

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

...  
**Legislative Assembly  
5<sup>th</sup> August 1863**

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Extracted from the third party account as published in the  
Courier 6<sup>th</sup> August 1863

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THE SPEAKER took the chair at seventeen minutes past four, and read prayers.

**PAPERS.**

The COLONIAL SECRETARY laid upon the table certain papers referring to the application of Mrs Logan; also, papers with reference to the case of Mr. J. Donald Harris, late of the Native Police; and moved that they be printed. He might state that no information had been received by the government with reference to the alleged slaughter of a black fellow at Musket Flat.

The motion was put and passed.

**PETITION.**

The COLONIAL SECRETARY presented a petition from William Miles, praying that the recent election for the Maranoa should be declared null and void; and moved that it be referred to the Committee of Elections and Qualifications.

The motion was put and passed.

**CONGRATULATORY ADDRESS TO HER MAJESTY.**

Mr. MACKENZIE asked the Colonial Secretary—What had become of the promised congratulatory address to her Majesty on the marriage of his Royal Highness the Prince of Wales?

The COLONIAL SECRETARY, in reply, stated that the address referred to by the hon. member was expected to be received from the Upper House that day.

**IMMIGRATION DEPOT AT TOOWOOMBA.**

Mr. GROOM, seeing the hon. the Colonial Secretary in his place, would beg to ask him, without previous notice, whether it was the intention of the government to establish an immigration depot in Toowoomba during the present session.

The COLONIAL SECRETARY, in reply, stated that the government had had the matter under consideration, and notwithstanding there being many difficulties in the way, it was hoped that an immigration depot would be established in the town mentioned during the present session.

**RAILWAY COMMUNICATION.**

Mr. DOUGLAS said that he would, with the consent of the house, withdraw the following motion standing in his name. A long and somewhat animated debate had taken place on a similar subject, and he would not, in consequence, bring his motion before the notice of the house:—“(1) That in the opinion of this House it is desirable that railways, constructed on principles suitable to the circumstances of a new and sparsely peopled country, should be adopted as the best and cheapest mode of keeping open the lines of communication, and of facilitating the occupation of this territory. (2) That as in America railways have been constructed and are now being successfully conducted by companies largely endowed with State lands, so here, under nearly

analogous circumstances, there are just reasons for concluding that similar results would ensue from the creation of local land trust corporations, empowered to give effect to railway undertakings: and it is further the opinion of this House, that such works of public utility should be carried out on commercial principles, as far removed as possible from the interference of political influences. (3.) That in order to obtain the requisite data for arriving at correct conclusions as to the probable cost and maintenance of a uniform system of railways, adapted to the requirements of the different localities, it is desirable that the necessary surveys should be made without delay in the Southern, Central, and Northern districts. (4) That an extension and re-distribution of the present electorates should precede the final legislative adoption of any railway measure."

### THE NORTHERN ROADS.

Mr. DOUGLAS would withdraw the following motion standing in his name, seeing that it was the intention of the hon. Secretary for Lands to move for the appointment of a Select Committee to enquire into the state of the main roads of the colony:—"That this house will, on Friday next, 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 1863, a sum not exceeding £5000 to be appropriated to the formation of roads in the Northern Road District, in the following proportions:—Towards the formation of the direct road from Rockhampton to the Peak Downs, £2000; towards the formation of the road from Gladstone to Camboon, £1000; ditto ditto to Broad Sound and Isaack, £500; ditto ditto from Alexandria to Fort Cooper, £500; ditto ditto to the Kennedy District, £1000. Total, £5000."

### WHARF AT ROCKHAMPTON.

Mr. DOUGLAS would, for the reasons stated, beg also to withdraw the following motion:—"That a Select Committee, to be chosen by ballot, be appointed to enquire into the circumstances of a proposed lease to the Australasian Steam Navigation Company of certain wharfage accommodation at Rockhampton, and to report thereon."

