

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 17 AUGUST 1869

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LEGISLATIVE ASSEMBLY.

Tuesday, 17 August, 1869.

Supply—Captain Lambert and the Clermont Election.

SUPPLY—CAPTAIN LAMBERT AND THE CLERMONT ELECTION.

The COLONIAL TREASURER moved—

That the Speaker do now leave the chair, and that the House resolve itself into a Committee of the Whole, for the purpose of considering of Supply to be granted to Her Majesty.

Mr. WALSH said that, before the question was put, he wished to call attention to a document which he held in his hand. He referred to the printed correspondence moved for by the honorable member for the Mitchell, Mr. Lamb, respecting Captain Lambert, the police magistrate of Clermont. In entering upon this duty, he wished to state that he knew nothing whatever of the first party concerned. Indeed he was not aware if he had ever seen Captain Lambert. As to the other gentleman concerned, Mr. Buzacott, he was formerly a strong political opponent of his, but that would not influence him in any way in dealing with this question. It appeared to him, from the correspondence, that the present Colonial Secretary was treading too closely on the footsteps of the first Colonial Secretary, and was putting himself in the position of a great tyrant, or arbiter of disputes. The honorable gentleman did not appear to give fair play to those who desired to prefer charges against a servant of the Government. In this case, the Colonial Secretary had been called upon to decide as to certain charges preferred by a respectable member of society, Mr. Buzacott, against the police magistrate of Clermont, and he had given his decision in a most remarkable way. He thought he would best illustrate that by reading portions of the correspondence, and he would first call attention to the letter of the Colonial Secretary, with which the correspondence closed. The first paragraph of that letter was as follows:—

“Colonial Secretary’s Office,

“Brisbane, 2nd July, 1869.

“SIR,—Following up my letter of the 17th April last, informing you that I had forwarded to Mr. Buzacott, statement of the charges made against

him in your letter of the 10th March, for his explanation and report, I now do myself the honor to enclose a copy of my letter to the police magistrate at Clermont, which will explain to you the position which the Government has assumed with respect to those statements, and it will further explain to you the cause of the long delay which has occurred in answering your letter.”

Now it appeared to him by that extract, that in this matter the Government had assumed a position that was untenable as between one Englishman and another. But he hoped the Government, as a whole, had nothing to do with it, and that this was only another instance in which the Colonial Secretary had been overstepping his duty, and performing another of those acts of tyranny, which had brought the present Government into disrepute. The second paragraph of the letter was as follows:—

“Mr. Buzacott thought fit to bring many groundless charges against the police magistrate of Clermont, which I was bound to refer to that officer, for his report; and, as those charges were mixed up with the statements brought under my notice in your letter of the 10th March, I deemed it advisable to defer my final answer to yourself, until I was in a position to deal with the whole subject.”

Now he would defy any one, whether friend or foe of Mr. Buzacott, or of the police magistrate of Clermont, who might read the whole of the correspondence, to say that the charges were groundless. If the Colonial Secretary had no more evidence to go upon than what appeared in the correspondence, his decision was most unfair even to Mr. Lambert. That gentleman had had an unfair trial, and Mr. Buzacott described the trial as a Star Chamber proceeding. Mr. De Satge at a public meeting, referred to the successful way in which the charges made by Mr. Buzacott had been met by Captain Lambert. If honorable members would read the whole of the correspondence, they must admit that, if the Colonial Secretary had nothing more to guide him in the matter than Captain Lambert’s denial of the charges, his conduct was decidedly of a Star Chamber character. In the *Peak Downs Telegram* of the 6th of August, he found the report of a public meeting held at Copperfield. Mr. De Satge and Mr. Buzacott were there. After Mr. Buzacott had addressed the meeting, Mr. De Satge said—

“He had a disclosure to make, which would show what sort of a person Mr. Buzacott was. He, Mr. Buzacott, had preferred a lot of false and disgraceful charges against the police magistrate, to the Government. Those charges had been submitted to nine gentlemen in this district, and they had certified that they were untrue and disgraceful. Before leaving Brisbane, he had the pleasure to learn from the Colonial Secretary, that he considered those abominable charges without foundation.”

That was what Mr. De Satge said; and Mr. Buzacott, in reply, said—

“He was perfectly astonished at what had just

been stated. What Star Chamber inquiry was this we had just heard of? Not considering this meeting a proper place for disclosures, he would only state that he preferred certain charges against the police magistrate which he was ready to prove. At the same time he wrote to the police magistrate, informing him of what he had done. He repeated that he was prepared to substantiate those charges. He should make a point of at once communicating to the Colonial Secretary what Mr. De Satge had stated."

