

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 19 SEPTEMBER 1867

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Thursday, 19 September, 1867.

Serving Legal Process on a Member of Parliament.—The Auditor-General.—Interference in Elections by Members of the Legislative and Executive Councils.—Non-Transferable Land Orders.

SERVING LEGAL PROCESS ON A MEMBER OF PARLIAMENT.

Mr. GROOM said, before the business on the paper was proceeded with, he desired to bring under the notice of the House a question which, he was under the impression, affected very seriously the privileges of the House, and also the privileges of honorable members individually. He ought to have taken the opportunity, on Tuesday, of bringing this matter forward; and he should have done so, had he been present when the House met. After consulting with several honorable members, they thought the matter ought to be brought under the notice of the Speaker, in order that individuals interested might receive his advice with reference to the way they should act on similar occasions in future. He might state that when the House met on the afternoon prior to the late adjournment, he was sitting in the Library, and a clerk from one of the solicitors' offices in the town entered, and, producing from his pocket a number of law papers, forthwith served a garnishee-summons on him (Mr. Groom) as representing the municipality of Toowoomba, at the instance of the Bank of New South Wales, in a case against a contractor named Martindale, for which the corporation was made garnishee. The Librarian told the clerk that he had no right to enter within the precincts of the House and serve a member of Parliament with any legal process; but in spite of that officer, the person still persisted in serving process. He (Mr. Groom) believed that, according to parliamentary practice, all members during session, and within the precincts of the House, were free from molestation by legal process of any kind. It was in order to ascertain whether members were to be protected in the performance of their public duties, that

he now brought the question before the House. His case might any day be that of any other honorable member who, at the head of any banking establishment or corporation, held public moneys. There seemed to be an opinion current, that any process of the Supreme Court was competent to upset the jurisdiction of the House, or the privileges of honorable members. As a guide for the future, he desired to have the Speaker's opinion, in order that legal gentlemen might know whether honorable members had privileges or not. He would not attempt to dictate to the House; but, in looking over "May's Practice of Parliament," he thought he could discover that the House had privileges, and that, within the precincts of the House, no honorable member could be served with legal process.

The SPEAKER was not prepared to say that this was an actual breach of the privileges of the House; but it approached as nearly to one as it could. He thought the practice was one to which a stop ought to be put with as little delay as possible. He was glad the honorable member had brought the case forward; for the House ought most decidedly set their faces against the service of process of any kind on honorable members within the precincts of the House or its approaches. He was not sure it was included in those cases contemplated in the rule laid down:—

"Such are, among others, indignities to the character or obstructions to the proceedings of either House; assaulting, obstructing, insulting, or menacing, any member in his coming to or going from the House; so, the endeavor to compel members by force, to declare themselves in favor of, or against, any proposition."

It was very near those described, at all events.

THE AUDITOR-GENERAL.

The COLONIAL TREASURER: Before proceeding with the business, he wished, with the permission of the House, to bring a matter of some moment before them, affecting an officer of the public service. He held in his hand a letter addressed by the Auditor-General to the late Government, tendering his resignation to them:—

"Audit Office, June 12th, 1867.

"Sir,—I do myself the honor of intimating that it is due to the Government, as well as my own position, from the circumstances in which I am unfortunately placed, to tender the resignation of my appointment of Auditor-General of the colony, which I have held for a period of seven years.

"I have, &c.,

"HENRY BUCKLEY.

"To the Honorable the Colonial Secretary."

It appeared that the resignation was not accepted by the Government at the time, and they had not had an opportunity of bringing it before the House—for it was a matter with which honorable members had themselves to deal. The Auditor-General himself, to-day, handed the letter to him (the Colonial Treasurer); and that he took as an

additional tender of his resignation. The only action the Government could take was to bring the matter before the House, not only for an expression of opinion, but for their decision as to what ought to be done in the meantime for the appointment of an officer in Mr. Buckley's place, to act as Auditor-General. With those observations, he left the matter in the hands of the House.

Mr. WALSH observed that, as this was an exceptional case, he thought he should be in order in offering a few remarks to the House. It required special consideration, as much for the benefit of the country as in justice to the individual whose letter had been read; and the House should maturely and properly proceed to it. He would suggest to the Premier, as a wise course in a matter peculiarly affecting the privileges of Parliament, whose servant the Auditor-General was, that a joint committee be appointed to consider what steps should be taken. They owed a very grave duty to the country, at a time when the finances, and the way in which they had been managed, demanded the best consideration; and something should be done. A committee would, at any rate, enable the Parliament to decide what ought to be done to relieve them from the very unsatisfactory state of things now existing.

The ATTORNEY-GENERAL said he did not think his honorable colleague could have acted in any other manner than he had done. The Auditor-General was, under the Audit Act, an officer specially under the control of the Parliament. It was a question, whether or not the Government could so far interfere with that officer as even to bring his conduct before the House; but, from the known position of the gentleman, as proclaimed to the country, through the *Gazette*, they rather left it to the House to take action. The question must be taken up by the House, and the earlier the better; but the point was—who was to be the scapegoat?—who was the member who would make the motion as to what the House should do with the Auditor-General? It was all very well for the honorable member for Maryborough to suggest to his honorable colleague, the Treasurer, to ask for a select committee; but he (the Attorney-General) maintained that a select committee could not be appointed by the House to deal with the question. According to the Audit Act, the course of proceeding was for some honorable member to move that an address be presented to His Excellency the Governor, within the terms and provisions of that Act; and that address should be communicated to the Legislative Council. When an address had been agreed to by both Houses, they might agree to refer it to a joint committee; and the joint committee could then produce a document, which the Audit Act contemplated, respecting the position of the Auditor-General. This was a very peculiar case, indeed. There was no precedent that he or any other member could cite, that applied

to it; and the provisions of the Audit Act were new—never having been acted upon to the present moment. Therefore, it would be unwise to ask for a committee at once, without the House considering, as a preliminary step, what action ought to be taken, if they thought any action ought to be taken in the matter. Of course, he need hardly state that the Government had no desire to prevent the House taking any action. He thought, himself, that it would be far better for the Government if the House would determine the matter at once, than that they should be supposed to screen an officer who, at some future time, might be supposed to have committed a grave mistake. This House, in connection with the Council, should settle the matter as speedily as possible, not only for their own advantage, but for the advantage of the gentleman himself.

Mr. PUGH supposed that no honorable member of the House had not had some anticipation that the Auditor-General's position, which had been painfully public, would be brought before them. It had, however, been introduced rather suddenly. He quite approved of the course taken by the honorable member at the head of the Government; he agreed also with the honorable member for Maryborough, as to the appointment of a select committee. Yet the matter had better rest in abeyance for a few days, in order that the House might arrive at some conclusion as to whether action should be taken by the Government or the House. When he said a few days, he meant a few days; for the sooner the Government and the Parliament were relieved from the responsibility now resting on them the better.

Mr. O'SULLIVAN said an immense mountain was being made of the matter of removing an officer of the public service, when that officer himself had removed all difficulty by his resignation.

The ATTORNEY-GENERAL: It had not been accepted.

Mr. O'SULLIVAN: Well, then, the easiest plan was for some honorable member to propose that it be accepted, without going to the trouble of a committee.

