

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

...
**Legislative Assembly
22nd April 1863**

...
Extracted from the third party account as published in the
Courier 23rd April 1863

The SPEAKER took the chair at half-past two o'clock.

PRESENTATION OF THE ADDRESS TO THE GOVERNOR.

On the motion of the SECRETARY for LANDS and WORKS, the house adjourned to enable Mr. Speaker and hon. members to proceed to Government House, for the purpose of presenting the address to the Governor in reply to his Excellency's opening speech.

The house resumed shortly after three o'clock; when

The SPEAKER reported that the Assembly had been to Government House, and there presented to his Excellency the Governor the address of the house in reply to his Excellency's opening speech, and his Excellency had been pleased to make the following answer:—

"MR. SPEAKER AND GENTLEMEN:—

"I thank you, in the name of the Queen, for this loyal address. I feel confident that you will make adequate provision for her Majesty's service in this colony; and that you will promote all works and measures of public usefulness.

"G. F. BOWEN."

PETITION.

Dr. CHALLINOR presented a petition from the Rev. William M'Ginty, Roman Catholic clergyman, Ipswich, praying that the consideration of the house might be given to the matter of his stipend of which he had been deprived, although he was still an officiating clergyman of this colony.

The petition was received; and, on the motion of Mr. BLAKENEY, was read by the CLERK OF THE HOUSE.

CHIEF COMMISSIONER OF CROWN LANDS.

Mr. MACKENZIE asked the Hon. the Colonial Treasurer,—(1.) Whether the newly-appointed Chief Commissioner of Crown Lands and his staff have been in the receipt of salaries since the creation of that department in the month of January last; and if so, from what fund such salaries have been paid. (2.) Whether any correspondence has taken place between the Government and the Auditor-General regarding the payment of these salaries.

The COLONIAL TREASURER said that the Chief Commissioner of Crown Lands and staff have been in receipt of salaries since the creation of that department; such salaries have been paid partly from votes of this house, and partly from unforeseen expenditure. With reference to the amount chargeable to the latter, the same course will be pursued as when the honorable member asking the questions was a member of the government. There has been no correspondence between the Auditor-General and Treasurer respecting payment of these salaries.

CONVEYANCE OF THE ENGLISH MAIL.

Mr. MACKENZIE asked the hon. the Colonial Treasurer—(1) If, on any recent occasion previous to the receipt of the mail on the 19th of this month, the Government have paid any sum to the Australasian Steam Navigation Company for the conveyance of the English mail from Sydney to Brisbane. (2) Whether, previous to the above-mentioned date (the 19th of this month), the government had entered into any contract with the aforesaid company for the future conveyance of the English mail from Sydney to Brisbane.

The COLONIAL TREASURER, in answer to the first part of the question, said: Previous to the date mentioned tenders had been invited for the mail services particularised, and upon that of the Australasian Steam Navigation Company, action taken by the government until otherwise ordered.

BARAMBAH CREEK BRIDGE.

Mr. MACKENZIE asked the hon. the Secretary for Lands and Works—Whether Mr. Daniel Morrison, late overseer of works at the Barambah Creek bridge, between Maryborough and Gayndah, was in receipt of full pay from the time of the stoppage of that work, in the month of June, 1862, to the date of his withdrawal from that locality, in the month of March, 1863; and if so, what were the nature of his duties during that period.

Mr. MACALISTER, in answer to the question, stated that the late overseer of works at the Barambah Creek bridge was in the receipt of pay up to the time of his dismissal in March, 1863, when the works at Barambah Creek bridge were stopped; this person had not only to take charge of the plant, scattered a good deal, but he had to measure the work for the preparation of new contracts, to point out the plant and work to intending tenderers, and at the same time to take charge of and superintend the Oakey Creek bridge, and latterly the Black Swamp causeway.

THE COLONIAL SECRETARY'S ARRIVAL.

Mr. MACKENZIE asked the Colonial Secretary what was the nature of the arrangement, and what the amount of subsidy agreed to be paid by the government to the Australasian Steam Navigation Company, in detaining the steamer Telegraph, for the purpose of conveying the Colonial Secretary from Sydney to Brisbane. (Laughter).

