

Queensland



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Legislative Assembly

THURSDAY, 26 SEPTEMBER 1867

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LEGISLATIVE ASSEMBLY.

Thursday, 26 September, 1867.

Unauthorised Expenditure.—The Railway Material Contracts.—Land Orders issued to Immigrants.—The Kennedy Election.—The Prussian Consul.—Diseases in Sheep Act.

UNAUTHORISED EXPENDITURE.

Mr. WALSH moved the adjournment of the House. He did so at the risk of being tedious, and taking up the time of the House, in order to call attention to the unauthorised way in which the public money was expended. He thought it would be as well if such a state of things were permitted, as he should be able to shew, to adjourn, and to adjourn altogether; for it appeared to him that as members of Parliament, and guardians of the public purse, they were of no more use than the inhabitants of Timbuctoo. Honorable members would allow him to refer to a return laid upon the table a day or two ago, in reply to a question which he had asked

in reference to certain expenditure upon certain works. By that document, he should be able to shew that sums of money had been expended without the least authority, of which the public had been literally robbed—the expenditure of which, in his opinion, amounted to a high crime and misdemeanor, and he regretted that there was not some way of impeaching Ministers who thus shamefully squandered the people's money. He observed in the return an item of £786 15s., for alterations, &c., to Colonial Store. Now, he had been unable to find, either in the constitution, or any of the Acts passed, that the Government of the colony had the slightest liberty to spend that sum of money, or even five pounds, without the authority of that House. But he did find that it was their duty, if they spent one sixpence without authority, to come down to the House and ask for forgiveness. It was very probable that if they could have made out a good case, the House might have granted the money, though it was also possible that the House would not have considered the expenditure necessary in the present state of the country. He found also by the return, that Colonial Store vouchers were signed by Mr. Tiffin. He was not quite up in details of that kind, but it appeared to him that they should have gone through the head of the department, and that they should be certified by the Auditor-General, which would not have been done unless an act of the House had authorised the expenditure. Again, there was £1,583 3s. 3d., expenditure for fencing in Victoria Park, charged to votes for enclosing ground, observatory, and other buildings. He believed there were not half-a-dozen members who knew where Victoria Park was; he doubted whether all the members of the Government knew it. If so, he would ask whether it was right that any such sum should have been spent for such a useless purpose. He could tell honorable members where the park was—it was contiguous to Mr. Herbert's residence, and there was no doubt that if that gentleman had not lived there, the park would not have been fenced, nor would the road, which led nowhere except past that gentleman's house, have been made so good as it was. It was a road over which scarcely two persons travelled in a week. Well, not only was the park fenced in, but some one must be found to look after it, and he believed a Crown ranger, or some other extra official, had been appointed. And it was found next that a number of hard-working men, who had for years been making an honest living on that ground, which was peculiarly fitted for brickmaking, and fit for nothing else, had to be turned out, in order that nothing unpleasant might come between the wind and the dignity of the late Premier. The next item he found in the return was £1,146 0s. 9d., for alterations and repairs to Government House. That also was not authorised. He believed the House would

have voted the money if the Government had asked for it, but it was certainly due to them to make the request. The sum, however, appeared very extravagant, and it was probably that very extravagance which prevented the Government from asking for it. It seemed to have been principally laid out in introducing gas and water into Government House. No doubt they were very essential things, and he was quite satisfied that the people of this colony had no desire to act illiberally towards the Queen's Representative, but the very liberality which had already been shewn in that direction should have excited the gratitude of the Ministry, and another person, and induced them to come down to the House, and ask Parliament to vote the money. Then there was an item of £260 10s. 10d. for furniture to Government House, charged to vote for furniture to public offices, which he was quite sure was not authorised, though that also would no doubt have been granted. The House, he contended, should insist upon their right to be consulted upon all these matters, and when they found their orders had been disobeyed, they ought to bring those who had disobeyed them to a reckoning. Among the items of furniture, which it appeared was purchased in anticipation of a visit from the late Prince de Condé, was a singular item—£1 15s. for a brass candlestick. No doubt princes required superior furniture, but this appeared to him an exorbitant price for a candlestick. But, if they were called upon to pay £260 10s. 10d. for the bedroom furniture of a French Prince, what would it cost the country to receive a genuine English Prince—a live one? The prospect was positively alarming. He was sorry that the honorable member for Western Downs, Mr. Taylor, was not present to give his views and apprehensions on the subject. However, it was found that this expenditure was incurred by the express instructions of the Ministerial head of the department. Well, there were items amounting in the aggregate to some £3,000 or £4,000, the expenditure of which had been entirely unauthorised; and these were only a few out of many. It mattered not what the amount was, the principle was the same. Did the House intend to sanction the outrage upon them, which the return shewed had been offered to them? If so, he, for one, would not go through the farce of sitting there, and questioning the propriety of votes of one kind or the other. He had considered it his duty to call attention to these items, and he hoped honorable members would feel that it was not beyond their duty to take the matter up in a more formal way.

Mr. BELL said he had no doubt the address of the honorable member for Maryborough had placed other honorable members in the same position in which he felt himself placed. It was not unusual for the honorable member to adopt the same course,

and to make a speech on a subject to which honorable members were precluded, for want of the usual notice, from replying to fairly and upon equal terms. The honorable member had declined to place a resolution on the notice paper, which would have been a fair course towards the gentlemen he had accused. He felt that he could not tax his memory sufficiently to give a categorical answer to the different charges the honorable member had advanced, the return from which that honorable member had quoted having but just been laid on the table of the House. The subject under discussion was one with which the House was not fully acquainted, and he for one had not had an opportunity of seeing the details which had been referred to. With regard to the expenditure for the Victoria Park, he believed it had been voted by the House for a reserve; and not only was that reserve fenced in, but he believed a much larger reserve was fenced nearer to the town. He was, however, speaking only from memory, for it was not his intention to answer the honorable member who had brought the subject before the House in such a way that no opportunity of reply was afforded.

Mr. GROOM said he did not at all agree with the honorable member for Maryborough with regard to one item to which he had referred—the furniture for the bedroom prepared for the late Prince de Condé. He deprecated parsimony in such matters, and thought that any reasonable expense should have been incurred. He was not at all satisfied with the expenditure proposed for the reception of the Prince Royal, which was not so large as the grant of a municipal council. As to the item for furniture, of which the honorable member for Maryborough complained, he thought it was a very insignificant item, and that the honorable member was very small in calling attention to it when there were other matters of so much more importance to be considered when the Estimates were discussed.

Mr. ARCHER said the remarks of the honorable member for Maryborough appeared to have been misinterpreted. The honorable member had endeavored to shew, not so much that the money had been improperly applied, as that it had been expended without the authority of the House; and any honorable member who called the attention of the House to an irregularity of that kind, and evinced a desire to protect the House from any infringement of its authority, deserved praise rather than blame.

Dr. CHALLINOR said that a great deal had been said about principle; but under a responsible government ministers were entrusted with the expenditure of money without the authority of Parliament, though they must be prepared to give a good account of that expenditure when the House met. It was very possible that there was no opportunity of asking the House to vote the money expended for

the late Prince de Condé, and of course the Government could not wait. He thought, however, that the House should be extremely careful that the Government did not expend money without authority, unless under very exceptional circumstances. He did not say that because he had any great confidence in the way in which money had been spent by the late Government, for he expected some strange revelations to take place. He did not mean to say that he expected to hear of any malappropriation, but he fully expected to hear of sums expended in a way which he was sure the House would not have consented to. In reference to the mode in which the honorable member for Maryborough had brought the subject forward, he thought honorable members had been taken at a disadvantage, and he hoped the House would not encourage the practice adopted by the honorable member.

The COLONIAL TREASURER said he found that a vote had been taken, and a sum placed on the Estimates, and passed in the House, for enclosing recreation grounds and laying out the observatory. The item of £1,583 3s. 3d. given in the return, from which the honorable member had quoted, was charged to "vote for enclosing ground, observatory, and other buildings." That meant, that part of the sum was taken from one vote and part from another. He mentioned this to caution honorable members, who had the remedy in their own hands. They were in the habit of voting lump sums of money, and leaving the Executive to spend it as they chose. For instance, a vote for "furniture for public offices," gave the Executive power to spend the whole of the money in furniture for Government House. It was very easy for the Government of the day to give an approximate idea of the items for which it was required. He had always objected to the practice of voting money in a lump sum.

Mr. FITZSIMMONS said the custom had been going on for a long time. It had generally been the practice to take money from one vote and apply it to some other purpose. (Cries of "Name.") Well, he would give the Warwick Railway as an instance.

Mr. BELL: That was done with the sanction of the House.

Mr. FITZSIMMONS: There was sufficient evidence to shew that it was high time to define to the present and to future Governments the relations in which they should stand with the Parliament. It was not right for any Government to expend money without a vote of the House; and the money should also be expended for the purpose for which it was voted. He thought there had been a great dereliction of duty on the part of the House in not watching the Government and the Government departments; and, now that the error was discovered, it should be remedied as soon as

possible. The honorable member for Maryborough had not brought the subject before the House at all too soon.

Mr. O'SULLIVAN said that when he had a seat in the House before, his reason for walking over from the Ministerial side to the Opposition was, the expenditure of money by the Government without the authority of the House. The statement of one honorable member, that money had been taken from one vote and spent on another, appeared to have been questioned; but had not the honorable Treasurer shewn, in reference to the Parliamentary Buildings Bill, and the Military Contribution Bill, that some thousands of pounds had been spent on works for which they were never voted. There were hundreds of instances, from Separation to the present time, in which money had been spent without the authority of Parliament. The Government had no right to spend any money whatever not voted by the House, except in cases of emergency. For example, if a ship were wrecked and the crew left in a position of danger, it might be necessary to take prompt steps to succour them, and the expense which that would incur would form an exceptional case and would be quite justifiable. It had been openly stated in the town, although he had no proof of it, that the sum of £786, mentioned in the return just quoted, for "alterations and repairs to colonial store," had never been expended at all; that the few repairs, in the shape of shingling and galvanized iron, could have been done for £30 or £40. He did not think any of the money referred to should have been wasted on Government House. A great portion of the expenditure was for gas and water. Now, he had been told that there was no occasion to take water there, for there was one of the finest tanks in the colony there, which had cost a large sum of money and was sufficient for all purposes. And, although the item complained of was a very small one, it involved a principle which should be asserted. He might also notice that the main part of this unauthorised expenditure had been in the immediate vicinity of Brisbane—in building hospitals and making private roads to gentlemen's houses—while, in the district to which he belonged, it was difficult to go a mile out of the town without being up to the ankles in mud.

Mr. CLARK said he must give the honorable member for Maryborough great credit for having brought the matter before the House. It was not a question of small sums but a question of expenditure not sanctioned by a vote of the House; and the explanation which had been afforded went to shew that none of the items mentioned in the return, furnished in reply to a question asked by the honorable member for Maryborough, had been authorised by the House. They had been expended by Executive, or in

some cases without Executive, minute, or even any memorandum at all; and he should be very glad to hear that explained by some member of the late Government. With regard to the Victoria Park and the road which passed by it, he could testify to this fact, that the said road was an excellent one up to the very gate of Mr. Herbert's house, and there it stopped; all the rest of the road was execrable. Any one could see that it had been made for the convenience of Mr. Herbert, and in order to improve his property; and as the honorable member for West Moreton, Mr. O'Sullivan, had observed, all the money had been spent in the neighborhood of Brisbane. As to unauthorised expenditure anywhere else, except railway expenditure, it was absurd to expect it. He had to thank the honorable member for Maryborough for bringing the subject before the House, and he had no doubt that further investigation would bring to light more proceedings of a similar nature.

