

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

...
Legislative Assembly
14th May 1863

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Extracted from the third party account as published in the
Courier 15th May 1863

The SPEAKER took the chair at twenty-seven minutes past three.

PAPERS.

The COLONIAL SECRETARY laid upon the table of the house a report from the Registrar-General concerning the delays in issuing certificates of title, and moved that the same be referred to the select committee appointed on the previous day.

Motion put and carried.

SUPPLY.

The COLONIAL TREASURER moved that the Speaker do leave the chair, and that the house go into committee of the whole to consider the supply to be granted to her Majesty for 1864.

Mr. R. CRIBB asked the Speaker whether the passage of the motion would interfere with any subsequent motion which might be made as to sending back the whole of the Estimates to the government.

The SPEAKER said that the shape in which the hon. member had put the question, quite precluded him (the Speaker) from replying.

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

The COLONIAL TREASURER then moved that the sum of £100 be voted as salary for a porter and messenger at Government House.

Mr. R. CRIBB asked the chairman whether, if the money asked for were voted, such vote would have the effect of preventing the estimates being sent back as a whole.

The CHAIRMAN of COMMITTEES did not conceive it to be his duty to reply to the question of the hon. member.

The COLONIAL SECRETARY said that if the hon. member (Mr. Cribb) was desirous of condemning the financial policy of the government before the finance statement was made, he had better do so at once; and, of course, such a mode of procedure would enable the government at once to perceive that a vote of want of confidence was meant, and it would be accepted in that way.

Mr. LILLEY had a decided objection to vote for any sum until he had heard the financial statement.

The COLONIAL TREASURER would have thought that the hon. and learned member for Fortitude Valley was sufficiently acquainted with parliamentary usage as to be fully awake to the fact that the present motion was merely a necessary preliminary to the financial statement, which would be made that day week.

The COLONIAL SECRETARY said that the same course was then being adopted as during the previous sessions.

Mr. MACKENZIE confirmed the statement of the Colonial Secretary, and said that he believed it was in accordance with precedent, both at home and in the colonies.

Mr. LILLEY, After the explanation we have heard, we are quite prepared to withdraw our objection.

Mr. TAYLOR would very much like to know who the hon. member for Fortitude Valley meant when he said "we?"

Mr. LILLEY meant the hon. members who had spoken on the question.

The motion was then put and carried; the house resumed, and the motion for the adoption of the report fixed for Tuesday next.

MR. R. R. TORRENS.

The COLONIAL SECRETARY said that having survived the late ministerial crisis, he would in a few words introduce to the house a motion, in which he believed every hon. member would concur. It was very generally understood that the colony was much indebted to Mr. Torrens for the assistance which had been rendered by that gentleman towards the preparation of the Real Property Act, then in operation. Mr. Torrens had not been legally educated, and therefore the difficulties which he had had to encounter must have been considerable; and it was very pleasing for him (the Colonial Secretary) to state that no obstruction had been placed in the way by the members of the legal profession in Queensland. The present Registrar-General of Queensland had been in Mr. Torrens' office in South Australia, and had been afforded every opportunity of acquiring the necessary knowledge of the working of the act, a fact which perhaps contributed greatly to the success which had attended its working here. So well pleased was Mr. Torrens with the manner in which his idea had been carried out in Queensland, that he had more than once expressed his belief that its successful working would be more plainly developed here than in any other colony. Under all these circumstances, he (the Colonial Secretary) thought that hon. members would not for a moment hesitate to assent to the following motion:—"That this house take into consideration the Legislative Council's resolution —(1.) That the thanks of this house be given to Robert R. Torrens, Esquire, late Registrar-General of South Australia, for the valuable services rendered by him to the colony of Queensland, previous to the introduction, and during the passing of the 'Real Property Act of 1861.' (2) That the Legislative Assembly be invited to concur in these resolutions, and that they be transmitted to his Excellency the Governor, with a request that he will be pleased to communicate them to the above-named gentleman."

Mr. LILLEY cordially concurred with the motion, although the operation of the act had tended somewhat to lessen the profits of the members of the legal profession.

