

Queensland



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[Hansard]

Legislative Assembly

TUESDAY, 21 MAY 1867

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LEGISLATIVE ASSEMBLY.

Tuesday, 21 May, 1867.

Ministerial Changes (Privilege).

MINISTERIAL CHANGES (PRIVILEGE).

A question put, pursuant to notice, by the honorable member for Port Curtis (Mr. Palmer) having been answered "on behalf of the Colonial Treasurer," by the Honorable John Douglas,

The Hon. R. PRING said: Mr. Speaker—I rise to a question of privilege. I observe, sir, that the honorable member opposite states that he answers "on behalf of the Colonial Treasurer." I have not heard from the honorable gentleman that he is not Colonial Treasurer, though it is implied in what he has just said. He sat here as Colonial Treasurer when this House last assembled. If he is not Treasurer, why does he sit in his place?—and where is that Minister? If there is a Treasurer at all—is he in the House, or not? This is a very novel proceeding. There is an irregularity here; for the honorable member cannot answer for the Treasurer, if he does not hold that office.

The COLONIAL SECRETARY: There is no irregularity at all in the matter. The honorable member has committed an irregularity by raising the question at this period. I should have been perfectly prepared, before the business of the House commenced, to have made a statement—that is, when the questions were finished.

The Hon. R. PRING: I maintain it, now, as a question of privilege, that if there is no Colonial Treasurer, the honorable gentleman cannot answer. Where is the Colonial

Treasurer? He is not in this House! There is no Colonial Treasurer in existence.

The COLONIAL SECRETARY: The Colonial Treasurer may be in existence, but not in the House.

The ATTORNEY-GENERAL: I have been a long time in the House, and I have frequently noticed Ministers answer for each other in one another's absence.

Mr. PALMER: The honorable gentleman did not say he answered "in the absence of," but "on behalf of the Colonial Treasurer."

The Hon. R. PRING: Where is the Colonial Treasurer?

The ATTORNEY-GENERAL: He will be here by-and-bye.

The COLONIAL SECRETARY: I will give an answer at the proper time.

Mr. WALSH: We are quite justified in asking—Who gives the answer for the Colonial Treasurer?

The COLONIAL SECRETARY: Perhaps the honorable member for Port Curtis will postpone his question?—and it may be convenient for honorable members who have questions to put to the Colonial Treasurer to postpone them.

Mr. PALMER: I am quite willing. I will be glad to postpone it till to-morrow.

The SECRETARY FOR PUBLIC WORKS: As a matter of explanation, I may say this reply was prepared by myself; therefore, I thought there was no harm in affording the requisite information to the House.

The SPEAKER: It is quite clear that only a Minister of the Crown can answer for a Minister.

The Hon. R. PRING: That is what I maintain, sir; but they won't see it.

The Hon. R. R. MACKENZIE: I should like to ask the honorable member, Mr. Douglas, if he answers as a Minister of the Crown?

The COLONIAL SECRETARY: Perhaps the House will have patience for a few minutes. I will explain it.

Mr. WALSH: That answer is not to be recorded.

The SPEAKER: As I understand it, the question is postponed.

Mr. WATTS: I should like, Mr. Speaker, to know whether the question standing in my name can be answered? As a change is made in the Ministry, I presume there is no Minister for Lands and Works.

The SECRETARY FOR PUBLIC LANDS: I submit that any Minister can answer for another; and that an answer can be given to a question, so long as it is given by a Minister.

The Hon. R. PRING: The question is—Whether a Minister, as such, is known to this House. The honorable member, Mr. Douglas, cannot answer for a Minister who, from his statement, does not exist.

The SECRETARY FOR PUBLIC LANDS: I submit this House has no right to doubt the fact. I believe this House is acting upon

rumor at the present moment. I cannot see anything on the records, or any previous statement to the House to that effect.

HONORABLE MEMBERS: His own statement—he says he is not Treasurer.

The SPEAKER: I believe it is quite clear, as the honorable the Secretary for Lands and Works states, that one Minister can answer for another.

Mr. PALMER: I do not know what position the honorable member is in: he said he answered “on behalf of the Colonial Treasurer.”

The SECRETARY FOR PUBLIC LANDS: So far as that honorable member is aware, the honorable gentleman may have acted on behalf of himself!

Mr. R. CRIBB: The honorable member for Eastern Downs himself first called attention to the question. I presumed he was Colonial Treasurer—I had nothing to tell me otherwise—until he rose in his place and answered, not as Colonial Treasurer, but “on behalf of the Colonial Treasurer.” If he answers “on behalf of,” he cannot be “the Colonial Treasurer.” He could only hold that office until his successor was appointed. Having resigned that office, he cannot sit here as a Minister in any other capacity. If he has resigned that office, and takes another, he cannot sit in this House: he must go to his constituents. As it is, I cannot understand what the Government is coming to.

The SPEAKER: I have only to suggest to the Colonial Secretary, that when an explanation is to be given, it is usual—and it has been usual in all Parliaments, I believe—to give the explanation first, before any business is transacted.

The COLONIAL SECRETARY: I believe, Mr. Speaker, it has been the practice, and I believe it is according to parliamentary rule, that “questions” are not regarded as business of the House. For this reason, I never have given—and I do not believe it has been done by any predecessor of mine—an explanation, until questions have been asked. However, I have no objection to meet what I believe to be the wish of the House, and to offer an explanation on the present state of the Government arrangements. I may mention to the House that a difference of opinion has arisen between my honorable colleague, Mr. Douglas, and other members of the Government, regarding a question that will shortly be before this House for discussion. My honorable colleague held to the opinion that the resuscitation of the land order system is opposed to the financial position of the Government, and that the policy of recognising the land order system is inconsistent with his views as Finance Minister. Under such circumstances, and after considerable deliberation, the members of the Government, with the consent of the honorable gentleman himself, advised His Excellency the Governor to transfer the honorable gentleman from the department of the Treasury to the department

of Public Works, and as Minister of that department he has now his seat in this House.

The Hon. R. PRING: No, no; his seat is vacant.

The COLONIAL SECRETARY: The honorable member is wrong, because I know better. As regards the department of the Treasury and Finance, that office has been offered to, and has been accepted by, the honorable member for South Brisbane, who, I presume, is now before his constituents.

The Hon. R. PRING: Mr. Speaker—The explanation afforded by the honorable the Premier is very concise; and, so far as regards the decision of the Government in reference to the management of particular departments and appointing gentlemen to hold them, that is their particular business. But, sir, we have to consider now the question whether the late Colonial Treasurer, who has been transferred to the office of Secretary for Public Works, can sit in this House. I maintain that he cannot. I maintain it, and defy contradiction. It is all very well for the Attorney-General and the Premier to say he can; but, with great respect for the opinions of those honorable gentlemen, I am in a position to shew that—and good precedents support me, and that as late as the change in the Cabinet, news of which was sent out to us by the last mail from England—he cannot retain his seat. I quote from “May” the general principle, and from that it appears we have fallen into a great mistake about transferring Ministers: the rule is good so far as regards the offices of Secretaries of State—they can be transferred from one to another:—

“If one of Her Majesty’s Principal Secretaries of State should be transferred from one department to another, his seat is not vacated, as there is no such division of departments in the office of Secretary of State as to render them distinct offices under the Crown.”

But the Colonial Treasurer is a distinct office from the Secretary for Works under the Crown. In the last session of Parliament, Sir John Pakington, who was First Lord of the Admiralty, took the office of Secretary for War, and he had to go to his constituents. Now this last shews what the difference is between the departments of the State, and what is the practice at home in a case analogous to the present. It is quite clear that the honorable member’s (Mr. Douglas’) seat is vacated, and that he must go to his constituents; and he is liable to the penalty of £500, under the Constitution Act, for sitting here, if anybody likes to go against him.