The ATTORNEY-GENERAL said that, in reference to the item of £1,583 3s. 3d. for enclosing the Victoria Park, he was perfectly clear that a minute of the Executive did not justify the expenditure of that money. In 1865 there was a sum of £3,000 voted for repairs and incidentals to public buildings and miscellaneous expenses, and £1,000 for enclosing and laying out recreation ground at the Observatory. Well, what did they find in the returns—£1,583 odd for fencing in the Victoria Park. Was any vote passed or asked for for that purpose? No; but the Government of the day thought fit to enclose the park, and the money had to be forthcoming. The honorable member for West Moreton, Mr. Bell, knew very well how those things were managed. The park was to be fenced in, which was done, and the return shewed that it was charged to "votes for enclosing ground at Observatory, and other buildings." Now, he understood the Observatory referred to in that vote for 1865 to be the Observatory on Wickham Terrace, and he maintained that if £1,000 had been voted for that special purpose, and only £500 required, the remaining £500 should not have been spent at all. But there was not enough money from that vote to complete the sum wanted for the Victoria Park and where were the Government to obtain it. There was no vote for recreation grounds and parks, and they took it from the vote for "other buildings," which was clearly a misappropriation of money, because, as he understood it, the vote for "other buildings" was passed only to cover the votes for public buildings authorised by the House where it was impossible to give an exact estimate of their cost, and was never intended to be applied to this purpose. He saw the honorable member for West Moreton, the honorable member for Eastern Downs, and the honorable member for South Brisbane laying their heads together, and he knew very well what they were going to say—that

he (the Attorney-General) was in the Cabinet at the time the misappropriation took place. Was it at all likely that if he had a guilty conscience he should place himself in the position of defendant in the case? That estimate was passed for 1865, and the expenditure was in 1866. He had been in the Cabinet for five years, and he must say he had been completely mystified during that time. But he was not mystified now, and honorable members of the late Government could not strengthen their case by laying any share of the blame upon his shoulders. He maintained that the honorable member for Maryborough had done a great deal of good by calling the attention of the House to these facts; and, although there might not be any vote of want of confidence brought against the late Government, honorable members must see that the action of the Executive had not been what it ought to be, and that it was time for the House to decide upon its own functions, and to come to some decision to prevent other Governments from falling into similar errors.

Mr. DOUGLAS said he must also take exception to the way in which the honorable member for Maryborough had brought the matter before the House. Why did he not at once move for a return of all unauthorised expenditure? What were the Supplementary Estimates but unauthorised expenditure? The fact was, that a large sum had been expended annually on loans, which were not controlled in the same way as to detail as the votes of the House; and, unfortunately, a bad precedent had been established at the outset on loan expenditure, which had been followed and amplified in the expenditure of the general revenue. In addition to that, a very large population had been coming into the country; and it had not been possible at all times for the Government to anticipate the wants of that population which they had frequently to provide for, without waiting for the authority of Parliament. The honorable and learned Attorney-General had informed the House that it would be impossible to convict him of any share in this misappropriation. But the honorable gentleman was a member of Mr. Herbert's Government for a number of years, and the policy of that gentleman was, when there was no doubt about obtaining the authority of the House, to adopt the principle of first spending the money and then asking the House to sanction their act. The result was, that Ministers generally had been led to believe that they had merely to decide upon expenditure, and the House would support them, irrespective of any just claims for such outlay. Of course, a certain amount of discretionary power must be left to the Executive. He would first refer to the possibility of 20,000 or 30,000 persons suddenly arriving in the colony and rushing off to the gold fields. The House might not be sitting, and the Executive might have to expend a consider-

able sum of money on emergency, without any authority for doing so. Even in the case of the Cape River diggings, he had no doubt some unauthorised expenditure had taken place, but the House would doubtless support the Government in view of the necessity of the case. He desired chiefly to take exception to the manner in which the subject had been introduced into the House, and the way in which the honorable member for Maryborough had singled out particular items. There were a vast number of more important items which he might, with some benefit to the country, have brought under the notice of the House. For instance, the honorable member had referred to the gas and water laid on at Government House. Had not the same thing been done in the case of most of the public offices, as a necessary expenditure, and without special authority? There were a number of other items of unauthorised expenditure which the honorable member might, with equal justice, have referred to. Indeed, so frequently had the Governments of the day been taken to task for the same offence, that it had seemed almost necessary to immolate on the altar some Colonial Treasurer as an example to others, and to place the Ministry in their proper position.

Mr. WALSH regretted exceedingly that his motion had been somewhat turned into ridicule by those honorable members who should feel it much more acutely than he had reason to feel. If they, instead of interrupting the proceedings with rude laughter, applied themselves diligently to find out from the records of the House that which might be found out, they would be doing their duty. The honorable member for West Moreton, Mr. Bell, complained that he had no time for an answer. Under the circumstances disclosed, no honest public man would require time. The damning return which he had quoted had been under the notice of honorable members for weeks; and when the honorable member for West Moreton read it, he should have blushed, as he (Mr. Walsh) had; he should have devoted every moment of his time to consider how to make amends for the misappropriation, the violation of trust, that the late Government had been guilty of, instead of defying public opinion, and treating a subject of so much importance with levity. Could he (Mr. Walsh) wonder that the country had got into its present position, when that honorable member, in his official capacity, had had almost to go down on his knees to the bank managers, here, asking them to cash his cheques?—when even the Savings Bank cheques were going about town dishonored, and the police were not paid, and people did not know where to get bread? He could quite understand, now, how it was that the affairs of the colony had got into the state they were in. He could understand how Queensland was saddled with a debt of nearly £300,000 a year. He

could understand that it was the result, partly, of unfortunate votes of this House; but, in a greater degree, the result of their entrusting their weighty concerns to the hands of such an incompetent member as he saw before him. In reference to what had been said by the honorable member for Drayton and Toowoomba, he replied that he did not refer to quantity, but it was on principle he had brought forward the present question; and principle was as much at stake in the misappropriation of £5 as of £5,000. The Government had not admitted to the House, by supplementary estimates, or in any other way, the items of expenditure that he had mentioned; but they had falsified the accounts in order that they should not be shewn. It was owing to that useful but ponderous publication, the *Statistical Register*, that he first found out the expenditure. He took exception to another remark, by the honorable member for Eastern Downs, who had said that it was his business to have found out other items. It was not, he thought, the business of that honorable member to tell him what was his business: it was his (Mr. Walsh's) business to do his business as he thought fit, without that honorable member's interference or direction. If he moved for a return of a single shilling misappropriated, that was enough. If the House had to wait till they could find out all, they would never know—for there were many misappropriations hidden in the womb of time that would never come to light. He regretted, for the safety and honor of this country, that those honorable members who were the loudest on the platform, those guardians of the public welfare—a position they arrogated to themselves—who could declaim so fearlessly out of doors, did not come forward now. They seemed perfectly enslaved—bound down by a chain they could not remove—they were so silent. Where were the gentlemen who a few months ago were howling at the squatters for not allowing the Government to go on? Where, now, were those gentlemen who had attended nightly meetings in Brisbane and around it, when they had an opportunity of keeping the promises they had made to the people? They walked out of the House, as last night; or kept silence, as this afternoon;—rather than offend a set of men, who were the greatest enemies of this country, yet who they fondly hoped would be again in power. If at any of those meetings which had been held in Brisbane, and where those gentlemen were so popular, an honest man had attended—a man who gave his vote fearlessly, and who spoke independently—he would have been hounded down; he would have been in danger of life or limbs. Having done what he considered was his duty, he begged to withdraw the motion.

Motion, by leave, withdrawn.

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THE RAILWAY MATERIAL CONTRACTS.

Mr. DOUGLAS moved the adjournment of the House, not, like the honorable member who had last made this motion, for the purpose of bringing an indictment against the past Government, but for the purpose of getting some information from honorable gentlemen opposite upon matters of very considerable interest, and of much moment to the country at large. No other mode than this was open to him for bringing under the notice of the House a paper, which was circulated amongst honorable members this morning—one lately printed, and containing "Further Correspondence on Defective Plant and Railway Material, Queensland Railways." He was much interested in this subject, and had some little knowledge of it; and he would be as happy to give any information that he acquired during the short time he was in office, as he would be to receive further information. He thought he was justified in calling attention to the subject, for, during yesterday, the honorable gentleman at the head of the Government, in his statement, adverted to the unsatisfactory condition in which the railway plant was now arriving in the country. He was aware that the plant lately sent out by Sir Charles Fox had arrived in a very unsatisfactory state, but not of the extent of the damage to the plant—nor of the frightfully unsatisfactory nature of the business matters conducted by Sir Charles Fox—until he had perused the papers which had been laid on the table by the honorable the Minister for Works. It was well known that Sir Charles Fox was paid a very high rate of commission for discharging his duties connected with the Queensland Government. It had been affirmed that this was not too high, as it was necessary to secure a thorough supervision by a well-qualified engineer to ensure the faithful performance of the contracts for material in England. The Government, in conceding those duties to Sir Charles Fox, had done so as dealing with a person to be trusted. But the supervision of the plant lately sent out had been most unsatisfactory and inefficient, as would appear from the papers before the House. The present Engineer-in-Chief, Mr. Plews, in a late report, especially referred to the lattice-girder bridges which had been erected on the Main Range, and in these terms:—

"Besides this, through some shameful neglect—I cannot term it otherwise—no vertical transverse diagonal bracing between the girders, and no horizontal transverse bracing or ties between the tension booms of the girders, have been designed, or have been sent out from home. These braces are necessary, even when the bridges are quite straight and the strains equal, to give lateral stiffness; but when bridges are on a curve, as they are on the Main Range, these braces are doubly, nay, absolutely, necessary. In consequence of these braces and

strutts being wanting, every train which passes over these bridges causes cross and unequal strains upon the girders, which, unless prevented in time, will inevitably cause the girders to give way, and that without much warning."

That he referred to, as part of the subject in which Sir Charles Fox was concerned. He would next draw attention to a further paragraph in Mr. Plews' report:—

"The first four locomotives, the carriages and waggons, and the bulk of the machine tools, rails and fastenings, and other materials sent out by Sir Charles Fox and Son, for the Southern and Western Railway, and the carriages and waggons, and the machine tools, rails, and fastenings, and the bulk of the other materials sent out by them for the Great Northern Railway, have been carefully designed, are fair in quality, and give evidence of some supervision during manufacture; latterly, however—I may say for the last year—I have had reason to complain of the quality of, and of the bad workmanship in, the locomotives, rails, tools and materials sent out for the Great Northern Railway, and the Locomotive Superintendent of the Southern and Western Railway has, since my appointment as Engineer-in-Chief, reported to me that the locomotives, tools, steam-crane, &c., &c., which have lately arrived for that line, are bad in their design, and shamefully rough and careless in the workmanship, costing therefore, in erecting and fitting here, much more than they should do."