The COLONIAL SECRETARY (amid continued merriment) said: I am informed, sir, that no arrangement was made, and no subsidy paid on account of any purpose such as that referred to by the hon. member.

JONATHAN HARRIS.

Mr. JONES asked the hon. the Colonial Secretary—Whether there is any objection to lay before this House the petitions, or copies of them, presented by the inhabitants of Warwick and Toowoomba to his Excellency the Governor on behalf of Jonathan Harris, convicted at the late Toowoomba Assizes of larceny, with the report upon the case made by the learned Judge to the Executive Council, and the answers given to the petitioners by his Excellency.

The COLONIAL SECRETARY said the documents mentioned contained nothing which would render it objectionable to lay them before the house; but the government desired to avoid making a precedent of submitting matters to the house which were brought before the executive and the Governor in connection with the exercise by him of the royal prerogative. However, as the hon. and learned member desired it, the papers should be produced.

OUT OF ORDER.

Mr. CRIBB, by direction of the Speaker, withdrew the motions placed on the paper by him, on the previous day, asking for leave to introduce two new bills;—he did so with a view to comply with the standing orders in giving proper notice of motion.

PRINTING MINISTERS' REPLIES TO QUESTIONS.

Mr. MACKENZIE moved that the answers to the questions put by him this day to the members of the government, be printed.

Mr. BLAKENEY: In the Votes and Proceedings.

Question put and passed.

STANDING ORDERS COMMITTEE.

The COLONIAL SECRETARY moved—"That the Standing Orders Committee for the present session consist of the following members, viz., the Honorable the Speaker, Mr. Blakeney, Mr. Coxen, Mr. Herbert, Mr. Lilley, Mr. Moffatt, and Mr. Mackenzie, with leave to sit during any adjournment, and authority to confer on subjects of material concernment with any committee appointed for similar purposes by the Legislative Council."

The SECRETARY for LANDS and WORKS seconded the motion.

Carried.

PRINTING COMMITTEE.

The COLONIAL-SECRETARY moved,—1. That in compliance with standing order No. 261, a select committee be appointed to assist Mr. Speaker in all matters which relate to the printing to be executed by order of the house, and for the purpose of selecting and arranging for printing returns and papers presented in pursuance of motions made by members. 2. That such committee consist of the following members, viz., the hon. the Speaker, the Chairman of Committees, Mr. Moffatt, Mr. Ferrett, and Mr. Macalister.

The motion was seconded by the SECRETARY FOR LANDS AND WORKS, and agreed to.

MEETINGS OF THE HOUSE.

The SECRETARY FOR LANDS AND WORKS moved,—“That unless otherwise ordered, this house will meet for despatch of business at three o'clock, p.m., on Tuesday, Wednesday, and Thursday; and ten o'clock, a.m. on Friday, in each week; the sitting on the latter day to terminate at two p.m.

Mr. HERBERT seconded the motion.

Dr. CHALLINOR would move that the word “one” be substituted for “two” in the last line.

The SECRETARY FOR LANDS and WORKS said that so far as the government was concerned it was immaterial what the hour might be. One o'clock would suit as well as two. If the hon. member would not speak for two hours on that day, they should do well enough. (Laughter.)

Mr. WARRY would propose that the house meet at nine o'clock in the morning—early rising was a good thing.

The SECRETARY for LANDS and WORKS, on behalf of the government, consented to adopt the amendment proposed by Dr. Challiner, and

The motion, as amended, was agreed to.

ORDER OF BUSINESS.

The SECRETARY for LANDS and WORKS moved,—That on Thursday and Friday, in each week, government business take precedence of all other business.

The motion was agreed to.

SUPPLY.

The order of the day for the “consideration of that portion of the opening speech of his Excellency the Governor which was addressed to this house” having been called on,

The SPEAKER read that portion of his Excellency's speech referred to.

The COLONIAL TREASURER then moved—"That this house will this day fortnight resolve itself into committee of the whole, to consider of the supply to be granted to her Majesty."

Question put and passed.

SCAB IN SHEEP BILL.

