

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 18 SEPTEMBER 1867

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LEGISLATIVE ASSEMBLY.

Wednesday, 18 September, 1867.

Election of Chairman of Committees.—The Brisbane Bridge.—The case of James Jones Kingsford.—Days for Despatch of Business.

ELECTION OF CHAIRMAN OF COMMITTEES.

Mr. DOUGLAS said he felt that some explanation was due from him for the somewhat unusual course he had taken in placing the motion on the paper of the House which he was about to move, and he hoped the House would bear with him if that explanation were, to some extent, of a personal nature. Shortly after the change of Ministry, and during the adjournment, more than one honorable member had expressed a hope that he himself might be appointed as Chairman of Committees of the Whole House. At a later date, but some little time before the meeting of the House, the honorable Colonial Treasurer had also mentioned the subject to him, and had stated that it was the wish of several members of the House, and, he believed, of the Ministry also, that he should allow himself to be nominated to that office. He had then taken occasion to say that he felt a very high sense of the honor proposed to be conferred on him; that it was one which no honorable member could forego if it were the will of the House; but that in his case there were peculiar circumstances which, he thought, rendered it undesirable that he should accept it. Finally, he had addressed a letter to that effect to the honorable member at the head of the Government, stating that while he fully appreciated the honor of representing the House in committee, he felt a personal disinclination to countenance the offer, lest his constituents should suffer any disadvantage from the change in his position which it would involve. The House would, he thought, understand that there were peculiar matters in reference to the land, and other questions in connection with the district he represented, which might render it undesirable for him to be placed *hors de combat* in the discussion of those matters. That was why he had hesitated to give the honorable gentleman at the head of the Government any encouragement, and he trusted his honorable friend would overlook the fact that he had somewhat infringed upon the prerogative of the Government in taking upon himself to propose a Chairman of Committees. He felt, that although in making such a proposition he was infringing upon the prerogative of the Government, yet as the honorable Premier had placed sufficient confidence in him to express a wish that he should serve the House in that capacity, he might at any rate propose a gentleman who would be acceptable to the House. The honorable member for West Moreton, in alluding to the subject, had

taken a rather low estimate of the duties attaching to the office. He did not wish to raise the question of remuneration—that was altogether apart from the motion—he desired merely to affirm, what he felt sure the House would confirm, that those duties were of a very responsible and very onerous character, if anything more so than those which devolved upon the honorable the Speaker. They required great firmness as well as quickness of perception, as well as a general knowledge of details. That being the case, and as he held himself perfectly free from any obligation—and he presumed other honorable members were equally so—he felt himself justified in proposing a gentleman who, above all others, was fitted to occupy the position. And when he added that the person he referred to had also filled the very highest positions in the confidence of the House, he believed the House would concur in the proposition, and that the gentleman in question would feel honored in being placed in the situation of confidential servant to the House. He saw no reason in the fact that that gentleman had filled, and might fill again, the high position of a Minister of the Crown, to debar him from accepting the office of Chairman of Committees. He (Mr. Douglas) had not obtained that honorable member's assent. He simply desired to affirm by the motion that he was the fittest person to be placed in the chair of the House. That was an opinion which he ventured to place before the House on his own personal responsibility. He did not seek to make it a personal matter. As he had already stated, he held himself perfectly free from any obligation whatever. If it were the will of the House that the honorable member mentioned in this resolution should be appointed, he felt sure that he would discharge the duties of the office with honor to himself and to the satisfaction of all concerned. In saying that, he did not wish in any way to derogate from the ability of any of the gentlemen who might be proposed, and who might have claims to the favor of the House. He would not, however, overlook the fact that the honorable gentleman he desired to nominate had on a previous occasion, in the same capacity, given the greatest satisfaction, and, no doubt, he would do so again, if elected. That gentleman had been detained by important business from joining the deliberations of the House that evening, and he (Mr. Douglas) was glad that he had thus afforded him an opportunity of proposing him, which he would not have done, if he had thought that by so doing his hands would be tied, or that he would in any way be debarred from giving full vent to his eloquence upon all important subjects brought before this House. He believed that nothing of the sort would follow the honorable gentleman's acceptance of the office, and that he would occupy just as influential a

position as he would do if he assumed the leadership of those honorable members who were opposed to the Government of the day; while his knowledge of the forms and rules of the House would greatly facilitate the transaction of business. He therefore begged to propose—

That Arthur Macalister, Esquire, be Chairman of Committees of the whole House.

Mr. WALSH seconded the motion.

The question having been put,

Mr. FITZSIMMONS said he had listened with a great deal of attention to the honorable member who moved the resolution, and only wished that that honorable member had allowed himself to be nominated instead; as had he done so, so great was the respect in which he was held, that he felt convinced there would not have been a single dissentient voice. But, it was only a few days ago that the honorable gentleman now proposed, Mr. Macalister, had placed a motion before the House to the effect that the honorable member for North Brisbane should be appointed Chairman of Committees, and he (Mr. Fitzsimmons) had failed to discover that that honorable member had committed any act of imprudence to justify the insult which had been offered to him in substituting for his name that of the very gentleman who was to have proposed him. Had that insult not been offered to the honorable member, Mr. Pugh, he would have voted for Mr. Macalister; but as long as he held a seat in that House, he should oppose anything which savored of injustice, when it was in his power to do so. He had no intention of discussing the relative abilities of the two gentlemen mentioned. They were both able men—quite able to sound their own praises without the aid of a trumpeter—but he would proceed at once to move—

That the question be amended by the omission of the words "Arthur Macalister, Esquire," with a view to the insertion of the words "Theophilus Parsons Pugh, Esquire."

The ATTORNEY-GENERAL seconded the amendment.

Mr. GROOM said he simply wished to observe, that if Mr. Macalister had been proposed originally he would have had his support. But he had, on a previous occasion, promised his vote to Mr. Pugh, and he had seen no reason to alter his opinion.

Mr. WALSH said, as he had seconded the motion for appointing Mr. Macalister, he felt bound to say a few words. He regretted to hear an honorable member inform the House that he had pledged his vote on this question, as it seemed to him that such a pledge was a betrayal of the privileges and independence of a member. He had, fortunately, not been called upon to make any profession of the kind. It had been stated that Mr. Macalister had, on a previous occasion, proved himself the most able Chair-

man of Committees who had ever filled the chair, and he (Mr. Walsh) felt, therefore, bound to provide the House, as far as his vote was concerned, with the best man for that office. That was why he supported the motion. He had another reason for doing so; he felt bound, on behalf of Mr. Macalister, to state by way of explanation that, as he understood, owing to some political conduct of the honorable member for North Brisbane, Mr. Pugh, Mr. Macalister had written to that gentleman, and frankly stated that he should withdraw his support and decline to nominate him. And as that letter was written at a time when Mr. Macalister never dreamed that he himself would be asked to fill the office of Chairman of Committees—in fact, it was written at a time when that gentleman expected that His Excellency the Governor might send for him at any moment to act as a Minister of the Crown—it appeared but right to set that fact against the imputation that Mr. Macalister had been unfaithful to his promise.

Mr. BELL said he had listened with much attention to the remarks which had fallen from the honorable mover of the resolution, and especially to that portion of his speech which he had characterised as a personal explanation. He must say his astonishment had been excited by the motion brought before the House by the honorable member, and he had at once made up his mind to oppose it. He opposed it for reasons which he held to be quite sufficient, and one of the strongest of those reasons was that which the honorable member himself had advanced as a ground for his own disinclination to be nominated to the office of Chairman of Committees. If that honorable member's constituency were likely to suffer from his inability to advocate their interests while holding that position, it must be clear that the same argument would apply with equal force to the gentleman he proposed. It was at least an unusual course for the Prime Minister—and so lately a Prime Minister—at once to accept the office of Chairman of Committees. Not that there was anything in that office to prevent any member of the House from accepting it, but it did seem strange to him that an honorable member who had taken such a forward position as Mr. Macalister had invariably occupied ever since he had held that office on a former occasion, should be willing to be nominated to it again. It appeared, to say the least, a retrograde movement on his part, and one which he (Mr. Bell) did not think the House expected from him. It was a step which he for one had never for a moment anticipated. But, independently of that, the honorable member for Eastern Downs had informed the House that he had never asked Mr. Macalister's consent, and was not even aware whether he would accept the office. And even if he were willing to do so, he (Mr. Bell) would go

further, and say that he held that any member of the House who was elected to the position of Chairman of Committees should at least be a gentleman whose intention was to continue to hold that office; for he did not think it was desirable to be continually electing fresh candidates. It would be better for the House to consider whether the gentleman nominated was one who was suited to discharge the duties it involved, and was likely to continue in it. He was not in a position to say whether if that gentleman accepted the office he would, if occasion arose, refuse to accept a higher appointment, and that he considered a strong ground for opposing the motion. But he deprecated altogether the position taken up by the honorable member for Eastern Downs in moving the resolution. The appointment of a Chairman of Committees was usually considered a party question upon which the House divided. But here the honorable member had taken upon himself, in his capacity as a private member, to make a proposition which in his opinion ought to have been made by the head of the Government. That was not the usual course, and for that and for the other reasons he had given, he should oppose the motion.

