

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 2 MAY 1865

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THE
PARLIAMENTARY DEBATES

DURING THE

THIRD SESSION OF THE SECOND PARLIAMENT OF THE COLONY
OF QUEENSLAND, AUSTRALIA,

APPOINTED TO MEET

AT BRISBANE, ON THE SECOND DAY OF MAY, IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA, ANNOQUE DOMINI 1865.

LEGISLATIVE COUNCIL.

Tuesday, 2 May, 1865.

Meeting of Parliament.—Re-appointment of President and Members.—Vice-Regal Speech.—Address in reply to Opening Speech.

MEETING OF PARLIAMENT.

The Honorable the President and honorable members of the Council assembled in their Chamber at noon, pursuant to the Proclamation of His Excellency the Governor, appointing the meeting of Parliament for this day; and the Proclamation was read by the Clerk.

RE-APPOINTMENT OF PRESIDENT AND MEMBERS.

The Hon. the PRESIDENT rose and spoke as follows: Honorable Gentlemen—I have to notify to the Council that, during the recess, the period for which the original members of the Legislative Council held their office has, under the 4th clause of the Orders in Council, expired; and that His Excellency the Governor has been pleased to issue to me a fresh writ of summons to this Council; and that His Excellency has been further pleased to issue to me a fresh commission, as President of the Legislative Council, which I now hand to the Clerk to be placed on record among our minutes. I have further to acquaint the Council that His Excellency has also been pleased to issue to me a fresh commission, empowering me to administer the necessary oaths and affirmations to members appointed to this Council; and I have to add, that I myself have taken the necessary oath before His Excellency the Governor, at Government House.

VICE-REGAL SPEECH.

His Excellency the Governor came down to the House in state, and having been conducted to his seat on the dais, the Usher of

the Black Rod was directed to convey a message to the Legislative Assembly, requesting Mr. Speaker and honorable members of that House to attend His Excellency in the Council Chamber.

The Honorable the Speaker and members of the Legislative Assembly having complied with His Excellency's request, and honorable members of both Houses being seated,

His EXCELLENCY delivered the Opening Speech, as follows:—

“HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,—

“1. I have much satisfaction in again resorting to your advice and assistance in the Government of this Colony.

“2. By a Despatch from Her Majesty's Principal Secretary of State for the Colonies, of which a copy will be laid before you, you will learn that the Transportation question has been finally settled in a manner which cannot fail to be satisfactory to you, and that the Imperial Authorities fully appreciate the loyal and temperate, though firm, tone of your Addresses on that subject.

“3. The seats of the original Members of the Legislative Council having become vacant by effluxion of time, the four ex-Members still resident in the Colony were all re-appointed. A Bill to regulate the term of office of all future Councillors will be presented for your consideration.

“4. During the interval that has elapsed since you were last assembled, the new settlements then about to be founded on our north-eastern seaboard have been successfully

established, and the anticipations of the Government have been confirmed by the results of the first sales of land at Cardwell and Somerset. I trust that the presence in Parliament of additional Members representing the Northern and Western Districts may have the effect of making better known the capabilities and requirements of those important provinces; and, at the same time, of preventing any groundless misunderstandings, the existence of which could not fail to impair the collective prosperity of the Colony.

"5. Your Legislation during the last Session, carried into effect by the zeal and ability of the Agent-General, has caused Queensland to be regarded with increased favor by our fellow-subjects at home as a field for emigration. There is every reason to expect that an adequate and sustained supply of emigrants will be forthcoming.

"6. The construction of Railway and Telegraphic Works has made very satisfactory progress; and although the cost in each case has been considerably less than that of similar undertakings in other parts of Australia, the service has been performed in the best possible manner, both as regards the quality of the materials and the execution.

"7. Papers will be laid before you showing the steps taken by the Government towards ascertaining the feasibility of establishing a line of steam vessels through Torres' Straits, between Australia and the British and Dutch possessions in the Eastern Seas. You will be invited to submit to the special consideration of a Parliamentary Committee the whole question of Steam Communication between Australia and Great Britain, as well as between the several ports rising into importance on the coast of Queensland.

"8. Foremost among the matters upon which it is proposed to legislate is the provision of greater facilities for the Administration of Justice by means of District or Local Courts. For the moderate outlay involved in their establishment, those districts which lie beyond, or are not mature for, the Circuits of the Supreme Court, will be relieved from a serious disability under which they have long labored. Bills will also be introduced to make better provision for the Registration of Electors; to provide for the establishment of Industrial and Reformatory Schools; to extend to the holders of Pastoral Leases in the newly settled districts the power of purchasing land without competition; to amend the law relating to the occupation of

land in Agricultural Reserves; to simplify the procedure in opening new roads; to amend the Criminal Law; and to protect the Public Health in populous districts.

