

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 10 MAY 1864

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LEGISLATIVE ASSEMBLY.

Tuesday, 10 May, 1864.

Committee of Elections and Qualifications.—Impounded Stock.—Dissolution of First Parliament of Queensland.—Pleuro-pneumonia.—Electoral Bill read 1^o.—Intestacy Bill, 1^o.—Brisbane Bridge Bill, 1^o.—Bills discharged from the Paper.

COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

The members of the Committee of Elections and Qualifications took the oaths, with the exception of the honorable member for Fortitude Valley, Mr. Lilley, who declined to be sworn. The honorable member stated that he had been a member of the Committee during the previous session, and had been insulted by members on the Government side of the House. He should therefore, decline to take the oaths unless he were compelled to do so. He would, however, abide by the ruling of the Speaker, and act in accordance with his decision.

Dr. CHALLINOR, who was also a member of the Committee of Elections and Qualifications last session, was not aware that any member on either side of the House had insulted the honorable member for Fortitude Valley.

The SPEAKER said the point was a novel one; it was the first time such a question had come before the House, and he would reserve his ruling until the following day.

IMPOUNDED STOCK.

On the motion of Mr. GROOM, the House ordered a "Return of all stock impounded in the various public pounds of the Colony, from the 1st October, 1863, to the 30th April, 1864; such returns to distinguish the character of the stock impounded, the amounts received for driving expenses and pound fees, and the sums received for the sale of unclaimed stock." The honorable member stated that he asked for the returns with the view of taking further action upon them, to place the poundkeepers upon a proper footing. Before the passing of the Impounding Act complaints were made of the number of cattle impounded, whereas since that time the cry was that there were not enough impounded

The operation of the Act had so altered the position of the poundkeepers, that if matters continued as they were, no one would be found willing to keep a pound. At Drayton, which comprised a pound for a large district, there had lately been no impoundings at all. When the returns he asked for were placed before the House, he should introduce a substantive motion in reference to the payment of poundkeepers.

DISSOLUTION OF FIRST PARLIAMENT OF QUEENSLAND.

Mr. DOUGLAS moved, pursuant to notice,—"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, copies of despatches addressed by His Excellency to the Secretary of State for the Colonies, relating to the dissolution of the first Parliament of Queensland and the subsequent elections, together with the replies received thereto." He had been induced to frame this resolution, from the circumstance that one of the papers which had been laid on the table of the House by the Government was a despatch from His Grace the Duke of Newcastle, acknowledging the receipt of despatches from His Excellency the Governor, with reference to the dissolution of the first Parliament of Queensland. He was aware that this was one of those subjects which it might be within the functions of the Governor to withhold from communicating to the Parliament; but he (Mr. Douglas) had no reason to suppose that such a course would be adopted on the present occasion. It would at the same time have been desirable, and would have prevented the necessity of the present motion, if the despatch from His Excellency, which elicited the despatch from the Secretary of State at present in the possession of the House, had been laid upon the table. The question with which the documents dealt was one of importance, and also one in dealing with which he had had a considerable share. They could now afford to look back upon the circumstances connected with the dissolution of the first Parliament in a tranquil state of mind; that dissolution had become to them a matter of history. The acerbities incidental to the time when the honorable member at the head of the Government had thought fit to appeal to the country, had to a great extent subsided; and honorable members could consider the true constitutional point involved with perfect equanimity. He might claim to have, on a previous occasion, truly stated to the House the circumstances of the case. A serious constitutional question was raised. It would no doubt be in the remembrance of the House how the honorable member at the head of the Government came here, although he possibly might have elsewhere found a wider scope for his usefulness and his ambition. After that gentleman's arrival, he was honored by His Excellency's commands to

form a Ministry. He was, in fact, made Premier of Queensland. The first general election subsequently took place, which confirmed him in his position, and enabled him to place himself at the head of a Government which was generally reported to have passed most equitable laws; enactments which, he was happy to say, had been looked upon as creditable specimens of colonial legislation. The course of events at the close of that Parliament became, however, less even than it was at the outset. The honorable gentleman also thought fit to leave his sphere of action here, and to remove for a time to a distant sphere; for what purpose had never yet transpired. On his return, he found that he could not obtain that support which he thought he had a right to expect. On an important question, he received in the House a damaging rebuff, and had thereupon advised His Excellency to dissolve the Assembly. The honorable gentleman must have remembered that such a course was not according to precedent or usage. He, however, advised the Governor to adopt that course; and His Excellency, no doubt with the best intentions, and wishing to avoid a great personal responsibility, acted upon the recommendations of his advisers. In support of the argument that he (Mr. Douglas) assumed, he would refer to precedent; and he had no doubt the Colonial Secretary, being well advised on all questions of state and ceremony, would admit that this was a deviation from the usual course adopted; for one could not read history without arriving at a very decided conclusion as to the usual practice followed since the passing of the Reform Bill. From that period, since when there had been ten ministries, he was not aware of a single instance in which a Prime Minister, having once appealed to the country, made a second appeal before relinquishing power to his opponents. He (Mr. Douglas) had entered into this subject on the present occasion at some length, owing to the fact that some of the newspapers of the Colony had asserted that his view of the precedents in connection with this question were erroneous. He quite admitted that His Excellency might, under the peculiar circumstances of the case, have conceived it his duty to set aside precedent, but he was aware of no feature in this particular case to justify the supposition that it was considered exceptional. In the despatch, for the production of which he asked, no doubt His Excellency had given the reasons for the course which he had adopted; he (Mr. Douglas) did not wish to carp at the result which had accrued from the adoption of that course. He considered that the policy adopted last session was not beneficial to the Colony, and that measures had been passed which it was unfortunate for the country to have agreed to. If his honorable friend, the member for the Burnett, had been called to form a Ministry, he (Mr. Douglas), while he disclaimed any wish to have shared in the

honors or emoluments of office, believed it would have been better for the country, which was committed to a course of proceeding calculated to lead to the disintegration of the Colony. He referred in his motion to another despatch, which was believed to have been addressed by His Excellency to the Secretary of State, setting forth the advantages to the Colony which had resulted from the appeal to the country, the production of which would complete the papers in reference to the subject.