Mr. R. CRIBB also concurred with the motion, but thought that the services rendered by Mr. Torrens to the colony deserved something more substantial than a mere vote of thanks.

Mr. WARRY thought a vote of thanks from that house was decidedly preferable to presenting Mr. Torrens with six teaspoons.

Mr. FERRETT agreed with the motion, and thought that Mr. Torrens was entitled to their sincere thanks. If the hon. member (Mr. R. Cribb) wished to give the gentleman referred to anything else, let him do so out of his own pocket.

The motion was then put and carried.

INQUEST ON FIRES BILL.

On the motion of the COLONIAL SECRETARY, the Speaker left the chair, and the house resolved itself into a committee of the whole for the consideration of the above bill.

The various clauses of the bill were put and passed, the house resumed, the Chairman reported progress, and the third reading of the bill was fixed as an order of the day for Wednesday next.

CONSTABLE DEMPSEY.

Mr. O'SULLIVAN moved—That the papers laid on the table of this house, relative to the case of constable Dempsey, be printed.

The papers were not at all voluminous, and had been laying upon the table for some time past. He had been in some doubt as to the propriety of moving that they should be printed; but as he intended to found a motion upon them, it followed that the papers must first be printed. He hoped the house would support the motion.

Mr. FORBES seconded the motion.

The COLONIAL SECRETARY did not intend to assent to the motion. The facts of the case were as follow: Some time since a notification had been received by the government from two magistrates to the effect that Constable Dempsey had been discharged for insubordination and drunkenness—conduct that would effectually prevent him from performing satisfactorily the duties of his office. It was also stated that a memorial would be sent down in favor of the man; but that he was perfectly incompetent to act as a constable. He thought that it was a pity for the unfortunate man that the present motion should be made; and as to the expense of printing the papers the facts of the case rendered it decidedly unworthy.

Mr. TAYLOR would vote against the motion.

Mr. GROOM would support the motion. He happened to know something about the merits of the case. It appeared that Constable Dempsey had apprehended a blackfellow named Roguery on a charge of rape,—the blackfellow at the time being a servant in the employ of Mr. Halloran. Mr. Halloran, at the time, gave Dempsey to understand that in consequence of his pertinacity the tenure of his office would be very short; and accordingly shortly afterwards he was dismissed.

Mr. WARRY would oppose the motion. What was the use of appointing magistrates if the government could not safely entrust in their hands the duty of discharging or keeping on the constables under their control.

Mr. R. CRIBB would support the motion. In his opinion all papers laid upon the table of that house should be printed.

Mr. FORBES was not at all surprised to hear the remarks that had fallen from the hon. member for East Moreton (Mr. Warry), as he believed that that hon. member had himself made an application to the government to be appointed a Police Magistrate.

The SPEAKER here ruled Mr. Forbes to be out of order.

Mr. FORBES would support the motion, on the ground that as Mr. Halloran had entered into the duties of his office with anything but clean hands, it was desirable that any of his conduct upon which the slightest suspicion rested should be inquired into.

Dr. CHALLINOR would support the motion, believing that a man who had been in the force for seven years should not be dismissed in a summary manner, unless good and sufficient cause were shown.

The COLONIAL TREASURER said that the man had been dismissed upon the recommendation of the Attorney-General, who had found him quite incompetent to perform the duties of his office.

Mr. BELL after what he had heard, was decidedly opposed to the motion.

Mr. COXEN thought that the recommendation of two magistrates was worth something; if it was worth anything it would be very wrong for the house to interfere with the matter.

Mr. LILLEY did not think that a sufficient case had been made out by the hon. member (Mr. O'Sullivan), therefore should not vote for the motion.

Mr. M'LEAN deplored the fact that there were certain hon. members of that house who got returned by some unaccountable means or other, and who immediately they appeared in the house made it their business to abuse everything and everybody. He should oppose the motion, believing, as he did, that the papers were not worth printing.