He did not wish to detain honorable members in referring to further correspondence of Messrs. Jetter and Plews, which shewed the most shameful negligence on the part of Sir Charles Fox—he had been aware of it, from a good deal of the machinery arriving rough and rusty. It had been found, on further examination, not only to have been carelessly shipped, but never to have been put together in England, and consequently had never been tested. Though Sir Charles Fox was paid a handsome commission for seeing the engines properly tested, he had never seen it done, but had allowed defective material to be shipped, for which the Government had to pay a handsome and full price. He had discharged his duties in a disgraceful manner. Mr. Bullen, the locomotive superintendent at Rockhampton, made the following statement in his report on the machinery-tools and machinery sent out for the Great Northern Railway:—

"In the three locomotive engines that have come under my supervision—Messrs. Neilson and Co., Glasgow, makers, numbered 1212, 1214, and 1215—I found the weigh-bar shafts and brackets, rocking shafts and brackets, eyes in links, pins, &c., all soft. And though stated in the tracings to be 'case hardened,' they were not so. The nuts in cylinder, steam chest, and donee covers, glands, &c.—in all about 320—of no particular size, they had to be swaged down and re-tapped to fit their respective standard spanners, Bolts, nuts, and studs for firebox clothing omitted. Bolts for spectacle brackets for one engine omitted. Several stays in firebox, and rivets in bottom ring of two engines leaked badly. The tanks in the tenders

leaking; red lead and putty found to have been extensively used inside, in stopping the leaks. The left-hand driving wheel of engine No. 1215 full one-eighth of an inch larger diameter than the right. The cause of No. 1213, used by the contractors, running off the line so often, I found arose from a difference of three-eighths of an inch in diameter of the trailing wheels."

That, of course, proved that the engines had not been tested. Mr. Plews, in writing to Sir Charles Fox, on the 16th September, said:—

"I regret exceedingly that my first communication to you, regarding the locomotives, tools, &c., lately sent out by you for this line, should be one finding fault, not only with the design and quality of the articles supplied, but with the supervision given by you to their manufacture. The reports sent in to me by the locomotive superintendent, copies of which I herewith provide you, as to the bad design and rough workmanship in the wheel lathe and steam crane, and the very bad and rough workmanship in the Fairlie's locomotives, by Cross and Company, leave me unfortunately no alternative. The workmanship in the three new locomotives, by Cross and Co., is a disgrace to that firm, and reflects, I am sorry to say, little credit upon you or those you employed to superintend the manufacture and the fitting together of these engines. It is quite evident to me that they (certainly the one we have just tried in steam) have never been fitted together at Cross and Co.'s workshop before being packed, as specified."

There was another portion of the letter which referred to the lattice-girder bridges. On this subject, he (Mr. Douglas) thought the House would deem it very advisable to find some other means of information. The honorable member for North Brisbane, Mr. Pugh, was about to move that the late Engineer-in-Chief, Mr. Fitzgibbon, be called to the bar of the House, to be examined on those subjects on which it was possible he would be able to give information. At any rate, those were subjects on which the House should have more information. Mr. Plews went on to say—

"I cannot express too much surprise at your designing and sending out such bridge superstructures, without proper transverse bracing to give lateral stiffness, particularly when you knew, as Mr. Fitzgibbon informs me, that the road would be carried on the top, and would be on a very sharp curve in each case."

It would be desirable to find out who instructed Sir Charles Fox in this matter, and who was really to blame. It was understood that Mr. Fitzgibbon was bound to provide designs, under his contract, for all works connected with the railway;—so far he (Mr. Douglas) understood from reading the contract. But he now found that Sir Charles Fox had supplied, and charged for, the designs which Mr. Fitzgibbon ought to have supplied. He had gone over a mass of papers in connection with this subject, but he confessed he had not read all the correspondence which had been laid on the table.

Although he had arrived at certain convictions, this would be an inappropriate time to express them. He wished to ask, whether it was the intention of the Government to continue Sir Charles Fox as the agent in London for the supply of railway plant and material for the Queensland Government? He might say that, shortly before he left office, he had to send an indent home, which, because of the unsatisfactory nature of Sir Charles Fox's work, he did not feel justified in sending to him. He should be glad to be assured by the honorable gentlemen at the head of the Works Department, that he did not contemplate employing Sir Charles Fox any further in the service of the Queensland Government. It was quite possible that considerable indents would have to be sent home, as the railways were being completed; and it was desirable that the Government should adopt some other means of getting the best material from England. He offered the suggestion, that rather than confide further transactions to Sir Charles Fox, they should employ one of their own artisans. There were several in the workshop at Ipswich, who knew, and were competent to judge, what was good and what bad material, and to overlook the work, to decide when it was good, and to see it properly packed. Mr. Jetter, he was afraid, they could not spare; but there were men in subordinate positions who could be trusted to protect the colony, at a moderate cost, from the practices of Sir Charles Fox. The correspondence closed with a letter from the Colonial Secretary and Secretary for Works, in which that gentleman informed Sir Charles Fox that

"no tenders received from the following firms for railway material are in future to be entertained:—Messrs. Cross and Co., Messrs. Collier and Co., Messrs. Neilson and Co."

That was very satisfactory. It seemed that those firms had supplied defective material; they had treated the Queensland Government as some of the American contractors had treated their own Government. When they found this colony could pay well for work of the best quality—and it was at first excellent—they took advantage of it; but it was desirable to shew that the Government would not tolerate such procedure. From some correspondence between Mr. Herbert and the Colonial Treasurer, which had been laid on the table—though he had not had an opportunity of perusing it—he understood that a considerable sum of money was in hand, which Sir Charles Fox claimed as his due. He was quite sure the House would support the Government in every way they might adopt against Sir Charles Fox's attempt to establish his claims. If they had the whiphand of him, then he hoped honorable members would afford them every support, as he should, in trying to recoup their loss.

The COLONIAL SECRETARY said it was at all times his duty to give to every honorable

member all the information that he possibly could, on any subject connected with the office he held; and it was a great pleasure to him to give information to the honorable member who had just sat down. He would do that honorable member the justice to say, that on his leaving office, nobody could possibly have treated his successor better than the honorable member had treated him (the Colonial Secretary). Uncalled for and unasked, the honorable member had proffered him every assistance, and all information in his power; and, in clearly explaining every detail that could be useful to him in the office of Secretary for Works, the honorable member had offered to do, and did do, everything in his power—and, no doubt, he would do so again. In reply to the question put by the honorable member, which was connected with a subject that had been before the House for several days, he might cite his last letter to Sir Charles Fox and Son, who were informed in it that tenders from any of those men who had been treating the Government so badly, lately, would not be entertained. He would, if it had been in his power, have sent more specific instructions, and have gone somewhat further, and withdrawn all the indents now in Sir Charles Fox's hands. But, on consulting with men conversant with the matter, they had informed him he could not do so—that Sir Charles Fox would laugh at him—that he had received the indents, and no doubt ordered the goods, and would not give them up. But the Colonial Treasurer, on his representation, had written by the last mail, giving both the Union Bank and Mr. Herbert, the colonial agent, specific instructions to "clap a stopper"—to use a sailor's phrase—upon all balances coming to Sir Charles Fox, until these matters could be arranged. His honorable colleague had taken particular pains to acquaint them with the true position of things, and he (the Colonial Secretary) had every reason to hope that the instructions would be carried out. He was not in a position to say how much money there would be coming to Sir Charles Fox by the time those instructions reached England; but whatever was due to him would be stopped. In transmitting home any future indents, the Government might well look for some more trustworthy person than the gentleman who had been carrying out contracts for them lately. As to Mr. Fitzgibbon's plans and correspondence with Sir Charles Fox, he was not able to give any information. He believed that, under his contract, Mr. Fitzgibbon was bound to lodge with the present Engineer-in-Chief copies of all correspondence, maps, plans—in fact, copies of everything with which he had had anything to do as Engineer-in-Chief for the Government. He (the Colonial Secretary) regretted to say that, up to this time, Mr. Fitzgibbon had not done so; there were a great many things still wanting. There was a balance of about £4,000 coming to Mr. Fitzgibbon, but

he had given instructions that not one penny of it should be paid until all his plans and documents had been produced. When he obtained possession of those documents, he would place any information it was possible for him to give before the House.

Mr. GROOM, as representing a constituency interested in the matter before the House, tendered his thanks to the honorable member for Eastern Downs for what he had done. In reading the report of Mr. Plews, it struck him as a remarkable and an extraordinary document; and he would draw the attention of the honorable the Minister for Works to the following statement that occurred in it; and, at the same time, if the statement was reliable, ask if the Government were justified in running the trains over the Main Range?

"The iron girder bridge superstructures upon this section [Main Range] I must, however condemn as weak, and, in their present condition, dangerous."

Were people's lives to be risked in traversing the railway four times a day, after such a report as that had been laid before the Government by their highest engineering officer? After that went before the public, half the passenger traffic would be withdrawn; persons who were obliged to travel would decline to do so by the railway. It had already gone forth that the gauge was too narrow for the requirements of such a country, and that, without the present report, had had the effect of causing many persons to decline to come down the Main Range on the railway—many came down to Helidon by their own conveyances and took the train there. The House had a duty to perform—to prevent human life from being unnecessarily sacrificed. It might be said that he spoke rather feelingly on this subject, seeing that he came down every Tuesday, and returned every Friday; and he must confess that he had some little hesitation in travelling after perusing a report which set forth that the line over the Main Range was positively dangerous—and the statement quoted was further confirmed in the report. On previous occasions, he (Mr. Groom) had expressed a very decided opinion that the House never were supplied, as they ought to have been, with information as to the expenditure on the railway works. There were many honorable members who had joined him in asking for information; but they were always pooh-pooh'd, and told that they were impertinent for inquiring into details. He was happy to say, for themselves, that they were justified. If information had been as freely given last session, as it was now, certainly there would not have been such a document as the one he had cited, to go before the public. The Engineer-in-Chief further stated, that whenever an accident should unfortunately occur, it would be "without much warning." It might occur to-day or to-morrow, and from defective construction. Rather than incur such a

risk as was shadowed forth, it might be better to do what the honorable member for West Moreton, Mr. O'Sullivan, had two or three times suggested. He should like to know from the Minister for Works, whose statement would carry weight with the public, that the state of things was not so bad as the report represented. If it was, it was then honorable member's duty to stop the traffic on the line. He hoped, however, that the honorable member would give the House the assurance that the Engineer-in-Chief would take the proper remedies against danger to traffic on the line.

Mr. O'SULLIVAN asserted that there was not a bridge or a culvert on the line that would not be falling time after time. Before the first section was finished, part of it had given way. He believed that, from the very beginning, the railway was the most gigantic swindle that ever occurred in any colony; and extravagant as it might appear, he was confident that the sooner it was pulled up by the root the better.

Mr. PUGH said he was very glad to have heard the statement of the honorable the Minister for Works as to the course pursued by the Government with respect to Sir Charles Fox. In addition to what had been quoted by the honorable member for Eastern Downs, he begged to point out in the report on defective plant and material, a paragraph which struck him when he was reading it. Mr. Jetter, the locomotive superintendent, in calling attention to machinery supplied, observed—

"I never saw worse work in the course of my experience, or more worthy of the scrap-heap." That meant, that all the work sent to the colony for some time past was just fit to be sold as old iron. He hoped the House would agree with the motion he had tabled, to give them an opportunity of examining the late Engineer-in-Chief. In committee of the whole, considerable latitude would be allowed, and the matter might be discussed in a general way; and, he trusted, the information obtained would be satisfactory. The honorable member for West Moreton, Mr. O'Sullivan, told him, *sotto voce*, that they would not get much out of the late Engineer-in-Chief. He (Mr. Pugh) knew that Mr. Fitzgibbon was a very clever man—too clever, in some particulars, for the Queensland Government—but he had no doubt that, with the aid of the documents on the table and the knowledge gained by honorable members themselves, they would get something useful from him: if useful for nothing else, at all events useful in preventing the abominable waste of money on plant and material that had gone on so long. He could not go so far as the honorable member for Drayton and Toowoomba, in regarding the line as dangerous, except in the event of the heavy engines being run on it. The very fact of the bridges having to be strengthened for the heavy engines shewed the defectiveness of the

railway; but those engines were not to be used until the alterations recommended were carried out. He trusted that the Minister for Works would, before the session was over, send home instructions that Sir Charles Fox should be no longer employed by this colony in any manner whatsoever.