Mr. G. THORN: As the honorable and learned Attorney-General had stated, there was no power in the House, or the Government, alone, to remove the Auditor-General. His opinion was that that officer stood in the same position as the Judges. A case occurred recently that might have some bearing on the present one. Judge Boothby, in South Australia, could not be removed except on address from both Houses, and then the subject had to be referred to the Queen for her assent.

INTERFERENCE IN ELECTIONS BY MEMBERS OF THE LEGISLATIVE AND EXECUTIVE COUNCILS.

Mr. WALSH said the motion he was about to bring before the House had been a very long time on the paper. As far back as the middle of May, he had felt it his duty to give

notice of it; and it was only owing to those interruptions which events in the House had occasioned that he had been prevented from giving that attention to the question which he thought the subject was worthy of. He moved—

1. That, in the opinion of this House, it is contrary to the spirit of the constitution, and imperils the due formation of the representative Assembly, when members of the Legislative and Executive Councils take part in electioneering proceedings.

2. That the conduct of the late Postmaster-General, in addressing the electors at Warwick, during the last election, was improper.

3. That a copy of these resolutions be forwarded, by address, to His Excellency the Governor.

He was aware that, upon the gentleman particularly referred to, the motion would have no effect; he believed he should be doing him only justice when he said that that gentleman was perfectly impervious to any words, any reflections, or any action that could be taken against him by the House. He feared that, so far as that gentleman was concerned, the motion, if carried, would be of little value. Notwithstanding that, and irrespective of the imperfection in the constitution on that point, the House had a very important duty to perform. They must endeavor to repair, as much as they could, that imperfection; and, on every occasion when their privileges were assailed, when dangers beset them, their duty was to avert and lessen the one, and maintain and preserve the others. It would be in the recollection of the House that the present honorable member for Eastern Downs, Mr. Douglas, suddenly took office in the Macalister Ministry, as Colonial Treasurer. At that time, the Honorable St. George R. Gore was Postmaster-General, and, he (Mr. Walsh) believed, very faithfully performed the duties found necessary in his office; but, no sooner was it deemed requisite by the Government, or for some other reason, that the gentleman who had then taken office was to be returned for a Downs constituency, than the Postmaster-General left his office, forgot his duty to this House as a paid servant of the country, forgot his duties as a member of the Legislative and Executive Councils, and officiously interfered with the election—he thought he might say, officiously interfered, because, without his interference, the present member for Eastern Downs would certainly have been returned, and would have received a larger majority than he had polled.

Mr. DOUGLAS: He was unopposed.

Mr. WALSH: He was confounding the two elections. It appeared that there was no opposition at the first election, so that no Government interference was needed. The dissolution which had ensued prevented him from moving the resolutions he had tabled with reference to that first interference. But another election soon took place for the same constituency. Notwithstanding the warning, notwithstanding the information,

which his motion ought to have conveyed to the Postmaster-General, and the opportunity thus afforded to that member of the Executive of correcting his ignorance—of seeking knowledge for himself, and ascertaining that his course was diametrically opposed to the course pursued by others, his peers, in the same position, in England;—notwithstanding all that had occurred, that member of the Legislative and Executive Councils again went up, and, in defiance of the rules, of the niceties, and of the prerogatives of the Assembly, he paraded himself—paraded his person—his voice—and, he (Mr. Walsh) would say, his vulgar language—to the benighted constituents. Benighted must be that constituency that could listen to the rough and vulgar language of the gentleman to whom he alluded. It was evident that the Postmaster-General had been sent up as a political agent;—for, judging from his language, the Ministry of the day must have felt themselves so weak that, rather than lose an opportunity which they fancied they possessed, they set aside the privileges and the practice of the House—derived undoubtedly from the British Parliament—to save their tottering position. He thought he could safely say that there was only one amongst that Ministry who could use such language, to insult and degrade their opponents. He asked if the House would tacitly submit to such interference? Would they complacently submit to such insults from a Postmaster-General—by that designation he spoke of him; but, thank goodness, the position was not now occupied by him? That member had said—

“At the time he took office as Postmaster-General, the country was in a very critical state, but he hoped that they had seen the worst;”—

It must have been then, certainly;—that he should have been in office!—

“and he had no doubt that on the arrival of the next mail from England, news would be received of a very satisfactory nature, so as to enable the Government to proceed with the public works. He was glad to say that money was again plentiful at home, and a great deal of the success in getting out of their difficulties was owing to the efforts of his deceased friend, Mr. McLean, as well as”——

Mark the impudence!—

“as well as to the electors of the Eastern Downs.”

Of all the outrageous statements that mortal ever uttered, that was the chief. One of the rights and privileges of the Assembly, of which honorable members should be most jealous, was, that elections should be carried on free from Government control. Again, the Postmaster-General went on—

“Some mention had been made that another candidate would be brought forward, but he believed they could not choose one more suited than the present candidate.”

The object of the motion was to shew that it was improper for a member of the Legisla-

tive and Executive Councils to offer such opinions; and he would shew by reference and by quotations, both from “May” and from the records of the Imperial Parliament, that it was a positive infringement of the privileges of the House of Commons and of the Assembly, for a member of the Legislative and Executive Councils so to interfere with elections for the Assembly. Instead of being in that sadly mismanaged department, the Post Office, they found the Postmaster-General uttering the following on behalf of the Government candidate:—

“It had been stated that the action of the Government in making the appointment”——

that was, of the Colonial Treasurer—

“was unconstitutional. He should not refer much to that point, but merely give it the most emphatic denial. The Crown had a decided right to make the appointment, but it rested with the electors of the Eastern Downs to indorse that appointment by sending Mr. Douglas as their representative.”

That was the language used by the Honorable St. George Gore, which had caused him (Mr. Walsh) to place his first resolutions on the paper of the House. He would now refer to the language which the Postmaster-General had used on the second occasion, and which again reminded him that it was his duty to move in the matter. This occurred about June 27, 1867; and, he might say, that amongst the friends who were associated with Mr. Gore, on the occasion, were—one F. Hudson, who was known to fame; Mr. Conquest, Mr. Amies, and Mr. Meyer.

“The Returning Officer then declared the Honorable J. Douglas as duly elected to represent the Eastern Downs in the Queensland Parliament.”

That was satisfactory, so far;—nobody could take exception to that. But he (Mr. Walsh) maintained that when the Honorable John Douglas was returned, he should have known his duty; and, seeing that he was then a member of the Assembly, he should have turned round to his colleague, who had no business on the platform that day, and said—“Begone from here. Rumor reaches me from every direction that you are wanted in your office; that by your fittings and runnings about, the business of the country is neglected. By your presence here, you are interfering with the prerogatives of the Assembly; and, although I joined the Ministry to which you belong, I will not join in those acts which you seem capable of indulging in.” That was the language he (Mr. Walsh) believed the successful candidate of that day should have used. And the House, while prepared probably to pass something like a vote of censure on that member of the Legislative and Executive Councils, would have been equally glad to have done homage to one of their own members who should thus, out of the House, have protected their privileges, and shewn that neither party nor place would

let him wink at an infringement or a violation of them. On that occasion, however, the Honorable St. George Gore,

“on behalf of Mr. Douglas, thanked the electors for the proud position in which Mr. Douglas had been placed. He justified the policy of the Government in reference to their land policy and immigration scheme. He regretted that he had been unfortunate enough to oppose some of the ‘great little’ men of the black soil”——.

