

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

...
Legislative Council
13th May 1863

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Extracted from the third party account as published in the
Courier 14th May 1863

THE PRESIDENT took the chair at a quarter past three o'clock, and read prayers.

RESIGNATION.

The PRESIDENT intimated that he had received a communication from his Excellency the Governor, announcing that Alfred Henry Brown, Esq., had resigned his seat in the Council.

CORRESPONDENCE.

The ATTORNEY GENERAL laid upon the table a copy of the correspondence relative to the intercolonial tariff conference. It was ordered to be printed.

DIVORCE AND MATRIMONIAL CLAUSES BILL.

On the motion of Dr. HOBBS, this bill was read a first time, ordered to be printed, and read a second time on Wednesday next.

INSOLVENCY RETURNS.

Dr. HOBBS, pursuant to notice, moved that an address of this house be presented to his Excellency the Governor, praying that the following returns of insolvencies during the years 1861 and 1862, containing the following information, be laid on the table of this house:—A tabular return of the number of insolvencies; gross assets, as valued by insolvents; gross sums recovered by official assignee; expenses and charges of all kinds, including official assignee's commission; law charges; ordinary and extraordinary expenses, and total expenses; sums divided amongst creditors; secured and unsecured; periods of insolvencies, stating date of filing schedules, dates of winding up, final evidence; discharge of insolvents; total periods of durations under the court's jurisdiction, fractions of months being omitted.

The ATTORNEY GENERAL said the government were at all times willing to produce correspondence, or furnish returns. In the present instance, however, the Supreme Court was the proper quarter to apply to. He promised, however, to ask for them from the court, and produce them when granted for the information of the house.

The question was then put and passed.

IMMIGRATION RETURNS.

The PRESIDENT moved that an address be presented to his Excellency the Governor praying for a return, showing the total number of immigrants, distinguishing adults from those under age, arriving in each year respectively in Queensland, since the commencement of immigration direct from Europe to this colony; also, the total number of land orders issued in each year; the total value of land orders issued in each year; the total amount of payments from the revenue, exclusive of land orders, on account of immigration in each year; the total amount received on account of sales of land in each year; and the total amount of land orders received in payment for such land in each year. His object was simply to procure the fullest information for the house with reference to the working of the immigration and land systems. All the information

could doubtless be at present obtained if hon. members searched through voluminous documents for what items they desired. He considered, however, that as the subject was of vital importance it would be advisable to present the information in a concise and tabular form.

The ATTORNEY-GENERAL, assenting on behalf of the government, the motion was put and passed.

JURY BILL.

On the motion of the ATTORNEY-GENERAL, the second reading of the Jury Bill was postponed till this day.

LIENS ON CROPS BILL.

The further consideration of this bill was also postponed on the motion of the ATTORNEY-GENERAL.

SCAB IN SHEEP BILL.

The house resolved itself into committee for the consideration of this bill.

The preamble was postponed.

With reference to clause 1, granting power to the government to prevent the importation of sheep by proclamation, the ATTORNEY-GENERAL explained, as he did on the second reading of the bill, that the provision contained in the clause was necessary to the completeness of the measure.

Mr. GALLOWAY asked the Attorney-General whether it was intended to grant power to restrict the operations of the Act to the scab disease without reference to other diseases.

The ATTORNEY-GENERAL said in cases of scab it was absolutely necessary to prevent squatters from boiling down at all. It was intended so to frame the law, that in cases of catarrh and Cumberland diseases, the sheep might be boiled down, and the skins made use of.

Mr. BIGGE asked what compensation would be granted for sheep that has been destroyed for scab, and whether those boiled down for catarrh and the Cumberland disease would be compensated in the same manner.

The ATTORNEY-GENERAL stated, that when sheep were boiled down and their tallow and hides turned to profitable account, no compensation at all would be given; and a certificate to the effect, that sheep had been actually destroyed would be required before any question of compensation would be entertained by the government.

The clause was then put and passed without amendment.

On clause 2, Mr. GALLOWAY moved as an amendment that a proviso be added to the effect, that an interval of fourteen clear days should be allowed to pass between each publication of the proclamation in the "Government Gazette."

Mr. FITZ believed the public feeling was in favor of the immediate passing of the bill without any unnecessary delay, and for himself he would be glad if the measure became law to-morrow.

The ATTORNEY-GENERAL hoped, as the clause was very carefully considered by the government, that it would be allowed to stand.

The original question was put and passed.

The ATTORNEY-GENERAL asked for leave to move a new clause, as the permission to boil down scabby sheep appeared to be granted in the old bill and denied in the present one. He therefore proposed to refuse permission altogether to boil down scabby sheep, as the disease might be propagated from the skins.