Mr. GROOM, in explanation, stated that Mr. Plews did not speak of any engines in the portion of the report that he had quoted, about the iron-girder bridges in No. 5 section.

The ATTORNEY-GENERAL said he trusted that the honorable member for North Brisbane would pardon him for calling attention to the fact, that if Mr. Fitzgibbon came to the bar of the House to be examined, in committee of the whole, the honorable member himself would be in the chair. Examinations of witnesses at the bar were difficult at all times; and it would be very beneficial to the House that the mover in the matter should be in a position to conduct the examination, or, at all events, to afford honorable members an insight as to the direction in which he wished to lead it. The honorable member had forgotten his position—perhaps owing to its newness—and that it would preclude him from taking part in the examination.

Mr. PUGH said the House had first to decide that the examination should take place, and, on the motion, he could explain his object in making it. No doubt many honorable members would have questions to ask, without the Chairman taking part in the examination.

The COLONIAL SECRETARY, in explanation, and in answer to the honorable member for Drayton and Toowoomba, who had fears for his personal safety, said that no doubt Mr. Plews considered the bridge works as dangerous; but if honorable members took pains to read the report, they would find that when Mr. Plews was writing his report he had the new engines in view; and in a previous letter to Sir Charles Fox, he did state that he would not allow the large engines to go on the line until the bridges were strengthened. Further, the Engineer-in-Chief stated—

“Means are now being taken to equalise the strain throughout the superstructure as much as possible by vertical and horizontal diagonal bracing.”

He (the Colonial Secretary) might state to the House that that bracing had been going on for the last seven or eight weeks. Men had been constantly at work during that time, and were now. It had been found that the working engineers of the department had not sufficient time to attend to the work, and nine or ten days since, he authorised by Executive minute the employment of more men and the expenditure of £800, to strengthen the bridges; and the engineers on the line were taking particular pains with them. The bridges were continually watched by the

resident engineers, and the slightest strain would be noted. He, for one, had no apprehension about travelling on the line.

Mr. SANDEMAN had a suggestion to offer. He was of opinion that a select committee afforded the best means of obtaining information, and that one ought to have been appointed some time ago. A select committee, now, would be able to take evidence and present a report to the House. With that before them, honorable members would be better able to conduct an investigation with the late Engineer-in-Chief at the bar.

The motion for adjournment was, by leave, withdrawn.

LAND ORDERS TO IMMIGRANTS.

Mr. O'SULLIVAN moved, pursuant to amended notice—

1. That, in the opinion of this House, all the immigrants who arrived in the colony under the Crown Lands Act of 1860, and paid the full amount of their passage money, should receive the usual transferable land orders, which, on account of their being forty years of age and upwards, on embarkation, they have been hitherto deprived of, under the regulations of 1st of January, 1861.

2. That all immigrants who arrived in the colony under the same Act, and paid the full amount of their passage money as steerage passengers, should receive the £12 non-transferable land order which they were deprived of by clause one of the regulations of 1863; and, further, that all immigrants who paid the full amount of their passage money should receive the land order which they have been deprived of on account of their being thirty-five years and upwards, under the regulations of 1863.

He had, with the consent of the House, amended the motion, by substituting the words “thirty-five” for “forty,” in the last line of the second resolution. He could safely say that the alteration in these resolutions, if passed, would not cost the country one penny. He had placed the motion on the paper in consequence of the complaints of several poor people, who had been deprived of their £18 and £30 land orders, simply because they were forty years of age when they arrived in this colony. The Alienation of Crown Lands Act of 1860 stated, in its twentieth clause,—

“It shall be lawful for the Governor with the advice of the Executive Council to issue to any adult immigrant who shall have come direct from Europe to the colony of Queensland but not at the expense of the said colony or to the person who shall have paid for the passage of such immigrant a land order for the amount of eighteen pounds and after such immigrant shall have resided not less than two years continuously within the said colony and if not previously a British subject shall have been naturalized then to issue to such immigrant a further land order for the amount of twelve pounds provided that two children over the age of four and under the age of fourteen respectively shall be reckoned as one statute adult under this act.”

There was also a short proviso added, to the following effect:—

“Provided also that every such immigrant shall have complied with and shall be of the class

comprised within the immigration regulations for the time being in force in the said colony." It was upon the latter proviso in that clause that the regulations were framed, and he believed it had been held by every lawyer in the country, without exception, that these regulations were illegal. The twenty-third clause of the same Act stated—

"It shall be lawful for the Governor with the advice aforesaid from time to time to make or alter in accordance with the provisions of this Act such regulations as may be necessary to give effect to the same and all such regulations shall be published in the *Government Gazette* and when so published shall have the force of law and a copy of the same shall be laid before Parliament within fourteen days after the publication thereof or if the Parliament be not then sitting within fourteen days after its next meeting for the despatch of business."

Now, as he had said, all the lawyers agreed that the regulations were not in accordance with the Act, which provided that every immigrant should receive a land order. It was impossible for them to know anything of the regulations at home. They came out under the impression that they were to receive land orders to the amount of £30, and on their arrival they were told they could not get them, because they were over forty years of age. But there were other regulations made on the 16th November, 1863, under the same clause, and those regulations altogether deprived the immigrants of the £12 land orders they should have had under the twentieth clause of the Act, which clause had never been repealed; and it was for these £12 land orders that he now applied for in the second part of the resolution. It was believed that these persons who came out in 1863 had been unfairly treated, for those who came before them, as well as those who came after them, received £30 land orders. They came to the colony in the same way as the others, and were quite as useful a class of people. Yet they only received £18 in land orders, and they could not see the justice of depriving them of that which had been guaranteed to them by Act of Parliament. These regulations were passed in November, 1863, and in 1864 the new Act came into force, which, he believed, abolished all the regulations, and a £30 land order was given to every immigrant who landed in the colony. And, as if to acknowledge on the part of the Government that the previous regulations were illegal, as far as the age of the immigrant was concerned, no age at all was specified in the Act of 1864, so that any immigrant of any age could get his land order under it. The persons in whose behalf he addressed the House, felt that they had been unfairly dealt with. No one had ever denied that they were entitled to receive their £12 land orders under the twentieth clause of the Alienation of Crown Lands Act of 1860, and that the regulations which deprived them of those orders were contrary

to the twenty-third clause of the same Act. If their claims were satisfied and a £30 land order given to them, he had it upon the best authority, that there would not be more than three hundred and fifty of them—that was about one hundred and fifty who claimed land orders of which they had been deprived on account of their being forty years of age, referred to in the first part of the resolution—and about two hundred who claimed the second land orders for £12. He was positively informed that the alteration he had made in the resolution could not make a difference of more than a dozen persons. He believed the House would only be doing an act of justice to give these land orders to the poor people who had been deprived of them. It would not cost any money to give them, on the contrary, it would tend to enrich the colony, because those persons were now settled, and would buy land and put it to a good use. He hoped he had been able to make himself understood. He believed the law officers of the Crown would admit that the immigrants he had spoken of had been unfairly treated, and he trusted the House would not object to do an act of justice to three hundred and fifty settled inhabitants of the colony.

The ATTORNEY-GENERAL said he had no doubt the honorable member for West Moreton was actuated by the best motives, and as a matter he might almost say of justice to those persons whose cause the honorable member had advocated, he should have been willing to support the motion. But he must guard himself against sanctioning by any opinion he might express the overriding of an Act of Parliament, or regulations having the force of an Act of Parliament, by a resolution of the House. He should give his opinion as far as he could, and the House could then pass the resolutions if they chose to do so. With reference to the first resolution, the immigrants on whose behalf the honorable member had spoken came under the twentieth section of the Alienation of Crown Lands Act of 1860; they claimed their right to a land order by virtue of that section of the Act. It was perfectly true, as stated by the honorable member, that the Act itself was silent as to the age of the immigrant; and if the question had been entirely on the construction of the twentieth section of the Act, he should have been disposed to go with the honorable member and say that no regulations passed could be *ultra vires*, although he could not have gone so far as to say that those regulations, having since received the sanction of the House, could be upset by a resolution. But the twentieth section contained a proviso that "the class of immigrants who shall derive the benefit of the land order must fall within the class to be defined by regulations"—certainly not by regulations previously issued, because none could have been in existence at the time of the passing of the Act; but by regulations to be framed in accordance with

the twenty-third section, by the Government, which were to be laid on the table of the House, and having been so laid on the table, received the force of an Act of Parliament. He found that, in accordance with that section, regulations had been framed. It would be well for honorable members to take notice that all regulations, when published in the *Gazette*, had the force of law; and he knew that it had been held in the Supreme Court of Queensland, that those regulations, if framed in accordance with the provisions of the Act under which they were authorised, and faithfully carried out, were of the same force and effect as the Act itself. On reference to the *Gazette* of the 12th January, 1861, he found that the immigrants who were to come within the benefits of the twentieth section were classified, as honorable members would see by the second of the immigration regulations, passed in pursuance of the provisions of the Alienation of Crown Lands Act of 1860:—

“Persons claiming land orders under these regulations must have arrived in Queensland by a ship coming direct from Europe, and, either at their own expense or otherwise, without any cost to the Government; they must not have been previously resident in the colony, and must be, if men, under forty, if women, under thirty-five, years of age. This restriction as to age will be dispensed with in the case of parents accompanied by not less than five children; and in the case of relatives introduced under the provisions of clause nine of these regulations.”

Therefore, to sum up the amount of his argument, he would observe that the regulations appeared to have been framed in accordance with the twenty-third section, and therefore must be taken to be part and parcel of the Alienation of Crown Lands Act, so far as regarded the question of the land order principle. Then, he found the proviso of the twentieth section to the effect that the immigrant must be of a particular class under those regulations; and then he found that the regulations defined the class. That being so, how could an immigrant over the age of forty years receive a land order without the Government violating the principle of the Act, and the regulations passed under it? And it would be a violation, so far as he could see, at the present moment. The first resolution, if passed, would be tantamount to this—that the House, in 1867, by resolution, over-rode the Act of 1860 and the regulations; giving to those persons over the age of forty, being males, and over the age of thirty-five, being females, the benefits conferred by the Act of 1860, which, for a long time, they had been unable to obtain. He (the Attorney-General) presumed that the class referred to by the honorable mover, as laboring under the disability, had been some time in the colony. He gave his opinion, so far as his judgment enabled him to give it, to the best of his ability, and with rather a hasty review of the

authorities, against what had a tendency to interfere with the legislation of a previous period: the resolution would be inoperative. He did not, honorable members would recollect, wish to control them in their views, or in the expression of them, on this matter. He only wished to guard himself from voting for a resolution which could be of no effect. With regard to the second resolution, he did not exactly understand it; but as he found in the regulations of 1863 the same conditions, as to age, that existed in the regulations of 1861, it appeared that the argument he used against the first resolution would be equally applicable to the second:—

“A land order for £18 will be given on arrival to every adult male or female steerage immigrant proceeding from the United Kingdom to Queensland, who shall in every respect have satisfied the requirements of these or any subsequent regulations, and who shall have conformed to the provisions of the Passenger Act, and to the rules established for maintaining health and order on board ship.”

Then, he found, in clause six of the same regulations, that—

“Persons applying for land order warrants must be, if men, under forty, if women, under thirty-five, years of age; but no land order will be granted to or on account of the passage of any unmarried female immigrant unless accompanied by her parents.”