### BANK OF QUEENSLAND INCORPORATION BILL.

Mr. McLEAN moved for leave to introduce a bill to facilitate proceedings by and against a certain Banking Company called the Bank of Queensland (limited), and to limit the liability of the shareholders of the said Company, and for other purposes therein mentioned.

The motion was put and carried, and the bill was read a first time.

### ROADS IN WIDE BAY DISTRICT.

Mr. EDWARDS withdrew the following motion standing in his name:—"That this House will, on Friday next, 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 on the supplementary estimates for 1864—(1.) An additional sum of £500 for the roads in the Wide Bay and Burnett Districts. (2.) A sum of £200 for repairing the main street of Gayndah."

### BATHURST BURR BILL.

Mr. BELL thought that in moving the second reading of the above bill, there was little necessity for him to descant at length upon the desirability of destroying the Bathurst burr, and the other thistle plants which existed in the colony. The passage of the bill would in no way involve the expenditure of any amount of money from the general revenue of the colony, but the bill provided that every man who possessed agricultural land or land used for pastoral purposes should contribute towards the extinction of the plant. The bill was very simple and easily understood, and contained no intricate or mystifying clauses. Provision had been made that all persons should have the necessary time granted to them for clearing the nuisance from their property, so that it could not fall hard upon any persons. He had heard that one objection had been made to the effect that it was very hard on those parties through whose runs roads were made, but he sincerely hoped that that one objection should not interfere with the passing of the

bill. To show how easily the nuisance complained of might be eradicated, he would refer to a case which had occurred on the Darling Downs, at Pilton, than which there was not a greater hotbed for the plant in the country. The proprietor of the run had undertaken to root out the plant, and although the job was rather an expensive one at the outset, the effort had been so successful that one man employed during a portion of the year was sufficient to keep it down at the present time. He did not think that any sufficient reason could be urged against the passage of the bill, and therefore he moved that it be read a second time.

Mr. COXEN seconded the motion.

Mr. DOUGLAS had no objection to the bill, believing that as an experimental measure it might be useful, although he must at the same time admit that he had no very great confidence in it.

Mr. TAYLOR thought the bill was likely to be of great service to the country, and reprehended the attempt of the hon. member for Rockhampton to throw cold water upon it.

The motion was then put and passed, the committal of the bill being made an order of the day for this day.

### ROAD BETWEEN IPSWICH AND TOOWOOMBA.

Mr. BELL moved that the house resolve itself into a committee of the whole.

Mr. RAFF would suggest to the hon. member the propriety of postponing the motion for a few days. (No, no, from Mr. Taylor). The hon. member said no, no, but that hon. member had said no later than yesterday, that any money spent upon the road in question would be wasted. He (Mr. Raff) did not oppose the motion when it was at first introduced, on the ground that any sum of money spent on the roads at the present time, should be deducted from the amount to be given to it when the money was distributed to the roads of the colony. (Hear.) The hon. member (Mr. Taylor) must admit that there was more than one road in the colony, and that therefore it would be only right and just if the motion then before the house, were postponed for a few days.

Mr. GROOM was very sorry to see that any opposition had been raised to the motion. Hon. members must be aware of the fact that the present state of the road was interfering materially with the business with the interior. He was in a position to state, that one firm in Brisbane had no less than fifty tons of goods ready for despatch up the country, but in consequence of there being no carriage—the drays being afraid to face the road—the goods continued in store, and the people up the country were perhaps suffering for the want of them.

Dr. CHALLINOR supported the motion.

The MINISTER for LANDS was under the impression that it had been understood the other day that the money asked for in the motion should be granted, on the condition that it should be looked upon as a portion of the money to be expended on the road when the state of the whole of the roads of the colony was under consideration by the proposed committee. He might state that it was only lately that the government had received official information of the very bad state of the road between Ipswich and Toowoomba, and he thought that the motion should be allowed to pass.