The ATTORNEY-GENERAL: At a more convenient time for raising the discussion, I shall be quite prepared to shew the honorable and learned gentleman, Mr. Pring, that he is mistaken.

The Hon. R. PRING: I am always ready for it. Now is the time to shew: you should be prepared.

The ATTORNEY-GENERAL: I have always had the good fortune to shew the House and the public that I am correct; and shall again.

The Hon. R. PRING: Don't blow your own trumpet.

The ATTORNEY-GENERAL: However, there is no need to refer to that now; nor to occupy the time of the House unnecessarily. At the proper time, I shall be prepared to shew that the action of the Government is quite regular and legal, notwithstanding all that has been stated by my honorable and learned friend for the Burnett.

The SPEAKER: It will be absolutely necessary that this question shall be settled before any other business is gone on with. If it is decided that the seat is vacant, then the honorable member, Mr. Douglas, has no business in the House; if, on the contrary, he takes his seat.

Mr. WALSH: If it is necessary, sir, I rise to move the adjournment of the House, in order that this matter may be fully and fairly debated.

Mr. PUGH: If the honorable member will allow me, I will put a motion for bringing the matter to a more distinct issue than his motion can effect; I shall move that the seat of the honorable member for Eastern Downs be now declared vacant.

The Hon. R. PRING: That is not the question; because, under the Constitution Act, clause nineteen, the seat is void.

The SPEAKER: I think the honorable and learned member is wrong on that point. It must be declared vacant during the sitting of the House; during the recess, it is otherwise. This is laid down in clause twenty-seven.

Mr. PUGH: I, of course, know nothing of the actual changes that have taken place in the Ministry but what I have heard now. It may be, I am taking an unusual course; I am not taking an unparliamentary course in moving the House to settle this question. But it does appear to me that the view held by the honorable and learned member for the Burnett is to a considerable extent correct; and I must say I agree with him to a considerable extent. The practice as laid down by "May," does certainly apply to the case before us; and the case of Sir John Pakington, to which my attention was called before the honorable and learned member, Mr. Pring, spoke of it at all, is quite sufficient for me to see that it is the rule at home, if any Minister resigns his office and takes another, he is bound to go to his constituents. We have had enough of irregularity lately; because, I maintain that the late Colonial Treasurer holds his seat now on sufferance. I maintain that that honorable member to fill his appointment was picked up in the street. He was not a member of either House of Legislature; he was not in a position to be recognised as a public man—though, of course, he had been one; and it was not right to appoint him as such and send

him to his present constituents as Colonial Treasurer, after he was irregularly appointed. Now, if the Government had said to him—"If you can get in for Eastern Downs we will appoint you as Treasurer," they would have acted properly; and the second election of the honorable gentleman would have been a mere *pro forma* matter. I believe the Government did what they had done for this reason—they wished to save the expense to the country of a second election. But if a rule is a rule, let us observe it; let not the Government be the first to infringe it. With all due respect to my honorable and learned friend, the Attorney-General, that is my view. I hope he will make good his case: if he can prove I am in the wrong, I shall not complain. I shall be very glad to be set right. At the present moment, the honorable the late Colonial Treasurer—he is not in office—having admitted inferentially that he has left his department—has no right in this House, and his seat ought to be declared vacant. I am reminded that his mere resignation of office will not cost him his seat; but we are informed by the honorable the Premier that he has vacated one office and accepted another, by which, I maintain, he has forfeited his seat. I move, Mr. Speaker—

That the seat of the honorable member for Eastern Downs be now declared vacant by his acceptance of office as Secretary for Public Works.

The COLONIAL SECRETARY: The arguments which have been advanced in favor of my honorable colleague being in the position of a member who has accepted office and is required to go to his constituents, have gone very much round about the bush. I have not been able to discover from the observations of the honorable member who has just sat down, or of the honorable and learned member for the Burnett, any authorities or precedents, and, in reality, no arguments, that bear on this particular case, or, in fact, any case of a similar nature. The honorable member for North Brisbane, Mr. Pugh, has asserted that the honorable member for Eastern Downs was chosen and gazetted as a Minister, although he was not then a member of this House. Now, I want to know if the honorable member is prepared to shew any precedent, or authority, that precludes the Government from doing anything of the kind? If I were to take the trouble, I should have no difficulty in finding precedents for the course we have adopted, over and over again. Now, what is the real question on which any Minister goes to the country once he accepts office? It is because he has accepted an "office of profit." Now, the honorable member, Mr. Douglas, when he accepted an office of profit, went before his constituents; and, I admit, if he resigned his office, and went out of office, and then resumed office, he would require to go before his constituents again. That is the question. The case quoted by the honorable member

for Burnett, is against himself (Mr. Pring); because, I maintain that in all these colonies the Ministers of the different Government departments occupy the same position as the great officers of State in England. And the very case which he quoted was the case of a subordinate officer; and there is no doubt that the case which I am now putting to the House is one that has been followed in the other colonies. I believe there will be no difficulty in shewing that in New South Wales it has been repeatedly followed.

The Hon. R. R. MACKENZIE: Mr. Speaker—I wish to put this in another light, without going into the arguments that have been advanced. The question is, whether it was a mere transference of office or not? I put it to the honorable the Colonial Secretary—Did the honorable the late Colonial Treasurer resign his office unconditionally; and, did he, on second thoughts, re-enter the Government with a fresh office? If the latter is the case, of course, he has vacated his seat, and there is no occasion for discussing the question at all. I believe I am right in stating that the House are determined that they will not have another Minister. We did it last session; and we are not going, now, to have the House swamped with Ministers. There has been enough of this “tom-foolery.” If this misunderstanding had not occurred in the Government, we should not have heard any more of a fifth Minister in the revival of the Secretary for Works. The honorable member at the head of the Government, during the last sixteen months, has been steering all round the compass. If an honorable member gets up to attack the Ministry, in any way, he sees before him members with whom he was sitting in opposition only a few days ago;—and, in fact, we hardly know whom we are attacking—we don’t know where we are. For expediency sake, I have no objection to the honorable the late Colonial Treasurer taking another office; but I do object to the honorable member remaining in the Government to saddle us with an additional Ministerial office. I put my question, and hope the Colonial Secretary will give me an answer.

The COLONIAL SECRETARY: Mr. Speaker—I have no hesitation in stating that no resignation of the honorable member was ever accepted.

Dr. CHALLINOR: Was it sent in?

The COLONIAL SECRETARY: That I cannot tell. I never saw his resignation.

The Hon. R. R. MACKENZIE: Then I don’t envy the honorable member at the head of the Government for his statement.

Mr. RAFF: Mr. Speaker—I do not at present wish to inquire into the plans and actions of the honorable member at the head of the Government; but, in his arguments now addressed to the House, he appears to me pre-eminently absurd. He draws a very nice distinction between acceptance of office by a member who did not hold office

before, and a member who accepts office, having previously resigned another office. That portion of “May” quoted by the honorable and learned member for Burnett, I have since referred to, and perhaps honorable members will again listen to what I shall read:—

“By the 26th section of the Act 6 Anne, c. 7, if any member shall accept of any office of profit from the Crown during such time as he shall continue a member, his election shall be, and is, hereby declared to be void, and a new writ shall issue for a new election, as if such person, as accepting, was naturally dead; provided, nevertheless, that such person shall be capable of being elected, &c.”