The COLONIAL TREASURER said he would briefly explain why the Government had travelled out of the usual course on this occasion. It was usual to make this a party question, and that the Government should propose a gentleman for the office. He did not consider it necessary to do so on this occasion, because the only two gentlemen who were candidates—and failing one he should have supported the other—neither of them belonged to the Government party. Another reason was, that it was immaterial to the Government which of those gentlemen took office, or whether he belonged to their own party or not. He must set the honorable member for Eastern Downs right upon one point. That honorable member had led the House to understand that he had induced the honorable member to come forward as a candidate for the office of Chairman of Committees.

Mr. DOUGLAS: Oh, no.

The COLONIAL TREASURER: What really happened was this. He asked the honorable member one day if he were willing to be nominated, and the honorable member gave a sort of doubtful answer, and afterwards he had declined; and since that time he (the Colonial Treasurer) had promised to support the other honorable member who had just been proposed. That was his reason for not supporting the motion, and voting for the amendment of the honorable member for Clermont. He had no reason at the time to believe that any other candidate would be brought forward. The other members of the Government were free to vote as they liked, but he must oppose the motion.

Mr. O'SULLIVAN said he knew pretty well how the matter stood. As a former Chairman

of Committees, Mr. Macalister had, he knew, given great satisfaction. He had, however, grave doubts of the propriety of proposing that gentleman without his consent; and he had also grave doubts of the sincerity of the honorable member for Maryborough in seconding him. He thought, however, there was some reason for the motion, which did not exactly float upon the surface. He was very sorry that Mr. Macalister's name should have been proposed without his consent. He might say that there was no member of the House he would vote for sooner than that gentleman. But the honorable member for Eastern Downs, in proposing him, had referred to him as a servant of the House. Now, it appeared that at present Mr. Macalister was his own master, and but a few weeks ago he had been master of the whole House, in the political position he occupied. He was sorry, therefore, that the honorable gentleman should be brought to the position of Chairman of Committees, at all events, without his consent. Knowing a little of the temper and spirit of the man, he did not think that position would be accepted by him. That, at any rate, was his opinion; and for that reason he thought it would be better for the honorable member to withdraw his motion for the present until Mr. Macalister's consent should be obtained. The honorable member for Eastern Downs had not explained why Mr. Macalister had withdrawn his support from Mr. Pugh.

Mr. DOUGLAS explained that he had been authorised to withdraw all the motions on the paper standing in Mr. Macalister's name. He had proposed that gentleman on his own responsibility, believing him to be the fittest person for the office.

Mr. O'SULLIVAN: He was sorry that the reason given by the honorable member for Eastern Downs for not accepting the same office himself, would militate against his support of the motion. If that honorable member's constituents would suffer from his holding the office, why was he so ready to dole out to the people of Ipswich what he objected to give to his own district? It was not long ago that the honorable member, Mr. Macalister, was present at the Postal Conference in Melbourne, as Vice-President of the Executive Council, and he should hardly like to see him, after occupying that high post, reduced to the position of, as the honorable member for the Eastern Downs called it, a servant of the House.

The ATTORNEY-GENERAL said that, having seconded the nomination of Mr. Pugh, he thought it due to the House to give his reasons for so doing. He did not altogether concur in the objection raised to any honorable member making a pledge. He had also made a pledge in favor of the honorable member whose nomination he had seconded. That honorable member had informed him that on a previous occasion he had been asked by the then head of the Government,

to act as Chairman of Committees, and had declined to be nominated if the appointment were made a party question; and he (the Attorney-General), as leader of the Opposition at that time, consented to second his nomination on the motion of Mr. Macalister. He intended to keep faith with the honorable member, and not to change from one course to the other, to suit any party or other purposes. He perfectly agreed with the honorable member for Clermont, that a downright insult had been offered to Mr. Pugh, by the motion of the honorable member for Eastern Downs, whether it had been made with or without the consent of Mr. Macalister. He should like to see the honorable mover of the resolution come forward and say distinctly that the gentleman he had nominated did not know that the motion was to be made. He should like to hear a *bonâ fide* statement to the effect, that when the motion was placed on the paper on the previous day, Mr. Macalister knew nothing of it. He somehow fancied there must have been a little manœuvring in the matter, and that the fact was that, as soon as the honorable member for North Brisbane spoke out his mind, and did not please the great man, the great man turned round and withdrew his promised support, and, by a kind of legerdemain, which was not yet explained, contrived to have his own name substituted. He should vote for the honorable member for North Brisbane, because he had promised to do so; and surely, if he had given that promise while on the Opposition side of the House, when that honorable member supported the then Government, he had a right to do so now, as member of the present Ministry. If the question were one of degree, he should concur with the honorable member for Eastern Downs, that the gentleman he proposed would stand pre-eminent. For, without underrating the ability of the honorable member whose nomination he had seconded, it was well known that Mr. Macalister had previously filled the office of Chairman of Committees with great *kudos* to himself and satisfaction to the House. He was not prepared to say that the honorable member for North Brisbane would fill it with equal credit; but this he would say, that that gentleman had been a very attentive member, and had paid great regard to the forms and rules of the House. And, as the office of Chairman of Committees was closely connected with those forms, he thought he would be able to render good service to the House in that capacity. He considered that the House would be more benefited by the appointment of Mr. Pugh than that of Mr. Macalister, for the reasons given by the honorable member for Eastern Downs, as a ground for not allowing himself to be nominated. If those reasons applied forcibly to him, they would apply with still greater force to the honorable member for Ipswich, Mr. Macalister.

ter. For, if a new land Bill were introduced into the House, and the House should go into committee upon it, who could be a better man than the late Premier to get up in his place and propose amendments and alterations, which he would be unable to do, if he were tied to the chair. If the House were anxious to have a good man as their Chairman of Committees, they should be careful not to take the best man, for there might be many members capable of fulfilling the duties of an officer of the House, whose valuable assistance it might not be desirable to take away from the House. He thought the House might, therefore, pay the honorable member, Mr. Macalister, the compliment of saying that, while they fully believed in his capability, they could not spare him to fill the office.

Mr. MILES said he was also one of those who had given a pledge to the honorable member for North Brisbane, Mr. Pugh, or he should have been willing to support the motion. The proper place for the honorable member, Mr. Macalister, was at the head of the Opposition; and he thought it would be much better if the honorable gentleman would take that place, and watch over the action of the Government to see that they did not stray from the right path. He hoped the honorable member for Eastern Downs would consent to withdraw his motion, as he should be sorry to see the gentleman he proposed defeated. There could be no question as to the qualifications of that gentleman, but he (Mr. Miles) did not think, under the circumstances, it would be becoming for him to accept the office of Chairman of Committees.

Mr. G. THORN supported the original motion, and said he should vote for it if the question went to a division. He could not help thinking there must have been some motive, other than appeared, to induce the honorable member for Eastern Downs to bring it forward, and the only motive he could conceive was that that honorable member was anxious to get rid of the honorable member for Ipswich, Mr. Macalister, from his side of the House, in order that he might occupy the position of leader of the Opposition. In reference to a remark which had been made, that Mr. Macalister had not consented to be nominated, he would only say that that gentleman was no doubt in town, and could have expressed his unwillingness, if he had desired to do so. He should vote for the motion if it went to a division.

Mr. SANDEMAN said it had been remarked that the question before the House was a party question. He could not see that it was, or that it ought to be so, but irrespective of that it had assumed an importance more than usually attached to questions of that kind. Had it not been for the position in which the honorable member for North Brisbane was placed, previous to the resignation of the late Ministry, with reference

to the honorable member now proposed as an opposition candidate, he should probably have taken a different view of the subject. He regretted that he could not consistently vote for Mr. Macalister, as from what he had heard of that honorable member's efficiency in that capacity on a former occasion, he should have felt inclined to support him. To him, and doubtless to other honorable members, whatever opinion they might hold of that gentleman's political conduct, the position the honorable member now occupied came as an appeal to their kinder feelings to consider the comparatively unassuming position he now desired to fill. With regard to what had been stated by the honorable member for Eastern Downs, that the late Premier was not aware of the intention to propose him, he must at all events have known that he had been proposed; for, doubtless, he read the newspapers and received the business papers of the House; and the House was therefore justified in concluding that he was a consenting party to the motion. This tacit abnegation of the ambitious views with which the honorable member had been charged would no doubt command the sympathy of honorable members on this occasion. He should have preferred the honorable member for Eastern Downs, Mr. Douglas, to either of the present candidates; for many of those who admired the abilities of that honorable member would probably agree with him that they would be exercised to greater advantage in the position of Chairman of Committees; and, he would say, with all courteous feeling, that he believed the honorable member's talents could have been rendered far more useful to the House, and more creditable to himself, as Chairman of Committees, than as a leader of any political party. With reference to the Chairmanship of Committees continuing a permanent office during the existence of the Parliament, it was laid down in the original Standing Order that the office should become vacant at the end of each session, but by a subsequent Standing Order it was ruled that the appointment should last during the existence of Parliament. It had been lately mooted, and it was worthy of mature consideration, whether the office should not for the future be made a sessional appointment.