"GENTLEMEN OF THE HOUSE OF ASSEMBLY,—

"9. The Estimates will be laid before you without delay, and will be found to have been framed with a due regard to efficiency and economy. I need only refer you to the published Returns of the Revenue for the first quarter of this year, which show an increase at the rate of 40 per cent. on the corresponding quarter of last year, to assure you of the continued and increasing firmness of our financial position. Of this fact the satisfactory terms on which the Queensland Debentures are being disposed of in London is the highest corroboration. You will not, however, be invited to avail yourselves during the present year of the facilities for borrowing thus afforded, the Loans authorised during the past Session being amply sufficient to provide for the heavy works in progress.

"HONORABLE GENTLEMEN AND GENTLEMEN,—

"10. I am fully justified in renewing, on the present occasion, the congratulations on the rapid but solid progress of Queensland, which I have already been enabled to address to you in opening the Annual Sessions of five successive years. The Registrar-General has furnished me with a clear and able statement of the results of the Statistics for 1864, when compared with those of 1860—the first year of the political existence of this Colony. It appears that the centesimal increase during the interval of four years was exactly as follows:—In our

Population	...	...	195 per cent.
Revenue	...	...	139 "
Trade	...	...	178 "
Shipping	...	...	189 "

The other chief elements of prosperity have advanced in similar proportions; that is to say, they have been nearly trebled. It will be for you to extend and consolidate the many blessings which, under the favor of Divine Providence, Queensland already enjoys."

After His Excellency and the Speaker and members of the Legislative Assembly had retired, the Council adjourned until half-past three o'clock. Upon re-assembling, and after the disposal of some routine business,

The Hon. J. BRAMSTON, in accordance with usage, presented a Bill for the consideration of the House.

ADDRESS IN REPLY TO THE OPENING SPEECH.

On the motion of the Hon. R. J. SMITH, a committee was appointed for the purpose of framing a Reply to the Speech of His Excellency the Governor opening the Session. The Committee retired to deliberate, and upon their return to the Chamber, the following Address was presented as their Report, and read by the Clerk:—

“To His Excellency Sir GEORGE FERGUSON
“BOWEN, Knight Grand Cross of the
“Most Distinguished Order of St.
“Michael and St. George, Captain-
“General and Governor-in-Chief of
“the Colony of Queensland and its
“Dependencies, and Vice-Admiral of
“the same, &c., &c., &c.

“MAY IT PLEASE YOUR EXCELLENCY,—

“We, Her Majesty’s loyal and dutiful subjects, the members of the Legislative Council in Parliament assembled, desire to assure your Excellency of our continued loyalty and affection towards the person and government of our Most Gracious Sovereign, and to thank your Excellency for the Speech with which you have been pleased to open the present Session.

“2. We receive with deep satisfaction your Excellency’s announcement, that Her Majesty’s Government has seen fit to accede to the earnest desire expressed by ourselves, in common with the other Australian Legislatures, that the transportation of criminals to any part of this continent shall be discontinued; and we confidently trust that this generous compliance with our wishes will have the effect of still further strengthening the strong feeling of regard which unites these colonies to the mother country.

“3. We will carefully consider any measure presented to us relating to the constitution of this Council, and we thank your Excellency for assisting us by the experience of the members now re-appointed.

“4. We are gratified to learn that the progress of Northern Settlement has been satisfactory, and anticipate much advantage from the additional representation now enjoyed by the newly constituted districts.

“5. We thank your Excellency for your assurance that the provisions made for the introduction of immigrants have attained their object, and that the important public works referred to by your Excellency have been well executed.

“6. We shall not fail to give our careful attention to the whole question of steam communication between Australia and Great Britain, as well as to the other measures indicated by your Excellency’s Speech.

“7. In conclusion, we feel much pleasure in again returning your Excellency’s congratulations on the continued prosperity of the Colony. We trust that we may be enabled, under the blessing of Providence, to contribute in some degree to the maintenance and increase of that prosperity.”