I would ask the honorable member at the head of the Government—Is there any condition whatever—is there any exception—is it provided that, if a member has previously been in office, and resigned that office, and takes another office, his election shall not be declared void? I say, no. It is here stated; and there are cases quoted. It has been pointed out that this is not a transfer from one office to another in the same department; but the honorable member resigns his post at the head of one department, and takes office in another department. This is no transfer. No matter whether the honorable member’s resignation was accepted or not, the honorable the Colonial Secretary has declared to the House that the Colonial Treasurer has relinquished that office, and accepted office in another department. It is of very little consequence to honorable members of this House whether the honorable member is put to the trouble of going to his constituents or not; but it is the duty of this House to see that law and rule are upheld.

The SECRETARY FOR PUBLIC LANDS: It must be very obvious to honorable members on both sides of the House, that what last fell from the honorable member, Mr. Raff, is not correct, as to acceptance of office. Honorable members must be perfectly aware that no resignation can take place until acceptance has taken place by His Excellency the Governor. We know it has occurred over and over again—not only in this country, but in the mother country—that resignations have been tendered and not accepted. It is correctly stated by my honorable friend at the head of the Government, that that resignation was not accepted; the consequence must follow, that it was a transference from one office to another. There seems to my mind not the slightest difficulty in the way of my honorable colleague, the Secretary for Works, occupying his seat in this House. As to what fell from the honorable member for the Burnett, Mr. Mackenzie, it has nothing to do with the question before the House; whether my honorable colleagues went all round the compass, or were directed to one point of it, does not affect the question. It does not

matter whether the honorable member himself once belonged to this side of the House, and now belongs to another, or whether he can or cannot distinguish friends from foes; it lies with himself to choose how he can best discharge his duties to his constituents. I assert that, from the fact of the honorable member for Eastern Downs' resignation not having been accepted, it was a transference from one office to another.

Mr. WALSH: It is hardly to be expected that a Minister will get up and admit that the Ministry have made another blunder. But all honorable members must be convinced that the objection taken by the honorable member for the Burnett is perfectly correct. It is beyond a doubt that, by the admission of the honorable member himself, and the statement of the honorable member at the head of the Government, that Mr. Douglas has vacated the office of Treasurer. It is beyond a doubt—except by those who quibble, or who think as the Ministry do, and speak in the Ministerial interest—that Mr. Douglas has resigned his position of Colonial Treasurer. If the Premier will repeat that he has not done so, then I say the honorable member should have stopped this discussion at the outset by saying so. We all came here prepared for the statement that Mr. Douglas is not Treasurer. What is he? We have been told by the honorable member at the head of the Government that he is Minister for Works. We were told last week that there was no Minister for Works. That honorable gentleman took some credit to himself because that department could be done away with. The honorable the Premier mentioned it in such a way that he gave us to understand that. I am quite satisfied that I am correct—my words may not be exact, but the general fact is true—in the statement that the Premier did announce that the Department of Works, as a separate department, had been done away with. The honorable member is sure to deny it. Will he deny that he gazetted it as again combined with the Lands Department, under the Honorable Mr. Bell?

The COLONIAL SECRETARY: The honorable member must not be allowed to make mis-statements. My honorable colleague was gazetted as Acting-Secretary for Public Works. I never announced in this House that the two offices were combined. What I did announce was, that the Government had the subject under consideration.

Mr. WALSH: I accept that explanation of the honorable gentleman. But, Mr. Speaker, rumors were abroad, last night, that the honorable gentleman, Mr. Douglas, was no longer a Minister—that he had ceased to act as Colonial Treasurer—that he had sent in his resignation. I feel as confident as that I stand here that the honorable member went to bed feeling that he was not a Minister of the Crown; and I very much doubt whether that honorable gentleman will get

up and say that he went to bed last night feeling that he was a Minister of the Crown. What is the next rumor? The Ministry find themselves in a bit of a fix. They can find a Treasurer—because there is one gentleman who has prepared himself for the position—but they cannot afford to send the ex-Treasurer into opposition. The Opposition is too powerful already. But—it is a happy thought!—he may yet be made useful—he can yet be kept out of the Opposition;—another seat can be made to which he can be sent as Minister for Works. That is the rumor, now. I should like to know if the honorable the Colonial Secretary will deny its truthfulness. The honorable the late Colonial Treasurer could not stop in the Ministry because of their politics—because of the programme of the session of his colleagues—because one of their most important Bills was distasteful to him. Is it right, is it proper—will it be pleasing to the country to know—that a Minister can agree to a Bill as Secretary for Works when he could not agree to it as Colonial Treasurer? I trust, with a due regard for his political character—with his antecedents—with the bright future before him—that he will see the error of his ways; that he will yet make some atonement to the country for the misfortunes he has brought upon it; that he will submit willingly to the dictum of this House, this afternoon, that he has vacated his seat. For my part, I am perfectly sick of this cabinet-making. The country is wearied: it is not governed, but mis-governed; and by gentlemen who think they have a prescriptive right to govern—that nobody else can govern—that they alone can advise His Excellency what is best for Queensland. I want to know whether the time has not arrived when we should no longer trust in this Government; whether we should not compel this Ministry—these public delinquents—to go before a better tribunal than this House appears to be at this moment. I think we should be doing our duty to the country if we were to assert, this afternoon, that we will allow no more of this—that we will do no business until there has been a dissolution, so that the country can rectify those mistakes which it made when it sent those honorable members to the House. I am perfectly willing, if other honorable members will join me on this point, that we shall insist that there shall be a dissolution; and that until there is, we shall frustrate the passing of any measure of importance; that we shall oppose proceeding with the public business under such a Government. I would almost recommend the honorable member for Eastern Downs, Mr. Douglas, to retire from the position he is in, and to walk over to this side of the House, and tell the Ministry that it is time to go before the country. I believe, sir, another question will present itself to the House when we have decided this, but I will not proceed with it at

this moment. I do entreat honorable members, now they have begun, with the assistance of the honorable and learned member for Burnett, to see what really they should do in the way of preserving the dignity and rights of this House. I trust honorable members will take a firm step this afternoon, and will not be led away by the earnestness of the Attorney-General and the late Colonial Treasurer, but that they will do their duty to the House and the country.

MR. BROOKES : Mr. Speaker—This discussion is entirely new to me, and if I look for the foundation of the motion that is now before this House, I cannot find it. We have no official information before the House—

AN HONORABLE MEMBER : A ministerial statement.

MR. BROOKES : There is nothing to warrant honorable members in talking as they have talked this afternoon, I am persuaded. It may be that the honorable the Colonial Treasurer has differed from his colleagues on a certain point; but still, I do say we should be taking a somewhat premature step as a House, if we accept even the statement of the Premier himself on this matter—because it might be, and probably will be, in the course of the history of this colony, to the interest of a Premier to get rid of a colleague, and to rise up in this House and make statements, if the House will follow him implicitly, to get rid of a colleague.

AN HONORABLE MEMBER : Here's the *Gazette*.

