopted by the house expressing its thanks to the commissioners who had represented Queensland at the International Exhibition, was ordered to be transmitted to the Legislative Council for the concurrence of that branch of the parliament.

INTERCOLONIAL CONFERENCE.

On the motion of Mr. FORBES, a message, embodying the resolutions adopted by the house for instructing delegates from Queensland to any future intercolonial conference to negotiate an uniform postage rate, was ordered to be transmitted for the concurrence of the Council.

POLICE BILL.

The COLONIAL SECRETARY moved, pursuant to notice, for leave to bring in a bill to consolidate and amend the laws relating to the police force.

The SECRETARY for LANDS and WORKS seconded the motion, which was agreed to.

The bill was then brought up, read a first time, ordered to be printed, and to be read a second time this day fortnight.

THE SCAB IN SHEEP BILL.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the house resolved itself into a committee of the whole for the consideration of the Scab in Sheep Prevention Bill.

The preamble was postponed.

Clauses 1 and 2 were adopted without discussion, as follow:—

It shall be lawful for the Governor with the advice of the Executive Council from time to time by proclamation to prohibit or restrict the introduction or importation of sheep into the colony of Queensland or into any district thereof from such places and during such time and upon such conditions as may appear necessary and any such proclamation to suspend alter or revoke by a similar proclamation.

Every such proclamation shall within fourteen days after the date thereof be published twice in the "Government Gazette" and on the day after such second publication shall have the full force of law. And every such proclamation shall forthwith be laid before both houses of the parliament if then sitting and if not then within fourteen days after the commencement of the next session.

The COLONIAL TREASURER then brought forward five additional clauses, to stand respectively as 3, 4, 5, 6, and 7 of the bill.

Clause 3 was adopted, as follows:—

From and after the passing of this act the tenth and twenty-first sections of the "Scab and other Diseases in Sheep Prevention Act of 1860" shall be and the same are hereby repealed save as to any act matter or thing done or commenced to be done under the said sections or

either of them or as to any claim for compensation that any person may at the time of the passing of this Act be entitled to make under the provisions of the said sections or either of them.

Clause 4 was then moved, as follows:—

If any owner whose sheep shall have been destroyed under the ninth section of the said Act shall at any time within one month after the destruction of his sheep make application to any two or more Justices in Petty Sessions such Justices or any two or more Justices shall immediately upon such application being made on some future appointed day not later than fourteen days after such application make inquiry in open court touching the infection and destruction of such sheep and the compliance of the applicant with all the provisions of this Act and of the said Act of 1860 and if satisfied that the required notices have been given and that all the infected sheep of such owner within the police district of their Court of Petty Sessions have been destroyed pursuant to the said ninth section and that all provisions of this Act and of the said Act have been complied with they shall thereupon but not otherwise sign and deliver to the applicant a certificate as provided by the said Act and in the form in the schedule A thereto and on the presentation or transmission of such certificate to the Treasurer of the colony there shall be paid by him to the said owner or his order under warrant of the Governor in Council out of the fund hereinafter mentioned a sum equal to two-thirds of the value of the sheep so destroyed (the age sex and quality of such sheep being considered in estimating such value) and such value shall be assessed by such Justices upon evidence to be brought before them provided also that no higher valuation than twenty shillings per head shall be placed upon any sheep.

On the motion of the COLONIAL TREASURER, the word “always” was substituted for the word “also” in the proviso, at the end of the clause.

Mr. RAFF moved that the word “twenty” be struck out with the view to the insertion in lieu thereof of the word “twelve.” He said he had expected that some other hon. member would have moved in this matter; but for himself he thought that twelve or fifteen shillings per head was as high a valuation as should be paid on any scabby sheep.

Mr. BELL pointed out that the limit, though apparently high, referred to valuable imported sheep. The amendment went far too low.

Mr. R. CRIBB supported the amendment.

Mr. MACKENZIE was favorable to the reduction of the limit as proposed by the hon. member for Brisbane.

Mr. M'LEAN supported the clause as against the reduction moved by the hon. member for Brisbane; and, in reply to certain observations made during the discussion, he stated that sheep bred in the colony were bought and sold daily for twenty shillings a-head. He concluded his remarks by suggesting a compromise by making the limit sixteen shillings a-head.

After some remarks by Mr. HALEY, Mr. FORBES, and other hon. members who several times addressed the committee,

The COLONIAL TREASURER said he hoped that the action taken by the government under the bill would prevent the introduction of scab into the colony; and that, therefore, all the discussion by hon. members as to the value of sheep destroyed would end in smoke. He, however, pointed out the desirability of adhering to the limit proposed in the bill, for it might be that the sheep which it might hereafter be necessary to destroy were the most valuable—stud flocks of ewes or rams—the destruction of which would perhaps ruin a man. There were no extraordinary power placed in the hands of the government by the clause under consideration, for the power was in the hands of those men who should be appointed to make the valuation.

Mr. FERRETT could not agree with what had fallen from the Hon. the Treasurer. It was little matter whether 12 shillings or 20 shillings was paid on good and improved sheep destroyed for scab—the owners would hardly get the value of them. If the scab got into a stud flock, it would most likely affect all the sheep on the establishment. The house was not legislating for individual cases; but for people in general. (Hear, hear.) There appeared to him to be something wanting in the bill in regard to coming at the value of the sheep. The value would not be settled by the

magistrates but by the evidence brought before them. It was difficult to get evidence the country; and particularly where every witness might be an interested party.

Dr. CHALLINOR referred to the liability of governors being interested parties.