The COLONIAL TREASURER rose and said—The circumstance of the breaking out of the disease called scab in the neighboring colony had rendered it necessary that some steps should be taken by the government, and by the parliament of this colony, to prevent the introduction and spread of scab in Queensland. It was very much to be regretted that this disease had broken out in the neighboring colony, because it was a difficult thing fixing the boundary between this colony and New South Wales, and providing means satisfactory to all parties concerned to prevent the spread of the disease. It appeared to the government, that in the difficulties surrounding the case, the only way to prevent the introduction of the disease into this colony would be at once to put a stop to the importation of sheep by taking such steps as were provided in the bill he held in his hand—by empowering the government to take such steps as were necessary—by issuing a proclamation from time to time against the importation of sheep. It was with this view that the bill had been prepared; and he had no doubt that hon. members would, upon due consideration of the circumstances surrounding the disease called scab, and the frightful consequences resulting to this colony if the disease was introduced into it, assist the Government in passing the bill into law. He might say that he had intended to ask, on the present occasion, that the house would allow the bill to pass through this day; but on after consideration, and after conversations he had had with hon. members who had large interests at stake, it appeared to him desirable that some alterations should be made and amendments introduced which should make the measure in its integrity satisfactory to the country and effectual to prevent the introduction of the disease into the colony. One of the clauses that it was proposed to bring in by way of amendment would be for the purpose of affording increased remuneration to those persons (hear, hear) who might have disease amongst their flocks, and to whom compensation was to be given. According to the Scab Act now in force it seemed that compensation of only four shillings a head was to be given to persons whose sheep should be diseased. He might inform the house that when that act was passed sheep were not of the value they now were, and that at that time four shillings a-head was full value for a sheep. Double that amount would not be an adequate price now. (Hear, hear.) In the new clause to be introduced it was proposed that the sheep should be valued by arbitrators who would be appointed by the government and the persons who were owners of the sheep, and upon their award being made the price should be one-third or one-half the valuation, as the house should determine. But it was provided that no larger value should be paid on sheep than twenty shillings per head. (Laughter.) He might mention that this referred to sheep that were imported, and which might be worth a hundred and twenty pounds a head, and more, at their full value;—it was not meant to give them any undue value in the classification over sheep bred in the colony. (Hear, hear.) In order to prevent persons defeating the law and making advantage for themselves, it was provided that any person introducing sheep into the colony should not be entitled to compensation at all, if the disease should break out within six months after their introduction. If the Scab Act was to be of any assistance the scab assessment was not sufficient to meet the requirements of the proposed new act, should it be unfortunately shown that the disease was in this colony. The largest amount which it was possible for the government to levy at present was ten shillings per thousand sheep. And as a proof of its inadequacy under the circumstances suggested he would tell hon. members that at the present rate levied of five shillings a thousand the whole amount raised was £1258 per annum. It was, therefore, proposed that greater powers should be left with the government for levying an increased tax in order to enable the government to meet the requirements of the case. (Hear, hear.) He concluded by moving that the Scab in Sheep Prevention Bill be read a second time.

The SECRETARY FOR LANDS and WORKS seconded the motion.

Mr. FORBES said that but for the emergent occasions that required the introduction of a bill to put a stop to the introduction of sheep across the border he certainly would not feel inclined to

vote for the second reading of the measure before the house. He thought a bill should be introduced whereby, at all events, funds would be raised entirely from the pastoral interest, not only for the purpose of giving an increased value for sheep destroyed, but to provide a more complete machinery for carrying the law into effect; and also for the destruction of native dogs. He thought if there was an insurance fund raised from the pastoral interest itself, it would not interfere with any other interest; and it would be placing the squatting portion of the community in the position of being able to fall back upon their insurance fund in the case of scab, as other people did on their insurances.

Dr. CHALLINOR feared that the bill might prevent the introduction of all sheep into the colony. There were very many heavy contracts entered into with the flockmasters of other colonies whose sheep were already on their way to this colony; and to detain those sheep might entail very heavy loss on the parties concerned, whose sheep might be perfectly healthy.

