

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

...
Legislative Assembly
6th May 1863

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Extracted from the third party account as published in the
Courier 7th May 1863

The SPEAKER took the chair at 10 minutes past three o'clock.

PAPERS.

The COLONIAL SECRETARY laid upon the table of the house the *Regulæ Generales* of the Supreme Court.

BLACKS IN BURNETT DISTRICT.

Mr. HALY asked the Colonial Secretary what had been done by the government in the matter of the late murder of the blacks at the Burnett.

The COLONIAL SECRETARY replied that no official notice had yet been received by the government on the subject; but a communication had been addressed to the police magistrate by the government.

REAL ESTATE IN CASES OF INTESTACY.

Mr. CRIBB moved for leave to bring in a bill to amend the law as to real estate in cases of intestacy.

Mr. FORBES seconded the motion, which was put and carried.

The bill was read a first time, and the second reading fixed as an order of the day for next Tuesday week.

MARRIAGE WITH DECEASED WIFE'S SISTER.

Mr. R. CRIBB postponed the following motion, standing in his name, until Tuesday next:—
To move for leave to bring in a bill to legalize marriage with a deceased wife's sister.

THE HELENSLEE.

Mr. EDMONDSTONE 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 the correspondence between R. M'Gavin, Esq., and Mr. Henry Jordan, relative to the Helenslee immigrant ship from Glasgow, together with a copy of any correspondence which the government may have had with Mr. M'Gavin on the same subject." He would briefly state his reasons for bringing the motion before the notice of the house. It appeared that during the early part of last year, a number of persons in Glasgow had made up their minds to emigrate to Queensland but it was generally understood that Mr. Jordan, the immigration agent, had too great a partiality for the Black Ball Line; and as the intending emigrants desired to start from their own port they had formed a committee amongst themselves, appointed a chairman, and given him instructions to communicate with Mr. Jordan. The result of that communication clearly proved that the price which would have to be paid for passages by the Black Ball Line was much too high, and tenders were thereupon called from shipowners who were willing to send a ship direct from Glasgow. Shortly afterwards a ship was chartered, and as soon as she was laid upon the berth every obstacle that could be started was thrown in the way by Mr. Jordan—he (Mr. Edmondstone)

might say that every scheme which ingenuity could devise was tried to thwart the object of the charterers. In his opinion monopoly of all kinds was very objectionable, and it was very desirable that the house should be enabled to acquire a knowledge of all matters of the sort to which he referred. It was certainly very wrong that Mr. Jordan should be allowed to take advantage of his position to throw all the weight of his influence in favor of one firm.

The COLONIAL SECRETARY said that it had been his intention, before the present motion was placed upon the paper, to have laid the whole of the papers referred to before the committee then sitting on immigration. There were many illustrious and patriotic people, such as Mr. M'Gavin, who desired to combine in one scheme the two principles of philanthropy and making money, and would obtain the land orders from the immigrants in payment of their passage money, and six or seven pounds besides. With all deference to the hon. member (Mr. Edmondstone), he (Mr. Herbert) would state that in his opinion the time had not arrived when it was necessary to call a public meeting upon the "Scotch question." There was not the slightest objection on his part to lay the matter before the house.

Mr. EDMONDSTONE briefly replied, and the motion was put and carried.

MEMBERS OF PARLIAMENT ACCEPTING OFFICE.

Mr. O'SULLIVAN believed that in the following motion standing in his name there was some informality, and, with the leave of the house, would withdraw it for the present:—"That in the opinion of this house, any member having signified his intention to any member of the government to accept a place of profit or emolument offered to him under the Crown, should thereby be precluded from joining in its proceedings; and that for members under such circumstances to take part in debate, or to vote upon questions before the house, is a violation of the principles of its constitution."

Motion withdrawn.

JURY ACTS AMENDMENT BILL.

Mr. BLAKENEY would state, with reference to the following motion standing in his name, for leave to introduce a bill to consolidate and amend the Jury Acts of the colony of Queensland, that the government had taken the matter out of his hands in a very unhandsome manner. However, it was nothing more than could be expected from them; and he would therefore withdraw the motion.

MAIN ROAD THROUGH DRAYTON.