The Hon. R. J. SMITH then said: Honorable gentlemen—In asking you to adopt this Address, I shall claim your indulgence for a few moments, just to give you some idea of the reasons we have for framing this Address in answer to the Speech of His Excellency the Governor, this morning. In reference to the second clause, which speaks of the discontinuance of transportation to these colonies, I think that every honorable member must feel perfectly satisfied that this question is finally settled—that the conflict upon it is ended—and that for the future we are not to receive any more convicts on the shores of Queensland or any other part of Australia. It was likely, at one time, to have a very unpleasant appearance, for the colonists had felt and spoken strongly upon transportation; but, fortunately, everything is now brought to a settlement, and I cannot forbear expressing my gratification, in which I am sure every honorable member joins, at the result. This is, indeed, in itself a great victory for Queensland, and one to be proud of and thankful for. With reference to the next paragraph of the Address, which speaks of a Bill relating to the constitution of this Council, it merely sets forth that we are obliged to His Excellency the Governor for the kindness he has shown in re-instating those honorable gentlemen, whose experience, gained in laboring hard for the colony, will so much assist us in the consideration of the proposed measure. When the Bill comes before us we shall better know what it is, and how to deal with its provisions. The fourth paragraph refers to the progress of the new settlements in the north. Certainly those settlements have now assumed high importance. We see large populations assembled there, requiring public buildings—large and expensive public works;—they are in possession of good harbors; they are advancing rapidly in commercial prosperity. I may mention Cardwell;—from the high amount paid for land there we may be satisfied that that and the other northern settlements will, in a very short time, occupy a very influential position in this colony. Speaking of immigration, which is the subject of the fifth paragraph, I think, indeed, that we should be very grateful—

and I shall never let an opportunity pass me in this House of acknowledging this—to that gentlemen who has done so much good at home for the colony—I mean Mr. Jordan. The useful immigrants he has sent to this colony, the way in which people are now coming into it, their satisfied manner on arrival with the fulfilment of the conditions and stipulations held out to them at home, confirm me in this opinion; and to me it is most gratifying to know that there is a man in the home country who is working so much good for us. The next clause is certainly a very important one, and perhaps I am a little more at home in the subject of it than in others—I mean that touching upon the railway. Some of the warmest discussions that I ever heard in this House, and certainly the most lengthy, referred to the introduction of railways into this colony. I was just referring to the proceedings of the last Parliament, when His Excellency opened this important subject and when it was a doubtful question whether our railway scheme would ever be carried into effect, and I was forcibly struck by the different appearance which it assumes this day; when I can tell this Council that I have travelled on the railway in this colony, up and down, many and many miles—that where I live I can distinctly hear the steam-whistle day and night as the engine passes and re-passes on the line. This is no fiction, but it is hard matter-of-fact. The railway has been carried out with every degree of substantiality, good workmanship, and everything in its construction calculated to inspire confidence in it. All persons who have travelled on the new line—and I may say they are many, and they have partaken of the hospitality of the contractors; but I may leave that out—are satisfied that our railway scheme is a perfect success. In a few years we may hope to see similar lines traversing north-west and south-west in this country, and they will ensure us a prosperity second to none of the Australian colonies. With reference to steam communication and postal arrangements between these colonies and the mother country through Torres' Straits, I may say that I am not very familiar with the operations to take place; but I know that there are many wealthy companies at home who are very desirous, if they can only get the colonies to co-operate with them, to carry out mail communication by this route. It will be a very good thing for us, as we are spreading so rapidly northwards, to have direct and regular communication with our new settlements. As to district courts, there are honorable gentlemen here connected with the law who will be better able to say what advantages will be conferred on the colony by their establishment. I believe they will be a convenience and a great boon to the people, particularly those at a distance from the metropolis. It is a well-known fact, that crimes are committed daily in the interior,

and that, in consequence of the distance to be travelled to the courts, and the expense and inconvenience of bringing witnesses to ensure the punishment of offenders, many of the parties suffering allow them—I do not say wilfully—to go free. With reference to the financial position of the colony, there is no necessity for me to dwell upon it, but only to remark upon the general welfare of the colony, and the sound basis on which its prosperity rests; and to express my gratification at the fact of the Government coming forward and saying that they do not require money this year. The satisfactory state of the revenue, as disclosed by the latest published returns, is matter for congratulation; and the high rate realized by the Queensland debentures at home shows that the credit of this colony stands high above that of any other of the Australian colonies. This, I say, and I say it as a commercial man, must be attributed to the good government, which I do not hesitate to assert that we possess. Therefore, honorable gentlemen, for the reasons stated, I have no hesitation in asking you to adopt this Address in reply to His Excellency's opening Speech; and I now formally move its adoption.

The Hon. W. LANDSBOROUGH seconded the motion.

The Hon. E. I. C. BROWNE desired to say just a few words, but he hardly knew whether he was in order or not. He wished to bring before the Council a matter which he thought should not be delayed, but if he was wrong in doing so at this time, he trusted that he might be directed in the right course. They had been informed to-day, on coming back to their House, that an honorable gentleman, who for a very short time had ceased to be a member, had been returned to the Council, and not only returned as a member, but returned to be their President. He did not wish this occasion to pass over without congratulating, not the Honorable the President himself, but themselves, that they had a President who was so fit, not only to be a member of the House, but also to be their President. They had had considerable experience of him now, and he was quite sure that he was only saying what they all felt, and what the country at large would feel, not to be a personal compliment, when he stated that the honorable gentleman was the most fit above all others to be their President.