The COLONIAL SECRETARY said that the hon. member who last addressed the house had proposed a difficulty which the government could never meet. Every person might come forward and say to the government that he had large contracts for the purchase of sheep, and that it would be a great loss to him if his sheep were detained on the border; and how could it be expected that the government should have the power of discriminating between cases of this kind and others? The government were prepared to prohibit the introduction of sheep for successive short periods, and practically it would be found that persons having large contracts could only be delayed for three or six months.

Mr. O'SULLIVAN was apprehensive that the act would prevent numbers of persons coming to this colony with their flocks. There was no act under which occupation gave preference of runs; and he pointed to the difficulties and hardships that would be suffered by a man who, on his way to take up runs, was stopped with his clean flock at the border. Was there any compensation for him? His country was taken up; the very fact of his being kept on the border might lead to his sheep catching scab. With regard to the assessment he (Mr. O'Sullivan) would not wish to place in the hands of the government the power to increase taxes without the permission of parliament (hear, hear); and he certainly objected to any other interest in this country paying a tax in which only one interest was concerned. ("Hear, hear" from the Treasury benches.) It was all very well to say "hear, hear;" but he saw nothing in the bill to prevent the government from levying a tax on other interests. A small clause in the bill would make the matter clear and straightforward. He did not think the bill was necessary at all;—the present act was clear enough—if sheep were diseased they could be destroyed.

Mr. BELL said if he understood rightly, the bill before the house was to be amended. (Hear, hear.) The principle of the bill, the hon. member for Ipswich would observe, was entirely in accordance with the principle of the old Scab Act. The existing act was a preventive measure, and the object of the bill before the house was to give the government further power of prevention as regarded the introduction of scab into the colony. It seemed to him that if they were to have principle in the bill the few must suffer for the interests of the many. (Hear, hear.) He should vote for the second reading, reserving further observations until the amendments were before the house.

Mr. HALY contended that the few must give way to the many. Look at the man coming seven or eight hundred miles with his sheep, and, perhaps, through scabby country;—was it a greater hardship to detain him on the border until it was proved that his sheep were clean, or to let him go on through the hundreds of thousands in this colony which were thereby exposed to contagion? He defied the government of New South Wales, or any other government, to say how far the disease had spread; and he believed it had spread very much further than was at present thought. It would lie dormant in the skin for a month and not one man in twenty could detect it. The house could not allow the staple production of the colony to be ruined for a few individuals.

Mr. MACKENZIE said the hon. Treasurer had given a very distinct statement of the case, and he for one would support the measure of the Government. With regard to the objections urged by the hon. member for Ipswich (Mr. O'Sullivan) he stated that there was great danger to the colony from the introduction of scabby sheep. A single diseased flock passing through the country would spread it wherever they went. Spite of all the caution exercised by the Inspectors

on the border, the scab might be in the sheep and not be detected. He was quite ready to admit that it would be a great grievance to parties whose sheep should be stopped on the border; but it was necessary to use the most stringent measures. With regard to the assessment, he supposed that when the amendments were introduced the hon. member opposite would state the amount. [The Colonial Treasurer said he would do so]—and, also to the valuation of the sheep, that ought also to be stated distinctly (hear) and the minimum fixed.

Mr. GROOM offered some observations upon the bill, and amongst other things stated that he had received information that the conduct of the Inspector on the Darling Downs was not what it ought to be, and that they were ignorant of their duties. (Hear, hear).

After a few remarks from Mr. WARRY and Mr. GROOM,

Mr. LILLEY said although he could not claim for himself, like his hon. friend who had spoken on the previous day, any personal acquaintance with the evils indicated by the scab disease, he trusted that the executive would satisfactorily ascertain that all sheep that came under the operation of the Act really were diseased, and that the powers conferred by the contemplated measure were not abused for private ends, to the detriment of the interests of the public.

Messrs. R. CRIBB and M'LEAN having followed in the same strain, the motion for the second reading was put by the Speaker, and unanimously passed.

On the motion of the COLONIAL TREASURER, the consideration of the bill in committee was made an order of the day for Tuesday next.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

The SPEAKER read for the information of the Assembly certain resolutions that had been agreed to by the Council relative to the appointment of members to serve, on the part of the Upper House, on the Library, refreshment, and Parliamentary Buildings Committees, respectively.