The COLONIAL SECRETARY said he had ascertained that the Governor had no objection to the production of the despatch asked for; and therefore he should accede to the motion of the honorable member for Port Curtis. At the same time, he desired to protect the Government, and to guard against establishing on this occasion a precedent which might prove injurious to the public service at a future time. The Governor of a Colony had, as he ought to have, the option of judging as to those communications with the Secretary of State which it was desirable to lay before the Colonial Legislature. On the present occasion, as on almost every other occasion, the Governor was perfectly willing to lay all the documents asked for before the House. He (the Colonial Secretary), however, was not aware of the existence of any such despatch as that alluded to by the honorable member at the close of his remarks. He would enquire if any such despatch did exist; but he was not at the present time aware of its existence. He did not propose to follow the honorable member through the general disquisition upon politics with which he had indulged the House; but he would congratulate the honorable member upon the fact that he had at last placed himself in his proper position, and had criticised the action of the Government in a place where his remarks might be replied to, instead of at public meetings and in the public press. Such a course was much more creditable to the honorable member and the position he occupied in the House. But he could not join in the regret expressed by the honorable member, that the places of the present Ministry had not been occupied by the honorable member for the Burnett and his friends. The duties of office entailed a considerable amount of labor and subjection to much invidious criticism, of which the Government would have been quite ready to be relieved; but that was not the wish of the people of the Colony. They had been appealed to in the usual constitutional way, and the result of that appeal was in favor of himself and colleagues. The verdict of the people was decisive, and the honorable member would no doubt admit the truth of the facts he (the Colonial Secretary) had advanced. When the honorable members opposite came into power he (the Colonial Secretary) trusted that they would find the business of the

country in good order; and they would, in such case, he trusted, experience reasonable treatment from the members of the present Government.

Mr. DOUGLAS, in reply, contended that he had a perfect right to criticise the action of the Government elsewhere, upon all questions of public interest; and although he trusted he should always exercise moderation and discretion in doing so, as a member of Parliament he was not precluded from referring to them. The motion was then agreed to.

PLEURO-PNEUMONIA.

On the motion of the COLONIAL TREASURER, a select committee, consisting of Mr. Sandeman, Mr. Royds, Mr. Mackenzie, Mr. Douglas, Mr. Taylor, and the mover, was appointed, with power to send for persons and papers, and to sit during any adjournment, to enquire into the reports prevalent in the Northern and other districts of the disease in cattle known as Pleuro-pneumonia, with a view to ascertain and report to the House what steps should be taken for the suppression or eradication thereof. The honorable member stated that certain proclamations in reference to this disease, which had been laid on the table of this House a few days since, had been caused by the appearance of the disease in the Northern Districts. Very grave apprehensions existed in the minds of persons interested in the breeding of cattle, and also in the minds of the Government, as to the means which should be taken to suppress this disease. The plan recommended by the Government, pending the meeting of Parliament, was to endeavor to put a stop to the further introduction of cattle into the Colony, and by means of local associations, to prevent as far as possible, the spread of the disease. It had been intimated in the district in which it first made its appearance, that if local associations were formed, the Government would authorise them to a certain extent, and would ask the Parliament for a vote of money to meet the losses which might accrue to the owners of cattle. But that course of action did not seem to have met the views of the parties interested, and as the operation of the Bill lately introduced would have entailed the destruction of all the cattle infected, and would press heavily upon the owners, the Government did not consider it advisable to carry into effect the clause which authorised the wholesale slaughter. That was the practical view which he had taken before he was a member of the Government, and he had not altered his opinion in the slightest degree. The steps which had hitherto been taken to suppress the disease, by destroying the cattle infected, had proved utterly futile, and he thought it was not desirable to carry them out. In order, therefore, to obtain information as to the progress of the disease, and the districts in which it was most virulent, he had asked for a select committee to consider

the question, and had named those gentlemen most competent to deal with it. He proposed that, in addition to the evidence they would be able to obtain in this Colony, the committee should avail themselves of the experience gained by the other colonies. In Victoria the subject had been anxiously deliberated, and the result of that deliberation would be valuable information to the committee. The gentlemen he had named were all practical men,—acquainted with cattle,—and would, no doubt, arrive at a sound decision as to the course which it was the most desirable to adopt.

BILLS DISCHARGED FROM THE PAPER.

In consequence of the Speaker having called the attention of the House to the fact that all Bills involving an appropriation of public moneys must be first brought before the Assembly by a message from His Excellency the Governor, and that all measures affecting trade and customs should be originated in a Committee of the Whole House, the following Orders of the Day, and the Bills themselves, were discharged from the paper :—Civil Service Act of 1863 Extension Bill, second reading ; Grammar Schools Act Amendment Bill, second reading ; Trade Marks Bill, second reading ; Pastoral Assessment Bill, second reading ; Military Contribution Bill, Report from Committee of the Whole House. The House adjourned at ten minutes to five o'clock.