Mr. GROOM moved—"That this house will, on Thursday the 7th instant, 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 upon the Supplementary Estimates for 1864, the sum of £1000 for the repair of the main road within the municipality of Drayton." It was of course incumbent upon him to state to the house a few of the reasons which had induced him to bring the matter before the house. Application had been made to the executive about the matter, but without any result. In his opinion, Drayton was a town the wants and requirements of which had been paid less attention to than those of any other town in the colony. It had been shamefully neglected. (Oh, oh.) He would repeat, and he did so advisedly, what he had previously said. He had no doubt but that the hon. member for the Western Downs (Mr. Taylor) would remember that some time since Dr. Lang had visited Drayton, and expressed his opinion that the town was nothing but a mudhole; and had promised that he would do what he could towards inducing the government to lay out some money in improving it. But, as usual, Dr. Lang had promised what he did not perform, and nothing was done. All that had been done for Drayton for a very long period indeed was to expend a small sum of money upon 300 yards of the main road. It was afterwards thought—hon. members would remember at what time—that the town was strong enough to be incorporated, and accordingly it was incorporated. The whole of the balance of the sum of money which had been set apart for the improvement of the town that was received by the corporation amounted to £98. In consequence of the late heavy rains, the communication had been altogether stopped; and the large extent of country to the westward of Drayton had suffered

proportionately. It was well known that a very large revenue was derived from those districts, and he thought it was only fair that the expenditure should be expected to bear some proportion to the revenue. If the sum required to pay for the necessary repairs to the road was voted, it would be a great benefit to the whole of the district, and nothing would be lost to the revenue of the country, seeing that thereby the value of the unsold lands would be very considerably enhanced. The whole of the money received during a year by the corporation of Drayton, including the government endowment, amounted only to £400—out of which sum £100 had to be deducted for the salary of a town clerk, so that only £300 was left to pay for the many local improvements which were necessary. The water there was very bad, and the roads were abominable; and he did not think he was doing anything unreasonable when he brought the present motion before the house. It was the duty of the house to see that these sort of local claims were properly attended to. If any request were laid before the government from any particular district for money for improvements, it was usually the plan to send a subordinate official to report upon the matter; and he could tell the house that the conduct of those officials was generally anything but calculated to inspire confidence in the minds of the inhabitants of those places which they might be sent to inspect. As a rule, they did anything but properly attend to their duty. As a natural consequence, the members of parliament who represented those districts were fallen back upon, and it was generally believed that more satisfaction was obtained through them than was afforded by any representations made by the government officials. He did not wish to endorse all the cries which were made from various parts of the country about centralisation; but it must be admitted that when people in the country observed that large sums of money were paid for public buildings in the metropolis, while not a penny was expended on necessary works in their neighborhood, the impression was conveyed that they were not being treated fairly. He would conclude by asserting that he believed his proposition to be a just one, and that it would receive the support of the house.

Mr. FORBES seconded the motion.

The SECRETARY for LANDS would oppose the motion. There was a principle involved in it which he thought the house would act very wrongly should it sanction. It was a very unusual thing, except in special cases, that the government should place sums of money on the estimates for the repair of streets in a municipality. Drayton was a corporate town, and besides its revenue and endowment, received one-half of the proceeds of all the sales of land within it. It was obviously unjust, therefore, that any portion of the general revenue of the colony should be applied towards repairing any of its streets. The government would oppose the motion.

Mr. TAYLOR was sorry that he felt in duty bound to oppose the motion. He could not conscientiously support it. In his opinion the road to Drayton was much worse than the road through it. Before separation a considerable sum was voted for the formation of roads and streets through Drayton. That money was all wasted, although some money which had been voted since had been well spent. It was all very well for money to be spent on large towns, such as Ipswich and Toowoomba, but he objected to the public money being wasted on petty places like Drayton and Warwick.

Mr. R. CRIBB defended Dr. Lang, and hoped that Mr. Groom would withdraw the motion.

Mr. O'SULLIVAN supported the motion.

Mr. RAFF was in favor of the sum being reduced from £1000 to £500; and if that were done, he would give it his support. He considered that a precedent had already been established of voting money for the improvement of roads through towns, as £2000 had been voted for Ipswich, which sum the hon. the Commissioner of Lands was most instrumental in obtaining. It had been stated that the hon. member who brought forward the motion had not proved any special case; but he considered that the hon. member had done so, and that was admitted by the hon. member for Western Downs in his speech when he stated that Drayton was a very poor town, and a mud-hole. The sum of £1000 certainly appeared very large for a small town, and he thought that if the hon. the mover would reduce it to £500, he might obtain that amount. Had the precedent not been established, he (Mr. Raff) would have voted against the motion; but, as it had been established and a case had been made out by the hon. member for Drayton, he should support it. He then concluded by referring to the bad usage the roads received, and expressed an

opinion that if the house voted money for repairing them, the government should see that they were not destroyed in the same way as at present.