Was that the language which a member of the Legislative and Executive Councils—a Government, a political touter—should use; even when he accepted his degrading position? Was that language which should be used towards some of the most useful, the most maligned, men in the colony? It required a member of the Government to do that; and when he was capable of doing that, he was capable of infringing the privileges of the Assembly, and insulting its members. Not satisfied with interfering in one election, he availed himself of the opportunity of interfering with another. Though not addressing the electors of Warwick, the Postmaster-General knew that many of the electors of Eastern Downs, whom he was addressing, were electors for that town, he, on the same occasion, said:—

“He hoped the electors of Warwick would not stultify themselves, but that they would return a member for the town who would not counteract the vote of the member of the district. They knew the proverb”——

He should have said they knew the vulgar proverb—

“That a nod was as good as a wink to a blind horse.”

And, said that member of the Legislative and Executive Councils—that Postmaster-General of the day—that confidential adviser of the Governor—that chosen councillor of his colleagues—

“He hoped they understood the kind of wink he gave them.”

The House would know, too, what kind of a wink the late Government gave, when they sent one of their members touting through the country, and at the same time committing an outrage on this House, which he would now endeavor to prove was in contravention of their undoubted rights and privileges. According to “May”——

“On the 10th December, 1779, the Commons resolved that it was “highly criminal in any minister or ministers, or other servants under the Crown of Great Britain, directly or indirectly, to use the powers of office in the election of representatives to serve in Parliament.”

And, further, he quoted the following resolution, which was to be found elsewhere in the proceedings of the Parliament of the day. It was this—

“The House also passed the following resolutions, in condemnation of irregular practices to influence the freedom of election:—

“That no peer of this realm, except such peers of Ireland as shall for the time being be actually

elected, and shall not have declined to serve for any county, city, or borough of Great Britain, hath any right to give his vote in the election of any member to serve in Parliament.

“That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom for any Lord of Parliament, or other peer or prelate, not being a peer of Ireland at the time elected, and not having declined to serve for any county, city, or borough of Great Britain, to concern himself in the election of members to serve for the Commons in Parliament, except only any peer of Ireland, at such elections in Great Britain respectively where such peer shall appear as a candidate, or by himself, or any others, be proposed to be elected; or for any Lord-Lieutenant or Governor of any county to avail himself of any authority derived from his commission to influence the election of any member to serve for the Commons in Parliament.”

Now he maintained that the words “any Lord of Parliament” meant, so far as the House was concerned, any member of the Legislative Council.

Mr. DOUGLAS: Oh, no.

Mr. WALSH: He was not surprised to hear the honorable member for the Eastern Downs say “No”; but it was laid down in the Commons’ journals, and was quoted in “May”——

“That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom for any Lord of Parliament, or other peer or prelate, not being a peer of Ireland at the time elected, and not having declined to serve for any county, city, or borough of Great Britain, to concern himself in the election of members to serve for the Commons in Parliament, &c.”

That motion was carried. Now, he might safely say that there was hardly a member of the reading public in this colony, when he found that the Postmaster-General was interfering in the election of the honorable member for the Eastern Downs, but felt that that gentleman had committed a serious offence against the rights and privileges and the safeguards of the Legislative Assembly. He was sure that it was a common expression uttered at the time. Wherever he went, he read or heard or saw statements to that effect. Now there must be a great similarity between the necessary safeguards of the institutions in this country and those at home, when the feeling could have been so general as it was then expressed, that that member of the Executive Council had committed a breach of the privileges of the Assembly in taking part in the election of the honorable member for the Eastern Downs. But more than that, it was thought by many that it was a very grave question whether the honorable gentleman had not actually invalidated the election of the honorable member for the Eastern Downs,—whether the interference of an honorable member of the Upper House in the election of a member of the Assembly did not amount to that; but he must admit that he did not

see that either the Electoral Act or the Constitution Act warranted such a construction, though they might justify the hope that such should be the construction. He trusted the interference which the late Government had exercised in the elections in this country, but in that instance, at any rate, would convince the House of the necessity of amending the Electoral Act so as to prevent, on all occasions in future, the Government interfering in the election of members for the Legislative Assembly. It was a notorious fact that during the last elections a great deal of Government interference was exercised, that intimidation was exercised, and, more than that, that something like Government patronage and Government advantages were exercised and used. And he felt quite sure that if the House would permit in any one way the integrity of electors to be violated, whether by the mere wordy vulgar interference of a Minister of the Crown, or by the use of the telegraph, or the power of dispensing offices, or the power of using threats, it would not be long before the Legislative Assembly would cease to be a representative institution, in the real sense of the word—it would not be long before the House would become a mere machine of the Government that had, for the time being, the control of the expenditure. He trusted there would be a common accord in respect to the motion. He did not believe that his honorable friend the member for the Eastern Downs would get up and defend his late colleague. He hoped the honorable member had a superior feeling to that, and that notwithstanding the strong feeling he had had for that eminent individual, he would shew that he had a greater affection for the privileges and advantages and welfare of the House. He hoped the patriotism of the honorable member would rise superior to his own feeling on the present occasion; and that he would say that he not only felt the inconvenience of the Postmaster-General's interference in his election, but also felt unmistakeably that that honorable gentleman had done that which was an interference with the privileges of the House, and derogatory to the Government which he had joined. He hoped all honorable members would find that to have been the case, and that they would remember that they had a precious privilege here to guard, and shew they were determined that not in one instance would they allow, by one jot or tittle, their powers or privileges to be tampered with.

Mr. GROOM seconded the motion.

Mr. DOUGLAS said he had not had time to refer to the reports from which the honorable member had quoted, but he remembered pretty correctly what did occur on the occasions he referred to. Before proceeding further, he felt he must really congratulate the honorable member on having amused the House for a considerable part of the afternoon. There was nothing important coming on he imagined, and such being the case, the

honorable member felt he could air his eloquence at the expense of the Honorable Mr. Gore and himself. He must say he thought the honorable member attached altogether a greater importance to this matter than it deserved; and he thought he would be able to shew the House that if the honorable member did think that an infringement did take place, he should have briefly stated it; but the honorable member had assumed such a tragic air about its being a breach of the constitution, and an infringement of the privileges of the House, as to render his proceedings ridiculous. The resolution appeared to him to be perfect twaddle. If the honorable member had refreshed the House with anything so refreshing as the honorable member for the Kennedy provided in the resolutions of which he had given notice, and in which large principles were treated in a worthy manner, he should have been glad to devote his time and any little ability he had to the discussion; but he thought it was almost time wasted to bestow it on the resolutions in their present shape. Now, what did those resolutions say? They said that the House ought to affirm—

“That, in the opinion of this House, it is contrary to the spirit of the constitution, and imperils the due formation of the representative Assembly, when members of the Legislative and Executive Councils take part in electioneering proceedings.”