Mr. O'SULLIVAN, in reply, said that lately he had found out that any motion introduced by him was sure to be opposed by the hon. member at the head of the government. That hon. gentleman had appeared to have quite ignored the fact that it was he (Mr. O'Sullivan) who had contributed so much towards keeping him in his seat during the very first session of the Queensland parliament, when a motion, which would have upset him, was decided in his favor by the casting vote of the Speaker. But, however that might be, he (Mr. O'Sullivan) thought that the case was a gross piece of hardship in which a poor man had been most unfairly treated. The Attorney-General, too, had gone out of his way to deprive the man of his situation. Constable Dempsey had been guilty of a very grave offence—in the eyes, perhaps, of some people. He had apprehended a blackfellow who had been caught in the act of committing a most beastly crime—a crime deservedly punishable by death. He had apprehended the man Roguery, without having a warrant for so doing; and what was the result? Why, he was dismissed from the force; under what circumstances, he (Mr. O'Sullivan) would proceed to show. It appeared that this man Roguery was a most useful man about a house—could clean boots and shoes, knives and forks, &c., in a very artistic manner; and he was employed by Mr. Halloran, who of course paid him nothing for his services. The consequence was that Dempsey, for his officiousness—many persons thought for doing his duty—was dismissed; dismissed illegally, without any trial whatever. Somewhat after the fashion of what used to be termed a Drayton warrant. A large memorial had been got up in his behalf, and signed by nearly all the freeholders in Warwick, among whom were three magistrates, who completely controverted the statements of the other magistrates. It was certainly disgraceful that a man who had done his duty satisfactorily for seven years should suddenly be dismissed without any trial for drunkenness, especially under the circumstances which he had detailed to the house. He hoped that the motion would be carried.

The house then divided, with the following result:—

Ayes, 10.		Noes, 11.	
Dr. Challinor		Mr. Herbert	
Mr. Edmondstone		Richards	
Forbes		Coxen	
Groom		Haly	
Lilley		Bell	
Mackenzie		Warry	
O'Sullivan		Royds	
R. Cribb		M'Lean	
Raff	} Tellers.	Ferrett	
Blakeney	}	Moffatt	} Tellers.
		Taylor	}

POSTPONEMENTS.

Mr. O'SULLIVAN, by leave of the house, postponed the motion standing in his name, with regard to the action in the house of members accepting government offices, until Thursday next.

Mr. BLAKENEY, in the absence of the hon. Minister for Lands, postponed his resolution with reference to the dredging operations on the Brisbane bar, until Thursday next.

NATIVE DOG BILL.

Mr. FORBES moved that the order of the day for the second reading of the Native Dog Destruction Bill, which he had introduced, be discharged from the business paper.

Motion agreed to.

BATHURST BURR BILL.

Mr. BELL moved the second reading of "A Bill to provide for the Destruction of the Bathurst Burr and certain Thistle Plants." He stated that he regarded the destruction of the Bathurst burr in this country as a question of vital importance. He needed not to remind hon. members of the depreciating effect of the seed of that weed upon the staple commodity of the colony, nor of the havoc committed by the spreading of the weed amongst the natural grasses in the depasturing lands. The bill should be regarded as one of pressing necessity. It was unnecessary for him to speak at length in support of the principle of the bill, but he would go shortly into the clauses of it. In doing so he would express his regret that a similar measure had not been passed by this parliament at an earlier date—in the first session; for it would have placed the country beyond a trouble with which they were now only beginning to deal. In drawing the bill, the endeavor was to make it as short and simple, as concise, and as intelligible as possible. As showing the great necessity that existed for the bill, and that the necessity was recognised, he might mention that had he not taken action on the subject, a very useful measure would have been placed on the table of the other house by an hon. member in another place, the hon. Dr. Fullerton. And then, again, the hon. member, Mr. M'Lean, had given him the advantage of his experience in recommending that the measure should have short and direct action, which was a great recommendation to it. Owing to the absence of this in a similar measure passed by the parliament of Victoria, the law in that colony was a dead letter. The intention of the bill in hand was that every owner, lessee, or occupier of any land in Queensland, after fourteen days' notice to that effect, should be obliged to destroy the Bathurst burr on his land. The bill also referred to the thistle, which, though it had not become so strong in this colony as the burr, had taken root here. The time imposed upon any person for disregarding such notice was only £20 at the greatest, and £5 at the minimum. Any matter under the bill would be heard and determined by the justices of the peace in the usual way; and the justices had the ability, under the bill, if they found that reasonable exertions had been used by any person to clear his land of the weeds, to suspend the order for the fine and to extend the time for eradicating them. The hon. member explained the minor provisions of the bill, and in the course of his statement admitted that the measure might, if passed, press heavily on individuals; but it was impossible to legislate for such special cases when the public good was the object in view. The government would have to keep its waste lands free of the nuisance, and municipalities would be held liable in the same way as if they were individual proprietors or occupiers.