The COLONIAL SECRETARY moved that the hon. the Speaker, and Messrs. Royds and Coxen, be appointed a library committee to co-operate with the members appointed by the other branch of the legislature; and the hon. the Speaker, Mr. Macalister, and Mr. Blakeney, members of the Joint Refreshment and Parliamentary Buildings Committees.

The motion was put and passed.

IMMIGRATION LAWS.

Mr. RAFF, with permission of the house, would postpone his motion regarding the immigration regulations for a few days in order to give time to the house for considering them.

The COLONIAL SECRETARY stated that, in a few days, a statement with reference to this matter would be laid before the house, and he hoped, for the convenience of the government and the house, that the motion would not then be proceeded with.

The motion was accordingly, for the present, postponed.

SPECIAL COMMISSION TO MR. J. G. JONES.

Mr. BLAKENEY moved, pursuant to notice—"That an address be presented to the governor, praying that his Excellency will be pleased to cause to be laid upon the table of this house a copy of the commission issued to John Gore Jones, Esq., appointing him to act as crown prosecutor at the Circuit Court of Maryborough, in the month of September, 1862; together with the amount of fees and expenses paid to him as such prosecutor; likewise a similar return of the commission, fees, and expenses paid Mr. Jones as crown prosecutor at the Circuit Court of Maryborough in the month of March, 1863."

Mr. MACKENZIE seconded the motion.

Mr. JONES said he was sure that the house was indebted to the high sense of duty that on all occasions dictated such motions as the one that had been introduced by the hon. member. For himself, he was aware that no feeling of jealousy or mere professional emulation had anything

whatever to do with the matter; and he, therefore, considered that not only he himself, but the house and the country, were deeply indebted to the disinterested patriotism of the hon. mover in introducing his motion. In order, however, to arrive at the whole truth, and to give the house an opportunity of ascertaining the real extent of the evil complained of, he would prefer to see the motion made of a little more general application. He would therefore take the liberty of suggesting, for the approval of the house, a slight addition to the wording of the motion. Accordingly, going a little further back in the history of the colony he would beg to refer to a certain commission that had been issued by the government in favor of Mr. Blakeney, the hon. mover, and request that all correspondence in the case of the enquiry into the conduct of Mr. Halloran, P.M., of Maryborough, might be laid before the Assembly, together with a statement of the amounts paid to Mr. Blakeney for fees and expenses respectively.

Mr. LILLEY seconded the amendment, remarking that it was not for him to say what motives influenced either of the hon. members who had preceded him, in making their statements. No doubt both were actuated by the purest of intentions. The whole affair forcibly reminded him, however, of a saying of the late Sydney Smith, that "when a lawyer was wounded the rest of the profession instantly pursued him and put him to death." One thing would be settled by the consideration of this question and that was the important principle as to how far members of parliament might go in accepting retainers from the government without forfeiting their independence and position.

Mr. WARRY in a humorous address, appealed to the good sense of his hon. friend Mr. Blakeney and requested him to withdraw his motion and settle his little difference with Mr. Jones outside. Let each of them do his duty to himself and get as much as they could from the government, but let them not take up the time of the house in quarrelling about the division of the spoil.

Mr. O'SULLIVAN did not view the question at issue in the same waggish light as the hon. member who had just sat down. There was an old saying to the effect that when rogues fell out honest men had their own; and he felt confident that it would appear, from the correspondence that had been called for, that in accordance with the terms of the Constitution Act both Mr. Blakeney and Mr. Jones had forfeited their right to seats in that house. The members of the administration, being principally lawyers themselves, knew doubtless the price at which each member of the profession might be purchased; but it was the duty of the public to see that no member sat in that house after having disqualified himself by the acceptance of any office of emolument under the government.

The COLONIAL SECRETARY said that in cases such as the one under consideration the governments of the other colonies availed themselves of the best professional services at their disposal, having in view the general interests of the public. They exercised their privilege of determining, however, the extent of the remuneration that should be given for professional services.

Mr. R. CRIBB considered that the discussion on the merits of the question ought to be deferred until the production of the correspondence inquired for.