In support of that general assertion the honorable member quoted the little occasion at Warwick, when his honorable friend Mr. Gore and he met, when there was no contested election, and no excitement, and very little political feeling abroad, when the universal feeling was one of regret at the untimely fate of the late Colonial Treasurer, and when there was no probability of a candidate coming out in opposition to himself. The honorable member had applied terms to Mr. Gore which he (Mr. Douglas) did not wish to apply to him. Every body knew that Mr. Gore was an ardent partisan, and that he entered heartily into all public matters in which he took any part—too heartily, perhaps, in some; and because he expressed himself freely to those with whom he did not agree, he was spoken of by some as a bore or a bear. Everyone had their own peculiarities of manner, and Mr. Gore had his. He was not the only one who expressed himself freely. There was no one, for example, who expressed himself more freely than the honorable member for the Western Downs, Mr. Taylor, but every honorable member at all times received his remarks with a great deal of pleasure. His honorable friend, the Colonial Secretary, also expressed himself very freely and very openly, but no one valued his statements the less on that account. It was perfect nambypamby sentimentalism to say that because a man indulged in strong terms occasionally, he should therefore be stigmatised in the way the honorable member for Maryborough had

stigmatised the Honorable Mr. Gore. Honorable members, if they were to take for granted all that the honorable member had said, must imagine that their privileges were endangered, that Mr. Gore's influence and his own influence were so great, that really it was of the highest importance to the country that there should happen to be such a conjunction of notabilities as on the occasion referred to, that their meeting was fraught with danger to the constitution, and that, because they expressed themselves freely on matters of public importance, they should be treated as conspirators. Now, he would ask to be allowed to consider who the members of the Legislative Council were. It had been assumed by the honorable member for Maryborough—and he took it from the expressions that greeted his remarks by some honorable members, that they concurred in his views—that the members of the Legislative Council were in a similar position to the peers of the realm. The honorable gentleman went on to quote a passage from "May," to the effect that a resolution had been passed by the Commons, stating that it was a high infringement of the liberties and privileges of the Commons for any Lord of Parliament or other peer to concern himself in the election of members to serve for the Commons—and so on. Well, it was perfectly ridiculous to place members of the Legislative Council on a footing with peers of the realm. What was the position of the peers of England? They were the hereditary councillors of the Crown. They were the great council, and possessed territorial and hereditary rights extending throughout the history of the country. But the position of members of the Legislative Council here was very different. What were Legislative Councillors? They were simply those gentlemen who were nominated by the Executive Council for the time being. And what was the Executive Council? They were a committee of the Legislative Assembly. The Legislative Council was a constitutional body having special functions to perform. But the members, being appointed by the Executive Council, were virtually appointed by those elected by the people. From the way the honorable member spoke of members of the Legislative Council, one would be led to think that they were sublimated beings, who could not take part with other people in the common usages of society. He would almost expect next to hear the honorable member move that those gentlemen should wear the Windsor uniform. He took it that a leading defect in their appreciation of the Legislative Council was that originally in these colonies, the Legislative Council so far was a special sort of oligarchy, appointed at the time by an exclusive party. They were so nominated by the Crown without the intervention of ministers, and in consequence formed a sort of oligarchy of the Government, and a sort of prestige attached

to those nominees that did not now attach to them; and in that way the people of the country had got to look on them in a different light from that of being representatives of the people, which they were.

AN HONORABLE MEMBER: No, no.

Mr. DOUGLAS: He maintained that indirectly they were representatives of the people, and he was convinced that honorable members of the Legislative Council would approve of what he said in that respect. Undoubtedly the nominations were made by the Crown, but by the Crown with the advice of the Executive Council; and if the Executive Council possessed the confidence of the House, the Legislative Councillors appointed by them were merely a reflection of the governing body in the Assembly. Such were his views, and he was sure they would stand the test of investigation. The nominated Upper House in this colony had always been a popular body;—it had always identified itself—and always would, he believed, identify itself—with the people at large, and, such being the case, it was mere rubbish to attach to them such privileges as the honorable member had sought to affirm with regard to them. He had no doubt that his honorable and learned friend opposite (the Attorney-General) remembered with pleasure the time he spent in the Upper House; and if he did not, might not the tendency of their legislation, and the tendency of administration, and of appointments that might be made to the other House, prove more attractive than they seemed to have been to his honorable friend? He hoped the House would understand that he wished to give to the Upper Chamber every respect that was due to a constituent body under the constitution; but to say that the members of that Chamber were in any respect similar to the House of Lords, was simply ridiculous and untenable. What was the course taken, the other day, in the matter of the confederation of the North American colonies?—it was, that by preference and experience they had adopted the nominative principle of an Upper House. That course had been taken after many years of experience, and it was now advocated on the principle that he had endeavored to explain to the House. In that way it was found that a more satisfactory representation of the people was obtained. There was this distinction in the system, that the nominations must be made for special districts; and it was quite possible that that feature might with some advantage be introduced into the constitution of this colony. He had now said that much with respect to the Legislative Council, and he would now go on to say a few words with respect to the Executive Council. The honorable member for Maryborough also quoted a passage from "May," stating that—

"On the 10th of December, 1779, the Commons resolved that it was highly criminal in any

Minister or Ministers, or other servants under the Crown of Great Britain, directly or indirectly, to use the powers of office in the election of representatives to serve in Parliament."

Quite true. He also thought it would be very undesirable under any circumstances that the Ministers of the Crown should use their influence at elections in order to secure their ends; and for his own part he would most seriously deprecate anything of the kind. But he would affirm that nothing of the kind took place at his election. Of course he would admit that the Government for the time being must always exercise some influence on the elections. As he took it, they were in such a powerful position as rendered it probable they would do so. But it was not desirable they should do so, and he had never affirmed that. It was a tendency that should be checked, if possible, in every respect; but he did not think the honorable gentleman had proved any special allegations in this case, or that the Honorable Mr. Gore, being a member of the Executive, exercised his influence to secure his (Mr. Douglas's) election. It might not be expedient that members of the Executive should exercise their influence to secure the election of any particular candidate, but it might be better to leave such matters to those who were likely to participate in them, and to lay down no rule upon the question. Were they, he would ask, to reduce themselves to the ridiculous position of preventing a member of the Executive Council from taking any part in an election?

Mr. O'SULLIVAN: Undoubtedly.

Mr. DOUGLAS: Undoubtedly he must, for he was sometimes a candidate himself. On many occasions a member of the Executive did enter thoroughly into the political feelings of the time, and to give effect to them he must take a personal share in the proceedings. Would the honorable member say that if any member of the Government had been opposed—it might be a matter of taste if he would interfere personally—but were they to affirm that, if he could spare the time he should not?

Mr. WALSH: Yes.

Mr. DOUGLAS: Well, if such a decision were come to, it would prevent any member of the Executive from taking a share in the political affairs of the colony. Now he would maintain that, so long as he was a member of the House, he should wish to give effect politically to his feelings; and he should feel that being a member of the Executive he should be more justified in exercising his influence to carry the principles he believed in. Now, what were the feelings of constituencies with respect to Executive councillors. Any experience that he had had himself,—and it was confirmed by observation in other cases—shewed him that constituencies did not look with any great favor on members of the Executive Council. As their representatives, constituencies preferred

very much to have independent members for their representatives. He had himself been told over and over again,—“You are a member of the Government, and therefore you are not likely to look after us as well as you would do if you were an independent member.”

Mr. WALSH: I have been told the other thing.