Mr. JONES supported the motion for £1000. He apprehended that if five or six towns applied for a similar amount each, the money would not be thrown away, as it was impossible to spend money more profitably than in making towns of some use by having good roads to them. It had been stated as an argument against the motion that the town of Drayton was poor, but in his opinion that was a reason why it should be assisted. He was certainly surprised to see two gentlemen who represented portions of the same district disagreeing upon such a subject, and he felt he might congratulate himself that such was not likely to be the case with him, as his colleague opposite gave him all the assistance in his power. It was quite absurd for the hon. the Minister for Lands and Works to say that Ipswich was a special case. It was special only in the sense that every influence was brought to bear in favor of it. As long as he was a member of that house he should advocate the house doing all they could for the outlying districts, and he could not conceive how even £10,000 could be better spent for the good of the colony.

Mr. LILLEY supported the motion, and referred to the 82nd section of the Municipalities' Act, to prove that certain roads through townships were exempt from the control of the Municipal Council. He thought that when a public road was made through a municipality the burden of it should not be thrown upon the municipality, and that by the government making it they would not be infringing upon the act he had referred to.

Mr. HALY opposed the motion, as he thought it was absurd to throw money into a bog hole, as it would be in the present case, inasmuch as £1000 would not be sufficient to make the road.

Mr. BELL supported the motion, as he considered the road or street referred to as most impassable. It had also the advantage of being the main line of road to the colony of New South Wales. The principle, perhaps, was one not fully established, that large sums of money should be granted to any place which might be brought under the notice of the house; but, from his knowledge of the road in question, it was so bad that some assistance from the house was necessary to make it even passable.

Mr. GROOM, in reply, said that, in compliance with the request of several hon. members, he had no objection to reduce the sum to £500, although he thought that was too small an amount to spend upon the place he had mentioned. The majority of the people at Drayton were freeholders, and had bought land under the impression that the government would grant them some money to make the roads, in the same way as they had granted it to Maryborough, Ipswich, Toowoomba, and other places. He thought he was justified in asking the money from the house, and as he had pledged himself to do so he should divide the house. It had been mentioned that the road was the main line to New South Wales, but he might state that it also went to Goondiwindi. If he divided the house at all, it would be upon the sum of £1000.

The motion for £1000 was then put, and the house divided with the following result:

Ayes, 11; Noes, 11.

The SPEAKER stated that the division being equal, it was his duty to give the casting vote against the motion, which was accordingly lost.

The following is the division list:—

Ayes.	Noes.
Mr. Ferrett	Mr. Macalister
Forbes	Herbert
Mackenzie	Raff
Groom	B. Cribb
O'Sullivan	Taylor
Jones	Haly
Richards	Warry
Coxen	Edmondstone

Bell
Lilley } Tellers.
Maclean }

Moffatt
R. Cribb } Tellers.
Blakeney }

SUPPLY.

Mr. MOFFATT, by leave of the House, postponed this order of the day until the following day week. The hon. member stated that the estimates were in the hands of the printer, but he trusted they would be ready by the end of the week, as he had promised.

QUARANTINE BILL.

Mr. HERBERT, in moving the second reading of this bill, said he did not think it was necessary to address the house upon the subject, as the bill was merely a consolidation of the acts in force for the convenience of persons engaged in shipping and of the health officer; there was nothing to change the laws already in force in the colonies. The necessity of providing proper provisions for ships, and proper accommodation for ships, when in quarantine, had been a matter constantly before the public, and therefore he felt confident the house would offer no objection to the bill. He would postpone the committal of it for two or three days, and would then be able to satisfy the house upon any matters connected with it.

The motion was carried.

The bill was read a second time, and its committal made an order for the following Wednesday.

LIEN ON CROPS BILL.

Mr. MACALISTER moved the third reading of this bill.

The motion was agreed to, and the bill was read a third time and passed.

The house adjourned at twenty-five minutes past four o'clock, until three o'clock on the following (this) day.