He did not know that persons had been deprived of land orders under the regulations of 1863 in any other manner than they would have been deprived of them under the regulations of 1861. He had no more to say on the question. If it came to a matter of equity or justice, he should be glad to do that which the mover of the resolutions wished to do. He believed the honorable member stated the truth, when he said that the persons affected were a very small number, and that very little injustice would be done in putting them in a fair position. They did, doubtless, come out to the colony without a full knowledge that there was a restriction on age. They were induced to come out—he would not say by misrepresentation, but from the want of knowledge which might and ought to have been supplied to them. That would be sufficient ground for him to support the resolutions, if he could see his way to do so on any future occasion. If he was correct in his view that the resolutions would be inoperative as mere resolutions, still if the sense of the House agreed in their support, he thought he could see his way clear in a very short space of time to give, without infringement of the law, that remedy for which the honorable member for West Moreton, Mr. O’Sullivan, now strove.

Mr. PUGH asked if the remedy would include the case of persons who had been induced to emigrate by Mr. Jordan’s first pamphlet? Mr. Jordan, upon being appointed Emigration Agent, delivered a

lecture; it was printed in the colony by the Government, and published at home—immediately upon his arrival. By the very next mail, however, it had to be cancelled, because of the Government restrictions that followed him with regard to age. All persons who came out under that pamphlet, and all persons restricted from receiving land orders by reason of their age, should be included in the remedy.

The ATTORNEY-GENERAL: There was another class of persons! He could only say that the remedy which he had mentioned was a remedial Act of Parliament. Of course, he was not aware, at the time he spoke, of the existence of the persons mentioned by the honorable member for North Brisbane, Mr. Pugh; but there could be no doubt whatever that if the House assented to the resolutions, or either of them, the claims of all classes of persons affected could be embraced in the same Act. He simply wished to say that, in his opinion, an Act of Parliament would be necessary to give the remedy, instead of resolutions.

Mr. BELL said he knew of many individuals amongst the classes of persons that had been referred to by the honorable mover. Application had been made to the late Government in several instances, with the same view as that which was embodied in the resolutions now before the House; but the Government had found themselves in the position so clearly laid down this evening by the Attorney-General. They could not, in the existing state of the law, render that justice which appeared to be demanded of them. But perhaps the injustice was not strictly so great as appeared by the reading of the resolution, because those persons did not leave home under the belief and without the knowledge of the existence of the regulations. If they had, their case would have been so clear that the Government of the day would have been bound to have accorded them the justice which such a case demanded. The Government had felt—as honorable members now felt—that there was great hardship in the case of those persons who had come to the colony between the two classes of immigrants who had received £30 land orders, and who had not received any compensation such as had been given to other immigrants. The honorable member for West Moreton, Mr. O'Sullivan, would have pursued a more satisfactory course if he had moved for returns before tabling his motion. By means of returns he would have been able to have satisfied the House of the exact number of cases which did exist. Before this evening, he (Mr. Bell) was not aware that there was another class of persons who considered they had claims upon the House, viz.—those mentioned by the honorable member for North Brisbane, Mr. Pugh, as having been the first to emigrate under the immigration system of this colony. As it was clear that a resolution would not be sufficient to over-ride an

Act of Parliament in existence, and that a short Act of Parliament must be brought in, he thought the honorable member would do well to withdraw his resolutions, and call for the returns which he (Mr. Bell) had suggested. He believed the feeling of the House to be such, that a Bill, if brought in, would pass through without opposition.

Mr. O'SULLIVAN said he had no wish to press the motion on the House, and he accepted with thanks the suggestion of the honorable member who last addressed them. In consequence of the spirit of justice in which the House had received the motion, he should withdraw it and ask for the returns referred to. The honorable and learned Attorney-General, when he said he (Mr. O'Sullivan) had no selfish motive in bringing forward the motion, though he did so very candidly, had done him no more than justice. He could assure the House that he was in a position to prove that many of the persons on whose behalf he had proposed the motion, had come to this colony without the slightest knowledge of the regulations.

The motion was, by leave, withdrawn.

THE KENNEDY ELECTION.

Mr. FITZGERALD moved—

That copies of the telegrams laid on the table by the honorable the Colonial Secretary, to-day, relative to the late election for the Kennedy District, be printed.

He said his object in moving that those papers be printed was simply to give the late Colonial Secretary an opportunity of explaining away, and of removing, the impression of the Kennedy electors, that he had interfered in a very unfair and unwarrantable way in the late election. He did not accuse the honorable member, but merely stated that such an impression existed generally. It was a matter of very great importance, inasmuch as it involved the integrity of election, and the right of the people who had registered their claims to vote at the election. It might be that the honorable member could explain the impression away. He (Mr. Fitzgerald) was sorry that the honorable member was not in his place, in order to have an opportunity of making an explanation. There were two candidates in the field, Mr. J. G. McDonald, and the present member for the Kennedy. It was arranged, on the 6th July, before he (Mr. Fitzgerald) left Bowen, that owing to there having been some informality in printing the new roll, under the eleventh clause of the Registration of Electors Act, the returning officer was to use the new roll for the divisions for which it was complete, and the old roll for those parts for which it was not complete. He was, therefore, quite surprised to get a letter from Mr. Clarke, the returning officer, dated Bowen, 8th July, to the effect—that he (Mr. Clarke) would use the old roll, as he had received a telegram from the Colonial Secretary, on the Saturday previous, that he should

do so; otherwise, that it had been his intention to use the new roll, which he had made arrangements for printing. Well, that was an interference in the matter of the election which he (Mr. Fitzgerald) believed the late Colonial Secretary was not justified in. A gentleman at the Mackay, named Seaward, telegraphed to the same honorable member on account of the electors, to this effect:—

“Mackay, 8th July.

“Just received telegram from returning officer, Bowen, that old electoral roll for the district only to be used this election. Why have you disfranchised eighty-three (83) electors whose names are on the roll for this portion of the Kennedy District, the Act having been complied with? Reply immediately.”

To that telegram, the late Colonial Secretary replied, on the 9th July, to Mr. Seaward, as follows:—

“I have received your telegram, and am somewhat surprised at its contents. This department has nothing to do with disfranchising or enfranchising electors. If the returning officer finds that the law has been complied with, he need have no difficulty, and it would be much better for him to make himself acquainted with the Electoral Act, and be guided by it, than to telegraph to this department for instructions, which I have no power to give;”—

Honorable members would remember this expression—

“the responsibility is with him, and not with me.”

On communicating to Mr. Clarke the contents of this telegram, that gentleman justified himself in persisting to use the old roll, by furnishing a copy of the telegram which he had sent to the Colonial Secretary on the 6th July, that was four days previously, to this effect:—

“Old roll, 1866 and 7, despatched to Cardwell and Glendhu. Shall I use copies of the new, 1867 and 68 (to be printed here), for the nearer polling places? No possibility of again sending to Cardwell and Glendhu in time for polling.”

The answer that he received from the Colonial Secretary, 6th July, was—

“No.”

That was, the returning officer was not to use the new roll for the polling places where there were many new electors of the Kennedy District. He (Mr. Fitzgerald) considered that that was a most unwarranted interference on the part of the Colonial Secretary with the liberty of the electors, and the independence of the returning officer, who was not obliged by law to take directions from the Colonial Secretary, though he did, in fact, do so. On the 11th May, after another remonstrance, the returning officer stated that the decision of the Colonial Secretary, of 6th July, was final, and the old roll was used. A deputation of electors, at Mackay, through Mr. Seaward, telegraphed again as follows, on the 10th July:—

“The returning officer informs me that you, on the sixth (6th) July, instructed him to use old

roll, because the new roll could not be forwarded in time to Cardwell and Glendhu, thus disfranchising eighty-three (83) electors for this district. Please countermand instructions of sixth (6th) July. Reply.”

Now, if the late Colonial Secretary had made a mistake in his first telegram of the 6th of July, when he directed the use of the old roll only, he had an opportunity of rectifying it in time, and allowing Mr. Clarke to use his own judgment. He (Mr. Fitzgerald) did not care to argue whether Mr. Clarke's action was legal or not; what he wished to bring before the House was the unwarrantable instruction which the Colonial Secretary gave. That honorable gentleman might have some explanation; but, so far, appearances were against him. The electors of Kennedy, from one end of the district to the other, believed that the late Colonial Secretary wished to secure the return of Mr. J. G. McDonald, who was known to have gone up from this to Bowen in his interest. The old roll was supposed to give that candidate a very great advantage, and that it would secure his return. He (Mr. Fitzgerald) did not wish to indorse that statement of the case; the honorable gentleman might have some fair explanation to give; and, perhaps the best way would be for him to get the papers printed, in order that the honorable gentleman might be prepared and have an opportunity for his explanation. He knew it would be some satisfaction to people in the towns of the Kennedy District to find that there was no cause for their present feeling on this subject.

Dr. CHALLINOR suggested to the honorable member that the debate should be adjourned.

Mr. BELL thought it would have been well if the honorable member had postponed his speech until the honorable member for Ipswich, Mr. Macalister, was present. Such a course would have been more in accordance with justice than the one he had taken. The only thing now was to print the whole of the papers. It was to be deprecated that honorable members should make charges without proof—if that were possible;—and, unless they were substantiated at the time they were made, they ought not to be made at all.

Mr. GROOM said he thought that, after the remarks that had been made by the honorable member for West Moreton, Mr. Bell, it became all the more necessary for the honorable member for the Kennedy to postpone his motion. The honorable member would have acted more candidly towards Mr. Macalister, especially in his absence, if he had read the telegram of Mr. Seaward, who was chairman of his committee, and Mr. Macalister's reply to it. Mr. Seaward's telegram, which was dated Mackay, July 10, 1867, and addressed to the then Colonial Secretary, was as follows:—

“The returning officer informs me that you, on the sixth (6th) July, instructed him to use the old roll, because the new roll could not be

forwarded in time to Cardwell and Glendhu, thus disfranchising eighty-three (83) electors for this district. Please countermand instructions of 6th July. Reply."

That telegram was signed "W. Seaward, chairman of Mr. Fitzgerald's committee." On the following day, the 11th of July, the Colonial Secretary, Mr. Macalister, returned by telegram the following answer to Mr. Seaward :—

"You are mistaken. The returning officer, so far as I can discover, has received no instructions from this department, except to guide himself by the law, and no other will be given. The responsibility of discharging his duty correctly lays with himself, and not with me. A. MACALISTER."

Now that, he thought, was almost an answer to the remarks the honorable member for the Kennedy had advanced. The charge which that honorable member had advanced against the honorable member for Ipswich, Mr. Macalister, was a very grave one indeed. If the telegraph wires had been used in the way the honorable member had represented, it was only fair and right that such conduct should be made public by being brought before the House; for such conduct was as much an interference with the privileges of the House as anything could be. He had looked over the telegrams that had been laid on the table by the honorable the Colonial Secretary, and after reading them over he was not prepared to say that he thought the honorable member for Ipswich had done the wrong the honorable member for the Kennedy represented him to have done.

Mr. ARCHER thought the honorable member for Drayton and Toowoomba had been rather severe upon the honorable member for the Kennedy. The honorable member for the Kennedy had simply stated that opinions were entertained that there had been an interference of the kind he had mentioned, and that he had brought the matter before the House to afford the honorable member for Ipswich, Mr. Macalister, an opportunity of clearing himself. He also stated that he was anxious to hear the explanation of the honorable member for Ipswich, and that, in that gentleman's absence, he would not make any charge against him of having acted in the way that it was rumored in the Kennedy District he had done. The honorable member for Drayton and Toowoomba had therefore, as it appeared to him, charged the honorable member for the Kennedy with making a charge that he did not make.

Mr. GROOM, by way of explanation, stated that the honorable member for Rockhampton had altogether misunderstood him. He did not prefer a charge against the honorable member for the Kennedy. What he did was to read the telegrams, to shew why he thought the honorable member should allow his motion to stand over till the honorable member for Ipswich, Mr. Macalister, was in his place to give an explanation.