Mr. DOUGLAS said that when he withdrew somewhat similar motions standing in his name he was evidently laboring under some mistake. He had certainly believed, from a conversation he had held with the Minister for Lands that all motions asking for money for the repair of roads which might be on the paper would be withdrawn on account of the proposed formation of a committee on the subject. Such, however, appeared not to be the case, and he must say that the remarks of the hon. Minister for Lands, when he induced him to withdraw his motion, were characterised by a want of candour very reprehensible in and unworthy of a minister of the Crown.

The MINISTER for LANDS denied that his statements to the hon. member for Rockhampton had been characterised by any want of candour.

Mr. KENNEDY said he certainly knew that the amount asked for was not nearly sufficient for the repair of the road; and there was no mistake but that if the road were not repaired as quickly as possible, the country would suffer. He believed that the colony was now losing from £30,000 to £40,000 a year in consequence of the length of time taken up in carrying goods to the westward. The settlers on the Warrego were dealing with New South Wales, Victoria, and even with South Australia, in preference to being compelled to wait so very long for their goods. In his opinion the money should be voted without an hour's delay.

Mr. MACKENZIE complained of the disingenuousness of the government. The road to the Peak Downs, over which there was a large amount of traffic, was just as bad as the road referred to in the motion; yet no provision was being made for its immediate improvement.

The COLONIAL SECRETARY said that it had been distinctly understood by hon. members that the money asked for should be voted immediately, and credited to them, which might afterwards be awarded by the committee to be spent on the road.

Mr. SANDEMAN was also of opinion that it had been understood that the money asked for should be voted prior to the formation of the select committee.

Mr. COXEN was of the same opinion.

Mr. TAYLOR said the hon. member for North Brisbane (Mr. Raff) had referred to what he had said last night, but not in a proper manner. This was a most pressing case. As he had stated on a previous occasion, he had to pay for going through paddocks to reach Ipswich. The state of this road was a disgrace to any civilised country. But, because it was situated on the western road, and not in the northern districts, hon. members on the opposite side of the house objected to it. (Hear, hear, and laughter.) He expressed his surprise at the conduct of the hon. member on the other side, who had lectured the house upon good faith. The "great gun" from the north should not be in such a hurry to lecture the house; but should first see that he was himself clear of fault.

The SPEAKER (for the second time) called the hon. member to order. Hon. members of the house must be designated according to the constituencies they represented, and not as "great guns" or any other guns. (Laughter, and hear, hear.)

Mr. TAYLOR bowed to the ruling of the Chair. He would designate hon. members as directed, but begged to say that it was only a slip. (Laughter.) He thought the thanks of the house and the country were due to the hon. member for West Moreton for bringing forward the motion. There was a possibility of rain, and unless something was done to the road before wet weather set in, it would be impassable. Still he thought it was throwing the money away; for the road, however necessary the repairs might be, would soon require further expenditure upon it. (Hear, hear.)

Mr. WIENHOLT almost regretted that the matter had not been referred to a select committee; for, while admitting the desirability of the works proposed, he would not forget that the Warwick road needed something of the same sort. (Hear, hear, and laughter.) He had represented the matter to the Secretary for Lands and Works, who might have gulled him—(laughter)—but he did not think he had; though the hon. member had persuaded him to drop the motion. (Laughter.)

Mr. PUGH deprecated personalities in the course of debate, and stated that though he had indulged in a personal remark against one hon. member on the previous evening, he hoped it would be the last from him, as it had been the first. He had, however, one suggestion to offer, which was, that whenever the District Roads Bill was brought in, a clause should be inserted in it compelling the use of broad wheels on the roads. (Hear, hear.)

Mr. BELL could not see the necessity for calling for a committee to consider his motion, seeing that he had given the house timely notice of it, and that hon. members on all sides of the house bore testimony to the necessity for the expenditure he proposed. Therefore he left the motion with confidence in the hands of the house. (Hear, hear.)

The question was then put and agreed to.

[At this stage a message was received from the Legislative Council, and dealt with, as set forth below.]