Mr. BIGGE desired to know whether, if a squatter boiled down on his station sheep diseased with catarrh, or the Cumberland complaint, he would be entitled to compensation. He asked the question because a Burnett squatter had actually received 4s. a head as compensation for such, whose tallow and skins he had profitably disposed of in the market.

The PRESIDENT thought the effect of the clause was to give flockowners the option of boiling down or accepting compensation in the event of their sheep being diseased with catarrh, or the other complaint.

The ATTORNEY-GENERAL drew attention to the difference between the clause at present under consideration and the proviso in the old act. The present act says: we give no compensation for boiling down in cases of catarrh and Cumberland disease, but we will not allow you to boil down scabby sheep at all.

The new clause, as proposed by the ATTORNEY-GENERAL, was then put and passed.

In moving clause 5, granting compensation for sheep destroyed, the ATTORNEY-GENERAL simply proposed its adoption, as he was not prepared to say what amount of compensation, if any, should be granted. That question would be best answered by flockowners themselves.

Mr. FITZ would support the clause as it stood. At first he thought the assessment high, but such large discretionary powers were conferred upon the assessors that there would be no danger of getting fifteen shilling a-head for a flock of old culls worth no more than three.

The clause was carried without amendment.

Clause 6, providing that in certain cases no certificate be granted, was passed.

On clause 7, providing for the creation of a fund for the carrying out of the objects of the bill,

The ATTORNEY-GENERAL said he would leave the discussion of this clause to those hon. members who would be better qualified to express opinions with reference to compensation.

Mr. BIGGE thought the rate excessive.

The ATTORNEY-GENERAL did not consider that it was, as the ten pound rate was merely a maximum limit. The scale was progressive, and the clause was merely introduced to enable the government to moot every contingency.

Mr. GALLOWAY did not consider the rate excessive. If they took the whole number of sheep in the colony and charged the highest rate, they could only raise about £60,000, which would be a very small sum indeed. He would like to ask the Attorney-General, however, if the assessment was to be paid into the consolidated revenue, what was to become of any surplus?

The ATTORNEY-GENERAL explained that the fund was merely to provide a working machinery for the effectual carrying out of the system in the event of the breaking out of the disease.

Mr. FITZ said that on the breaking out of the scab some years ago, £2 was considered a sufficient tax. One squatter boiled down 20,000 sheep, for which he got four shillings a head compensation. He would therefore like to be assured that the government would keep the fund separate, and not apply it to other objects than the one contemplated by the bill.

The ATTORNEY-GENERAL moved, on a point of order, that that house could not deal with the consolidated revenue.

The CHAIRMAN stated that, as no amendment had been made on the original motion, he could not at that stage entertain the question.

Mr. FITZ moved, as an amendment, that two pounds should be substituted for ten as the maximum assessment.

Mr. YALDWYN thought they should hesitate to pass the amendment. The assessment was for the benefit of the squatters only, and by it a sort of mutual benefit association of squatters was established by themselves, and for their exclusive advantage.

Dr. FULLERTON considered two pounds too little, and ten pounds not a penny too much. The disease was a very dangerous one, and no stinginess should be allowed to interfere with its eradication and extinction. He had seen a bill that had been prepared for presentation to the other house to provide by special enactment that the money raised by pastoral assessment for the eradication of evils affecting the pastoral interests should be placed to the credit of a separate

fund; and that when it amounted to £60,000 there was to be a gradual decrease in the rate of assessment.

The PRESIDENT thought the increased assessment enacted by the clause was a necessary consequence of the increased remuneration afforded by the bill in cases where sheep were destroyed. The amount of compensation was originally only four shillings; now, however, it is laid down at fifteen. He considered that the fund should be regarded as a mutual assurance fund, and he agreed with Mr. Galloway in holding that it should form no part of the consolidated revenue of the colony. He thought public opinion would always be sufficiently strong on the subject to prevent any misappropriation of the fund in such a way. He believed a bill was in existence under which such a proviso had already been distinctly made.

Mr. FITZ had no doubt that the bill was to establish a sort of mutual insurance. He would like, however, to see a provision inserted to prevent the improper application of this money. A large sum had been raised by assessment before separation, for the prevention of the spread of scab, and that money was still held by New South Wales. As the feeling of the house appeared against him he would withdraw his amendment.

The clause, together with clause 8, and the preamble were severally put and passed.

On the motion of the ATTORNEY-GENERAL the house resumed, and the Chairman reported progress.

The house then adjourned at a quarter to 5 o'clock, till the following (this day) at 3 o'clock.