Mr. MILES said he had himself some little knowledge as to how telegrams were used for electioneering purposes. He must say he did not think that the honorable member for the Kennedy had made any charge against the honorable member for Ipswich, the late Colonial Secretary; but had only brought this matter forward in order to give that honorable member an opportunity of clearing himself of charges that were rumored against him in the Kennedy District. He might inform the House that very much the same thing as had taken place in the Kennedy District also took place in the Maranoa District. The electoral roll was sent down to be printed, but it went astray in some way or other. Under those circumstances, the returning officer sent a telegram to the Attorney-General for instructions. As he was not a Government candidate, the Government could not, of course, be expected to favor him in any way. The answer of the Attorney-General simply laid down the law in such cases. Owing to the loss of the roll, there were not only eighty, but two hundred, persons disfranchised in the Maranoa District. Considerable dissatisfaction, of course, existed, and he had a very great deal of difficulty in getting the electors to believe that the loss of the roll was not the fault of the Government. For some time he was himself under the impression that it was the fault of the returning officer, and he was happy now to be able to state that it was not. He believed now that the revised roll never got into the possession of the returning officer, and that it never was printed. The electors were very much dissatisfied, that the old roll had to be used, and several telegrams were sent to the Attorney-General; but the answers that were returned were not such as to influence the election in any way. They simply stated that if the revised roll could not be found, the returning officer would have to fall back upon the old roll. He was happy to say that no means were used to influence the election in one way or another. He had no doubt that when the honorable member for Ipswich was in his place he would be able to satisfy the honorable member for the Kennedy, that he did not interfere in any way to influence the election.

Mr. PUGH observed that there had been some very strong expressions used in the House during the last day or two as to the influence used by Executive officers at elections; and if the honorable member for the Kennedy had been able to shew that there had been any undue influence used by the late Colonial Secretary to affect the election for the Kennedy, he would have supported him. But the honorable member had not done so. He thought the proposition of the honorable member for Ipswich, Dr. Challinor, was altogether unnecessary, and that the course proposed by the honorable member for West Moreton, Mr. Bell, would

be the best to pursue—that the motion should be allowed to pass and that the papers should be printed. When the papers came into the hands of honorable members, they would, no doubt, see that it was not necessary to take any further action, for upon the face of them they shewed that there was no influence used. Of course, if the honorable member for the Kennedy thought that, upon the face of the papers, there had been influence used, he could then bring the matter before the House by another motion.

Mr. MYLNE said that, as he had been the returning officer for the Maranoa, he would like to take that opportunity of clearing himself in the matter referred to by the honorable member for the Maranoa. The facts of the case were briefly these: The electoral roll was sent down to him to Brisbane, but he happened to be in Sydney at the time on business. When he returned, he went to see Mr. Manning, the Under Colonial Secretary, about the matter. As the names on the roll were not alphabetically arranged, there was not time to get that done and to have the roll printed and returned before the day of election. He knew there was considerable dissatisfaction about the matter in the district, but the fault did not lie with him; and when the constituency of Maranoa became acquainted with the explanation that he had now made, he was sure they would not attach any blame to him in the matter.

The ATTORNEY-GENERAL said he thought the remarks that had fallen from the honorable member for North Brisbane, Mr. Pugh, should receive the attention of the House. He was not himself in the House when the honorable member for the Kennedy brought forward the motion that the documents should be printed, and could not, therefore, refer to anything he had said, as he had not heard him. But he would say this, that if any discussion was to take place as to any conduct of the late Colonial Secretary, it ought to be on a distinct motion. It was hardly the proper time to discuss the merits of the case, on a motion that the papers be printed. He had read the telegrams; and he must say that at first he was inclined to believe that some undue influence had been used, from communications that were made to him during the progress of the election. It seemed to have been the opinion of the returning officer, at Mackay, that the instructions given by the Colonial Secretary, had been at one time of a particular kind and that when those instructions were communicated to the chairman of Mr. Fitzgerald's committee, and when the returning officer had again communicated with the Colonial Secretary, the instructions first given to him were denied. Such was the effect of the information he received during the progress of the election, and he thought there might be some grounds for it, if the matter was

allowed to pass unexplained. On a careful perusal of the telegrams, he must say he did not think there had been any such conduct as it was supposed there had been. If the honorable member was under the impression at the time that there was undue influence, he must, on a careful perusal of the telegrams, come to the conclusion that such had not been the case. He thought the motion on the paper was a very proper one; for if the honorable member, from good information, thought that any undue influence had been used, it was decidedly his duty to bring the matter before the House; and as the matter stood at present, he thought the honorable member was taking a very proper view of it, for he sought not only to protect himself, but also to prevent on future occasions of election, any undue influence being used by any Government. He would wish, on the present occasion, to submit to the House what were his own opinions as to what should be the conduct of the Government during the progress of elections, in reference to communications made to them by returning officers. Returning officers, it seemed, by the Acts of Parliament relative to returning officers, were believed to understand their duties *per se*; and he thought that any returning officer who chose to read the Acts of Parliament relating to his duties, had no need to ask the opinion of the Colonial Secretary or any one else; and if returning officers were such as they should be, the less communication they had with the Government the better. But if any returning officer found it necessary at any time to ask the advice of the Government, he should ask for it in the shape of a Crown law officer's opinion. Such a course would secure the constituency against the exercise of any undue influence by the Government in any election, and, for that reason, secure the Government on the other hand against any charge of exercising undue influence. He made those remarks without meaning any reference to the late Colonial Secretary, because, on reading the telegrams, he believed the late Colonial Secretary gave the advice which he considered to be best under the circumstances.

Mr. O'SULLIVAN thought they ought to accept the opinion of the honorable the Attorney-General as to the correctness of the conduct of the late Colonial Secretary in the matter brought under the notice of the House, and so save a great deal of unnecessary printing. Taking the case as it was put before the House by the honorable member for the Kennedy in proposing his motion, he was inclined to support him; but if the telegrams were valueless and did not sustain any charge of the kind that had been spoken of, he could not see what would be the good of having them printed. If the telegrams would have sustained the charge, then he should have said that by all means they should be printed. With regard to the communica-

tions that had been referred to by the honorable the Attorney-General, he could assure the honorable gentleman that every returning officer he knew of perfectly understood the law as regarded their particular duties as returning officer. But there was nobody so blind as those who would not see, and when the Government appointed partisans those gentlemen were unable to see but the one side of the question—the one that referred to the Government—and the pretended difficulties that were communicated in the shape of telegrams, under the guise of asking for advice, were in reality suggestions for instructions how to act.

MR. WALSH said he had not had the pleasure of listening to the whole of the debate; but, from what of it he had heard, he believed the question was of a great deal more importance than some honorable members seemed to consider it. He had risen for the purpose of moving an amendment to the effect that copies of all telegrams transmitted by the Government on electioneering matters, during the late elections, should be laid upon the table; but he found that he could not now do so, and that such a proposition should have been made when the motion for the production of the telegrams was before the House.

MR. FRANCIS said he thought the honorable member for the Kennedy deserved the gratitude of the country for the temperate and business-like way in which he had brought forward his motion; and he very much regretted that the honorable member for Maryborough was not in the House at the time, that he might have had the opportunity of taking a lesson from him. That honorable member, perhaps, might have profited by the example, and so have saved a great deal of the valuable time of the House in future. He agreed in the view that was taken by some other honorable members—that the honorable member for the Kennedy did not make any charge against the late Colonial Secretary, but only asked that the telegrams might be printed, in order that the truth or falseness of certain rumors might be brought to light.

DR. CHALLINOR observed that the honorable member for West Moreton, Mr. O'Sullivan, thought that as the telegrams were so conclusively in favor of the late Colonial Secretary, according to the opinion expressed of them by the honorable the Attorney-General, it would be a pity to put the country to the expense of printing them. Now, that was a course which he thought would be of the penny wise and pound foolish order. If the telegrams were so satisfactory, that was the very reason why they should be printed and distributed throughout the district where the feeling was so strong and so general respecting them. When he suggested that the discussion should be postponed till the late Colonial Secretary was in his place, he thought that

no discussion would have taken place on the general question, but as the discussion had gone so far, he had come to the conclusion, that his suggestion was not a right one, and that the better course would be to go on with the motion and dispose of it at once.

The motion was then agreed to.

THE PRUSSIAN CONSUL.

MR. PUGH moved—

That an address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid upon the table of this House copies of all correspondence between His Excellency and the Secretary of State for the Colonies, relative to the Prussian Consul in Brisbane (Armand Ranniger, Esq.).

It might appear, he said, to honorable members, that this motion, so far as the mere surface of it went, pertained to a matter of mere etiquette, only as between the authorities and the gentleman whose name was mentioned in the motion itself. But he had been induced to place the motion on the notice paper, or was induced to place it on the paper in the first instance, and to renew it afterwards, because he found that the Prussian Government had applied to Mr. Ranniger for the correspondence, that they might satisfy themselves still further as to the way their consul, their authorised agent, had been treated in this colony. There was laid on the table of the House, a few days ago, a document which purported to be an extract from the minutes of the proceedings of a meeting of the Executive Council of Queensland, held on the 3rd of January, 1866, relative to the position of foreign consuls in Queensland. He was at a loss to know why that document was placed on the table, unless it was for the purpose of forestalling his motion. But it would not have that effect. The last part of the minute said—

“The Executive and judicial authorities in Queensland desire to allow to the foreign consuls in this colony every courtesy and honor which foreign consuls enjoy in England.”

Now, the courtesy of sending cards of *entrée* at levees, was one of the courtesies extended to foreign consuls in Victoria, South Australia, Tasmania, and other colonies also, he believed; and when Mr. Appel, the Consul for Hamburg, did not receive his card of *entrée*, an apology for the omission was inserted in the *Government Gazette*. But subsequently those cards of *entrée* were stopped, and no apology was made, or other explanation given; but it now appeared, two years afterwards, that the minute to which he had referred was arrived at by the Executive Council on the subject. He believed it had been stated that Mr. Ranniger was not the Prussian Consul, but was merely a consular or commercial agent of the Prussian Government. But, disproving such a statement, he now held in his hand the letters patent of the King of Prussia appointing Mr. Ranniger Consul for Prussia in Queensland;

and the document was countersigned by the redoubtable Bismark. He also held in his hand, the exequatur of Her Majesty the Queen of Great Britain, countersigned by Earl Russell, recognising Mr. Ranniger as Prussian Consul in Queensland. It was as follows:—

VICTORIA, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c., &c., &c.
—To all and singular our loving subjects to whom these presents shall come,—
Greeting:

WHEREAS our good brother, the King of Prussia, has by commission, bearing date the fourth day of September last, constituted M. Armand Ranniger, to be his Consul at Brisbane: And we having thereupon approved of the said Armand Ranniger as Consul for our said good brother, according to the commission before mentioned; our will and pleasure is, and we hereby require, that you do receive, countenance, and, as there may be occasion, favorably assist him the said Armand Ranniger in the exercise of his office; giving and allowing unto him all the privileges, immunities, and advantages thereunto belonging.

Given at our Court at Saint James, the sixth day of December, one thousand eight hundred and sixty-four, in the twenty-eighth year of our reign.