Mr. DOUGLAS, in reply, said that the position which he occupied on this question was a sufficient answer to the accusation of the honorable member for West Moreton, Mr. Thorn, that his design was to pave the way for other political arrangements in which he might figure. If he had been anxious to do so, he should have consulted the friends with whom he acted before proposing this motion; but he looked upon the question as a matter connected with the House itself. He could not see that the honorable member would be in any way humiliated, or have his dignity lessened, by being placed in the position of

Chairman of Committees, otherwise he should not have proposed the honorable member. In making use of the term servant of the House, he had felt that it was no dishonor to any member to act in that capacity; and that was the feeling which he had entertained when his own name had been suggested. In answer to the challenge made by the Attorney-General, he had no hesitation in stating that the honorable member for Ipswich did not know of his intention to propose him as Chairman. In stating that he had expressed his own disinclination to accept the office, he would say that if the House had desired him to take it, he should have considered that he had no right to refuse it, but if he were asked by individual members the case would be altogether different. Nor had he asked the honorable member's consent, because he knew that it could not have been obtained. With regard to the reasons given by him for not allowing himself to be nominated, possibly he might have exaggerated the disadvantage at which his constituents would be placed if he were Chairman of Committees. But he was differently situated from the honorable member for Ipswich. A battle was about to be fought in committee, in the interests of his constituents, and of those in the immediate neighborhood of the district he represented. Such being the case, it would not do for him willingly to place himself in a position in which he could not speak for them. The motion he had submitted did not appear to have met with much favor from honorable members. Some had opposed it because they were directly pledged to support the other candidate, and others because they thought that the independent services of the honorable member for Ipswich could not be dispensed with; and the honorable member for Maryborough was the only one who had spoken in favor of it. He would, therefore, suggest that the mover of the amendment should withdraw it, and he would engage to withdraw the original proposition. The amendment could then be brought forward as a substantive motion.

Mr. FITZSIMMONS declined to withdraw the amendment, because it would necessitate his giving notice before he could propose it as a distinct motion.

Mr. DOUGLAS would undertake to support the appointment of the honorable member for North Brisbane, if the course he suggested were pursued; there would then be no difficulty in carrying out what the honorable member wished; and the House would at the same time save him from the humiliation which the rejection of the original motion would involve. He made this request, because the position was not of the honorable member's, Mr. Macalister's, own seeking.

Mr. FITZSIMMONS again declined to withdraw his amendment.

The question that the words proposed to be omitted stand part of the question was negative.

On the question that Mr. Pugh be appointed Chairman of Committees,

Mr. O'SULLIVAN expressed a wish to add an amendment, the effect of which should be to make the appointment a sessional one.

The SPEAKER said the amendment was contrary to the Standing Orders, and could not be received.

The amendment was then put and passed.

THE BRISBANE BRIDGE.

Mr. PUGH said, before proceeding with the motion standing in his name, he had to return his thanks to the House for the high honor they had conferred on him in placing him in the position of Chairman of Committees. Having been absent from the House, he did not know whether or not the matter had been made a party question; but he would not have consented for one moment to become a party candidate on either side of the House; he would much rather keep aloof from the chair than occupy it on such a condition. He thanked the House most cordially and most heartily for the manner in which they had returned him; and he could only say that he would do all he possibly could to fulfil the duties of the office properly and well, with all the impartiality, all the ability, and all the research and endeavor that he could bring to bear upon them. At the same time, he must add, that if he found the fulfilment of those duties in any degree interfere with his duty to his constituency, or his independence as a member, he would at once resign his office, and request the House to appoint some other member. He did not consider that the office would interfere with his independence in any way; because a former member for Brisbane had filled the chair, and had been returned by his constituents afterwards. But, if he found that such a thing was likely to occur, he would, that moment, place his resignation in the hands of the Speaker, and request the House to appoint some one else in his place. So much for that matter. He had now to move, pursuant to notice—

That this House will, on Thursday next, resolve itself into a committee of the whole, for the consideration of the following resolutions, viz. :—

1. That the bridge across the Brisbane River, now in course of construction, will, when completed, form the connecting link between the metropolis and the whole of the southern and western districts of the colony, and is therefore a work of more than purely local interest and importance.

2. That the inability of the Municipal Council of Brisbane to complete the said bridge justifies the interposition of the Legislature.

3. That, pending the introduction of a measure to deal with this matter, this House will approve of any temporary arrangement which the Government may make by way of advances to the municipal council secured upon the endowment, to

insure the stability in time of flood of the unfinished structure; provided that such advances do not exceed £1,200 *per mensem*, and that no moneys whatever on account of the endowment fund are paid to the municipal council until all advances which may have been made under this authority shall have been refunded.

He took it that no honorable member would object to the first resolution. There was no doubt that Brisbane happened—whether by accident or otherwise, of course, it was not for him to say—to be the metropolis of the colony, just now. What it might be, in time to come, the most astute prophet would scarcely venture to predict. The bridge across the Brisbane River was, so far as all purposes of traffic were concerned, necessary in every way; and the result of the recent flood shewed the House and the public conclusively that the present temporary structure of timber was not sufficient to meet all the circumstances of the case. When he came to the second of the resolutions, he found himself in rather a difficulty, not having been aware that the motion would stand so high on the paper; but he was prepared, if the House would allow him, to quote from a memorandum given to him by the Mayor of Brisbane some few particulars that, perhaps, honorable members were not acquainted with. In July, 1864, the Brisbane Municipal Council entered into a contract with Mr. John Bourne to construct a bridge over the Brisbane, after a design signed “Delta,” which design received the approbation and sanction of the Government at that time. The contract was for the sum of £52,559. The contractor had made a previous arrangement with the Bank of Queensland to receive advances, by way of loan, to the extent of £70,000, for the erection of the bridge and the construction of the approaches thereto. The contract with Mr. Bourne was to have been completed in two years. On the 24th November, 1864, Mr. Bourne’s agent in England entered into a contract with the firm of Peto, Brassey, and Betts, to supply the ironwork for the bridge; and the whole was to have been completed within twelve months from the date of signing the contract. In July, 1865, when a portion of the cylinders of the bridge were on their way out, and the council were in hopes of having the bridge completed without very much delay, they received a communication from the Government, through the then Colonial Treasurer, Mr. Bell, saying that it was desirable the span of the swing opening should be increased from fifty feet to sixty-five feet, and the height of the bridge from the waterway increased six feet. This, of course, involved a considerable amount of expense; but the corporation, having been liberally treated heretofore, and being anxious to meet the Government in the same spirit, decided on the alteration. In the first place, the Colonial Treasurer promised, on the part of the Gov-

ernment, to bring the matter before the Parliament, with the view of an equivalent being granted to the council for the extra expense involved. On receipt of the communication referred to, and on guarantee from the Colonial Treasurer for the time being, the council despatched a telegram to overtake the mail at Adelaide, ordering the suspension of the work until the engineers in England should receive, by the following mail, full instructions with reference to the alterations in the swing and other parts of the structure. Upon receipt of the telegram in England, the whole work was suspended, and no further progress was made until detailed drawings were sent by the following mail, shewing the alterations. Those alterations involved the consumption of more than four hundred tons of iron extra, iron castings, and also necessitated the filling in the cluster of cylinders for the support of the swing. The total extra expenditure thereby necessitated, with the approaches, amounted to £20,000, besides the cost of drawing and refixing the piles throughout the length of the staging to receive the cylinders in their new positions. Those alterations occasioned a delay that happened to prove very disastrous for the corporation. In June, 1866, the Bank of Queensland stopped payment, when they had advanced to the English contractors, on account of the Brisbane bridge, £11,000, and £35,000 to the contractor in the colony. If the first contract with Mr. Bourne had been carried out, no doubt the corporation would have been enabled to have opened the bridge before the suspension of the Bank of Queensland; they would have been able to have placed the matter in such a position that the country would not have been called upon, as was now necessary, to assist them in carrying out the work. The whole of Messrs. Peto, Brassey, and Co.’s contract would have been carried out, the money would have been paid, and the iron work on its way to the colony. Instead of that, the whole works had been stopped, and an additional expenditure of £20,000 had been incurred. The corporation—if honorable members would be kind enough to read the third resolution—now simply asked that, out of the endowment which naturally accrued to them each successive year, the Government should be empowered to grant £1,200 per month, until the House should have dealt with the matter, either by taking the bridge out of the hands of the corporation, or by handing it over to a commission. The corporation had paid, since the bank stopped payment, upwards of £9,000 upon bridge account. More than £4,500 of that had been taken from the rate account proper—that was, from the revenue accruing from rates only. The advances hitherto given by the Government were, altogether, £6,000; but the amount accruing to the corporation up to June, on account of endowment, would

reduce that amount to £4,698; so that the corporation were not in a very great degree indebted to the Government; and by the end of this month a good portion of their present indebtedness would be paid off. The advance which the corporation sought was not one that the Government would be called upon to continue long. He did not think that the principles and clauses of a Bill to be introduced during the present session, with respect to the bridge, were yet agreed upon, and he did not feel at liberty to say anything about it; but all the corporation asked was that, pending the introduction of that measure, the House would sanction the Government advancing upon the security of the endowment the sum of £1,200 *per mensem*. No amounts coming due under the endowment would be placed to the credit of the corporation until the advance had been refunded. The House could see there was no risk, and he trusted that the motion would be passed without any objection whatever.