Mr. DOUGLAS: Well, he had never been told the other thing, for he had not been in a position to do much as an Executive councillor; but, he had no doubt, that the fear of punishment, or the hope of reward, might effect some other constituencies. He could only say, that his experience went the other way. He was convinced, that on the last occasion of his election he would have fared even better than he did, had he not been a Minister of the Crown. If a Minister of the Crown was to do his duty, he must at times be disagreeable to his constituents. The constituency said,—“We have sent you to Parliament, and you happen to be one of our chief men, and you can get what you like for us.” Well, the reply to such an observation as that, on the part of a conscientious Minister, was, that the very position he was in, made him the more careful as to what he would do for his constituency. A good Minister, with a conscientious feeling as to what was his duty, would feel that he was so restrained. He would now briefly refer to the second of the resolutions proposed by the honorable member. It was

“That the conduct of the Postmaster-General, in addressing the electors at Warwick during the last election, was improper.”

Well, that resolution seemed to him very like assuming the management of affairs for the Legislative Assembly itself; and the resolution in that light amounted to saying to a member of the Upper House, who was lately a member of the Executive,—“We are masters, and we have to tell you that you have been a very naughty boy—a very bad boy, and we will give you a little tap, and will pull your ears for you.” That was in effect the second of the resolutions which the honorable member proposed to carry; and that simply because the honorable gentleman had made a few remarks at an election meeting, and not even at the nomination. The honorable member had referred to the fact that the Honorable Mr. Gore returned thanks for him on the occasion of his election. Well, as he had important business himself to perform at the Treasury, he could not leave Brisbane to be present at the declaration of the poll; and Mr. Gore, not having such pressing business to keep him in town, was able to be present at the election, and returned thanks on his behalf; but that was all. When he said so, however, he was far from admitting that Mr. Gore neglected his duty at the Post Office in the way the honorable member had charged against him. Mr. Gore was not

the permanent head of the Post Office, but the political head; and he was only called upon to give his opinion on general principles, and at meetings of the Executive Council on matters respecting the Post Office. He had at the time a very efficient manager in the chief clerk, from whom he received efficient assistance in respect to all the details of the Post Office. The third of the resolutions he hoped would not be carried, for it would not redound to the credit of the House if it were carried, and an address forwarded to His Excellency in terms of the first two resolutions. As to the rights and privileges, and dignity, and all that sort of stuff, which was imputed to members of the Legislative Council, as the mimic lords of the realm, it was all nonsense. Though he thought the resolutions were frivolous, he would admit that the honorable member thought it his duty to give some importance to them; and he had assured the House that he had bottled them up for the last six months, but had not had an opportunity, all that time, to utter them, and now he hailed with joy the occasion that was at last before him.

Mr. CLARK said he was sorry, for some reasons, that this motion had been brought forward, and glad of it for others. He was sorry that the name of Mr. Gore had been brought up in the matter at all. He thought it might have been better that the name of that honorable gentleman had been omitted from the motion, and that the words "by a member of the Executive Council" had been used instead. He was sorry that the gentleman's name had been used, especially after the debate of the previous day, in which it occupied so prominent a place. With a great deal of what had fallen from the honorable member for the Eastern Downs he could not agree. He could not hear the proceeding complained of as a very trivial matter, for he thought there was a great principle involved in it; and he fancied that the election for the Eastern Downs was not the only one at which such practices had taken place. The honorable member for Maryborough had not stated the whole case, but perhaps he did not know it all. He hoped that, though he was one of the candidates at the Warwick election, it would not be considered bad taste on his part to endeavor to make the House acquainted with some of the facts in that case. At the first election for the Eastern Downs, after the sudden death of the former member, there was no opposition, and Mr. Gore indulged the electors with a long oration. The honorable gentleman, he thought, did not do any harm on that occasion; the electors looked upon him as a bore more than anything else. He did not know what took place at the second election for the Eastern Downs, as he was not present, being too much occupied about his own election for Warwick. But Mr. Gore also had a good deal to do with the Warwick election. The question appeared to him to come to this—whether a Minister

for the time being was to be allowed to go to the constituency where he lived, and use all the power he could personally and as a Minister, to influence the constituency to get his own man returned; and whether the House thought it was good taste or etiquette to do so. He was prepared, if it should be necessary, to shew that there were other Ministers, besides Mr. Gore, who used their influence in election proceedings. If the House thought it was good taste for Ministers to do so, then Mr. Gore did right; but if the House did not think so, then Mr. Gore was greatly to blame. The facts of the case in respect to his own election, he would now briefly state to the House. Mr. Gore brought forward Mr. Simon Meyer as a candidate for Warwick, and canvassed for him, and openly declared that Mr. Meyer was the man for the Macalister Government; and in returning thanks to the electors of the Eastern Downs, on behalf of Mr. Douglas, who was unable, as honorable members had heard, to be present, he addressed the electors of Warwick in the words quoted by the honorable member for Maryborough from his speech on the occasion, as reported in the local paper. The honorable gentleman told the electors that they knew who his candidate was; that a nod was as good as a wink, and that the only man who would be acceptable to the Government was Mr. Simon Meyer. But that was not all. That speech was made in the morning, and in about an hour afterwards the nomination for Warwick took place, and from that time till the day of election, he had no hesitation in saying that Mr. Gore used his own influence, and the influence of his party, to secure the return of his candidate. Again, on the polling day a telegram was received from Mr. Macalister, and was printed and circulated by Mr. Gore and his party, stating that Mr. Meyer was the man for his party, and that every one who was a friend of Mr. Macalister should vote for him. Those were not the words of the telegram, but they were the substance of it. Now, he maintained that no Minister was justified in attempting to influence a constituency by such means; yet the telegram was printed and circulated by Mr. Gore and his party. He would not express any opinion as to Mr. Gore's conduct at the election, nor with respect to the language used by the honorable gentleman. Far be it from him, indeed, to say that the honorable gentleman used rough language, or to say one word otherwise against him personally. He took it that the House had to deal not so much with Mr. Gore as with the principle involved in his conduct. He believed that in some cases the influence of the Government had been exercised more grossly than in the case of the Warwick election; and he therefore thought it was for the House to decide whether in future electors should be allowed to decide as to who should represent them, or

whether they were to be subject to the influence of members of the Ministry—because, as honorable members must know, such influence was not to be despised. He could not say who voted for him, and who did not; but he ventured to say that where there was a large number of Government employees, the Government, in nine cases out of ten, could command their votes. Therefore, it was not the conduct of Mr. Gore, so much as the conduct of the Ministry of the day, the House had now to consider and provide against.

Mr. PUGH said that as this was a matter that had now been before the House for some time, and as every honorable member would vote upon it if the motion came to a vote, he desired to say that he would vote in support of the motion of the honorable member for Maryborough, because he considered that the interference of the late Postmaster-General, in the elections at Warwick, was altogether uncalled for. The honorable member for the Eastern Downs had endeavored to cast what he considered was something like a slur upon the body of which he was formerly a member; because he felt assured that, if the Legislative Council, while the honorable member was a member of that House, had been called upon to decide if it might assume to itself privileges similar to the House of Lords at home, he would have been the last to express dissent. In the colony they had, whether fortunately or unfortunately he did not pretend to say, a constitution which was supposed to assimilate the legislative bodies to the Parliament of Great Britain. They had here a Legislative Council and a Legislative Assembly. The Legislative Assembly had endeavored to assimilate their proceedings to those of the House of Commons, and had adopted, as a guide, the rules and proceedings of the House of Commons. Honorable members also knew, as a positive fact, that the Legislative Council endeavored—and he thought very properly so—to guide its proceedings according to the regulations of the House of Lords. Now, the honorable member for Maryborough quoted a paragraph from “*May’s Practice of Parliament*,” that did not seem to be answered by the honorable member for the Eastern Downs. That passage entirely bore upon this case. It said that—

“On the 10th of December, 1779, the Commons resolved that it was highly criminal in any Minister or Ministers, or other servants under the Crown of Great Britain, directly or indirectly to use the powers of office in the election of representatives to serve in Parliament.”