Now, those two documents which he had produced ought, he thought, to be sufficient to satisfy the House that Mr. Ranniger did not occupy the position in this colony of a mere consular or commercial agent of the Prussian Government. So far from that being the case, Mr. Ranniger had the power given him by his Government to appoint consular agents and vice-consuls, for whose acts he was in every way responsible. Now, he took it, that any discourtesy shewn to Mr. Ranniger here, would be as great, in his case, as a like discourtesy to any of the paid consuls at home. The Prussian Government did not pay its consuls anywhere, and in the Executive minute to which he had referred, there was a distinction drawn between consuls and *consules missi*. The French Government, and also the English Government, paid their consuls, but some other countries did not; but there was no difference observed on that account. The only difference observed was, that the senior consul in age, whether a consul *missi* or not, took precedence at presentations, at court, and on other state occasions. Now, it appeared that when the courtesy, formerly extended to consuls, of sending them cards of *entrée*, was suddenly stopped, a meeting of consuls was held at the Prussian Consulate, and there were present—the Consul for Belgium, the Vice-Consul for Spain, the Consul for Bremen, the Consul for Hamburg, and the Consul for the Netherlands; but the Consul for the Netherlands (Mr. Heussler) wished that his name should not appear in the proceedings. Certain resolutions were agreed to at that meeting of

consuls, of which copies were given to the consuls present, with the exception of the Consul for the Netherlands, with the view of their being forwarded by those consuls to the Governments which they respectively represented, to see what view those Governments would take of the matter. In consequence of the communication sent by Mr. Ranniger to the Prussian Government, the Government at Berlin communicated with the Prussian Ambassador at London, who, in turn, communicated with the English Government on the subject, and, through the Secretary of State for the Colonies, with the Government of Queensland, requesting an explanation of the reasons why the Prussian Consul in this city had been excluded from the privileges hitherto accorded to him and others of the same rank in this colony. Now, the reasons stated were just exactly what he wished by his motion to obtain; because, immediately on finding that a report had been sent home by the Government here, or rather, he should say, by His Excellency, the Prussian Consul, Mr. Ranniger, forwarded his resignation to the Prussian Government. But Mr. Ranniger's resignation was not accepted, because the Government at Berlin did not consider that sufficient grounds had been shewn for the refusal to him of the privileges and courtesies accorded to consuls in other colonies. He understood, so far as his information went, that both the Belgian and Spanish Consuls, on being consulted in the matter, said they knew nothing about it—that they were quite satisfied with their position, and saw no reason to complain. Yet they were present at the meeting of consuls on the subject, and were parties to the resolutions adopted; and the Consul for the Netherlands, who did not go so far as the others did, had certified to the presence, at the meeting, of the Belgian and Spanish Consuls, and to their taking part in the proceedings. The document that had been laid by the Government on the table of the House, stated that the Government were anxious to allow foreign consuls in this colony every courtesy and honor, and so on; and the Queen's exequatur desired the Government to extend to the Prussian Consul all the privileges and immunities belonging to foreign consuls in the colony. Now, it turned out that there were no privileges, honors, or immunities accorded to foreign consuls in this colony; and that the privilege accorded to foreign consuls in other colonies of paying the respects of their several Governments to the representative of Her Majesty on the anniversary of her birthday, was not accorded to the foreign consuls in Queensland. So far, then, as affording that much information, the document placed upon the table had some value in it. As showing how differently consuls were treated in Europe, he might mention that when the late Prussian Consul at Sydney was in Berlin, he was not only present at state ceremonies, but sat several

times at the king's table. Here, however, if a consul applied in courteous terms to an officer in the employ of the Government, as the Prussian Consul did, for official information, no notice whatever was taken of his letter. Now, honorable members might be surprised at that, but it was the fact. Mr. Ranniger wrote, stating that an exhibition was to be held at Berlin, and asking what assistance the officer to whom he applied would be prepared to render, if any at all. But no notice whatever was taken of his letter. So it appeared that, notwithstanding the position a gentleman might hold in the colony as the representative of a foreign power, the Executive seemed to consider that no notice need be taken of him or his communications in his official capacity. The consuls here seemed to be looked upon as merely commercial agents. But, as shewing that Mr. Ranniger was not merely a commercial agent, he had the power, and had exercised it repeatedly, of issuing passports to persons visiting Germany. No one stood between him and the Court at Berlin; and he was accountable to the King of Prussia at once; and for all that any vice-consul he might appoint might do, he was also accountable to the King of Prussia. He was, therefore, entitled to a much better position than the Government of Queensland had accorded to him hitherto. Now, as he had endeavored to shew at the outset, it was not merely a private individual who came here through him and asked for those documents; for Mr. Ranniger had been requested by his Government to obtain, if he could, possession of the papers for which he now moved.

The ATTORNEY-GENERAL: Where is the authority?

Mr. PUGH: I can shew the letter.

The ATTORNEY-GENERAL: I doubt it.

Mr. PUGH: Well, he believed he could shew the letter, notwithstanding the doubts of the honorable the Attorney-General. But, at any rate, it was a fact that Mr. Ranniger had been asked to get the documents to which the motion referred, and to forward them to the Prussian Government. He did not expect the Government would consent to produce the documents; and, indeed, from the beginning, he did not expect they would. But he did not care whether they did or not; nor did Mr. Ranniger; because a refusal would equally place him in a position to reply to the communication he had received from the Prussian Government, asking him to obtain the documents.

The COLONIAL TREASURER said there were three questions involved in this motion. The first was, whether the House was not exceeding its privileges in dealing with a matter of this kind, which was one entirely between the Governor and the Home Government; the second, whether the Governor could be called upon by the Parliament to produce communications marked "private and con-

fidential"; and the third, whether the statements made by Mr. Ranniger could be substantiated. It was said that Mr. Ranniger was the consul for Prussia; but there was a great difference between a consul appointed by a document such as the honorable member held in his hand, and a paid member of a diplomatic body. As to the issuing of cards of *entrée* that was a matter which the House had nothing to do with at all. Shortly after His Excellency came here, the consuls were accorded the right of *entrée*; but it appeared afterwards that they were not entitled to it, and His Excellency did away with it. He knew that it was not the case in New South Wales that foreign consuls had the right of *entrée*; and what it was elsewhere he neither knew nor cared. The honorable member had stated that Mr. Ranniger was supported by the Prussian Government in the course he had taken.

Mr. PUGH: I am told so.

The COLONIAL TREASURER: Then the honorable member was misinformed. Mr. Ranniger had stated distinctly that all the consuls here coincided with him at the meeting to which the honorable member had referred. Now, he happened to know that two of them repudiated that statement in the strongest terms. So much for that. The whole question was, whether Mr. Ranniger belonged to a diplomatic corps, as he believed some of the consuls in the southern colonies did, or whether he was one of those consular agents, or trading consuls, who were appointed to look after the commercial interests of their respective Governments. He believed that Mr. Ranniger belonged to the latter class. But he thought the House would agree with him that, putting that question aside, the House had nothing to do with the matter. If His Excellency had acted wrongly in what he had done, it was for the Prussian Government to complain to the British Government through the Secretary of State for Foreign Affairs; and the Secretary of State for the Colonies would communicate, if necessary, with the Governor—and so on. If the Governor had done what was wrong, no doubt the British Government would call him home, and take him to task for his conduct. It was an affair for the Home Government to deal with, and not an affair that came within the province of the House to deal with. He might state, on the part of His Excellency, to the honorable member, that His Excellency declined to furnish the correspondence asked for.

The ATTORNEY-GENERAL said he wished to make a few remarks on the motion before the House; because he thought it was only due to His Excellency that the House should understand the particular position in which he was placed with reference to the motion. He agreed with the honorable the Colonial Treasurer that it would be highly improper for the House, by any resolution of the kind before it, to attempt to interfere with the

functions of His Excellency for the discharge of a duty over which the House had no control. The question, as it appeared to him, resolved itself simply into this—that Mr. Ranniger, conceiving himself to hold the appointment of consul for the Prussian Government, and believing that he had received some slight as consul, had taken offence, and wished to bring his grievance before the House. Now, the honorable the Colonial Treasurer had stated that if Mr. Ranniger, as Consul for Prussia, whether of a particular degree or not, had any cause of complaint against His Excellency the Governor, it was a matter entirely between the English Government and the Prussian Government; and the question, as it was well known, would be settled in a particular manner between the Secretary of State for Foreign Affairs in England, and the Prussian Government; and he thought he could state so far from his own knowledge, that this matter had been settled—and that to the satisfaction of the Prussian Government; and, therefore, he must express his own surprise that such a matter had been brought before the Legislative Assembly at all. For what purpose it had been brought before the House, he could not conceive. It was truly stated by the honorable the Colonial Treasurer that it would be impossible for the House to dictate to the Governor what cards of *entrée* he should issue, either in his private capacity as Governor, or in his official capacity of Governor, on the Queen's birthday. He was bound to issue cards of *entrée* on those occasions according to etiquette; and he had instructions on the subject from the Home Government, and if he deviated from them he was responsible for it; and therefore he would not deviate from them. As to the production of the correspondence, it was only justice to His Excellency for him to state that the correspondence in respect to this matter was marked "private and confidential." A portion of that correspondence he was at liberty to state contained the opinion of the Law Officers of the Crown in reference to the position of consuls in the colonies; and it was laid down in "May's Parliamentary Practice" that all communications between the Crown Law Officers and the Government were private and confidential and could not be called for by the House of Commons itself. It was therefore sufficient for him to state that those were marked "private and confidential," and could not be asked for. It would be injurious to the Governor and to his position if he were to produce the correspondence; and, as he took it, the House was not at all interested in the question whether Mr. Armand Ranniger received a card of *entrée* or not, and he questioned very much whether the correspondence between the Governor and Mr. Ranniger would interest the House or not.

Mr. PUGH, in reply, said he was not at all disappointed by the refusal on the part of the Government to assent to the motion, for he

expected when he gave notice of the motion that the correspondence would not be produced. This was just one of those inconvenient cases in which despatches were not produced. He wished to say, in reply to the honorable and learned the Attorney-General, and he gave that honorable gentleman every credit for speaking with all sincerity on this occasion, and for believing that what he said was perfectly correct, but he wished to say to him that he believed the time would come when he would alter his opinion, and when he would have documentary evidence to induce him to alter his opinion. It was not a mere matter of withholding cards of *entrée* that was the cause of offence; but amongst the amenities shewn to foreign consuls—the giving them cards of *entrée* was one. As to what the honorable the Colonial Treasurer had said about the Spanish and Belgian Consuls, he must say that he did not, from what he had heard, place confidence in what they had said. As he said before, it did not matter to him whether Mr. Ranniger obtained the documents or not, for the question would not be settled by the House. As to the issuing of cards of *entrée*, he did not suppose the House wanted to dictate to His Excellency who should be invited to Government House and who should not. He did not think that any honorable member would be fool enough to attempt to dictate to His Excellency in the matter. He was not astonished to find that the motion was not agreed to by the Government, but he believed that he would be able some day to justify the position he had taken in this matter.

The motion was then put and negatived, on at division, by a majority of 15 to 3.

DISEASES IN SHEEP ACT.

Mr. SANDEMAN: I now beg to move the second reading of a Bill for the prevention and cure of diseases in sheep. The importance of the object for which this Bill has been framed, cannot, I believe, be overrated, considering that the welfare of so large a producing interest is essentially involved. The diseases to which the flocks of the sheepholder are subject, render it highly necessary that legislation of a practical character should be brought to bear upon them; and, judging from the operation of the New South Wales Act, from which this is in the main a transcript—an Act which, I should add, was approved of by the commission of which the honorable member for Eastern Downs, the late Colonial Treasurer, was, *ex officio*, chairman—great benefit to the colony may be expected from the introduction of this Bill. I believe that throughout the length and breadth of New South Wales during the very trying time in which that insidious disease, commonly called the scab, ravaged the country, the Act was of the most essential service. The main feature of this Bill is one which, I conceive, should be

the guiding principle in all legislative enactments when practicable—the establishment of local management. I think the best way to explain the nature of the Bill is to refer to and comment upon its principal clauses. The third clause provides that—

“the colony shall be divided into conveniently sized sheep districts, to be defined by proclamation by the Governor from time to time.”

