

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

...  
**Legislative Council**  
**29<sup>th</sup> April 1863**

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Extracted from the third party account as published in the  
Courier 30<sup>th</sup> April 1863

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THE PRESIDENT took the chair at a quarter past three o'clock, and opened the proceedings with prayer.

**PAPERS.**

The ATTORNEY-GENERAL laid the following papers on the table of the house:—

(1.) By command: Third Annual Report of the Board of General Education.

(2.) In Return to Address from the Council for Minutes of the Immigration Board, and all correspondence and papers in connection with the immigrant ship Conway after her arrival in Moreton Bay.

Ordered to be printed.

Despatch received by his Excellency the Governor in reference to future appointments of members to the Legislative Council.

**CONSTITUTION OF THE HOUSE.**

Mr. YALDWYN asked, without notice, whether any despatch or other document had been received by the government from the Duke of Newcastle, touching the constitution of the Legislative Council?

The ATTORNEY-GENERAL read the following reply, which was ordered to be printed:—

His Excellency the Governor will have no objection to lay before parliament the correspondence respecting the constitution of the Legislative Council, in an address of this house.

**IMPORTANT MEASURES.**

Mr. GALLOWAY asked the Attorney-General, without motion, whether the government had determined on laying before parliament their most important measures at the earliest opportunity?

The ATTORNEY-GENERAL replied that a resolution to the same effect having been brought before the other house, he was not then in a position to give an official answer, but he would endeavor to answer the question to-morrow (this day.)

**RESIGNATION OF SIR CHARLES NICHOLSON.**

A message was received from the government, intimating that Sir Charles Nicholson, Bart., had sent in his resignation on the ground of his long absence from the colony, and that the same had been accepted.

**CORONERS' INQUESTS ON FIRES BILL.**

The ATTORNEY-GENERAL in moving the second reading of this bill, explained that serious fires had lately occurred in this colony, as well as elsewhere, and that a large amount of property had, in consequence, been destroyed. In most cases of this kind the origin or cause of the fires were enveloped in mystery, and the object of the bill then before the house was to enable the coroner to hold such investigations as were likely to throw light upon the subject. He remarked further, that a measure similar to the one in question had been passed in the other colonies, and had been found to work well.

The second reading was agreed to, and the committal of the bill fixed for the next day.

### MINISTERIAL EXPLANATION.

The ATTORNEY-GENERAL, in pursuance of a promise previously made, stated that before moving the adjournment of the house he desired to make a statement, which he hoped would have the effect of correcting certain erroneous impressions touching the late movements of the present government. He alluded particularly to two points, namely, the departure of the Colonial Secretary for England, and the secession of the late Colonial Treasurer (Mr. Mackenzie) from the cabinet. Under ordinary circumstances, he thought it hardly worth while to enter into a general explanation affecting the ministry as a body, seeing that a similar explanation had been very fully and satisfactorily given elsewhere; still, as the matter affected him personally as a member of the cabinet, he felt bound to state the circumstances under which the Colonial Secretary went home, and the ex-Treasurer resigned. As stated before, he informed the house on the day pending the close of the last session, that his hon. friend, the Colonial Secretary, intended to proceed forthwith to England, and that the hon. gentleman intended to make a similar announcement in the Assembly the next day. Owing, however, to there not being a quorum present, the Assembly were not officially informed, and, consequently, his hon. friend could not be blamed for an accident over which he had no control. In regard to the events which followed, he (the Attorney-General) never stated that satisfactory arrangements had been made for carrying on the government service, although such a statement had appeared in one of the papers. All that he implied was, that at the time of Mr. Herbert's departure, it was rumored that satisfactory arrangements *would* be made for carrying on the public service. Those arrangements would have been made satisfactory to all parties had it not been for the question raised as to whether the Colonial Treasurer should take precedence of any other minister in the absence of the Colonial Secretary. The ex-Treasurer contended that by virtue of his position he was entitled to precedence, and, consequently, to the right of exercising the functions of the Colonial Secretary during that officer's absence. Of course the hon. gentleman stood upon what he conceived to be the dignity of his office, but he (the Attorney-General) and his colleague, Mr. Macalister, took a different view. They contended that the right of precedence did not necessarily devolve on any particular member of the cabinet, except the Colonial Secretary himself. It was argued on the other hand that if any precedence were to be recognised at all, it ought by precedent to be given in favor of the Attorney-General, but he (Mr. Pring) having no ambition to accept the office of Acting Colonial Secretary refused to entertain any proposal of the kind, on the ground that a better arrangement might be made. Entertaining this opinion, he gave his support in favor of Mr. Macalister, believing that the time, ability, and experience of that gentleman would be most effective in carrying on the public service. This was the arrangement under consideration, when he (the Attorney-General) was obliged to leave Brisbane for Toowoomba on official duty. Before leaving, however, he distinctly pledged himself to adhere to any arrangements his colleagues might come to. Finding on his return that the desire of the cabinet was to give Mr. Macalister the precedence as being most fitted to occupy the post of Acting Colonial Secretary, he felt no hesitation in giving his vote accordingly, not that he respected Mr. Mackenzie the less, or entertained any adverse notion with regard to his general abilities. It was said by the same hon. gentleman in another place that the Colonial Secretary never offered his resignation prior to having left the colony,—that he merely left the cabinet meeting in a "huff" with a mere threat of doing what he never intended to do. Now he (the Attorney-General) was not aware that anything like a "huff" occurred, although he was present during the whole of the time, but he did not know that the Colonial Secretary forwarded to the Governor a *bona fide* resignation of his office, which his Excellency refused to accept, and which was afterwards withdrawn by Mr. Herbert at the urgent advice of his friends. It was solely in pursuance of this advice that his hon. friend left the colony in his capacity of Colonial Secretary. The hon. and learned gentleman concluded by rebutting a charge affecting himself personally, and showed that so far from shirking the business last session he was prepared with two or three very long bills which he would have introduced had it not been for the abrupt termination of the session. The bills in question had not only been prepared, but had undergone the process of printing. With regard to the Colonial Secretary's absence, he did not think it necessary to enlarge, as the hon. gentleman had given a very full and satisfactory explanation elsewhere.

## MESSAGE FROM THE GOVERNMENT.

The following message was received and ordered to be printed.

His Excellency the Governor herewith transmits to the Legislative Council a statement of the Revenue and Expenditure of the Colony for the year 1862, together with the Auditor General's Report thereon.

The house adjourned at 4 o'clock until 3 o'clock to-morrow (this day).