MR. BROOKES : I think, Mr. Speaker, that we are now wasting time. I don't think that we are called upon to do anything whatever until we have it officially; and, when I rise, immediately following the honorable member for Maryborough, I must say that his arguments have entirely failed to carry me with him, and I do not believe they will carry the House with him. Now, I would put it to the House, as an assembly of persons who wish to have the public business conducted promptly, judiciously, and correctly, whether it is good advice that that honorable member has offered to them. He has asked honorable members on all sides of the House to lend their utmost efforts to unite in bringing about a dissolution of this House. Now, Mr. Speaker, I will say this, that whatever may be the proclivities of members, or whatever may be the confined interests of members, or whatever may be the interest of members with reference to the present Government, before there is a dissolution of this Parliament, the public interest—meaning by that term the interest of everybody in Queensland, excepting none and giving preference to none—requires that there shall be a re-distribution of the electorates; and, I maintain, that any set attempt of a party, any factious attempt, to bring about a dissolution before we have a re-distribution of the

electorates, will be a deliberate and wilful obstruction to the progress of Queensland, and a gross injustice to the country; and those who play their cards for that game will find when too late that they do not hold the best hands. Having said so much, I feel at liberty to say that I am greatly inclined to agree with the honorable member for the Burnett, the apparently accepted leader of the Opposition. I believe it is not consonant with public safety, or public convenience, or precedent, that the Colonial Treasurer should be allowed to vacate his seat, and, without going before his constituents, to accept the office of Minister for Works. I am bound to say that; and I trust honorable members will accept my statement; for all I want to see is fair play, and nothing done in the interest of party. But it is merely hearsay.

AN HONORABLE MEMBER : The *Gazette* is out;—here it is, in the House.

MR. BROOKES : Well, then, sir, I will take this opportunity of saying, what I have said before, that I do not think there ought to be five Ministers in this House; and that I believe the presence of five Ministers in a House of thirty-two members is indeed subversive of the very principles of representation. I arrive at that conclusion, first, from what I have read; secondly, from what I have observed in this House. And all that I have observed has corroborated all I have read; and, when the proper time should come, I had it in my mind to call the attention of the House to that fact. Still, let me revert to this point: let the House not be misled by the honorable member for Maryborough. He is always trying to lead the House on to a false issue. What we desire to know, is, if the honorable gentleman, the late Treasurer, has a right to sit in this House now?

THE HON. R. PRING : The new Treasurer is gazetted. The *Gazette* is here, in the House.

MR. BROOKES : Don't let the House be misled by the honorable member for Maryborough. He has often tried to mislead me, and sometimes has partially succeeded. This is entirely a technical matter. Good will come of the discussion. If it is said there is a gentleman in this House prepared to vote and speak as Colonial Treasurer, and he has no right to do so, I shall be glad to join the Opposition and tell him so; but the honorable member for Maryborough wants everybody to join him to break up the House. He is always trying to amuse us; sometimes he succeeds; but he has never succeeded in putting to the House a practical proposition. Let us entirely separate the proposition before the House from the very chimerical one of the honorable member for Maryborough. I maintain, and I defy contradiction, that the present Government is the only Government that is able to manage the affairs of this country: the men are not on the other side who can govern the country. The Govern-

ment may have made a little mistake. Work it out as you like, that a gentleman who has given up the office of Treasurer, and taken the office of Secretary for Works, should or should not vacate his seat. That is not a question worthy of the Opposition. I appeal to the honorable and learned member for Burnett, Mr. Pring, to whose speeches I have listened with great instruction and pleasure many a time—I put it to him as a statesman—Is this a question for the present time? This is a time of difficulty, when we ought to combine for the common welfare, and when we ought not to be divided. Don't let me be misunderstood here. I value an Opposition. I sat on the Opposition benches for a year or two, and I am a strenuous supporter of an Opposition. I believe Her Majesty's Opposition is as great a power in securing good government as Ministers are. But don't let the Opposition degrade their functions;—don't let them try to get into these Ministerial seats by any *ad captandum* trick. Let them avow their adherence to great principles, not to minor measures;—that is what I say;—and the difficulty that is before the House will dissolve and disappear, and we shall go on quietly as before.

THE SECRETARY FOR PUBLIC WORKS: I do not know, Mr. Speaker, whether I shall render myself liable to the penalty of £500 by the part I take in this proceeding; but I merely now rise to corroborate what has been already stated by the honorable member at the head of the Government. I did tender my resignation, and that resignation has not been accepted; and I have to state that I did receive a proffer from the honorable gentleman to take the Department of Works. I received the proffer to take that office, and I gladly accepted it;—chiefly, because I believed that I could conduce to the good government of the country. I was desirous to remain acting in concert with those gentlemen with whom I had previously heartily acted in concert, and with whom I anticipate to be able to act in concert. I say this because, on a measure of detail—of the highest importance, and which this House will have to take into deliberate consideration—I did hold views which were not consonant with those of my honorable colleagues. This was not, I consider, a sufficient reason to justify me in separating myself from them; and I was heartily glad when I found the difference between us was not insuperable, and that we could still be united, while I was heartily accorded the liberty of action which my colleagues allow me;—and I believed that in that way I should best contribute to the good government of the country. At the same time, I do not wish to flinch from going to my constituents, if the House wish it; but I would point out that there is no sufficient precedent which would justify such a course. It is unquestionably the case that in New South Wales these transfers have been carried out in the

way this Government have done; and the honorable the Attorney-General will shew that this is in accordance with the precedents of the Imperial Parliament; and it will be so in this House until some fresh rule is laid down for our guidance.

MR. R. CRIBB: Mr. Speaker—I regret very much that the honorable member who has just sat down, after having changed his office, should have attempted to take his seat on the Government benches, instead of going before his constituents, which would have been the easiest and quietest way for all parties. With regard to what has been said as to his not having resigned his office, I do not understand it. I see the *Gazette*, and the honorable member for South Brisbane is Colonial Treasurer. That is proof that the honorable member for Eastern Downs not only resigned his office, but that his resignation has been accepted, since his successor in that office has been appointed. But I maintain that any member of the Government changing his position should go before his constituency. I know that in February, 1833, the Right Honorable Sir John Hobhouse was Secretary for War; he resigned that office and accepted the office of Secretary for Ireland, and on that occasion, as shewn by the records of the House of Commons, a new writ was issued. There is another case in point, but I cannot put my hand on it just now; it occurred in the same year, when he changed office again; so that he had to go before his constituents twice in the same year. Now, I contend this is exactly suited to the case of the present time. I trust that, without more ado, the honorable member for Eastern Downs will retire and go before his constituents. No doubt he will be returned again; and I am sure nobody will be more happy to see the honorable member back than I will. But we should never allow parliamentary rule to be departed from; because, if we break through a rule of this nature, if we allow this case to pass, it will be quoted again as a precedent. We do not know how many more changes may be made in the Government. I shall always oppose anything of the kind. About three or four years ago an attempt was made of much the same kind; and I opposed it, and announced the same opinions as I now hold. We must act upon the principles of justice. The honorable member's constituency may be very well satisfied at his being Colonial Treasurer, but they may oppose him as Secretary for Works; they may think he was wrong in making a change. He must go before his constituents and ask their approval of the change, and their acceptance of him in his new position. If we violate that principle of justice, we may violate all. I trust the House will not misunderstand me. I am not speaking against the honorable member, personally;—nobody has more respect for him than I have. It is the principle that we should abide by; if

we allow him to remain in his seat, we violate a great principle. We should guard the privileges of the constituencies as well as the privileges of this House.