Now, he did not say, and he had not heard it said, that Mr. Gore, or the late Postmaster-General, appeared on the hustings as the Postmaster-General, or that he took any part in the election ostensibly as a member of the Ministry; but honorable members would admit that, as a matter of taste, it would

be better for members of the Ministry not to take part in any elections except their own. For his own part, he felt that, if he relied in any degree for his election upon the personal or active interest of any member of the Government, he should be considered to be in a very sorry position. He had never yet been in such a position, and he hoped he never would be, in any election he might be concerned in. The honorable member for the Eastern Downs, in his speech, all along referred to his first election for that district when there was no opposition; but the honorable member for Maryborough did not refer to that election at all, but to the last election, when there was opposition. Now, he maintained that when a member of the Ministry appeared on the hustings at one election, to return thanks for the election of an honorable colleague in office, and took an active part in a subsequent election in the same district, he was exercising an undue influence; and he thought the House should take care that no member of the Ministry should interfere in that way. He might say that he had heard of elections in which the Ministry had interfered in a very gross and unjustifiable manner. When a Minister went so far as to tell one of the subordinates in his department that an election was going on, that he and his colleagues were employees of the Government then in office, and that though they might go and vote, they must recollect who they voted for—when a Minister did that, no one, he thought, would pretend to say that he was not using an undue influence in electioneering matters. Now, it had been stated by the honorable member for the Mitchell, that such a thing took place during his tenure of office. He did not remember who the minister was that did so, nor did he care now to know; but he thought that such conduct should be put a stop to, by having the matter brought before the House at once, and having a vote of censure passed upon the Minister for attempting to exercise an undue influence on an election. There was another question which seemed to arise naturally out of this motion, and that was—whether the office of Postmaster-General should be a political office at all? For his own part, he must say that he did not see any necessity for its being so. The office was created a political office merely for political purposes, and in order to suit the circumstances in which the Government of the day found themselves placed. He did not think there was any necessity for the constant changes that must ensue in the department in consequence of the office being a political one. He took it that the Postmaster-General should be a person who was capable of attending to the duties of the office, and who should be constantly at his post, instead of being constantly absent from it, in order that too much power and responsibility should not be thrown upon

persons who were subordinates in the department, and who had to prove their capability for the positions they were supposed to occupy. He thought the Government might manage by a distribution of offices, to have a representative of the Government in the other House, without having the Postmaster-General there; and he hoped the matter would be taken into consideration by the present Government, with a view to an alteration of the present arrangement. He thought that some good would arise out of the present discussion, although the House arrived at no other conclusion than that of expressing their disapprobation at any member of the Government interfering directly or indirectly in an election when any member of the House came before his constituents, no matter whether on the occasion of a general election or at any other time.

Mr. BELL said he thought, when this motion was moved by the honorable member for Maryborough, that he would have shortly found the feeling of the House was strongly opposed to it; but he was surprised to find that even so far as it had gone, the motion had found some favor in the minds of some honorable members of the House. It appeared to him that as it stood on the notice paper—supposing its merits to be as useful and as strictly in accordance with the constitution as the honorable member had stated to the House it was—the motion, notwithstanding its clear concurrence with the constitution, was in itself ineffectual and useless; and he thought he might go farther, and say that, as regarded the other branch of the Legislature, it was an irritating motion, and one that would have little effect upon honorable members of that chamber. Now, what was the first of these resolutions? It was this:—

“That, in the opinion of this House, it is contrary to the spirit of the constitution, and imperils the due formation of the representative Assembly, when members of the Legislative and Executive Councils take part in electioneering proceedings.”

Now, supposing that such was the case, he questioned very much whether it was at all, as stated by the honorable member who moved the resolution, so strongly illegal as he had represented it to be, for members of the Executive Government, or of the other branch of the Legislature, to take part in election proceedings. But, suppose it was the case, the motion merely proposed that the House should declare that to be the law which the honorable member said was the law. Now, that was all that the first part of the resolution proposed. If the honorable member had proposed that the House should pass a vote of censure on some member of the Legislative Council or of the Legislative Assembly, there would have been something worth in it. Or if the honorable member had brought the late Postmaster-General, or some member of the late Government,

to the bar of the House, or had proposed something practical, the motion would have been worth the time the House was called upon to give to the consideration of it. But when he found the honorable member endeavoring to put the Upper House in a position similar to that of peers of the realm, it seemed to him, as was well observed by the honorable member for the Eastern Downs, to be simply ridiculous. There was no analogy whatever between the position of peers of the realm and the position of members of the Legislative Council. And he would go farther than say that there was no analogy, and call the attention of honorable members to the fact, that the precedents the peers of the realm had shewn for years past had been directly in favor of the course that was taken by an honorable member of the Upper House, and who had been spoken of so grossly by the honorable member for Maryborough. It was a fact that the peers of the realm took a most prominent part in elections in England; and it was well known that many of the most important elections were turned by the action of the Lords in the constituencies in which those elections took place. He was not prepared to say whether it was legal or illegal for peers of the realm to do so; but if the peers of England were referred to in support of such action as it was proposed should be taken towards an honorable member of the Upper Chamber of this Parliament, it should be shewn that such action was taken by the House of Commons towards any peer of England for taking part in any election. Now, he maintained that no such action was taken in England towards peers for taking part in elections. At any rate, he was not aware that there had, nor had the honorable mover of the motion before the House shewn that such was the case. But suppose it were the case, and suppose the motion before the House to be carried, what would the honorable members of the other chamber say about it? They would not agree with the resolution till doomsday, and they would continue to go to elections as often as they liked, and to make speeches as they had done before. The allusion in the motion to Executive Councillors was the portion of it that he felt most. It was due, he maintained, whoever they might be, that some attention should be paid to the position of Executive Councillors. Now, if the resolutions before the House were passed, no honorable member, who might accept office as a minister of the Crown, could go before his constituency and take part in his own election—for the resolution made no exception. He did not know that there was any difference between an Executive Councillor and any other man when he went before a constituency for election, except that he had a greater difficulty with his constituents. The greatest difficulty a member had to encounter in going before his constituents for election

consisted in his being a member of the Executive. But whether that was the case or not, he thought the House would be stultifying itself if it were to pass such a resolution, and he hoped the House would not come to such a decision. He must say that it seemed to him to be the wish of some honorable members to waste the time of the House in discussing worthless motions; and in saying that, he certainly did not wish to exempt the honorable member for Maryborough, but felt it to be his duty to call the attention of other honorable members to the fact that that honorable member took up a very large portion of the time of the House with discussions on resolutions that were in no way more valuable than the one now before the House. Before sitting down he thought it necessary to state that it had not been his intention to address the House upon this subject, because he thought that no other honorable member but the mover of the motion, and the honorable member for the Eastern Downs, who had a particular interest in the question, would have addressed themselves to it; but as it had already gone so far that two other honorable members had addressed themselves to it, he thought it was time to express a hope that no such resolution would obtain a favorable footing in that Assembly.