Mr. WALSH said, on first rising, he felt privileged, not exactly to congratulate the honorable member on his return as Chairman of Committees, but to tell him that he (Mr. Walsh) thought the House would suffer nothing by his presence in the chair. He felt quite sure that the dignity of the House and the true course of its proceedings would be in very safe hands; and, since it was evidently not destined for them to have the honor of the late Premier of the colony presiding over them in committee, he should express his satisfaction at the choice which the House in their wisdom had felt it their duty to make. But, to the motion:—He was surprised that some member of the Government had not been prompt in rising to state what were their views with respect to it. Already honorable members had been told that matters which involved expenditure were decidedly premature until the honorable the Colonial Treasurer had been enabled to make his financial statement; and he thought the Government would have shewn consistency if this question had been met in the same way, and they had thus given, without hesitation, the assurance that they meant to pursue a course equally impartial to friend and foe on all occasions. He trusted that there was not the shadow of a chance of the motion being carried at this stage of the session; and, more than that, he trusted that honorable members, especially those who had not been cognizant by personal attendance in the House of all the proceedings which had taken place connected with the building of the bridge, and of the overtures and the rejections of them, would ponder, hesitate, and even refuse to assent to the motion until they had heard all the facts stated. He rose as an old member, to protest against any more unplanned expenditure in the southern portion of the colony until the Government

were able to shew that they could afford it, and that they would do equal justice to the north. He must confess that he was surprised that the honorable member for North Brisbane should introduce such a motion—he had no doubt, before the debate was finished, he should be equally surprised at other honorable members who would take part in it;—for, by a reference to the proceedings of the House, he would shew that the honorable the Chairman of Committees had been one of the fiercest opponents to a former Government dealing with the subject to which he now invited consideration. The honorable member had openly told the House that the corporation did not want the assistance of the Government. The late Premier, Mr. Herbert—he must do that honorable gentleman the justice to admit this—foresaw that the corporation would never carry out the work properly; and, because his Ministry endeavored to interfere on account of the way in which it was being carried out, Mr. Herbert was severely handled by the city members, the Mayor inclusive: and, though a select committee had been appointed to investigate the matter, it was so worked upon that all his efforts were thwarted. He (Mr. Walsh) could not object to the statement in the abstract—a poetical statement he might term it—conveyed in the first resolution; he believed he should agree to that, if it were necessary to carry it. But he was not sufficiently conversant with the geography of this part of the country to be able to deny it. He believed the bridge did form the connecting link with the southern and western districts of the colony. But he must add that, after all, it formed the connecting link with a very small portion of the colony—a portion that would very shortly become very insignificant, indeed. It appeared that in 1861, the Government entertained grave doubts whether the Brisbane Municipal Council were a very wise body; and the Secretary for Lands and Works was induced to move for a committee, for the purpose of examining into the question whether they really could build the bridge over the Brisbane or not. The object of the appointment of that committee, from the tenor of the speeches delivered on the occasion, was to shew that the corporation had neither financial nor administrative skill. Owing to the constitution of that committee, and the report brought up, the Government were defeated in their wishes. The members were—the Secretary for Lands and Works, Mr. Macalister; Mr. Lilley, who was a resident in that portion of the country to be benefited by the bridge; Mr. Edmondstone, who, he believed, was Mayor at the time; and Mr. Bell, to whom he would do the justice to say, that the honorable member very seldom sat on committees to which he was appointed; and Mr. Cribb, who, also, resided in Brisbane. The result of their

labors, as contained in their report—he had been unable to go through the evidence—was :—

“Your committee, in the discharge of the duty confided to them, have examined the Mayor and the town clerk of Brisbane, and also the manager of the Bank of Queensland.

“From the evidence of these witnesses, it would appear :—

“1st. That the corporation of Brisbane have entered into a contract for the erection of a bridge to connect North and South Brisbane, for the sum of £52,000.

“2nd. That the manager of the Bank of Queensland has, on behalf of that institution, agreed to advance, towards the erection of the bridge, the sum of £50,000, absolutely, and the further sum of £20,000, should this latter advance become requisite in order to complete the structure.

“With such evidence before them, your committee have not thought it necessary to proceed further with the inquiry.”

Well, he (Mr. Walsh) remembered what that meant. It was that the Government saw no use in proceeding further, because the corporation were determined to keep the work in their own hands—

“They would desire, however, while referring your honorable House to the notes of the evidence as appended, to make one or two observations regarding some circumstances that became apparent in the course of the investigation.”

He might remark, that the increased cost last alluded to by the honorable mover, very much exceeded what the honorable member and his colleagues, at the time the committee sat, declared it would amount to. The committee, it appeared, made a recommendation; and he certainly thought there was some satire in what followed :—

“The contract for the bridge is of a very recent date; indeed no security has as yet been obtained for the completion of the contract, while the arrangement with the Bank of Queensland still awaits the execution of a mortgage to cover the advances. This position of matters has had considerable effect with the committee, in preventing their offering any recommendation, for while dissatisfied with the uncertainty which hangs over the arrangements, they do not feel inclined now to interfere with the action of the corporation in entering into this contract—action which, after having been long delayed, has at last been somewhat hurriedly taken”—

That was after the alteration was recommended—

“without guarding the citizens against a possible failure, on the part of the contractor, to complete. The sum to be placed by the Bank of Queensland to the credit of the corporation, however, is, in your committee’s opinion, sufficient to cover the amount of the contract, and any difficulty which may arise in the carrying out of this important undertaking must only be left with the corporation to get rid of.”

Honorable members would understand that if they acceded to the motion, they would set aside that recommendation. There was

another matter in the report which they must not overlook, though the honorable mover had overlooked it :—

“In conclusion, your committee would observe that, regarding the estimated value of the public lands granted for the erection of this bridge, and the price for which the work has been contracted, the public have a fair right to expect that, beyond the collection of tolls necessary for keeping the structure in repair, this bridge should be free to the public.”

It was very evident from the foregoing that the committee had come to the conclusion that the municipality had made a very handsome bargain—that they had precious land, worth a great deal of money—which the Government or the House had conceded to them; and which not only would enable them to complete the structure, but leave them a handsome profit;—for, beyond keeping the bridge in repair, they were not justified in exacting anything from the public. He would now shew the opinion that had been entertained of Government interference by the members for Brisbane, two or three of whom held offices under the municipality, one being Mayor—or, he had been frequently Mayor—and whose opinions at the time carried great weight. It appeared that subsequent to the appointment of the committee, and, in fact, to the time when Government interference with the bridge was repudiated by the Brisbane members, an honorable member of the House had some distrust as to the way in which the funds were being dispensed. Mr. R. Cribb moved—

“That a select committee be appointed, with power to send for persons and papers, and leave to sit during any adjournment of this House, to inquire into, and report upon, the measures taken by the Brisbane corporation to carry into effect the provisions of the Brisbane Bridge Act of 1861.”

The honorable member stated the reason why he had no confidence in the municipality as far as the construction of the bridge went—

“In the evidence taken last session it was stated that the bridge would be finished in two years, but, as far as appearances went, very little progress in the real works of the bridge had been made up to the present time; and, as there was a large quantity of land, representing a large quantity of money—upon which, no doubt, a considerable sum had been raised—in the hands of the corporation, it was but right that the public should know what had been done, and what was doing, in connection with the undertaking, in order that the work might be accelerated.”

The honorable member, Mr. Pugh, who had moved the resolutions before the House, ought to have told them what had been done with that money—what had been done with the land; because he had been foremost in preventing the public, through Mr. R. Cribb, from getting the information before. What was to justify the House in believing that the money now asked to be taken out of the public purse would be properly spent? They

found that the motion of Mr. Cribb, a resident of the municipality—or, at any rate, a resident of this part of the country—could not be passed. Now, the House were asked for money—for assistance that was before rejected—and this after any information regarding the works had been refused. They must have an explanation of the whole matter from those who supported the application, from those who must be regarded as the stewards of that land given to the corporation to assist them in constructing the bridge. The Secretary for Lands and Works had spoken to Mr. Cribb's motion, saying that he had no objection to the committee, and complaining that

"the Government had had no communication with the corporation on the subject; but he had reason to believe that they had taken steps to carry out the work, though not with the celerity that the country had a right to expect."

Mr. Edmondstone had said that those alterations, which the honorable member, Mr. Pugh, had alluded to, had considerably delayed the work, and that they had increased the expenditure some £10,000 or £12,000 only. Those figures were at variance with the amount stated this afternoon.

Mr. PUGH was sorry to interrupt the honorable member; but the apparent discrepancy arose from the fact that the municipal council at that time were not fully aware of the expenditure that would result from the difference in the castings and the iron work generally for the bridge, or the extra strength of the girders required for the swing. However, he had now the Mayor's authority for stating that the cost would not be less than £20,000 extra. Of course, honorable members at that time spoke according to the best information they had.

Mr. WALSH said he should, of course, pay attention to the honorable member's explanation, and to what was said by any honorable member who made this subject his study. But the Mayor of Brisbane had given the first statement which he had cited, and what that gentleman had said must have been from facts. Next followed the late Premier of the colony (Mr. Herbert) who observed that—

"it had come to his ears, as a rumor, that a proposal was likely to be made some day that the Government should undertake the work, and relieve the corporation from the difficulty they were now laboring under—the heavy rate of interest to which the honorable member, Mr. Edmondstone, had referred."

He (Mr. Walsh) might here state that, previously, it was considered by the Government that if they had been allowed to carry out the work at the time the first committee was asked for, they could have borrowed money at a lower rate of interest than any unknown municipality could get it for. Mr. Herbert had gone on to say:—

"If there was any chance that such a proposal would be made, the House ought to be placed in

possession of such information as would enable it to deal with the whole question. He thought, therefore, it was desirable that full information should be laid before honorable members on a matter on which they had been legislating by a special Act last session."