The ATTORNEY-GENERAL said: I am sure I do not wish to mislead the House in this matter, because I feel quite assured that my honorable friend, Mr. Douglas, as I shall call him for the present, has no objection to go again before his constituents. But, it might be well, perhaps, before the House lay it down as a rule, that a member of the Ministry, on being transferred, as I maintain has been the case here, from the management of one purely colonial department to the management of another, is to go before his constituents, that we should well consider what we are doing. Now, there can be no doubt that the Government of this country consists of a Governor, with an Executive Council, and every principal secretary in that Executive Council is entitled to a seat in this House, and by virtue of that alone is he a responsible Minister. As the examples quoted by the honorable and learned member for the Burnett, under the statute of Anne,—which is almost the same as the section in our Constitution Act quoted by the honorable member for North Brisbane—as they are exactly similar cases, they afford us to the full extent the precedents by which we ought to be guided on this occasion. At one time there were only in Her Majesty's Ministry, as responsible Ministers—in the sense of having a seat in the House and being liable to go out on a vote of the House—two principal secretaries, having under secretaries, who had seats in the House. But, there were also other principal secretaries, and amongst them the Secretary at War, who really had no seats in the House, and therefore were not in the position of members of the Executive Ministry of Queensland, who are responsible by virtue of their having seats in this House. That is the position of Ministers in this House, and, therefore, every member of the Ministry is in the position of a principal Secretary of State; and every member of the Ministry is in the position of being a member of the Executive Council, and, as such, advises with the Governor on all matters of a purely colonial nature. Such being the case, the change by him from one department to another does not require him to go before his constituents; because, whether Minister of Finance or Minister of Works, he has been, and is, responsible to the House as a member of the Executive. Both offices are purely colonial, and are, therefore, of the same kind. There is nothing in their nature dissimilar such as exists between the offices of—say the Colonial Secretary of State and of the Secretary of State for Foreign Affairs. The responsibility of the Ministry is aggregate in its character. It is not divided either according to departments or in any other

way. There is no such division of responsibility as renders it necessary for any one member of the Ministry on changing office to go before his constituency for re-election. A member of the Ministry stands in the position, as regards his responsibility to the House, of an adviser of His Excellency, rather than of a Minister of a department; and if he is referred to as one of the principal advisers of His Excellency, instead of a principal secretary, you will have a true determination of his position. As to the matter of precedent, I might refer honorable members to the case of Lord North. In 1772, when the Duke of Grafton suddenly threw up the seals, Lord North, who held the office of Chancellor of the Exchequer, and leader of the House of Commons, accepted the office of First Lord of the Treasury; but he was not required on account of this change, this mere transference from one office to another—and a transference by which the Ministry was continued when deserted by its head even, such was the importance of the change—but he was not required on account of that transference to go before his constituency for re-election. Now, what is the case put by my honorable and learned friend, the member for the Burnett? He quoted the statute of Anne as cited in "May's Parliamentary Practice," page 550, where it is said—

"By the 26th sec. of the Act 6 Anne, c. 7, if any member 'shall accept of any office of profit from the Crown during such time as he shall continue a member, his election shall be, and is, hereby declared to be void, and a new writ shall issue for a new election.'"

And so on. Honorable members will see that the language used in this section is almost the same as the language used in our own Constitution Act; so that—

"By virtue of this provision, whenever a member accepts an office of profit from the Crown, a new writ is ordered."

There is no question about that. The passage then goes on to say—

"If one of Her Majesty's Principal Secretaries of State should be transferred from one department to another, his seat is not vacated, as there is no such division of departments in the office of Secretary of State as to render them distinct offices under the Crown."

Now, I say that all the members of the Executive Council in this colony are individually in the same position, relatively speaking, as Principal Secretaries of State, and that their transference from one office to another does not vacate their seat.

MR. PRING: Oh, no; that will not do. There was a resignation—there must have been—before there could be the appointment of a successor.

The ATTORNEY-GENERAL: If there was no transference, then I agree there was a resignation, and that my honorable friend, Mr. Douglas, was out of the Ministry. But I am

arguing that there was merely a transference, and that by a transfer of office he does not vacate his seat. But a Minister does not vacate his position as a Minister by sending in his resignation, because he is bound to serve as an adviser of the Governor till it so please the Governor to accept of his resignation. When his resignation is accepted by the Governor, if accepted for only a minute, then there is a vacation of his seat at the Executive Council. But such was not the case here; and so I maintain there was not a resignation. There was only a transference; and it is admitted that by transference from one department to another, the seat of a Minister is not vacated. The distinction in the Act is this—that a secretary for a department, say the Secretary at War, is not a principal Secretary of State; because he is not one of the advisers of the Crown, and is not entitled to a seat in the House. Nor is it necessary he should, for he is not responsible to the House—the responsibility being in a Principal Secretary of State. He is not one of Her Majesty's principal advisers, and, therefore, he is not responsible. Now, honorable members should confine themselves to this aspect of the case, that it is as advisers of the Governor that Ministers are responsible to the House, and not as heads of departments; and the passage I have read says—

“If one of Her Majesty's Principal Secretaries of State should be transferred from one department to another, his seat is not vacated”——

And so I say here—if one of the principal secretaries of the colony is transferred from one department to another, his seat is not vacated.

“as there is no such division of departments in the office of Secretary of State as to render them distinct offices under the Crown. Thus, in 1839”——

And I ask honorable members particularly to notice this—

“Thus, in 1839, Lord John Russell left the Home for the Colonial department.”

Now, could there be a more obvious illustration than such a change as that affords? Lord John Russell had accepted office as Home Secretary, and was transferred to the office of Secretary of State for the Colonies. But there is another equally strong precedent; for the passage goes on to say—

“And in 1855, Sir George Grey exchanged the Colonial for the Home department; and in neither case was a new writ moved. The resumption of an office that has been resigned”——

And this shews you that I am right—

“but to which no successor has been appointed, does not vacate a seat.”

Now, mark the officers who are quoted as examples of those who do not vacate their seats—

“As the Secretaries of the Treasury, the several Under Secretaries of State, and the Secretary to the Admiralty, do not hold office by

appointment from the Crown, their seats are not vacated, nor would the acceptance of any other offices, of which the appointment does not vest directly in the Crown, vacate a seat.”

Then comes the reason for the two Principal Secretaries not going out.

“By the 22d George III., c. 82, not more than two Principal Secretaries of State could sit in the House of Commons,”——

Then, there are the officers who had no seat in the House of Commons—who were not in the position of Ministers in Queensland, as being answerable to the House and to the Constitution—

“and not more than one Under Secretary to each department would appear to have been admissible to the House of Commons under the 15th George II., c. 22, s. 3; and as doubts were entertained whether more than two Under Secretaries could sit there, in practice there were, until recently, only two Under Secretaries who held seats in that House at the same time. But, on the establishment of the Secretary of State for War, in 1855, an Act was passed to enable a third Principal Secretary and a third Under Secretary to sit in the House of Commons;”——

And that was why Sir John Pakington vacated his seat on his appointment as Secretary for War, in 1855—

“and again, in 1858, on the appointment of a fifth Secretary of State for India, it was provided that four Principal and four Under Secretaries may sit as members of the House of Commons at the same time. By the 41st George III., c. 52, s. 9, it is declared that offices accepted immediately or directly from the Crown of the United Kingdom, or by the appointment and nomination or by any other appointment subject to the approbation of the Lord Lieutenant of Ireland, shall vacate seats in Parliament.”

It is true that Sir John Pakington, on his appointment to the office of Secretary for War, vacated his seat; but I believe his example is questioned as to its being correct or necessary, and it is not quoted in England as constitutional law. Well, the Secretary to the Admiralty would stand in a different position from a Minister of Queensland, such as the Treasurer or the Minister for Lands and Works, as not being responsible to the House as an adviser to Her Majesty. And I must say, as far as my light goes, that I do not consider it necessary my honorable friend and colleague should go before his constituency; because, in his case, there has been only a transference from one office to another. Again, I say that if he did go before his constituency, he would have no fear, and I believe has no need to fear, the result. If I believed it was a constitutional rule that he should go before his constituency, I should be sorry to depart from it; but I believe that in a colony like this, and at a time like this, it would be a most inconvenient rule. If there had been in this case a new acceptance of office, my honorable friend would himself have been the last to desire to depart from the consti-

tutional rule; but as there has been only a transference of office—

The Hon. R. R. MACKENZIE: No.