Mr. BLAKENEY, in reply, stated that he had received no fee for the services he had rendered at Maryborough. His expenses only by the steamer to and fro had been defrayed by the government. He brought the matter before the house in order that the question it involved might be definitely settled. If the motion was carried, he intended referring the matter by motion to the committee of elections and qualifications. He was willing to adopt the amendment of Mr. Jones.

The question was then put and passed.

JURY ACTS.

Mr. BLAKENEY moved for leave to introduce a bill to consolidate and amend the Jury Acts of the colony of Queensland.

The motion having been seconded,

The COLONIAL SECRETARY said it was not the usual practice of the government to oppose measures such as had been introduced by the hon. member in their earliest stages. Yet, as the Attorney-General had already given notice in another place of a similar motion, and as the government were aware that the bill introduced by the hon. member last session did not meet all the requirements of the case, he trusted that the present motion would be withdrawn. He merely rose to give timely intimation to the hon. member, that the government would feel bound to oppose the bill. At the same time, he disclaimed any imputation of discourtesy that might be brought against the ministry.

Motion put and passed.

MR. WILLIAM HENRY CLYDE.

Mr. MACKENZIE 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 the papers and correspondence relating to the removal of Mr. William Henry Clyde from the office of Clerk of Petty Sessions at Maryborough."

The motion having been seconded, the COLONIAL SECRETARY complained that the hon. mover had not furnished the house with any reasons for the production of the correspondence. He had taken the trouble to look over the correspondence referred to, and he found that the case was a very paltry one indeed. The gentleman whose name was mentioned in the motion had been found incompetent to discharge the duties entrusted to him, and he had therefore been called upon to resign his situation, with a view to his removal to a less responsible office.

Mr. BLAKENEY knew something of this matter, and he believed that Mr. Clyde had been removed in consequence of his making certain charges against the police magistrate who was his superior. Certainly, if, as the Colonial-Secretary stated, he had proved unequal to the duties imposed upon him under an experienced head, he was not fit to be entrusted with the onerous responsibility implied by his situation in an outlying district, where there were no experienced heads to consult.

After a few remarks from Mr. O'SULLIVAN, Mr. R. CRIBB, and Mr. WARRY,

Mr. LILLEY said it was right that an officer of the government should be made aware of the fact, that they were under the direct supervision of that house.

Mr. MACKENZIE, in reply, said that he endorsed the statement of the Colonial Secretary, that the case of Mr. Clyde was a very ordinary one. He had been induced, however, to bring it prominently before the house as a first sample of many similar ordinary cases that might be worthy of their consideration. The gentleman, he knew, was a sort of protégé of the Attorney-General, and he (Mr. M.) objected to him at the time of his appointment on the ground of his incompetency. It is rumored that the bench objected to him on this ground; but instead of dismissing him altogether, the executive thought proper to remove him, merely, to another locality.

The motion was then put and passed.

DEPOSITIONS IN LIBEL CASE.

Mr. BLAKENEY moved—"That there be laid on the table of this house copies of the depositions taken in the case of the prosecution of James Leith Hay, Esq., against William H. Buzacott, for an alleged libel published by him in the *Rockhampton Bulletin*; the time at which said depositions were laid before the Attorney-General, and what action was taken thereon by him; likewise the names of the several witnesses on behalf of the prosecution who attended at the Circuit Court of Maryborough at the last assizes; whether any expenses were paid to the witnesses, and if so, the amount each received, and by whose authority same was paid." He trusted the motion would not be resisted, as, if he was rightly informed, a substantive motion might follow, in consequence of the information contained in the papers.

Mr. R. CRIBB seconded the motion.

Mr. MACALISTER rose to express on behalf the Government, their readiness at all times to produce papers and give all necessary information. The ministry had no reason to refuse any papers whatever; but he protested against putting the country to the expense implied, by printing lengthy documents, in order to gratify the mere personal spite or malice of any member of that house. They had a right, however, to know what the grounds were of the substantive motion that was to be founded on the correspondence, in order to ascertain whether the papers were worth printing or not.

MINISTERIAL STATEMENT.