The house went into Committee of the Whole to consider the following resolution, moved by Mr. BELL.—“That an address be presented to the Governor, praying that his Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1863, the following sums to be expended upon the repairs of the road between Ipswich and Dalby:—£4638 near the Rosewood Scrub; £2350 near Bigge’s Camp; £3280 between Bigge’s Camp and the Main Range (including Laidley Flat); £1232 between O’Brien’s blacksmith’s shop and the Seven-Mile Creek Bridge; £2000 between Toowoomba and Dalby; total £13,500.”

Mr. DOUGLAS suggested that the Secretary for Lands and Works should suggest that the latter item be omitted in compliance with a previous understanding of the house.

Mr. TAYLOR would be guided in his vote by the hon. member for Maranoa, whom he requested to state his experience of the road between Dalby and Toowoomba.

Mr. KENNEDY said the road was, to a large extent, under water, and so bad that he had been obliged to dismount from his horse and drive him before him, for he could not lead the animal. (Laughter) He thought that there was a greater necessity for spending £2000 on that road than for spending any on the other places named.

Mr. DOUGLAS still objected to the item, for what was the use of spending money on a road covered with water?

Mr. KENNEDY: The money would do a great deal of good for the clearing of timber and trees from the road to let the sun and air get on it to dry it.

The resolution was agreed to, and the house having resumed it was reported. The report was ordered to be received by the house to-morrow.

#### MESSAGE FROM THE COUNCIL—MARRIAGE OF THE PRINCE OF WALES.

The SPEAKER announced that he had received a message from the Legislative Council appointing three members of that house to conduct a conference with three members of the Assembly to prepare an address of congratulation on the marriage of H.R.H. the Prince of Wales.

The COLONIAL SECRETARY, in rising to propose a message to the Council in reply to the one just received, took the opportunity of stating that he certainly should have given way to the hon. member for the Burnett (Mr. Mackenzie), when he brought forward his motion for an address, if he had thought that the action of this House would have involved the Assembly in a conference—(hear, hear)—with the Council. (Hear, hear.) This was an exceedingly cumbrous process, with which, he was glad to say, the Assembly was not encumbered; and he hoped they would not often be put to the trouble of it. (Hear, hear.) He moved that the following address be transmitted to the Council:—

“Mr. PRESIDENT—In reply to the message received this day from the Legislative Council, intimating their desire for a conference with the Legislative Assembly upon the subject of a proposed joint address of congratulation from the two houses of the legislature of Queensland, upon the occasion of the marriage of his Royal Highness the Prince of Wales, the Legislative Assembly beg to intimate their willingness to access to such desire of the Legislative Council, and to state that they have appointed as their managers at such conference the following members, viz:—The hon. T. De Lacy Moffatt, Esq., J. D. McLean, Esq., and R. R. Mackenzie, Esq.”

The motion was agreed to.

#### WAYS AND MEANS.

The COLONIAL TREASURER moved—“That this House will, on Friday next, resolve itself into a committee of the whole, to consider of Ways and Means for raising the supply granted to her Majesty”. He took this opportunity of announcing to the house, that it was his intention on that day to make what was called the “financial statement” for the year 1864.

The motion was agreed to.