Mr. O'SULLIVAN said he was not surprised that the honorable member who had just sat down was a little annoyed at the introduction of such a resolution as the one now before the House; but he was a little surprised to hear him make statements, the sum and substance of which was that no other honorable member had any concern in the motion but the honorable mover and the honorable member for the Eastern Downs. Now he maintained, on the contrary, that every honorable member of the House was concerned in the motion, and that the public were concerned in it as much as honorable members were. He did not agree either with the honorable member for West Moreton, Mr. Bell, in the opinion that it was always a disagreeable thing for a Minister to have to go before his constituents. An Executive Councillor was always well received by his constituents when he was found taking part in measures that were for the good of the public; but when they were found passing laws that were oppressive, and when they were found to increase in culpability the longer they were in office, the public were glad of the opportunity to kick them out. That was the case generally, but it was not the case with the honorable member for West Moreton himself, for he had always been very popular with his constituents; and he could assure the honorable gentleman that it was his personal popularity, and not his connection with the late Ministry, that secured his return at the last

election. He was surprised at the strong endeavor made by the honorable member for the Eastern Downs to evade the real question in addressing the House in opposition to the motion. The honorable member displayed considerable power of oratory, but he did not touch the question at all. The honorable member gave the House a very able lecture; though, perhaps, it was a little antiquated, and somewhat ante-diluvian, when he told the House what the peers of England were, and that they had certain hereditary rights. But that was not the point. The question before the House was this—whether a member of the Upper House had a right to take part in elections. That was the whole question.

MR. BELL: That was not the whole of the resolution.

MR. O'SULLIVAN: That was the whole of the question, at any rate, and there was no necessity for hair-splitting about words when honorable members were agreed that members of the Legislative Council should not take part in elections. The members of the Upper House were not appointed by the Executive Council, but by the Governor with the advice of the Executive Council; and there was not a shadow of relationship between them and elected members, nor was it intended there should be. Neither in their appointment did they reflect in any way the opinions of the people, nor was it intended they should. He entirely agreed with the honorable member for Maryborough, that there was not any penalty attached to the clause in the Electoral Act by which members of the Legislative Council were prohibited from taking part in elections. But the principle of English law was that there was no wrong without a remedy; and it was clearly laid down that where there was no penalty, the law stepped in and made a penalty. He had tried a case himself against Mr. Gore for interfering in election matters—for sitting on the bench at a revision court at Warwick. The matter was brought before the Attorney-General and the Executive Council; but the decision that was come to was that nothing could be done, because, though the Act provided that members of the Legislative Council should not sit at revision courts, there was no penalty attached. Now that was not a very learned decision, he thought; but the decision was given, he believed, designedly in favor of a particular party. However, he had a case tried in Ipswich, because a member of the Upper House sat on the bench at a revision court at Ipswich; and because he believed it was the intention of the Government to turn the Upper House into a sort of election club—not that he believed himself that the Upper House would consent to anything of the kind. But there were weak persons in all public bodies, and some of the members of the Legislative Council tried to sit at revision courts. However, all the advantage he gained

by trying the case was the loss of his two guineas, because the court held he had not proved that the honorable gentleman had not resigned his position as a member of the Legislative Council two hours before he went to the revision court. However, it was a packed bench before which the case was tried; and it was the course usually taken by the late Ministry to have a packed bench to try any case in which they were concerned. He was glad the honorable member for Maryborough had shewn such independence as to bring forward the present motion, though he might sometimes incur the displeasure of some people for acting so independently. He could assure the honorable member, however, that he was looked upon by the people as the most fearless and independent member in the House. He would support the resolution; and little as some honorable members affected to think of it, he had no doubt that if it were carried, it would effect a great deal of good in the colony, and would prevent such a man as Mr. Gore from taking part in election proceedings again.

Mr. FRANCIS said he was unable to vote for the resolution, because he thought it had not been shewn that it was contrary to the law that members of the Legislative Council should take part in electioneering proceedings. It was probable that it might be contrary to the spirit of the constitution; and it might in certain circumstances imperil the pure formation of the Assembly, if members of the Upper House took part in elections. He thought the motion might have stated that it was inexpedient for those gentlemen to exercise such a right, supposing it to exist. It was very probable that the honorable gentleman, who had been so well abused, addressed the electors at Warwick improperly at the last election, but he had not heard any evidence to satisfy him that he had done so. In the speech of the honorable mover there was no evidence that he did so. He must, therefore, be excused from being a party to any proceeding of this kind, which did not seem to add dignity to the House. If the honorable gentleman had done wrong—and from all he had heard about him yesterday and to-day, he did not seem to be a gentleman whom he would like to know, and he had not the pleasure of his acquaintance—but, if he had done wrong, and if it was considered that such proceedings imperilled the independence of the Assembly, let the House have evidence of the fact brought forward in a proper manner, and then let honorable members go into the matter thoroughly. He was opposed to the motion, relating to the honorable gentleman, that was before the House yesterday on that ground, and he must for the same reason protest against this resolution also. It was very likely, he thought, that Mr. Gore made a mistake when he went to Warwick and addressed the electors there. He did not

mean to deny the right of the honorable gentleman to go; and he could conceive a case in which it would be the duty of honorable members of the Upper House, and of the Executive Council, to take part in election matters. He could not vote for the first of the resolutions, and as for the second there was no evidence to guide him respecting it one way or other, and must, therefore, vote against it also.

Mr. WALSH, in reply, said he must reiterate his extreme astonishment at the way in which three or four honorable members had chosen to treat the motion which he had done himself the honor to propose. The question so much involved the purity and freedom of election, that whatever might have been the private feelings, the ordinary proclivities, the strange peculiarities of honorable members, they should have shewn a strong desire to preserve intact their rights and privileges, and insist upon the maintenance of those safeguards of the House. It had struck him as equally strange, that an honorable member, a late member of the other branch of the Legislature, should have talked in the wild, incoherent way, in the lowering tone, towards the Council, that the honorable member for Eastern Downs had done; and it had pained him specially to hear him turn that House into ridicule by the ribald language, the childish reasons, he had used in speaking of their powers and privileges. He trusted that he should never lower the other branch of the Legislature, either collectively or individually. The honorable gentleman had said he (Mr. Walsh) had talked of the rights and privileges, and "that stuff!" Was that the way they were to regard those attributes which Englishmen possessed, and which, wherever they assembled in their Parliaments, they exercised? Was that the way in which they were to be classified by the honorable member for Eastern Downs, in the Quixotic spirit of fighting windmills, that seemed to have come over him lately? His speech had been entirely extraneous to the question at issue, and in that wandering style which his late connection with the Ministerial benches seemed to have increased in him. He (Mr. Walsh) regretted that the Postmaster-General had not taken warning by the first motion he had made with respect to his misconduct, and shewn that he bowed to public opinion, and could exhibit common decency in public matters. The honorable member for Eastern Downs knew that, in denying that there was any analogy between the Legislative Council and the House of Lords, he was uttering what was contrary to the practice of the Council, and to the rule and precept he had himself observed and maintained when a member of that House; and that was unbecoming in him, after he must have practically tested it. So long as Queensland was connected with the mother country,