The COLONIAL SECRETARY asked the indulgence of the house while he offered an explanation as to the changes that had taken place in the ministry, and also as to his own voyage to England, and the circumstances that gave rise to it. It was, no doubt, in the recollection of hon. members that the previous session had terminated so abruptly, in consequence of their inability to form a quorum, that several important measures that had been introduced by the government were permitted to fall to the ground. It was therefore out of his power to make such a statement to the house with reference to his proposed departure as he desired to furnish. He regretted that he had deferred his explanation to the end of the session, but he could not anticipate the result; and it was from no unwillingness on his part that no statement was offered as to the arrangements he proposed for carrying on the government during his absence. The fact of his intended voyage was well known to his colleagues; many members of the house were also aware of it, nor was it unknown to the public generally. Mr. Mackenzie was ready to do his duties, and take his place in his absence. He accordingly submitted to his colleagues a proposal to that effect. He did not do so because he considered the hon. member for the Burnett the fittest person to hold the office, for he had not received from him an amount of support in carrying on the business of the country equal to what had been afforded him by the hon. minister for lands and works. He concurred with his colleagues in doubting whether Mr. Mackenzie could carry out the ministerial policy in its integrity, and he feared, in common with others, that he would make innovations that would not be consistent with that policy at all. When his colleagues therefore disagreed with him, he accepted the position they took, as he was inclined to concur in it. On a question of seniority the Attorney-General, rather than Mr. Mackenzie, was entitled to precedence. But when it became a matter of expediency he waived his former proposal in favor of Mr. Mackenzie and concurred with his colleagues in recommending Mr. Macalister to the Colonial Secretary in his room. I regretted the resignation of the hon. member and requested him to withdraw it. His Excellency, too, in flattering terms concurred in the request. But he would not. He, therefore, told the Governor and his colleagues that he conceived it his duty to resign his office rather than leave his government in a state of disorganisation. It was urged upon him, however, that he might be of use to the colony while in England if he went home in the capacity of a Minister of the Crown, and he, therefore did not press his resignation. Being in office, he was enabled to do much for the colony he would have been unable to effect at home under less advantageous circumstances. He cordially admitted that it was most undesirable for responsible ministers to leave their governments, and he agreed in holding that the practice should not be tolerated. He would not admit, however, that the practice was unconstitutional, for there was nothing in any act to render it so; neither was it at variance with the frequent procedure of Ministers of the Crown at home, who left the scene of their labors for a time with a view to the furtherance of important measures on the continent. He expressed his regret to the house that he should have been obliged to leave the country, as he did, without any explanation to the Assembly; and while throwing himself upon the indulgence of hon. members, he would remark that he preferred postponing this statement till the assembling of parliament to entering into a newspaper controversy with the hon. member for the Burnett. He cordially accepted the responsibility implied by whatever action had been taken by his colleagues during his absence; and he was willing to rest his claims to the indulgence of the house on the policy that had been pursued by the government during his absence.

Mr. MACKENZIE rose to offer an explanation in reply to some remarks which had fallen from the Hon. the Colonial Secretary, but the first few sentences were inaudible. The Colonial Secretary had accused him of rushing into print, and he felt bound to state why he had done so.

The Colonial Secretary, in his explanation, had stated that he was unable to acquaint the House of his intended departure from the colony in consequence of the abrupt termination of the last session; and he had further stated that this intention was known to many members in the House as well as to persons outside. In reply to this he could inform hon. members that on one occasion when the Colonial Secretary was questioned on the subject, his answer was that those who questioned him knew more about his private affairs than he did himself. The fact was that the hon gentleman had made a political blunder, for which he felt heartily ashamed. The Colonial Secretary had stated that he had tendered his resignation to the government, but that the Governor and his own colleagues had refused to accept it. He challenged the Colonial Secretary to prove this. True, he had gone in a huff to the Governor and offered to resign.

The COLONIAL SECRETARY asserted that the hon. member for the Burnett was drawing upon his imagination for his facts.

Mr. MACKENZIE continued: During the period of his connection with the government no such offer had been made. Before the departure of the Colonial Secretary, he (Mr. Mackenzie) had several times consulted Mr. Macalister, and his opinion was that the proceeding was unconstitutional, and that he would rather see the Colonial Secretary retain his place. The Colonial Secretary wanted to go to England, leaving the conduct of the government in the hands of his colleagues, and yet not allow of any interference in the duties of his office. Now, he would ask hon. members, if the duties of the hon. gentleman had not been interfered with ten times more than they would have been during his presence. His plan was to leave the colony and still remain at the head of affairs, leaving the Under-Secretary to act for him.