Mr. Pugh followed Mr. Herbert, and he (Mr. Walsh) would do that honorable member the justice to say that he occupied on the occasion a very independent position—he did not mean that he ever occupied any other position; for he reproved the late Premier for supposing that the municipality would brook the interference of the Government, or that they would ever come to the Government for assistance for the construction of the bridge:—

"He believed he was correct in stating that a Bill, framed by some private individual, without the knowledge of the corporation, had been submitted to the Minister for Lands and Works. The corporation were first aware of the existence of such a Bill by a communication from that honorable gentleman. They entirely repudiated that Bill, and would have nothing to do with it in any shape whatever."

What was the meaning of that? He (Mr. Walsh) well remembered the language held at that time by the public of Brisbane. They would not allow the Government to interfere with the bridge!—they were able to carry it out!—their position was good, and, if he was not mistaken, they considered it better than that of the Government! In a few months after—he was sorry to record it—for political purposes, honorable members were obliged to change their opinions on the subject; and now, to please their constituents, had to come down and acknowledge that the municipality was not in that flourishing position they once boasted, and that they would not repudiate a Bill: the resolutions signified that there was an ulterior measure, if the present motion passed. No doubt, circumstances altered cases; and honorable members would attempt now to shew that they had some reason to accept that Bill which they were so magnanimous in refusing—except Mr. R. Cribb, who was their peculiar aversion, then—only twelve months ago. Had anything happened since in the affairs of the country that would justify the House in spending the general revenue on a local work? There was nothing to warrant them in giving the money, further to impoverish the country and strain its energies. If they sanctioned any more than the first of the resolutions moved, they would commit themselves to an act that might involve the country in an outlay of something like £130,000 or £150,000. He had not good data to go upon, but he was informed that, from first to last, the Brisbane Bridge would cost that amount. The state of the exchequer did not justify the Government in incurring any additional expenditure. On behalf of the vast territory, west and north, which was not benefited by this local work, he protested against it; he

protested on behalf of those portions of the colony which were geographically separated from Brisbane; he protested against it on behalf of those municipalities which had been denied the smallest assistance; he protested in the name of a suffering, a poverty-stricken people, who were already borne down by taxation which nothing could justify the continuance of—not even electioneering or political expediency. This was simply a Brisbane question. This session was to be a Brisbane session: there was to be a race of the local members to see who should do most—who should please his constituents most, and who undo what he had done—who obtain the favors lost, and who retains the favors won. The country had already been saddled with an enormous tax for supplying this overgrown—now vacated!—city with water. Would it be said that that benefited the southern and western districts alike, and that it formed a connecting link between them? The country had been saddled with an enormous expenditure—an unheard of expense—a frightful one—an incalculable one—laid out in the port of Moreton Bay. Would that benefit the whole colony? In every way, the country had to pay dearly for the capital being placed in this narrow southern place. Such expenditure would never have taken place, had the capital been placed in any other part of the colony that required less political support to retain it there.

MR. O'SULLIVAN: That is, Maryborough.

MR. WALSH: He appealed to the honorable member for South Brisbane, to know if the business capital of the colony ought not to have been on the other side of the water.

MR. STEPHENS: Of course.

MR. WALSH: He appealed to the honorable member to know whether any persons who had been any length of time in the colony, had not always considered that the other side of the Brisbane was the business side, and the most closely connected with the southern and western districts? Had the Government of the day been wise, there would have been no coming across the water to do business in the city; and no need of a bridge to retain the business on the side which everybody felt it was an inconvenience to come to. What reason was there for going on, when sooner or later the business of the country would be naturally drawn to that side of the river which was most contiguous to the southern and western portions of the colony? In conclusion, he advised the withdrawal of the motion.

MR. PUGH, in explanation, pointed out that the corporation did not ask for any great loan; but merely for a temporary advance, which would be repaid out of the endowment.

MR. WALSH assured the House that he quite understood the motion. It was "inserting the thin end of the wedge"—it was

asking for a grant of money. They all knew what an advance to the Brisbane Municipality meant. They had the experience of the water works. He was quite satisfied the Government had not the money to spare; and he was quite sure, if it were advanced, it would never be returned.

MR. GROOM said he was convinced it would not be judicious to come to a vote, to-night, on such an important question. There was great force in the argument of the honorable member who had just sat down, that this was really a money vote. He would move the adjournment of the debate for three weeks.

Question put, and the adjournment was carried.

THE CASE OF JAMES JONES KINGSFORD.

MR. O'SULLIVAN moved—

That the petition in favor of James Jones Kingsford, by the fifty-seven inhabitants of Warwick, be printed.

He said his object was not so much to put the country to the expense of printing the petition as to hold a short discussion upon the facts alleged, after which the House could decide the motion as would then appear best. Notwithstanding the Speaker's decision yesterday, he regarded the petitioner's case as one of special hardship. No doubt, Mr. Kingsford, like all other tradesmen of the time, had suffered somewhat from the depression of the colony. To keep himself afloat, he conceived the idea of opening a public-house at Warwick, where he was known and highly respected, and had a very good connection. He turned his stores and premises into an inn, at considerable expense, and furnished it so as to make it passable under the Licensed Publicans Act, and got in a supply of liquors and other goods suitable for an extensive business. Conscious of having a good character, and living in good repute in his neighborhood, he never suspected that he would be met by a refusal of his application for a license. However good a man's credit might be, it was well known that at present the dates for paying bills were very short, and to be prevented realising the wherewithal to pay was a serious grievance to any man. When he had to go before the bench for his license, it was found that justices of the peace who were not local magistrates had left their stations to go into town to occupy the bench, and the license was refused. That was a case of great personal hardship, and the House would agree that it required immediate attention. No step could be taken so likely to ruin a man's credit, his prospects, and his family, as refusing him a license. It was in this sense that he (Mr. O'Sullivan) yesterday urged that the question might be discussed forthwith. Every day's delay was of consequence to Mr. Kingsford. There was nothing in the Publicans Act to warrant the step the bench had taken. In the old law of the colony, there had been clauses

under which the magistrates could refuse a license, but the enlightenment of the times had rid the country of such enactments. He had not given the existing Act much study, but he understood that three or four days' notice should be given to a person whose license was objected to, in order that he should have an opportunity of defending himself, and rebutting charges brought against him. It was clear that that was in accordance with the advanced spirit of the times, and the practice of all the other benches of magistrates in the colony. At any rate, he could himself speak for Ipswich, the second town of the colony. The reasons for such provision were, that publicans should stand in the same position as other tradesmen: if there were too many of them, they must stand the competition of the market, and that would soon right them, and shew whether there were too many or too few. Great changes had taken place in the policy of the country. Free selection was the order of the day; but it was in danger of being overdone, as it had been in New South Wales. The present case was entirely different from those that happened every day. Mr. Kingsford was a gentleman, and known to be quite equal to the two magistrates who had sat on the bench in his case. He was known outside the limits of Warwick, and even to the Government. He had been a magistrate, as Mayor of Warwick, and he had been entrusted by the Government to act as returning officer. It was not to every common man that position was given. In his (Mr. O'Sullivan's) opinion, he was as much a gentleman as Mr. Gore. He was the son of a clergyman, and Mr. Gore was the same. But there was a little difference, and the scale of respectability inclined to Mr. Kingsford: his father was alive, and Mr. Gore's father was dead—how he came that way, did not concern the House; but he (Mr. O'Sullivan) had heard that he had come to an untimely end for being, what Mr. Gore himself was, a desperate character. This was not said with any disrespect to Mr. Gore. Honorable members would bear him out that he (Mr. O'Sullivan) had not, on any occasion, taken any advantage of his position as a member of the Assembly to say anything in the House that he would not say outside. He thought it would be cowardly to say anything under privilege that he would not say anywhere else. But, if he leant heavily on Mr. Gore, he must plead that that honorable gentleman had leant heavily on his victim, Mr. Kingsford, who was now suffering under his tyranny. He had not spoken to anyone in Brisbane who had not said the case was one of tyranny. Mr. Gore was one of those gentlemen who was so dirty in his fingers, that there never was a dirty trick to be performed on the Warwick bench that he would not leave his domestic affairs and private employments to come and take part in;—he was always ready to take his seat on the

bench to perpetrate a job. There was a notice of motion before the House now, called for by his interference in elections. It might be of some use to the House to know the silly reasons that were given by Mr. Gore for refusing the license to Mr. Kingsford. The first reason was that the house was not up to the requirements of the Publicans Act. In order to satisfy the so-called bench that the requirements of the Act had been complied with, the inspector appointed under the Act was sworn by Mr. Gore and examined, and he swore that the house was up to the requirements of the Act, and that it was the second-best house in Warwick. That was sufficient so far for the general public and for the requirements of the Act itself; but that did not satisfy the requirements of the bench, who were pre-possessed against granting the license, and were determined to refuse it at all hazards. Mr. Gore altogether forgot his position as a magistrate when he was on the bench, and turned detective, and asked whether the required advertisements were inserted in the local papers. Now, he believed it was no part of Mr. Gore's duty, as a magistrate, to inquire whether the advertisements were inserted or not. It was no part of his duty as a magistrate to do that. His duty was to hear the evidence and decide accordingly, and not to find faults himself. But the editor of one of the papers, who was present in court, got up and went into the witness box and swore that so far as the insertion of advertisements in the local papers were concerned, the requirements of the Act had been complied with; but Mr. Gore, instead of accepting of that evidence, insulted the editor of the paper so far as to refuse his evidence, telling him that his evidence, though given upon oath, would not do, but that the papers containing the evidence must be produced. Well, the papers were produced, and the advertisements shewn to him on the bench. But Mr. Gore's conduct was something like that of the wolf, in the fable of the wolf and the lamb: he was determined to find fault. Mr. Gore must have known that, guarded round as magistrates were by the laws in the colony, it was beyond the power of Mr. Kingsford to reach him. But he was determined to find fault, and when he had exhausted all the grounds of objection that could be urged under the Act, he said there were already too many public-houses in the town, and he would not grant the license applied for by Mr. Kingsford, and so put an end to the value of all the evidence that was brought before the bench, and put a stop, also, to Mr. Kingsford. Now, if it was the intention of the bench from the first to refuse the license because there were too many public-houses in the town already, where was the necessity for their inquiring whether or not the requirements of the Act had been complied with as to furnishing and advertising? To ask about all those matters, and to raise all