the Parliament was bound to be guided by the example and the practice of the British Parliament; and he had proved that, in the case submitted to the House. It was laid down in the Electoral Act that a member of the Legislative Council must not take part in the proceedings of a revision court. If he could not take part in the first preliminary proceeding, it was equally wrong for him to interfere and use his influence in the concluding and most important stage of an election. A subsequent enactment imposed a penalty of £20 upon any member so offending, so jealous were that House of interference with election matters. But custom was more useful still, to shew the impropriety of the Postmaster-General's conduct; for he had afforded the first instance in which the feeling of the country was outraged in that way. Had the motion been brought forward at the time, not a member of the House, but his colleagues, would have voted against it; there would have been no hair-splitting about his impropriety, or exception taken to the wording of the resolutions. The honorable member for West Moreton, Mr. Bell, had a system of reasoning peculiarly his own; and he (Mr. Walsh) must do him the justice to say he was consistent. Whatever appeared to be wrong, that honorable member was consistent in advocating it. His long time of office had so materially affected his mind, that he must be utterly incapable of discerning what were the duties of a member of the House, and what was the difference between right and wrong. Outside the House not a dozen men would be found in the whole country who would not admit that he (Mr. Walsh) had done his duty in bringing the motion forward and endeavoring to affirm on behalf of the Parliament what was asserted in the resolutions. Though he had been asked by friends to make a slight alteration in the resolutions, he was sorry to say that he could not do so with propriety.

Mr. MILES said, notwithstanding the arguments of the honorable member for Maryborough, there was a great deal of difference between a member of the Legislative Council sitting to revise the electoral roll and coming forward at an election to nominate a friend; and he could not agree that members of the other House were to be deprived of their common right as electors to take part in elections. He agreed that no member of the Executive Council ought to take part in elections; but, unless the first resolution were altered, he could not vote for it, though he would vote for the second. The Postmaster-General was a paid servant of the public, and should not be scampering about the country addressing the electors, instead of attending to the duties of his office.

Mr. WALSH declined to alter his motion.

Mr. MILES asked that the resolutions should be put *seriatim*.

No member objecting, the first resolution was put, and the House divided:—

Ayes 16.	Noes 4.
Mr. Pring	Mr. Bell
" Sandeman	" Francis
" Pugh	" Miles
" Palmer	" Douglas
" G. Thorn	
" Pritchard	
" Murphy	
" Clark	
" Groom	
" Archer	
" Royds	
" O'Sullivan	
" Ramsay	
Dr. O'Doherty	
Mr. Mylne	
" Walsh	

The other resolutions were also affirmed, without a division.

NON-TRANSFERABLE LAND ORDERS.

Mr. O'SULLIVAN moved—

That this House will, to-morrow, resolve itself into a committee of the whole for the purpose of considering the desirableness of introducing a Bill to make the land orders of this colony payable as cash at all land sales, and to make non-transferable land orders transferable.

There was not, he said, an honorable member in the House, nor a man in the country, but could clearly see the necessity for such action as he proposed. From returns which had been ordered by the House, at his request, and produced by the honorable the Colonial Treasurer, there appeared to be between £70,000 and £80,000 of land orders which were as a dead letter in the colony; but he would venture to say that the whole nearly amounted to £100,000. He was surprised that such a law as that which made the land orders non-transferable had been passed; though there was some reason for it at the time, as, it was said, owing to the large immigration, the land orders had increased enormously. But he never held that to be an argument for the change, and he considered it a very foolish act. Had the immigrants, as they arrived, been properly managed, the land orders would always have maintained their nominal value. If the land had been thrown open, and the people authorised to take it up, the £80,000 of land orders would not now be lying unproductive, but would have been producing, long before this time, articles of consumption for which large sums of money were sent out of the colony. Another foolish thing that had been done, was the Government becoming pawnbrokers: they advanced £6 on a £30 land order, and for its safe custody or for interest on the money advanced, or both, they charged £1. That was the only benefit the immigrant got out of a land order, though it had been much flourished in the hands of a very able agent in England, as worth its full value. He (Mr. O'Sullivan) knew persons in the colony, now rambling about, who could hardly get a night's lodging or supper; yet, with land orders in their

pockets for hundreds of pounds. Was that, he asked the House, a proper state of things? The loss to the country from it was considerable. In 1866, £400,000 left this colony to import goods for consumption that could be produced here. If the £80,000 of land orders had been laid out in land, and the owners settled down, it would not be a very heavy sum in figures to shew that their re-production would have reached £200,000—half of that which had been expended on imports. That would be better than locking up land orders in the Treasury for two years. His objection to the non-transferable land order was not a new idea; he entertained it from the first. But now a new light had dawned on the colony. Free selection was the order of the day, and he hoped it would be extended to the holders of the land orders.

The COLONIAL TREASURER said he was afraid he could not go with the honorable member altogether in his motion, though he agreed with him in the main in many of his arguments, which went to shew that the land order system had been to a certain extent a failure. He must state that it was not the intention of the Government to continue that system, either in the Land Act or the Immigration Act to be introduced. He might also state, for the information of the House, that the honorable member had a good deal over-rated the amount of land orders outstanding. A great many had been deposited with the Government, on which the holders had got advances; and it was ascertained that a great number of those parties had left the colony, with not much chance of their re-appearing to claim their land orders. There was, also, little doubt that nearly the whole of the land orders would be absorbed during 1868; and then the system might very well come to an end. If the motion should be passed, the House would at once open up the system of dealing and trucking in land orders which had existed before. Dealers got hold of them at half-price, or for even smaller amounts; and little land from which the country would benefit was taken up with them. When they were so likely to be absorbed in so short a time, it was very inadvisable to interfere with them. Honorable members all knew that making land orders transferable had led to a great many abuses, and that those abuses were the reason the system was put a stop to, with the unanimous consent of the House. He could see very little advantage in altering the law now; and he recommended the honorable member to withdraw his motion for the present, until the House had looked into the financial position of the country and found out the exact amount of land orders outstanding. If that were done, the Government would give their attention to the subject, and soon let the House know how many were likely to be taken up or reclaimed. It was proposed that the land

orders should be reclaimable by persons paying the interest on their advances up to the date of reclaiming them, whenever it might be. The Government were prepared to meet any reasonable arrangement that way; but, in the meantime, he suggested that the honorable member should postpone his motion.

Mr. FRANCIS said he must join with the honorable the Colonial Treasurer in requesting the honorable member to postpone his motion until the promised Land Bill was before the House. He thought the whole land order system might be dealt with in connection with the Land Bill. He had no hesitation in saying that, to his mind, the land order system was wrong, and required revision; but the abuses to which the honorable member had referred were owing to the state of the land laws, which also required revision. He could assure the honorable member that he would have his support to any measure that was likely to bring those land orders to what he believed to be their intended use—the settlement of agriculturists on the land.

Mr. O'SULLIVAN said he had no objection to withdraw the motion, and that he was very glad to find it had been received in such a good spirit by the House. While he was willing to withdraw the motion, he must express a hope that the financial statement and the land Bills were not to be made standing barriers to every motion that might be brought forward. There was one thing he omitted to state to the House, in submitting the motion, which he would like to state now, and it was that he observed in the report of the Surveyor-General, laid before the House in August last, a paragraph stating that the purchases of land under those non-transferable land orders involved double the amount of labor in the department that was required in the case of purchases under transferable land orders; and were it only for that reason alone, he thought those land orders should be made transferable.

The motion was then withdrawn.