The COLONIAL SECRETARY stated that a memorandum, containing his intentions, had been submitted to the executive.

Mr. MACKENZIE denied that such a memorandum had ever been laid before the Executive Council to his knowledge; and further stated that the new appointments had never been gazetted. Several letters sent by the Under-Secretary had been repudiated. In ordinary cases, he did not object to the Under-Secretary performing certain duties; but on this occasion, far from blaming him, he could only sympathise with him upon the false position in which he was placed. The Under-Secretary's only object was to save as much time as he possibly could from the duties imposed upon him, in order that he might devote it to the duties of his own office. It often happened that members of the Executive Council were absent from their posts for a week at a time, and much of this lost time was devoted to a game of billiards at the club, or a trip to the dredge. The Minister for Lands and Works had been appointed to act during Mr. Herbert's absence from the colony, but no sooner had his appointment been confirmed than he must have a grand department, with an under-secretary, clerks, and messengers—in fact everything on a large scale. Mr. Herbert had come out from England with his Excellency the Governor; he was placed at the head of the government, and then went home on private business. If such a case had occurred in another colony it would have been severely censured. As it was, the matter had already created no small amount of surprise in the other colonies, and, after taking the opinions of several politicians, he was confirmed in his opinion that it is a most unconstitutional proceeding. The proper course for the government to pursue would have been to declare the office vacant, when the Colonial Secretary persisted in his determination to leave the colony. He did not wish to lay any blame on his Excellency, who was placed in such an awkward position that he could not help himself. In conclusion, Mr. Mackenzie regretted that he should be opposed to the Colonial Secretary; but as it was consequent upon that gentleman's own act and deed, he (Mr. Mackenzie) felt that he was perfectly justified in receding from the government, and he would leave the point to the consideration of the house.

Mr. MACALISTER, on rising to reply, was called to order by the SPEAKER, who reminded him that this was a ministerial explanation, and consequently allowed no right of debate.

Mr. O'SULLIVAN pointed out that the hon. member could move an adjournment, and then address the house.

Mr. MACALISTER characterised the speech of the hon. member for the Burnett as a foul attack upon the members of the government, and asserted that he had only adopted this course

since the prorogation of the house. Mr. Mackenzie, not satisfied with making private attacks, had rushed into print, and then went howling to his constituency with an appeal to their sympathies on the subject of his wrongs. Mr. Mackenzie had said that he never liked his colleague, the Minister for Lands and Works. What were the hon. member's objections? Did he object to him (Mr. Macalister) on account of his physical, moral, or social inferiority? He had never degraded himself. But the hon. member for the Burnett, after the failure of his newspaper correspondence, endeavored to get up public indignation meetings—and these were also failures. He was ready to throw himself upon public opinion, and go before the country with Mr. Mackenzie. The hon. member had said that he (Mr. Macalister) had only given a third of his time to the business of the country. It was false. There was no other member of the government gave up more time or sacrificed more than he had done in the public service. The hon. member for the Burnett might have devoted a large amount of his time to the duties of his office, but he (Mr. Macalister) could assure the hon. gentleman that three hours of his labor were equal to three weeks of Mr. Mackenzie's. Let the hon. member bring forward proof that the conduct of the government during the Colonial Secretary's absence was inferior to what it might have been. The fact of not having been gazetted was no proof of illegality. He did not think the hon. member's observations were deserving of any more remarks, but he would state that in all cases he had done the best he could; and, with reference to the government patronage, he could safely say that every appointment by the government had been made without bias, but with a view to the best interests of the colony.

The Minister for Lands and Works, on resuming his seat, was called upon to propose a resolution in accordance with the usual forms of the house; but this the hon. gentleman declined to do, alleging that it was unnecessary, as he had attained his object, viz., an opportunity of addressing the house.

On the motion of the COLONIAL SECRETARY, the house adjourned till three o'clock the following (this) day.