those faults and barriers to the granting of the license, and, after obtaining satisfactory evidence on every point, to refuse the license, clearly proved that Mr. Gore went to the court prepossessed against Mr. Kingsford. Mr. Gore, as he had already stated, was very much in the habit of taking part in local politics; and he believed that a motion was brought before the House on a previous occasion on account of his sitting on the bench on the occasion of the revision of the electoral roll for Warwick, though being a member of Parliament—a member of the Upper House—he was precluded by the Act from doing so. He knew Mr. Gore himself, and he had personal reasons for knowing him, and he believed he was one of those men who would compel others to submit to his views or he would never forgive them. He believed that was the nature of Mr. Gore. But it was only the nature of the man, and he did not say that with any disrespect to him. He was one of those who was educated in the old school about fifty years ago, and he was, consequently, very steady in his ideas, and not at all progressive. He would now call the attention of the House to a few incidents in the history of Mr. Gore, to shew what sort of a magistrate he was some years ago. At one time, as some honorable members might have heard, there were such things in the colony as Drayton warrants and Condamine warrants. There was, at the same time, a gentleman who held the commission of the peace of the name of Leslie. That gentleman and Mr. Gore were in the habit of sitting on the bench together. Well, on one occasion, a splitter of Mr. Gore's happened to be brought before the court when Mr. Gore was absent, and got three months in gaol. As Mr. Gore was on his way up, he met the splitter on his way down—

The SPEAKER said he must remind the honorable member that he was departing from the motion, which was, that the petition be printed.

MR. O'SULLIVAN: He believed he was travelling from the motion, and therefore he would not further proceed with the line of argument he had been pursuing. He felt greatly obliged to the honorable the Speaker for calling his attention to the fact, as he might otherwise have been carried too far. He would not proceed further in that course, but would pursue a better plan, and ask the House to come to a decision on the matter. His object was not so much to have the petition printed, though he would stick to the motion, as to get an expression of opinion from the House, as to whether it was advisable that benches of magistrates should be allowed to cause such desolation amongst families as had been done in this case. Since he came into the House, it had been suggested to him by an honorable member, that the bench had not the power to refuse the license for the reason stated. He believed that a

decision, bearing upon the very point raised in this case, had been given in Brisbane by the police magistrate, who stated, as he understood, upon good authority, that the magistrates had no power to allege that there were too many public-houses in any district. Such an objection was one that would right itself in the course of time. It was one against which a person could not defend himself; and it was one which it was not intended by the Act should be put forward. It had been represented to him that it was beneath the dignity of the House to interfere in such matters as this at all. Well, that might be a very good opinion, and a very sound one, as taken by itself; but he had always been led to believe that, with respect to individual grievances, the Legislative Assembly was the only place to which a man who had not a possibility of obtaining satisfaction elsewhere, could come to obtain redress in a constitutional way. For his own part, he could not believe that it was beneath the dignity of the House to take cognizance of such matters. His object in bringing forward the present motion was to get an expression of public opinion by the House on the subject, and particularly by the honorable the Attorney-General, who, he was sure, would give his opinion in a disinterested and honest way. He hoped the House, or at any rate a majority of the House, would give a decided expression on the subject, discountenancing such an act of injustice; and, he believed, that if such an expression were backed up by the opinion of the honorable the Attorney-General, benches of magistrates would be deterred from giving such decisions in future. He had already stated, and he repeated the assertion, that the refusal of a license to Mr. Kingsford was a stroke of power, for the exercise of which there was no authority in the Act at present in existence. At any rate he had not been able to find it. Such a power did exist under the old Acts, but it did not exist now. The Act now in existence expressly stated, that before a man could be refused a license there must be some complaint made of which he must receive four days' notice, so that he might have an opportunity of rebutting it. Such a provision clearly proved that there must be some sufficient charge made and sustained before a license could be refused. It was possible that in opening up a matter like this, he might have made use of somewhat rough language, but the House, he hoped, would forgive him for that. He was not a very thorough master of the language, and did not have half a dozen names for one thing; but when he took a matter like this in hand it was with the best intention, and not with any inward idea of insulting any one. It pained him very much to say anything against any one who had not an opportunity of defending himself, and, therefore, he regretted he had had occasion to allude to Mr. Gore in the way he con-

sidered to be necessary; but there were other interests in society just as dear to those concerned as Mr. Gore's were to him, and he must repeat that Mr. Gore had in this matter wantonly injured a respectable man who had never injured him. Coarse and rough as the word might be, he maintained that it was an act of tyranny on the part of Mr. Gore to refuse Mr. Kingsford a license, and there was no excuse or law to justify such an act.

The ATTORNEY-GENERAL said he rose to address the House on the question now before it under a certain amount of difficulty. He had listened with great attention to the speech made by the honorable member for West Moreton, Mr. O'Sullivan, but he felt he should have been better prepared to have dealt with the question, if the honorable member had concluded with a motion in terms of the prayer of the petition. He was not sure, however, whether that would have been the right course or not at the present stage, or whether the right course was not the one that had been adopted by the honorable member, and that a motion should afterwards be brought forward in terms of the prayer of the petition—that a select committee should be appointed to inquire into, and report upon, the matters to which the petition referred. The honorable member, however, had made a speech on the question, and had made certain allegations which, for the present, he must accept as correct. It, therefore, only now rested with him to make a few remarks, so far as he could, in reference to the subject, as it was before the House. In dealing with the subject now before the House, the allegations made by the honorable member for West Moreton would have to be accepted as correct. Now, it appeared to him that, with all due deference to the honorable member, who, no doubt, wished conscientiously that justice should be done to every person, he was asking the House to go rather too far. The motion asked that the petition should be received and printed; but to ask the House also to come to a determination as to the unproved allegations in the petition, was to ask too much. He did not mean to say that the allegations were untrue; but to use a technical expression, they were non-proven. Now, for the House to give an expression of opinion on allegations in that position with respect to the conduct of certain magistrates would be to establish a very bad precedent. Assuming that one individual magistrate had acted improperly, it would be casting a great slur on the magistrates of the colony to come to a decision such as the House was asked to come to. He should be sorry to place the magistracy of the colony in the position that such a decision would place them. He would now endeavor to offer a few remarks on the question, which he hoped might satisfy the honorable member for West Moreton, so far as the honorable

member desired him to offer an opinion. Of course, he could not indorse the remarks that had fallen from the honorable member in reference to any particular magistrates in the colony by word or otherwise. He found that only two magistrates sat on the bench on the occasion in question, and, therefore, on reference to the Act, his impression was, that the whole of the proceedings in the case were wrong from the commencement, for two magistrates had not jurisdiction in such cases. Perhaps that fact might save a little injustice. However, he did not give that opinion in respect to this case authoritatively, because he had only an *ex parte* statement to deal with, and he did not wish to be tied down by this opinion, as the matter might again come before him in another shape. Now, without referring to the question of whether the magistrates acted improperly or not, he thought the discussion that had been raised before the House might not be inapt. To deal with the question in the way in which he thought from his position he ought to deal with it, he would, in the first instance say, that he thought the House was bound to entertain every petition that was brought before it. The petition was framed in a very proper manner, and he must say that he found no fault with it himself, for the prayer only asked for an investigation. Therefore, he thought it was not necessary for him to uphold the magistrates referred to in the petition, in one way or another. But, in reference to one portion of the honorable member's speech, he must say—and he spoke advisedly on the subject—that he did not think the House could interfere with the jurisdiction of the magistrates of the colony. It was quite right and proper for any individual to present a petition, and to ask for relief, and the House would grant the relief, undoubtedly, in a particular way; but the House would not act wisely in attempting to interfere with a jurisdiction established by Act of Parliament. Therefore, he should have preferred that the honorable member had asked for a select committee to inquire into the matters stated in the petition. If that course had been taken; and if the committee had brought up a report stating that they had found that the magistrates had acted so improperly as to call for the censure of the House on their conduct, and if the House adopted the report, the very vote of the house would be sufficient cause for the Government advising His Excellency to remove the magistrate or magistrates from the commission of the peace. That appeared to him to be the only way the House could deal with a question affecting the magistracy of the colony. To sum it up in a few words, on proper cause shewn, that this House would advise a certain line of conduct which the Government would find to be its duty to follow, and which His Excellency the Governor would likewise