The next feature of importance is the provision that directors shall be appointed annually, whose duty it shall be generally to supervise and manage matters connected with the prevention of disease. The third point is in clause twelve, which provides for the appointment of district inspectors to be appointed by the Governor. Clause eighteen provides that a chief inspector shall be appointed; and the clause following provides that local inspectors shall be nominated by the directors. I may observe, that the inspectors proposed to be appointed under this Bill will be vested with large and important powers, and the necessity of securing for the very responsible duty persons of undoubted character, and ascertained knowledge and ability, under the control of the directors is beyond question, and the principle introduced of giving powers of local management is one which must act most beneficially. Clause twenty-six provides that provision of our present Act which relates to catarrh. Clause twenty-nine provides for quarantine regulations, and clause thirty-three for the destruction of sheep infected with scab. Clause thirty-seven provides for the mode of investigation, and dealing with applications for the payment of compensation for sheep destroyed under the provisions of this Act. Clause forty, and following clauses, provide for regulations relating to travelling sheep. Clause forty-five, and subsequent clauses, relate to introduced sheep—that is, sheep to be introduced from adjacent colonies overland. Clause fifty-two, and subsequent clauses, refer to imported sheep. Clause fifty-seven refers to regulations connected with coast district sheep. Clause fifty-nine, and following clauses, refer to miscellaneous regulations. Clause eighty-one, and subsequent clauses, to contributions and expenses. I may say that the contribution under this Bill was set down at £1 per one thousand sheep. I had intended to have altered this in the Bill, but it has been inadvertently overlooked, and in committee I shall propose that the assessment be reduced to five shillings per thousand sheep. I find, by the statement made by the honorable Treasurer yesterday, that the number of sheep in the colony at present is 7,273,778, but with the probable increase this year in the same ratio as the last, we may anticipate that there will be eight millions of sheep in the colony at the beginning of next year—that is, just after the next weaning. Eight millions at five shillings per one thousand head will give

£2,000. There is a balance of £3,890 to the credit of the Scab Assessment Fund.

Mr. MILES: That is all gone.

Mr. SANDEMAN: The honorable member says that has all been expended; but surely the Government would not insist upon appropriating to the general revenue a sum of money which, under the head of this tax, is to the credit of a trust fund. And, therefore, I say we may look upon this amount as credited to the account—for I presume that the Government at all events, when they raise another loan, will replace it. Now, sir, the £2,000 and the £3,890 to the credit of the account, make up a sum of £5,890, which, I hope, will be more than sufficient for all the purposes of this Bill. I consider, therefore, the reduction in the rate of assessment to be perfectly justified. Clause eighty-nine, and subsequent clauses, refer to appeals and applications under this Act; and clause ninety-four, and remaining clauses, to the legal procedure to be taken under it. It is hardly necessary to say more on the subject at present. If any debate is to take place on a Bill of this kind, I think it had better be deferred until it goes into committee. I have gone over the principal features it contains, and will reserve any further observations until then.

Mr. BELL said he wished to observe that the passing of this Bill was the wish of the late Government, who had been actuated by the recommendation of the Scab and Pleuropneumonia Commission, under whose directions they had invariably been guided in dealing with matters which came under the especial notice of that commission. It was after much consideration and deliberation on the part of the commission that an understanding was arrived at with the New South Wales Government, that, as soon as that colony should declare itself free from the scab disease, this colony would open her borders for the passing of sheep to and from either colony. After the first declaration by that colony of their perfect state of cleanliness from the disease, it happened that, in a remote part of New South Wales, the scab broke out again, which prevented the late Government from introducing last session the Bill now before the House. That isolated instance had, however, no longer existed, the disease having been eradicated, and the colony was again declared free from scab. The commission had, consequently, thought it their duty, not only on account of the understanding which existed between the two colonies, but also in accordance with the same principle which had induced them so long to act on the defensive, to recommend the introduction of the measure before the House which had been adopted by the late Government. He was glad to say that it had proved very successful in New South Wales, and had been the means of eradicating the disease in that colony, at a time when it existed to a great extent. The Bill was

stringent in its character, but very liberal in its provisions towards the other colonies, and would, he felt sure, be of essential service. He should support the motion for the second reading.

MR. MILES said it struck him that the measure before the House was one of much importance; and he did not think honorable members would be justified in going on with it in the present state of the House. It was certainly a Bill chiefly affecting the pastoral interest, but still of great importance, and one which ought to receive consideration in a full House. The honorable member for West Moreton had stated that the sheep in the neighboring colony were free from disease; but he (Mr. Miles) had seen no evidence of any such declaration on the part of New South Wales; and it appeared to him that there was a motive for passing the Bill at once, which had not been brought to light. He believed the honorable member for West Moreton had sent a number of sheep to Victoria, which had proved unsaleable, and wanted to get them back to this colony. He hoped the House would be very careful about passing such an important measure, when there were only half a dozen members present. And what was more, he had been informed that the honorable member himself, Mr. Bell, had been negotiating for a run to put these sheep on when they returned. He considered it his duty to move that the debate be adjourned until Tuesday next.

MR. O'SULLIVAN pointed out that the second reading only confirmed the principle of a Bill; the details could be altered or confirmed in committee. The chief point to be considered was, in his opinion, whether the colony at large would have to pay the expenses of working the Act; but he found that liberal provision was made for those expenses; and, as the measure was one which referred only to the squatters, he did not consider himself called upon to interfere. He should, therefore, support the motion for the second reading.

THE COLONIAL TREASURER said that the object of the motion was simply to advance the Bill a stage, and, as an honorable member had just observed, the various clauses could be considered in committee. Honorable members were aware that a Scab Commission was appointed some time ago, and, having been for some years a member of it, he could state that the commission had been very careful in their investigations, and had made stringent regulations, by which the disease had hitherto been kept out of the colony. But, they thought the time had now arrived when the restrictions they had imposed should be removed. The Government of New South Wales had endeavored, for a long time, to get these restrictions taken off, but the commission had always resisted their efforts. Latterly, however, this Government had given a definite promise to

the New South Wales Government, that if they issued a proclamation, declaring their colony free from disease, the Queensland Government would open their border. They said they could not issue a proclamation, because the Act prevented them, but they had sent statements of a satisfactory nature from their principal scab inspectors. Upon receipt of these statements, a meeting of the commission had been convened, and it was, after a good deal of deliberation, proposed to introduce the Bill before the House. The Government of New South Wales had then been informed that as soon as the Bill was passed the Queensland Government would open their border. Every caution had been used, and there was no intention to act hurriedly in the matter; but it was believed that the time had now arrived for the introduction of such a Bill, and that it was only an act of justice to bring it in.

MR. FRANCIS said that, although not a sheep-owner, he took an interest in every measure which came before the House. He should be glad if the honorable member would consent to adjourn the debate, because he must confess that he had not made himself sufficiently acquainted with its provisions to be able to decide upon its merits. He regretted that the honorable member who introduced it to the House had not given a little more information on the subject, in which case he should probably have supported it. He thought the honorable member for Maranoa had given very good reason for not hurrying the measure through the House. Hurried legislation was the worst kind of legislation. He hoped the measure would not be proceeded with at that time.

MR. BELL said the Bill had been for several days in the hands of honorable members, and the proposed delay might prevent its passing. If the honorable member for East Moreton, Mr. Francis, desired any further explanation of its provisions, he was in a position to afford it. But he thought, when it was shewn that the Bill had been highly successful in New South Wales—that there were from 30,000 to 50,000 diseased sheep in that colony at the time it came into operation, and that it had been the means of entirely eradicating that disease—there could be no objection to affirm the principle it embodied by reading the Bill a second time. In reply to the honorable member for Maranoa, who had made a personal reference to him, he begged to say that he had no sheep at that time on their way from Victoria. He had sheep in Victoria, but whether they would be sent to this colony or not, he could not say. The provisions of this Bill were very stringent, and for that reason he, as a member of the commission, had had no hesitation in recommending its introduction. He hoped the House would support the motion, and advance the measure a further stage.

MR. GROOM expressed his hope that the honorable member for Leichhardt would press

forward his Bill, and he would support him in doing so. It was a measure which that honorable member, Mr. Sandeman, was pre-eminently qualified to deal with. His efforts on other occasions had tended to the benefit, not only of this colony, but of other colonies. He (Mr. Groom) was not one to agree to continual postponements of practical measures which the House might deal with at once. The Bill was not one which involved any taxation that would come from the pockets of the people, because the pastoral tenants of the Crown had themselves provided for the working of the measure by the imposition of an assessment. The objections of the honorable member for Maranoa could be remedied in committee.

Mr. SANDEMAN, in explanation, said that for his own part he cared not whether the Bill passed to-night, or not. He believed the equity and the necessity of the measure were so apparent that he should be quite prepared to postpone it, if the House desired. The honorable member for Maranoa objected to the second reading of the Bill on the ground that some other honorable members were personally interested in its passing. Whether that were true, or otherwise, he could only say that the passing of the Bill had nothing to do with the removal of the restrictions at present existing. That removal was quite another question. He was a member of the commission—one of the original members—and he had paid much attention to the subject; and it was well known that no one had been more stringent in upholding those restrictions than he had been. He had been blamed by some of his friends for his conduct in that respect. It was not now likely that he would alter his views as to the removal of those restrictions, and unless it could be proved to him that the disease of scab had utterly ceased in New South Wales, he should not be a party, if he had any power, to the removal of those restrictions. He hoped the honorable member for Maranoa would not oppose the second reading of the Bill, because it would be a very useful and necessary measure; and it was of essential importance that it should be passed without delay; and he believed no delay could have any effect on the final decision of the House in its favor.

The SECRETARY FOR PUBLIC LANDS supported the second reading of the Bill; and expressed his belief that if something was not done to remove the restrictions on sheep coming from New South Wales, the Legislature of that colony would be retaliating on Queensland, and a prohibitive duty would be put on travelling stock from this colony. No object would be gained by delay. On the third reading, the honorable member for Maranoa could oppose the Bill, clause by clause, as now.

Dr. CHALLINOR urged that no apprehension need be felt at the second reading of the Bill, for it could be altered or amended in committee. As it stood, he felt quite satisfied

that, under certain circumstances, it might entail a charge on the general revenue; because, if the fund provided by assessment should be found insufficient to meet the expenses incurred in the destruction of diseased sheep, the general revenue would be drawn upon. He had some recollection that, on a previous occasion, the Attorney-General admitted that it might become a charge on the general revenue. He knew that in the Civil Service Act, if the superannuation fund fell off, it became a charge on the general revenue. He should not oppose the second reading, although he did not thereby hold himself pledged to the clauses as they stood; he desired merely to advance the measure a stage.

Mr. G. THORN supported the second reading. At the same time, he should like to know whether, in the event of scab breaking out in this colony, the pastoral tenants would be treated as they had been during the prevalence of pleuro-pneumonia in cattle, when nobody who lost cattle was reimbursed out of the fund. If scab prevailed largely, he had no doubt the same thing would occur—the fund would be exhausted, and then nobody would get any compensation. Great caution ought to be exercised in introducing sheep from the other colonies. Everybody knew that scab had broken out in South Australia, which bordered on the west and north-west of this colony. He must say that he had not studied the details of the Bill—in fact, he had not read one clause thoroughly, but he understood its principles; and he had such an opinion of the honorable member for the Leichhardt, that he was induced to support the second reading, nevertheless. On that ground alone, he was disposed to support the motion.

The question of adjournment was put and negatived, on a division, by 15 to 4 votes.

The motion for the second reading of the Bill was then affirmed.