The ATTORNEY-GENERAL: Well, if honorable members do not believe us, of course we cannot help ourselves. But we believe ourselves, and I say that if, where there has been only a transference from one office to another, if it is not a constitutional rule that my honorable colleague should go before his constituents, it would be most inconvenient to have such a rule, and I think we should not enforce it. But if the House does enforce it, my honorable friend must go before his constituents; but we shall soon have him back again.

Dr. CHALLINOR said the honorable the Attorney-General had shewn to the House that the Principal Secretaries of State might exchange one office for another, but he had not shewn that the Chancellor of the Exchequer could do so; and the honorable gentleman had also said that the Ministers of this colony were in the position of Principal Secretaries of State, inasmuch as they were responsible advisers of Her Majesty. But was not the Chancellor of the Exchequer a responsible Minister, and did he not also go out, if the Ministry of which he was a member went out? Was he not also an adviser of Her Majesty? For his own part, he maintained that there was no analogy between the position of the Principal Secretaries of State and the position of Ministers in this colony. If there was no analogy between the position of the Chancellor of the Exchequer and the position of the Treasurer here, there could be no analogy between the Secretaries of State and the Ministers here. He was prepared to admit that there was a difference between the position of a Minister who had resigned office, and the position of a Minister whose resignation had been accepted. But it would appear, from reports that were about, that the resignation in this case was so far accepted that negotiations were immediately set on foot to obtain another gentleman to fill the office of Treasurer. And it appeared that, so far as the late Colonial Treasurer was concerned, it was not a transference he contemplated, but a resignation.

The SECRETARY FOR PUBLIC LANDS: The honorable member was not at liberty to speak of what the honorable gentleman contemplated.

Dr. CHALLINOR: Well, he would confine himself to the statement that had been made by the honorable the Premier, and that was, that the honorable gentleman resigned office because of a difference of opinion. The House had at least that statement to go upon—if they could place dependence on Ministerial statements. Then they were told what the difference was about—that it was about the immigration question, and the mode of dealing with the lands. The difference on those questions were so vital, that

the honorable gentleman was led, on account of it, to resign his office as Treasurer unconditionally. The honorable the Attorney-General had stated that every member of the Cabinet was responsible for the whole of the policy of the Cabinet with which he was connected. That being the case, what did they find? Why this—that while the honorable gentleman was as much identified with the policy of the Government as to immigration and the alienation of Crown lands as any member of the Cabinet, and while he resigned office because he differed with his colleagues in the policy on those questions, he accepted an office in which he was as intimately connected with that policy as he would have been had he continued to hold the office of Treasurer.

The SECRETARY FOR PUBLIC LANDS: You do not know what the policy was; and it might have been changed in the meantime.

Dr. CHALLINOR: If it was changed, why did the honorable gentleman not go back to the office of Treasurer?

The SECRETARY FOR PUBLIC LANDS: The House had nothing to do with that.

Dr. CHALLINOR: The House had to do with it, and he had a right to ask why, if the policy of the Ministry was changed, the honorable gentleman did not go back to the office of Treasurer? However, the House had been told that the honorable gentleman gladly accepted the office of Secretary for Works, and consequently he must have gone back to the Ministry on the same policy.

The SECRETARY FOR PUBLIC LANDS: You do not know, I repeat, what the policy of the Government was when the honorable gentleman resigned as Treasurer; nor if it was not changed before he accepted the office of Secretary for Works.

Dr. CHALLINOR: That amounted to this—that the Ministry were so variable in their policy, that honorable members could not depend upon what was the policy of the Ministry yesterday being their policy to-day. That was what the interruption of the honorable gentleman amounted to, if carried to its legitimate issue. He did not know if he could refer to reports, but he had heard that it was not because of a difference of policy, but because of the treatment the honorable gentleman received from the honorable the Colonial Secretary, that he fell out with him.

The SECRETARY FOR PUBLIC WORKS: I beg to correct the honorable member. The relations between the honorable the Colonial Secretary and myself have been of the most friendly and amicable character throughout; and there has been no differences between us but on grounds of policy.

Dr. CHALLINOR: Well, he did not know; but, speaking for himself, he should say that if he were a member of a cabinet, and saw for the first time, when it was laid on the table of the House, a Bill, with the policy of which he was identified, he should think he was insulted. As to the question before the

House, he would say that if there were not grounds to justify them in declaring the seat for the Eastern Downs vacant, there was in it sufficient reason for passing a vote of want of confidence in the Ministry. Here they found a member of the Ministry resigning a particular office one day and accepting another the next—and, as they were told, gladly accepting it. Now, could the House believe in the stability of a Ministry of that kind? When they found the members of the Ministry taking off their coat at one time, and putting it on at another, how were they to be sure when they would find them dressed or undressed? The country could not have confidence in a Ministry that could change their opinions as easily as they could change their coats, and that did change their opinions from time to time. He must repeat, that he certainly did think there was no analogy between Ministers in this colony and Principal Secretaries of State at home. The Treasurer bore more analogy to the Chancellor of the Exchequer than to the Secretary of State for the Colonies; and, on that circumstance alone, he thought the House ought to vote the seat for the Eastern Downs vacant. If they had not grounds for coming to such a conclusion, they would, he held, be bound to come to another decision, and to pass a vote of want of confidence in a Ministry that could make such changes from time to time as would suit their own purposes. It was time, he considered, that such a thing was put a stop to, and he would therefore support the motion, if it was put; and if it should not be carried, he would be prepared to support another motion, if brought forward, to the effect that he had indicated.

The Hon. R. PRING: The motion before the House is one that it is very proper, I think, we should discuss. If at the time the motion was made some doubt existed as to the statement made by the honorable the Premier, all doubt has since been removed by the statement made by the late Colonial Treasurer; and, besides, we have now the *Gazette* lying upon the table which shews that Mr. Douglas is now Minister for Works, and that a late member of the House, Mr. Thomas Blacket Stephens, has been appointed Treasurer. Now, it is of little good to carp at words—as to what constitutes a resignation and what does not; and I take it that if the honorable member for the Eastern Downs accepted the office of Secretary for Works, he must in the first place have resigned the office of Treasurer—otherwise, how was the other gentleman to get in? He must resign the office before the other can get into it. It is only quibbling with words, and misleading the House, to say that there was no resignation. But let us approach the question which we have to decide on this occasion without entering upon the policy of the Government. That can be done by-and-bye, and may be, if honorable members think fit. What we have to decide on this occasion is this—has the