follow. He wished it to be understood that the House should not be supposed to exercise a jurisdiction over those persons in the colony who were appointed by Acts of Parliament to administer the laws of the colony, either in a higher or a lower capacity. He hoped honorable members would understand him that he was only explaining, so far as he could, the way in which these matters should be dealt with. At the same time, he did not wish it to be understood that if there was any flagrant conduct on the part of a judge or magistrate, the House could not deal with the delinquency. All that he was explaining now to the House was, that it was not for the House to deal with the matters of aggrieved persons on unproved allegations. But, as the honorable member for West Moreton had sought his opinion, he would give him his opinion for what it was worth, to the best of his ability. Taking a fair construction of the Licensed Publicans Act for 1864, he thought it contained specifically stated objections to the granting of licenses. The justices were appointed to grant licenses under the Act to individuals; and if none of the specified objections were raised to the granting of licenses, the jurisdiction of the bench consisted merely of action—that was the granting of the licenses. He was not aware that, because too many public-houses might be injurious to a town, the magistrates or bench of magistrates were to take upon themselves to say so in the absence of evidence; because he thought that if the Legislature had intended that the bench should have such jurisdiction, it would have said so in so many words. He did not see why any bench of magistrates should say that A. B. should not have a license, because he had come in later than C. D. If that were the case, he thought the sooner the Act was amended the better; for he could not understand why there should be any such arbitrary restriction of trade. He did not see why, because half a dozen licenses were granted one month, some respectable person who applied for a license next month should be refused one. His own impression was, that in public-houses, as in every other business where there were too many, the bad one would go to the wall, which would be all the better for the public; and if there were too many bad public-houses in a town, the granting of additional licenses to good and respectable men would make the bad houses go to the wall all the quicker. He could not understand that the Legislature ever intended that a bad system should be carried on under the protection of the law, and that a good system should be prevented from being carried on because it had happened that too many bad men had been licensed. If such was the construction put upon the Licensing Act, the sooner it was amended the better. He was not, however, prepared to say that all the benches interpreted the Act in that way, for he thought he was not incorrect in stating, from

his own experience, that all the benches he had been in communication with on the matter seemed to think that the Act was peremptory, and that unless there was an objection raised by the inspector appointed under the Act for the purpose, their duty was to grant the license. If that was the case, the petition before the House, if uncontradicted, shewed that, for no rhyme or reason, the magistrates at Warwick refused a license to Mr. Kingsford, and that against the representation of the inspector as to the sufficiency of the house. Whether the license was refused on proper or improper grounds was a question with which he had nothing to do. In reference to the opinion he had offered upon the Act, he hoped the House and the magistracy would understand that he did not offer it dictatorially, but that he only expressed his own opinion in the matter. The magistrates, under the Licensing Act, had a right to do what they liked, but they were amenable for what they did, and if their conduct could be impeached it could only be impeached by an appeal to a proper tribunal. If the error lay in respect to a point of law, there was a proper tribunal for the determination of the question; but if the appeal was for any other reason, no doubt the House could be appealed to, and a select committee asked for to inquire into the question as to whether the decision of the magistrates arose from corruption or not; and he had not the slightest doubt that, if corruption were proved before a select committee against any magistrate, the name of the gentleman would soon be erased from the commission of the peace.

Mr. GROOM said that he had had the somewhat unpleasant duty of bringing a case similar to that of Mr. Kingsford before the House in 1864. In that case, the police magistrates acted in the same way, almost, as the two magistrates at Warwick were represented to have done in this case. He found a short report of this case before the House in a newspaper, copied from the *Warwick Examiner*, which seemed to bear out the principal allegations in the petition. The report, which was merely a paragraph, was as follows:—

“A special monthly Court of Petty Sessions was held on Tuesday, at two o'clock. There were present on the bench the Honorable St. George Gore, and C. H. Green, Esquire. An application was made by Messrs. Addenbrooke and Oxenham, on behalf of Mr. J. J. Kingsford, for a publican's license, for the new hotel at the corner of Fitzroy and Palmerin streets; and evidence was produced to prove that the necessary conditions had been complied with, and that the house had every requisite convenience. In reply to a question by the Honorable St. G. R. Gore, however, the fact was elicited that there were five public-houses at present in Palmerin street, and eleven altogether in the town; their honors decided, therefore, that there was no necessity for an addition to the number, and refused the application.”

Instead of going into any personal remarks about the magistrates who were on the bench on that occasion, he thought honorable members should confine their remarks to the facts set forth in the petition, as brought under the notice of the House by the honorable member for West Moreton. He thought it would be well if the magistracy would take notice of this fact, that however impregnable they might consider themselves on the bench, there was a court of appeal against their decisions; and he also thought it would be well if the magistrates who were called upon to adjudicate the laws would take the trouble to read and make themselves acquainted with the laws they were called upon to adjudicate. It would be in the recollection of the House that in 1864 the honorable and learned member for Fortitude Valley, Mr. Lilley, presented a petition from a number of magistrates, ministers, and others, asking the House to take steps to put a stop to the granting of so many licenses. That was during the hey-day of the colony's prosperity, and at that time every one thought that a public-house was the high road to a certain fortune, and so it might be said there was almost no end to the applications for licenses. The House did take action in the matter of licensing; and Mr. Lilley, in a Bill brought in by Mr. Coxen, who was then a member of the House, obtained the insertion of a clause for carrying out the prayer of the petition he had presented, by means of a proclamation by the Governor in Council. Now, if the magistrates in Brisbane and other places thought there were too many public-houses in any particular place, and that no more licenses should be granted, it would be better for them to obtain the proclamation of the Act he had referred to in the *Gazette*, than to act in the way that some magistrates seemed to think they had power to act. In the case before the House, Mr. Kingsford had gone to great expense in building and furnishing his house, and making it in every way conformable to the requirements of the Act; and under such circumstances it was impossible to come to any other conclusion than that being refused a license when there was no objection lodged against his application, Mr. Kingsford had suffered very great injustice. As the Act of 1863 had been repealed, there was now no appeal, he believed, from the decision of the magistrates in such a case as this; and, therefore, Mr. Kingsford had taken the only course that was open to him of obtaining redress by bringing his case before the House on petition; and, if he was in order, he would move as an amendment—

That the word "printed" be omitted from the motion, with the view of inserting in its place the words "referred to a select committee to inquire and report, and with power to send for persons and papers,—such committee to be appointed by ballot.

Mr. CLARK, who seconded the motion, aid he did not rise so much for the purpose

of going into the merits of the question before the House so far as Mr. Kingsford was concerned, as of making a few remarks with reference to some observations that had fallen from the honorable member for West Moreton, about the action of certain magistrates in Warwick. He had heard it said that the Police Magistrates were to be altogether done away with, and that the whole of the work was to be thrown upon the justices of the peace in the colony. Now, if that was correct, he thought that when occasion might arise for finding fault with the justices the matter should be treated in a less severe way than had been adopted in this case by the honorable member for West Moreton. The honorable member stated that the magistrates at Warwick had done certain things for political purposes. Now, he had the honor of personally knowing both the gentlemen who sat on the bench on the occasion in question, and so far as one of the gentlemen was concerned he must altogether deny the statements made by the honorable member for West Moreton. He had spoken to the gentleman, Mr. Green, since this occurrence took place at Warwick, and had ascertained from him his reasons for refusing a license to Mr. Kingsford; and he could assure the House that Mr. Green was not influenced by any political considerations whatever.

Mr. O'SULLIVAN: I never said he was.

Mr. CLARK: The honorable member referred to the magistrates, and he supposed he meant both, though he spoke particularly with reference to Mr. Gore. Now, he must himself say that he could not conscientiously defend Mr. Gore. He did not wish to say anything against that gentleman, as he was absent; but he might say that on all occasions in Warwick, even in private life, Mr. Gore had always shewn a strong political bias. He was not prepared to defend Mr. Gore on the present occasion, and to say that he did not act from political bias in the matter of refusing a license to Mr. Kingsford; but he must protest against Mr. Green's name being coupled with Mr. Gore's in any such charge. It might be, however, that the honorable member had spoken without thought. Whether the proceedings at the licensing court were illegal or not, from there being only two magistrates on the bench, or whether or not the magistrates committed an error of judgment in refusing the application, was a question; but when, upon any such grounds, the subject of the magistracy was brought before the House, the magistracy should not be so sweepingly censured or condemned as had been the case in this instance. The House ought rather to endeavor to defend the magistracy as much as possible, and should not deal so harshly with them. The magistrates, at any rate, always tried to do their duty, whether they always succeeded or not; and they had very strong claims to be leniently dealt with when they did fall into

error. He had seconded the amendment, because he thought that if there was any good reason for supposing that the license to Mr. Kingsford was refused on account of political bias, the matter ought to be inquired into. He was not sure whether there was or was not political bias in the matter, but he knew that Mr. Kingsford was opposed in politics to Mr. Gore, and he knew that Mr. Gore was shewing strong political bias in the district at the present moment.