Mr. M'LEAN seconded the motion, and spoke at length in support of the bill, at the same time pointing out the evils of suffering the burr and thistle to spread over the colony unchecked. He contended that, after the fullest consideration that he and his hon. friend (Mr. Bell) could give the measure, they could see no way of providing for exceptional cases without destroying the symmetry and beauty of the bill. (Laughter, and "hear, hear.")

The COLONIAL SECRETARY said, on behalf of the government, that he thought sufficient cause had been shown why the bill should go into committee; and the hon. members who had taken the trouble to prepare the measure deserved thanks for the care and consideration they had bestowed upon it. The matter was brought before his attention last year; it was then too late for the government to go into the consideration of the matter, and they said that if the measure was an urgent one they would give their support to it if any other hon. member brought it forward. And he was aware that two hon. members of the other house, besides members in this house, had turned their attention to it with the view of bringing the bill before parliament. He thought that showed pretty clearly that there was some necessity for the measure. Some of the details of the bill were, to his mind, not requisite; but he thought that in committee such changes might be made as would not render it oppressive on individuals, and would render it good for the public at large. (Hear, hear.)

Mr. O'SULLIVAN was under the impression that, on account of the stupidity of the bill, it was the work of many hands; but he found he was mistaken, having had the classical evidence of the hon. member for Western Downs in all the Latin that was in the last clause. (Laughter.) When the house saw that it was for the sake of "symmetry and beauty" (laughter) that hon. members reserved the expenses of carrying out the measure to be defrayed from the general revenue,

instead of placing taxes on themselves, whom it was to benefit, he was suspicious of the bill, and he opposed it. The Bathurst burr, he agreed, injured the staple commodity of the colony—but let those who were affected by it, the squatters, eradicate it at their own expense. If they brought in a bill with that object he should support it. Why should the townspeople be taxed to eradicate the burr!

Mr. MACKENZIE supported the second reading of the bill though he regarded it as a “ticklish” question to legislate upon. The act would probably be inoperative, therefore he recommended that they should simply attempt the eradication of the Bathurst burr by way of experiment. Such alterations could be made in committee as would make the bill presentable.

Mr. FORBES did not feel inclined to support this ministerial bantling of such symmetry of form. The squatters attempted by the bill to get too much money out of the Treasury. (“No, no.”) And it was for this that there had been so much time spent in hatching the beauty. (Laughter.)

Mr. COXEN, Mr. HALY, and Mr. FERRETT spoke in favor of the measure, and showed to the house that there was little danger of the squatters taking anything out of the public Treasury to clear their runs of the Bathurst burr. They gave some valuable information respecting the spread of the weed.

Mr. GROOM pointed out an objection to the clause respecting the liability of municipalities; but supported the second reading of the bill with a view to moving an amendment in committee.

Mr. TAYLOR supported the bill, and

Dr. CHALLINOR supported the second reading though objecting to details of the measure.

Mr. WARRY opposed the motion.

The question was put, and the house divided and affirmed the motion:—

Ayes, 16.

Noes, 4.

Mr. Moffatt

Mr. Warry

Blakeney

Edmondstone

M'Lean

Forbes } Tellers.

Ferrett

O'Sullivan }

Groom

Taylor

Jones

Coxen

Bell

Haly

Mackenzie

Challinor

Lilley

Richards

Herbert } Tellers.

Royd }

The consideration of the bill in committee, was made an order of the day for Wednesday next.

On the motion of the COLONIAL SECRETARY, the house adjourned until Tuesday next.