The Hon. J. BRAMSTON said it appeared to him that his honorable friend who had just sat down was so far from being out of order that he had supplied a paragraph in the Address which the Committee might be said to have omitted during their temporary absence in their room. He was sure that the words the honorable gentleman had uttered would find an echo in the breast of every honorable member in the House, and also those who were not present. He might say that the honorable gentleman (Mr. Browne) had only anticipated him in saying what he had said: it was themselves

who ought to be congratulated, and not the President, although he (Mr. Bramston) was sure that that honorable gentleman considered the position he occupied a subject of congratulation. The Speech which His Excellency had been pleased to deliver to them contained one point in particular to which he would call the attention of the House, because during the present Session it was probable that they would have to take the subject into consideration. He meant the question of steam communication between this colony, or rather the whole of the colonies, and Great Britain. He would, at a later period of the day, lay before the Council papers which had been received by the Governor in respect of one of the three competing lines whose respective claims would have to be brought before the Council during this Session, and he trusted that, ere the subject came on for discussion, the papers would assist honorable members to acquire such information as should enable them to give it their best consideration. At the earliest date of his coming to this colony he felt that the question of the route through Torres' Straits would have to be considered, and he was glad that in so few years the question had come forward in a tangible shape; and, although the Government had promised the Panama line their favorable consideration, and to ask Parliament to contribute to the subsidy, they could not bind themselves to anything, because the colony must eventually adopt the route through Torres' Straits. He would not detain the Council any further, because that was the point which seemed to him to require the most careful attention, and that on which the interests of the colony must hang during the present Session.

The Hon. The PRESIDENT said: I do not usually avail myself of the privilege which the constitution of this Council gives me of addressing you upon the occasion of an Address in reply to the opening Speech of His Excellency the Governor; but I cannot avoid doing so on this occasion, in order that I may avail myself of the opportunity of expressing my grateful feelings in reference to the expressions which have fallen from my honorable friend Mr. Browne, and which have been so well received by the Council, upon my re-appointment as President. I can only say, honorable gentlemen, that it is a matter of pride to me on this occasion, that from the first establishment—the first day on which this Council sat, I have always attended in my place, up to the present time. I believe I am perhaps the only member of the Council who can now say that from its first assembling until the present day, I have been no day absent from its discussions. It is to me a matter of great pride to hold the position which I now hold; but I should not

feel it so, but that I have been always supported by the kindness and the good feeling of all the members of the Legislative Council. I am glad, indeed, that it has pleased His Excellency and the Government to re-appoint me as President of this Council; and I can only assure the Council that, as far as my exertions and my ability shall enable me to do so, I will carry out my duties as well as I am able. With reference to the matter under discussion, I agree with the honorable member representing the Government, who has just preceded me, that the great question now before us is that having reference to the greater facilities of communication between Australia and the British and Dutch possessions in the eastern seas. This question, it appears, is to be submitted to a committee of the Parliament. I trust that committee will be a joint committee of the two Houses. I hope that a question of such urgent, of such very great importance to the Colony of Queensland, will not be discussed in separate committees of the two Houses, but in one joint committee, where an interchange of opinions and of ideas may take place, and so as to avoid the inconvenience of a committee of one House arriving at an opposite conclusion to that of the other, and to prevent conflicting recommendations being brought before Parliament. I believe that in this colony there is no subject that could be taken into consideration which so much affects our advancement and progress, socially and commercially. My own opinion is, that it would be desirable to bring this colony into direct communication with one of the Presidencies of India by a steam packet carrying a mail outwards and calling for one on the return voyage. I think that there is very great progress to be hoped for in the commercial affairs of this colony by bringing it into direct and speedy communication with one of the Indian Presidencies. I think, when the question comes under discussion, it may be devised that not only shall the colony obtain an addition to its mail communication, but that its commercial interests may be forwarded by bringing it into immediate association with the Presidencies of India. There is no other topic which I think it necessary to refer to and further detain the Council. I will only, again, thank the Council for its expression of good feeling towards me, and for its cordial appreciation not only of my own appointment but that also of the other members who were appointed originally to the Council when separation took place from New South Wales.

The motion was then put and affirmed *nem. diss.*

It was thereupon ordered that the House should proceed next day, at two o'clock, to Government House, to present the Address to His Excellency the Governor.