Mr. JONES suggested that the question of the limit of valuation should be left to the squatting members to settle to their own satisfaction, as they knew best how to take care of themselves.

After a prolonged discussion,

Mr. BELL moved that the sum of "fifteen" shillings per head be the maximum limit.

The question was then put, and the committee divided upon Mr. RAFF's amendment, that "twelve" shillings be the limit, which was negatived:—

Ayes, 9.		Noes, 11.	
Mr. Warry		The Colonial Secretary	
R. Cribb		The Colonial Treasurer	
Forbes		The Secretary for Lands and Works	
Dr. Challinor		Mr. Haley	
Mr. Edmondstone		Coxen	
O'Sullivan		Lilley	
Ferrett		M'Lean	
Mackenzie	} Tellers	Groom	
Raff	}	Bell	
		Royd	} Tellers.
		Jones	}

The amendment of Mr. BELL that the limit be "fifteen" shillings—was then put and affirmed; and the clause as amended was adopted.

Clause 5 was then moved:—

No such certificate shall be given for any sheep which shall have been boiled down or the wool or skins thereof made use of nor for any sheep which shall have been introduced into Queensland from any other colony within six months previous to their destruction.

Some discussion took place on this clause.

The COLONIAL TREASURER explained that its intention was to put a stop to proprietors boiling down their sheep for sake of the compensation that might be paid by government. In the Scab Act, a small compensation was allowed on sheep boiled down on account of being diseased; but this bill provided for nothing of the kind.

In reply to some remarks by Mr. O'SULLIVAN and Dr. CHALLINOR,

Mr. HALY said that disease could not be spread by the tallow of scabby sheep, but certainly it could be communicated by the skins and wool of diseased sheep. He related an instance in which the scab insect was proved, under microscopic examination, to have lived for a period of six months in a piece of wool weighing not more than ounce. In the process of fellmongering diseased skins the scab might be spread by the insect floating down the stream and being deposited in distant localities.

Mr. Coxen had known sheep to contract the disease through drinking at a running stream over which scabby sheep had crossed.

Mr. FERRETT had known a man, who had been driving diseased sheep, to communicate the scab to clean flocks through carrying away the scab insect in his clothes. In another address on the subject the hon. member admitted that he had propagated the scab himself. (Laughter.)

Mr. LILLEY suggested that such men should be boiled down. (Laughter.)

The clause was finally adopted without alteration.

The following clauses, to stand 6 and 7 in the bill, were also adopted without amendment:—

In order to provide for the expenses of carrying into effect the provisions of this Act and of the said act of 1860 a return shall be made annually on the first day of July to the Commissioner of the district or such other person as may be authorised in that behalf by every sheep owner of the number of sheep owned by him and he shall at the same time pay to the said commissioner or other officer the sum of five shillings as an assessment upon every thousand or part of a thousand sheep provided always that it shall nevertheless be lawful for the Governor with the advice of the Executive Council by proclamation to increase such assessment from time to time to any sum not exceeding ten pounds upon a thousand sheep if from time to time it shall be found that the fund to be provided by the said assessment of five shillings would otherwise prove inadequate to carry out the provisions of this Act and of the said Act provided also that any person omitting to making such return as aforesaid or wilfully making a false return shall forfeit and pay a sum of fifty pounds.

This Act shall be taken and construed with and shall be deemed to be incorporated in the said "Scab and other Diseases in Sheep Prevention Act of 1860" except in so far as the same is repealed by this Act.

The preamble of the bill was adopted as follows:—

Whereas it is expedient to make further provision to prevent the introduction of scab and other diseases in sheep into the colony of Queensland be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows.

The house resumed, the bill was reported, the report adopted, and the third reading of the bill ordered for next day.

Mr. O'SULLIVAN protested that the bill now before the house was such an entirely different measure from the one which he had heard read a first and second time last week, that he thought it ought to be again passed through its preliminary stages.

The SPEAKER reminded the hon. member that the committee of the whole house had the power to making such amendments as it thought proper.

At a subsequent period,

Mr. R. CRIBB said he agreed with the remarks of the hon. member for Ipswich, that the introduction of such extensive amendments as had been made in the bill under consideration was inconvenient. He thought that hon. members should have due notice of such amendments.

The COLONIAL TREASURER pointed out that he notified to the house, on the second reading of the bill, his intention to introduce the amendments which had been adopted.

Mr. O'SULLIVAN was quite aware of the power of the committee when he first raised his objection; but he submitted that this was an instance of the abuse of introducing amendments in committee. A bill of three lines and a preamble might be read a first and second time in the house; and in committee a hundred new clauses might be proposed.

EXPLANATION FROM THE CHAIR.

The SPEAKER said a question had been put to him by the hon. member for Brisbane, which he had answered; but he was not quite clear that he had made himself understood clearly. He had stated what he believed was the rule with regard to the postponement and withdrawal of motions. He believed the rule to be this: that when hon. members placed a motion on the paper, that motion was his property so long as it was not submitted to the house—proposed and seconded and put from the chair (hear, hear); he could do what he pleased with it. (Hear, hear.) But after it was submitted to the house it was the property of the house, and could only be withdrawn or postponed with the sanction of the house. That was his view of the matter, and that

was the practice of the house ever since he had the honor to occupy the chair. (Hear, hear.) And not only that, but it was the practise when he had the honor to occupy a seat in the legislature of New South Wales. (Hear, hear).

On the motion of the COLONIAL SECRETARY, the house adjourned at twenty minutes to six o'clock.