Mr. DOUGLAS said that, before the question was put, he wished to say a few words in confirmation of what had just been said by the honorable member for Warwick. He understood from Mr. Green that he did sit on the bench on the occasion referred to, and that, certainly, so far as he was concerned, though he was not on speaking terms with Mr. Gore, the decision came to by the bench was come to on public grounds. For his own part, he thought the bench had exercised an unwise discretion in regard to this case; and he also thought the decision was in contravention of that part of the Act which said that where no notice of objection had been served, and where no objection had been taken, it was not within the discretion of the bench to refuse a license at all. He understood that that was also the opinion of the honorable the Attorney-General, and so they must consider that an authoritative announcement had been made to that effect. No doubt the honorable and learned the Attorney-General did not give that opinion as definitely authoritative, because the case might again come before him for his legal decision. The opinion could, therefore, only be dealt with as coming from a high authority, and it was therefore such an opinion as should attract the attention of benches. Consequently, if in future there should be any doubt on such a matter, magistrates would exercise a due discretion before coming to a decision. The honorable member for West Moreton, in the course of his observations, had used some very hard words with respect to Mr. Gore. There was, he believed, a time when the honorable member and Mr. Gore were not such furious friends as they seemed to be at present, and he did not take exception to the words used by the honorable member with respect to Mr. Gore, as he considered the honorable member was only giving a Roland for an Oliver; but he hoped this would be the finish of their interchange of amenities. He could say for his friend Mr. Gore, from an experience of long personal acquaintance, that though sometimes he might be somewhat intemperate, like the honorable member for West Moreton, he was a gentleman who was characterised by many generous and manly qualities. Indeed, he might say, with respect to both gentlemen, that there was an essential good humor in both of them. But perhaps they were both animated to a high degree by the same national fervor; and he

hoped that as they increased in years, time, which mellowed all things, would also have the effect of mellowing their opinion of each other. There were some public questions on which both gentlemen might be brought to work together with benefit to the public. He had merely made these remarks because it had been said that Mr. Gore was obstructive to all good social feeling, and for his own part he did not think that such was the case. He had known Mr. Gore for a very long time and he had never had any words or any difference with him. However, all that was beside the question; but he had been drawn into making those observations because the honorable member for West Moreton had expressed himself somewhat harshly with respect to an honorable member of the Upper House. As to the question before the House, he thought that the notice that had been taken of the matter would almost be sufficient. He had no objection to the amendment, and if the House considered that the petition should be referred to a select committee he would not oppose it.

The ATTORNEY-GENERAL wished to refer to a remark made by the honorable member for Warwick, Mr. Clark. It was true that he had said he thought the refusal was illegal because there was not a quorum of magistrates on the bench, but he hoped honorable members would take that opinion as one that had been given hastily. He could not be expected to give a legal opinion, which required much calm consideration, in the heat of discussion, and therefore he wished that the opinion he had given would be taken just for what it was worth. He hoped it would not go forth as his absolute dictum. He would endeavor to make himself assured on the point, and when he had done so he would communicate his opinion by circular to magistrates throughout the colony. He was induced to offer the opinion he had given by reading two clauses of the Act together. Those were the licensing clause at the annual meeting, and the clause that enabled magistrates at special monthly petty sessions to grant licenses. He considered, at the time he read those clauses, that at the special monthly petty sessions there must be the same number of magistrates present as at the annual licensing meeting.

Mr. PUGH said he was glad to hear that the honorable the Attorney-General had qualified his opinion; because, as it had been interpreted by the honorable member for Eastern Downs, it amounted to this, that if no objection were advanced to the granting of a license, and the superintendent or person required to report upon the condition of a house reported favorably, the bench would be bound to grant the license. For his part, he should be very sorry to sit on the bench either here or elsewhere if the magistrates were compelled to grant a license under such circumstances. He conceived—and he did not see that his opinion was

stultified by the Act—that the magistrates had a certain amount of discretionary power in their hands, and might refuse to give a license if they had good reasons for doing so, even where no objection was brought before them.

Mr. FITZSIMMONS said there was one great principle involved in the question, and that was whether magistrates were bound to give a reason for their decision in granting or refusing a license. If so, there would scarcely be a respectable man who could be found to sit on the bench. In his opinion, the magistrates had a discretionary power. A very severe charge had been preferred against an honorable member of the other House—whether true or not, it was not for him to inquire. If it were affirmed, he ought not, with any degree of justice, to be allowed any longer to hold the commission of the peace. He hoped the charge would be minutely inquired into, and that, if Mr. Gore were found guilty, he would receive the censure of the House—the censure of the Government and the country—but if not, he would have no remedy against the parties who accused him.

Mr. O'SULLIVAN called the attention of the honorable member for North Brisbane, Mr. Pugh, to the 24th clause of the Act, by which it was clear that the proceedings of the magistrates were judicial proceedings, and that they must hear evidence before coming to a decision. He believed that was a full answer to the honorable member's statement that they had a discretionary power to refuse or accept an application as they liked. He objected to the remark that he had made any disrespectful allusion to Mr. Green, in coupling him with Mr. Gore. He had only coupled them together on the bench. As for Mr. Green, he did not know him personally, and had never heard a word against him either as a gentleman or a magistrate. He had simply stated that Mr. Green had sat on the bench with Mr. Gore, and he thought the latter gentleman was the leading spirit there. He thought some good would result from the debate. He had gained his object, which was, not as one honorable member had stated, to send to Warwick for a petition in order to have a fling at Mr. Gore. He should pursue the same course towards any other gentleman who had acted in the same manner, in order to assist an honest citizen whom he had known for the last fourteen or fifteen years, and help him out of his difficulty. He felt thankful to the honorable member for Eastern Downs for the conciliatory way in which he had spoken, and he could assure that honorable member that he had no personal feeling against Mr. Gore. It might, perhaps, be as well not to press the motion, as he had the authority of the Attorney-General that the whole proceeding was illegal. That honorable and learned gentleman had stated his opinion clearly and calmly, and had informed the House that he should send circulars to the

magistrates of the colony to instruct them in these matters; and when the debate which had taken place went forth to the country, the various benches would no doubt take notice of it. Nothing unseemly had been said of those benches of magistrates, and he was sure he had uttered no word to that effect, or cast any reflection upon any magistrate. He thought it would be better to withdraw the motion altogether, and Mr. Kingsford could make a fresh application next month, or if he failed to obtain justice, the matter might be inquired into by a select committee, if necessary. If the honorable member for Clermont would withdraw his amendment, he would, with the leave of the House, withdraw the motion.

Mr. FITZSIMMONS said the question now belonged to the House. He would not consent to withdraw it after the remarks made by the honorable Attorney-General, which appeared to him to convey an imputation upon the magistrates of the colony, inasmuch as the honorable gentleman had stated his intention of addressing a circular to them.

The ATTORNEY-GENERAL explained that his remarks conveyed no imputation upon the magistrates. What he had stated was that the quorum of magistrates on the occasion referred to was not a proper quorum, and that he had given rather a hasty decision. He had then said that if he found himself wrong he would issue a circular to the magistrates, stating what the real meaning of the Act was.

The question was put,—That the word proposed to be omitted stand part of the question; and the House divided.

Ayes 16.		Noes 2.	
Mr. MacKenzie		Mr. Fitzsimmons	
" Pring		" Francis	
" Archer			
" Miles			
" Pritchard			
" Clark			
" Douglas			
" Groom			
" G. Thorne			
" Pugh			
Dr. O'Doherty			
Mr. O'Sullivan			
" Murphy			
" Ramsay			
" Walsh			
" Stephens			

The original question was then put and negatived.

DAYS FOR DESPATCH OF BUSINESS.

The COLONIAL TREASURER moved, pursuant to notice—

That, unless otherwise ordered, this House will meet for despatch of business at three o'clock p.m. on Tuesday, Wednesday, and Thursday, and at ten o'clock a.m. on Friday, in each week, the sitting on the latter day to conclude at one p.m.

Mr. G. THORN suggested that the question be postponed until next Tuesday, when the sense of a full House could be taken. He thought that Monday ought also to be a sitting day. It was understood by a number of honorable members that Monday was not

to be a *dies non*. It was advisable to get through the business before the summer months. He should oppose the motion if it were not postponed.

Mr. PUGH said he entirely disagreed with the honorable member for West Moreton, Mr. Thorn. Ministers had a considerable amount of labor and responsibility devolving upon them, especially during the session, and required some little time to prepare matters to be laid before the House and to attend to the duties of their respective departments. He would, however, suggest a slight alteration—that the hours of meeting on Fridays should be three p.m. instead of ten a.m., so that the House would sit on Tuesdays, Wednesdays, Thursdays, and Fridays at the same hour. The morning sitting on Fridays had always proved a bug-bear, and very frequently there was no House.

The COLONIAL TREASURER explained that his own idea had been at first to meet on Mondays for the despatch of business; but on further considering the question, he had come to the same conclusion as the honorable member for North Brisbane, Mr. Pugh, that the Government required certain days and certain evenings to prepare their accounts. But he would meet the honorable member for West Moreton half way, and say that if, towards the close of the session, it should be found necessary to sit on Mondays, the Government would offer no objection. With regard to the proposed alteration in the hour of sitting on Fridays, that was a question which had been brought up every session. The chief reason against it was, that there were a good many members who desired to go home on that day, and to remain till the Tuesday following. As far as the Government were concerned it was a matter of indifference which hour was decided upon. He thought, however, that the present arrangement had been in force so long, and had appeared to be generally satisfactory, it was hardly worth while to alter it.

Mr. STEPHENS said he was quite ready to support the motion of the Premier. He thought the present arrangement had worked better than any other.

Mr. O'SULLIVAN pointed out that the alteration would prove very inconvenient to members who resided in the country, who would, if it were made, be unable to get home after a late sitting overnight to attend to any business which might require their presence on Saturday.

The question was then put and passed.