## MAIN ROADS AND BRIDGES.

The SECRETARY for LANDS and WORKS said the motion which he would now bring before the house had been placed on the paper in consequence of an understanding come to on the part of the house the other day that a select committee should be appointed to inquire into and report on the present state of our thoroughfares of the colony; and after all that they had heard during the last two or three days on the subject of roads, he did not imagine that he would be expected to occupy the time of the house by going into it. Nor had he the slightest intention of doing so. (Hear, hear.) But it did seem to him that a necessity existed that the house should arrive at some understanding of the claims that were constantly being brought forward for sums of money to be expended on roads. It seemed that the constituencies of some hon. members were not content with the sums put down by government for their roads. Hon. members were, of course, desirous of gratifying their constituencies, and they came forward to ask for sums of money which it was impossible for the government to provide. The committee would, he trusted, devise some scheme for carrying out a system of roads; and, when they came to inquire into the claims to consideration of the several districts, it would be found that while many good claims had never been mentioned, some of those that had been presented could not be very well substantiated. There was another question it would be well for the committee to decide—that was with regard to the main roads that went through the corporate towns of the colony. The government had been in the habit of opposing applications for sums of money for making the main thoroughfares in inland towns, on the ground that corporate towns were sufficiently endowed. It was unpleasant for the government to have to be constantly refusing hon. members; and it would be better if some general rule was laid down in that respect, for the question arose for discussion at least twice in every session. (Hear, hear.) His own opinion was that it would be better for the government to take the main lines into their own hands altogether. (Hear, hear.) With regard to the suggestion put forward by the hon. member for North Brisbane, Mr. Pugh, that it was perfectly useless to put the roads into repair if bullock-drivers were allowed to put three and four tons on their drays, and cut up the roads with narrow-wheeled vehicles. (Hear, hear.) To make the roads good without some provision against such practices would be only a temptation to those gentlemen to put another ton on their drays. With regard to the composition of the committee, hon. members would remember that he had not named a single town member. (Cries of "Yes, yes," and "Mr. Wienholt.") Hon. members were right. Well, he had looked upon the hon. member for Warwick as the representative of that district. The members of the committee had been selected for their knowledge of the different roads of the colony, and they represented all the road interests of the colony. Still, he was prepared to listen to any suggestions that the hon. members on the other side might offer. He moved—"1. That a select committee be appointed, with power to send for persons and papers, and leave to sit during any adjournment of the house, to inquire into and report upon the present state of the main roads of the colony, and the steps necessary to be taken towards providing for the repair and maintenance of such roads, and the construction of bridges. 2. Such committee to consist of Mr. Wienholt, Mr. Edwards, Mr. Bell, Mr. Sandeman, Mr. Coxen, Mr. Taylor, and the mover."

The COLONIAL TREASURER seconded the motion.

Mr. RAFF said it occurred to him that the members of the government were not altogether of the same way of thinking on the subject to be referred to the committee. The hon. member at the head of the government let fall a remark during the debates this afternoon that he never approved of borrowing money for roads.

The COLONIAL SECRETARY: No, no. He had said he never approved of the hon. member's (Mr. Douglas's) motion to borrow £500,000 for roads. (Hear, hear).

Mr. RAFF begged the hon. member's pardon for misquoting him. The hon. the Minister for Lands and Works had stated that the committee would have to devise means.

The SECRETARY for LANDS and WORKS: No; advise.

Mr. RAFF: Well, he took down the words of the hon. member at the time. He thought the hon. member should also have stated that they would have to provide means, too, for the repayment of the money borrowed. ("Oh, no;" and laughter.) He did not think the house would

sanction the borrowing of money for roads unless there was some means provided at the same time for repaying it. (Hear, hear.) The hon. member at the head of the government did seem to fall in with the views of the opposition when he said that some measure for district councils, and the levying of taxes. ("No, no," from Mr. Taylor, and laughter.) The hon. member for Western Downs contradicted him; but he was not in the house at the time. (Laughter. And Mr. Herbert: "No; he objects to taxes.") He thought the suggestion thrown out during the debate was a good one, that there should be an assessment, and that the assessment should be supplemented by some grant from government. Such a system, if adopted, would for ever set at rest the wrangling and scrambling about the proper amount to be given to each district for roads. The suggestions also about particular wheels and particular loads had been made several times, but never acted upon. He was of opinion that there never could be proper roads until some restrictions on conveyances, so that they should not damage the roads. There never would be a satisfactory settlement of the question at large until a District Councils Act was passed; and even the Treasurer would admit that, without it, the ordinary revenue of the country would not be equal to the demands for roads. (Hear, hear.)