Constitution Act been so far violated by the honorable member for the Eastern Downs that his seat in the House has become vacant, or has it not? We have to satisfy ourselves on that point before we can decide that we shall declare the seat vacant; and the question is one of such a nature, that in dealing with it in a desire to come to a right conclusion we ought to lay aside all party and political feelings for the present; because, as members of the House, we have to consider the interests of the public at large as involved in the question, and the interests of the various constituencies we represent. The object of sending a member who accepts office under the Crown to his constituents is that the constituency may have an opportunity of indorsing or refusing to indorse his acceptance of office—in other words, that they may return him as a Minister of the Crown or not, as they may think fit, and so express their approval or not of his conduct. Therefore, we must consider that while we are dealing with the question as members of this House we have equally to regard the several constituencies of the colony; and the public will have a right to demand from us a careful and cool consideration of the question, apart from all partisanship, in endeavoring to arrive at a just conclusion. In arriving at this conclusion, we must use not only our common-sense, but must apply our common-sense and the best precedents we can find to the determination of the question. I am not aware if any precedents exist in New South Wales, but if they do none have been quoted; and if they had I should not have been prepared to accept them, because we have always from the first sought to act in all respects, as far as possible, conformably with the practice of the Imperial Parliament. The honorable the Attorney-General has given the House the benefit of his opinion on the statue of Anne, and on the position of the Minister for Works, as in the position relatively of a Principal Secretary of State. I will offer a few remarks on my construction of the statute, and state my views of the position of Ministers in England, and apply my remarks to the present question. It was conceded by the honorable the Attorney-General that the statute of Anne, to which I referred in the early part of the afternoon, is identical almost with the section in our Constitution Act which has reference to the acceptance of office. Now, the point to be borne in mind in this question is the acceptance of office of profit under the Crown. The Attorney-General never said a word about office of profit under the Crown; but the whole point of the question centres in this, that if an honorable member of this House accepts of an office of profit under the Crown he vacates his seat, and must go before his constituents for re-election before he can again enter the House. The precedents that have been quoted all arose out of the statute of Anne, and are all applicable

under our Constitution Act; and, referring to "May's Parliamentary Practice" on the subject, what do we find? We find this—

"If any member shall accept of any office of profit from the Crown during such time as he shall continue a member, his election shall be and is hereby declared to be void, and a new writ shall issue for a new election, as if such person, so accepting, was naturally dead: provided, nevertheless, that such person shall be capable of being again elected. * * * Whenever a member accepts an office of profit from the Crown a new writ is ordered; and it is the usual practice to move the new writ when the member has kissed hands, instead of waiting for the completion of the formal appointment. If one of Her Majesty's Principal Secretary's of State should be transferred from one department to another, his seat is not vacated, as there is no such division of departments in the office of Secretary of State as to render them distinct offices under the Crown."

Now, let us for a moment consider the position of a Secretary of State in England. As I understand it, there is in England what is called a State department, and that department, we will say, consists of the Prime Minister, the Secretary of State for the Colonies, the Secretary of State for Foreign Affairs, and some other Secretaries of State. If the Secretary of State for Foreign Affairs exchange offices with the Secretary for the Colonies, as the office to which he changed would be in the same department, it would not be necessary for him to go to his constituency; but if the Secretary of State for Foreign Affairs exchanged with the Chancellor of the Exchequer, as the office would be in a different department, he would have to go before his constituents. And that is the case here. The office of Treasurer, and the office of Secretary for Lands and Works, and, in fact, all the offices, are as distinct from each other as any of the state departments in England; and therefore I hold, that the moment a Minister here changes from one office to another, that moment he must go before his constituents. Now, I cannot understand that part of the argument of the Attorney-General, where he says that the members of the Ministry are all, one with the other, equally responsible for the policy of the Ministry on a matter appertaining to any one particular department; and where he also says that they are all distinct Ministers, and so distinct, that if one of them disagrees with his colleagues on any particular policy, he has only to change office in order to get out of the difficulty. But the fact is, they are all heads of different and distinct departments. They do not call themselves officers of departments, and it has never been said that they are officers of departments; but they are designated as Secretaries for different departments. There is, for instance, the Colonial Secretary's department, the Treasury department, the Lands department, and so on. The offices of the several Ministers, that is, their depart-

ments, are, therefore, I contend, as distinct as the several State departments in England. And when the late Colonial Treasurer passed from that office to the office of Works he accepted an office in a different state department, and thereby vacated his seat, and must go again before his constituents. There are certain offices in England, under secretaryships, the acceptance of which does not cause a vacancy. But why is that? Because the offices are not offices of profit under the Crown, but are offices under the principal secretaries. That is the difference. But the office of Treasurer here is an office of profit under the Crown, and so also is the office of Lands and Works an office of profit under the Crown. Now, there cannot be better precedents than those that have been cited; and I maintain that according to them the late Colonial Treasurer, in passing to the office of Secretary for Works, resigned his office of Treasurer; and as the department of Works is as distinct from that of Treasurer as any of the State departments at home are from each other, the honorable gentleman must, according to precedents, go before his constituents for re-election. As to His Excellency accepting the resignation, that has nothing to do with the question; for there can be no doubt that the resignation was accepted, because, unless it was accepted, how was the other gentleman to get into the office of Treasurer? The honorable the Attorney-General also quoted the following passage:—

"The resumption of an office which has been resigned, but to which no successor has been appointed, does not vacate a seat."

I do not know why the honorable member quoted that. It was not disputed that in such a case there would be no vacancy of the seat occasioned. But such had not been the case here. The honorable gentleman did not approve of the policy of the Premier as connected with the office he held—that of Treasurer, and therefore he resigned; but he said, and very naturally, that though he could not, as Treasurer, agree with his colleagues in a certain policy, the difficulty between him and them might be got rid of by his holding another and a different office—one that was not, as the office of Treasurer was, affected by the policy respecting which he differed with his colleagues. But that did not get rid of the difficulty, as the House had to deal with it. That did not get rid of the fact that there had been a resignation, and that the resignation had been accepted—or how was the other gentleman to get in? But whether it was accepted or not, there had been, on the part of the late Colonial Treasurer, such a transference of office as rendered his seat vacant. If we take the last news from England, we will find an almost parallel case to the one we are now discussing. I find in a home newspaper this paragraph:—

"After a Cabinet Council, held on Saturday, March 2, the Earl of Carnarvon, Secretary of

State for the Colonies; Lord Cranborne, Secretary of State for India; and General Peel, Secretary of State for War, resigned office in consequence of disagreements with their colleagues on the Reform Bill."

Where could there be a closer precedent than this proceeding affords? Here, the Colonial Treasurer had disagreed with his colleagues on a Bill that was introduced in the Cabinet. Well, what was the result of the disagreement at home? The First Lord of the Admiralty, Sir John Pakington, resigned, took the office of Secretary at War, and went to his constituents for re-election; and Mr. Corry, who accepted the office of First Lord of the Admiralty, the office vacated by Sir John Pakington, also resigned his seat and went before his constituents. Now here, the late Treasurer, in changing office, vacated his seat, and ought to go before his constituents. Suppose that one of the vacated offices at home had been accepted by the Chancellor of the Exchequer—

The COLONIAL SECRETARY: He is not, I believe, one of the responsible advisers of Her Majesty.

The Hon. R. PRING: That is not the question. The question is as to whether he holds an office of profit under the Crown. The question as to his position in the Executive is a different matter; and it is not necessary that all the members of the Ministry here should have seats in the Executive. I have now given my reasons for considering that the honorable gentleman, Mr. Douglas, has vacated his seat for the Eastern Downs, and why he should go before his constituents for re-election. For my own part, I can assure him that I shall be happy to see him back in the House, as every other honorable member will; and if there is no fear about his being returned, why is there so much bother about it?

The ATTORNEY-GENERAL: To save time.

The Hon. R. PRING: To save time! Why, it would be a loss of time;—and it would be worse if we were to allow a violation of constitutional government. My reason for the course I have taken in this matter is, that I believe if the honorable gentleman is allowed to retain his seat in the House, after his resignation of the office of Treasurer and acceptance of the office of Minister for Works, a most important constitutional principle will be violated.