Mr. DOUGLAS hardly thought the colony had arrived at a sufficiently advanced stage for district roads trusts. It would be necessary to decide what would be the central lines of road in the colony; and he believed that it would be further necessary for the government to take them entirely under their own charge. He instanced the road from Ipswich to Surat, which would include three road trusts at least; and he put it that the portion of that road near the Main Range could not be put upon any single road trust, because no assessment that could be levied would be equal to maintaining it. (Hear, hear.) The road from Maryborough to Gayndah should be another; and the road from Rockhampton westward a third. But, while it would be necessary for the government to have the entire control of those roads always, the other subsidiary lines required to be made before they could be put into a proper state to hand over to district road trusts.

After a few remarks from Dr. CHALLINOR, who was inaudible,

Mr. PUGH said he wished to make a suggestion, though without meaning to object to the committee. He suggested that Mr. Douglas and Mr. Kennedy should be added to the committee. No hon. member on the committee had been farther west than Mr. Kennedy, and none further north than Mr. Douglas; and they knew everything of the roads to the far west and far north. (Hear, hear.)

Mr. KENNEDY supported the motion for a committee, and gave his adhesion to the construction of district road trusts.

Mr. TAYLOR spoke at some length in condemnation of the motives and speeches of hon. members on the opposition side of the house, and was twice called to order by

The SPEAKER, who requested the hon. member for Western Downs to be more orderly and decorous in future.

After a few words from Mr. MACKENZIE and Mr. WARRY, with reference to the observations of the hon. member for the Western Downs,

Mr. GROOM said he was satisfied that almost every corporation in the colony, except those of Brisbane and Ipswich, would be very glad if some understanding were arrived at with regard to the main roads through towns, which roads were a perpetual source of anxiety and heavy expense.

The SECRETARY for LANDS and WORKS said that the suggestions which had been dropped in the course of the debate would be for the consideration of the committee, who could entertain them if they liked. For himself he was not an advocate for road trusts in the present state of the colony. We must make the country—make the roads first, and make them substantially, before road trusts could be asked to take them in hand. (Mr. Groom: "The same with the corporations.") For that reason he was of opinion that for some years to come the roads must be in the hands of the government. He would be willing to act on the suggestion of Mr. Pugh, but for one objection, and that was—the committee would be a large one, and if they had nine members it would be as well to have the committee of the whole house. (Hear, hear.)

The motion was then put and agreed to.

### INQUESTS ON FIRES BILL.

On the motion of the ATTORNEY-GENERAL, the Inquests on Fires' Bill was read a second time, and its consideration in committee was made an order of the day for to-morrow.

### SUPREME COURT BILL.

The ATTORNEY-GENERAL moved the second reading of the Supreme Court Bill, and briefly explained its leading provisions. It was to remove doubts as to the interpretation of acts, and construction of phrases therein, passed in New South Wales, and adopted by this colony at the time of separation; and to provide for the better administration of justice by the establishment of District Courts when necessary. Hon. members would observe that two clauses (which had been in the measure as it was before the last parliament, and which referred to the appointment of a district judge), had been omitted, as they had been found objectionable.

The motion was agreed to, and the consideration of the bill in committee was made an order of the day for Tuesday next.

### PASTORAL LEASES BILL.

The second reading of the Pastoral Leases Bill was postponed till next Wednesday, on the motion of Mr. MACALISTER, who stated that some suggestions had been made to him with regard to amendments, which he wished time to consider.

### LIEN ON CROPS BILL.

The house went into committee to consider this bill in detail. One verbal amendment was made in the third clause, namely, the substitution of the word "mortgagee" for "mortgagor".

This said the ATTORNEY-GENERAL had on a former occasion created a long and warm discussion, simply, he supposed, because the question was not understood. (Hear, hear.)

The bill was then reported to the house, the report adopted, and the third reading made an order of the day for this day.

### SUPPLY.

Resolutions passed by the committee of the whole house were reported and adopted.

The resumption of the committee was postponed till Wednesday next.

### SCAB BILL.

The Diseases in Sheep Prevention Bill was read a third time and passed, and ordered to be transmitted by message to the Legislative Council, for the concurrence of that branch of the legislature.

The house adjourned shortly after 6 o'clock till next (this) day.