Mr. PUGH said he was surprised that so much objection had been made to the motion, when the honorable gentleman, the late Treasurer, had no objection himself to go before his constituents, and when it was felt, as was confidently asserted, that he would be sure of being returned. He was sure that every honorable member of the House would be glad to see the honorable gentleman again returned to hold a seat in the House; and he was sure that the honorable gentleman would take his word for it, when he said that it was not from any anta-

gonistic feeling towards him that he had brought forward the motion. He had brought it forward because he thought it was high time the House should assert its privileges in respect to changes in the Ministry, and put a stop to the Government going into cabinet-making whenever they liked, and getting the materials wherever they could. The appointment of the honorable gentleman to the office of Treasurer in the first place was, he maintained, unconstitutional and improper. He held that opinion at the time the appointment was made, and continued to hold it. A number of paragraphs had appeared in the newspapers from time to time on the subject, bearing the well-known impress of the fine Roman hand of one largely concerned in upholding imperial interests; and in those paragraphs a number of English precedents were put forth, one of which referred to the case of Mr. Gladstone. But the case was not in point, for Mr. Gladstone held a seat in the House at the time of his appointment, and on accepting office resigned his seat, went before his constituents, was rejected, and then went before another constituency and was elected. But, to come to the question now before the House, he took it that if the position the Ministry sought to establish in the case of the late Treasurer were to be established, it might happen that during a recess all the members of the Ministry except one might retire from office, and the Minister who remained in office might go into the highways and byeways and pick up everyone he could get, make Ministers of them, and keep them in office till the House met;—and, indeed, judging by recent events, he would not be surprised if something of the kind did happen. The Ministerial statement delivered by the honorable gentleman at the head of the Government was to the effect that no resignation of the office of Treasurer was given in, but that some one else was appointed to the office. Now, he maintained, that before there could have been an appointment of somebody else there must have been a hiatus of some duration, though only for a moment. There was a vacancy, however brief. The honorable the Minister for Lands afterwards got up and, with his usual *bon hommie*, told the house that the late Colonial Treasurer, when he rose to answer the question put to the Treasurer, might have been answering it on his own behalf. But then the late Colonial Treasurer got up and informed the House that he had resigned, because of a difference with his colleagues on the policy of a certain measure, and that, with the purpose of getting out of his difficulty, he gladly accepted the office of Secretary for Works. The honorable member for North Brisbane, Mr. Brookes, the sixth wheel of the ministerial coach, next got up and asked the House if they had any official information of the change that was said to have taken place. Unfortunately for the

honorable member, a copy of the *Gazette* containing the usual announcement of the changes that had occurred was produced. The House then heard something from the honorable the Premier as to the position which the late Minister for Lands and Works held in the Government. That honorable gentleman, he stated, was only acting as Secretary for Works in addition to holding the office of Minister for Lands. For his own part, he maintained, and would maintain, that the inference, if not the plain statement, that was made to the House the other day, was to the effect that the Government did not intend to appoint another gentleman to the office of Secretary for Works. If it were contended that the *Gazette* notice, announcing that the honorable gentleman, Mr. Bell, was to act as Secretary for Works, merely meant that he was to be Acting Secretary, it would follow that the announcement that he was to act as Secretary for Lands also meant that he was to be only Acting Secretary for Lands. If the notice had been that he was to act as Acting Secretary, though there might have been some tautology in that, the announcement would have been distinct. But he held that the notice did not mean anything of the kind, but meant simply that the offices of Lands and Works had again been conjoined, and were to be held as constituting one departmental office—the same as when they were held by the honorable gentleman now at the head of the Government. The House had also been told that His Excellency had not accepted the resignation by the honorable gentleman, Mr. Douglas, of the office of Treasurer. Well, if that were correct, what did the notice in the *Gazette* mean, notifying the appointment of Mr. T. B. Stephens to the office of Treasurer. Were they to understand that there were two Treasurers, and that the honorable gentleman, Mr. Douglas, held the office of Treasurer conjointly with Mr. Stephens, and by himself held the office of Treasurer and the office of Secretary for Works conjointly? That would certainly be a very strange and unprecedented combination. There was something said by the honorable the Premier that certainly did amuse him. It was, that the Colonial Treasurer did not occupy the position of a principal officer of state, as the Chancellor of the Exchequer did at home.

The ATTORNEY-GENERAL: It was the honorable member for Ipswich, Dr. Challinor, who said that.

Mr. PUGH: The honorable member for Ipswich said that the Treasurer here held, as a Minister, the position of the Chancellor of the Exchequer at home, and contended that a change of office by the Treasurer must be followed by like consequences as a change of office by the Chancellor of the Exchequer. The Attorney-General said something about resumption of office, and quoted precedents to shew that this was only a resumption of office.

The ATTORNEY-GENERAL: I compared it to the case of two principal secretaries of

state, where an exchange of office would only be two transfers.

Mr. PUGH: The honorable and learned gentleman used the word "resumption."

The ATTORNEY-GENERAL: I read from "May."

Mr. PUGH: Well, as to the question of resumption. They found that the honorable gentleman who was Colonial Treasurer one day appeared as Minister for Works the next; and perhaps he might appear as Minister for Lands and Works some other day. But if there was resumption, there must have been resignation, and the resumption would be the resumption of the office of Colonial Treasurer—the resumption of the office he had resigned. In this case, he maintained there had been a complete quit-tance of office; and if it were upheld that the members of the Ministry could resign one office and resume another—which they had never held, and were not, therefore, in a position to resume,—if that were held to be the case, they might yet hear of the Colonial Secretary resigning that office and resuming the office of Attorney-General, or the Minister for Lands or the Treasurer resuming the office of Colonial Secretary. He maintained that by the appointment of the Secretary for Lands to the office of Secretary for Works, the two offices were again conjoined, and that, therefore, there was no office of Works for the late Treasurer to be appointed to; and they would have to be conjoined, if they were not, for the House, considering the circumstances of the colony, would not be so foolish as to vote a salary for a fifth Minister again, as they did last session. He hoped the House would pass the resolution he had brought forward, and which he had brought forward in good faith, and with the desire of seeing a stop put to the backstairs kind of arrangements that had been going on for some time for cabinet-making purposes; and for which persons were picked up anywhere, or bought up anywhere. If the resolution should be carried, and if the honorable gentleman, Mr. Douglas, had to go before his constituents, he hoped, as he was sure every other honorable member in the House hoped, that he would be re-elected.

The motion was then put, and the House divided as follows:—

MAY, 19.		NOES, 5.	
Mr. Palmer		Mr. Edmondstone	
" Lamb		" Lilley	
" B. Cribb		" Brookes	
" Miles		" Bell	
" Forbes		" Macalister.	
" Pugh			
" Mackenzie			
" Coxen			
" Reed			
Dr. Challinor			
Mr. Raif			
" Watts			
" Fleming			
" Wienholt			
" Fitzsimmons			
" B. Cribb			
" Walsh			
" Royds			
" Pring.			

ADJOURNMENT.

The COLONIAL SECRETARY said : The result of the division that has just taken place is one of very great importance—at least to my mind, it involves a very high constitutional question, with regard to which the House has come to a decision, but with regard to which, of course, I still retain the opinion I expressed at an earlier part of the evening. But it has had the result of placing the Government in a position which I did not anticipate we would be placed in; and in a position that I am not disposed to occupy. It is necessary, however, before I make any announcement to this House as to the course the Government propose to adopt, that we should have some short time to deliberate. That time I do not ask should be for any long period. I simply ask that it should be till to-morrow; as by that time, with the concurrence of my honorable colleagues, we shall be able to submit our advice to His Excellency the Governor. I do not propose, therefore, to proceed with any business to-night, but simply to move the adjournment of the House till to-morrow afternoon at three o'clock.

The motion was agreed to.