In the whole of the correspondence there was no evidence that Mr. Buzacott was called upon to prove the charges; if he was not called upon to do so, then neither Captain Lambert nor Mr. Buzacott had had a fair trial. If, when a civil servant was called upon to answer charges preferred against him, his denial of them was considered sufficient, what other conclusion could be come to than that there was a Star Chamber court for dealing with such matters. He could easily understand the astonishment of Mr. Buzacott when he heard, at the public meeting, that the Colonial Secretary, without giving him an opportunity of proving the charges, had come to the conclusion that they were without foundation. Mr. Buzacott was a gentleman who did not indulge in false charges; and it appeared he had not had an opportunity of proving the charges he had made against Captain Lambert. Mr. Buzacott, in forwarding the complaint to the Colonial Secretary, wrote as follows:—

"Clermont, 31st March, 1869.

"SIR,—I have the honor to forward herewith a complaint touching the conduct of Charles Henry Lambert, police magistrate of Clermont, and respectfully beg that you will take such steps as the circumstances may appear to you to demand.

"I have, &c.,

"C. H. BUZACOTT.

"The Honorable the Colonial Secretary, Brisbane."

"COMPLAINT PREFERRED BY CHARLES HARDIE BUZACOTT, TOUCHING THE CONDUCT OF CHARLES HENRY LAMBERT, ESQ., POLICE MAGISTRATE OF CLERMONT, IN QUEENSLAND.

"1. That Charles Henry Lambert, Esq., police magistrate of Clermont, is a person of strong political prejudices, and an active but secret electioneering agent.

"2. That in each of the late elections at Clermont, Captain Lambert, while acting as returning officer, canvassed the electors for votes, especially the licensed publicans.

"3. That Spiridion Candiottis, Esq., M.D., in soliciting the vote and influence of John Penrose Christoë, Esq., J.P., in favor of Oscar De Satge, Esq., mentioned the name of Captain Lambert as one of Mr. De Satge's committee.

"4. That in each election the deputy returning officers were all chosen from the supposed adherents of the candidate preferred by the returning officer, as shown by the fact that on one of the deputy returning officers not voting according to expectation, Captain Lambert sought to procure that person's dismissal from his employment as storeman to Messrs. Walter Reid and Co., of this town.

"5. That in the petty sessions court case of Regina (or Dennis) v. Kettle, for stealing a ballot-paper, Captain Lambert unnecessarily issued a warrant for defendant's apprehension, instead of a summons; that he amended the information to the prejudice of the accused; that he twice adjourned the court for eight days, without reasonable excuse; that he committed the defendant for trial at Rockhampton, for stealing a ballot-paper, of the sworn value of *twopence sterling*, without option; and that both prior to and at the hearing he showed a perceptible bias *against* the accused. (Defendant was scrutineer for Mr. Buzacott.)

"6. That in the petty sessions court of Regina (or Buzacott) v. Simmonds, for attempting to vote a second time, Captain Lambert dismissed the complaint, notwithstanding the fact that the offence was distinctly proved on the evidence of the presiding officer and two scrutineers; and that throughout the hearing Captain Lambert showed a strong bias *in favor* of the defendant, who was a supporter of Mr. De Satge."

Respecting the sixth charge, he did not know if Captain Lambert expected a biased judge; but he would defy any one to read the correspondence through, and say that the charges were not proved. He did not know if there was any instance of so much evidence being ignored, on the simple denial of the person accused. The other charges were as follow:—

"7. That in at least two cases within the last eight months, Dr. Candiottis has been allowed to treat with contempt summonses issued under the hand of the police magistrate of Clermont.

"8. That although Spiridion Candiottis, M.D., has been fined five pounds by the Clermont bench, for using obscene language in the public street, and, within the past nine months, twice for common assaults, under disgraceful circumstances—on the last occasion, with the caution that the next offence would be visited with imprisonment—Captain Lambert was, at the time those penalties were inflicted, and still continues to be, a constant visitor, almost a resident, at Dr. Candiottis' house, frequently during office hours.

"9. That, some months ago, Captain Lambert voluntarily stated to the writer his then settled conviction that, as police magistrate, he could not do his duty, and at the same time be on intimate terms with Dr. Candiottis.

"10. That Captain Lambert has been and is in circumstances of pecuniary embarrassment; that he has been for months past indebted to one of the Clermont publicans in a sum exceeding two hundred pounds sterling (£200.) That said publican lately boasted that in default of Captain Lambert paying him fifty pounds within twenty-four hours, he would put a bailiff in the police magistrate's house; that although, under this threat, the required sum was paid, a sum of £220 still remained due by Captain Lambert to the publican referred to.

"11. That the memorial lately forwarded to the Government, deprecating Captain Lambert's removal, was not voluntarily signed by many of the subscribers thereto; that the leading publicans, and other residents, were waited upon by several members of the Clermont bench, in company, and asked for their signatures. That the signature of 'Winter and Lea' was obtained from

the junior partner without the knowledge, and much to the annoyance, of the senior partner—Mr. John Winter, the oldest resident of Clermont. That within two days after the petition was forwarded, Mr. Ralph Dearnaley, agent for John Palmer, Esquire, waited upon Mr. C. H. Buzacott, and, of his own accord, stated that he had signed the memorial, because he feared to make an enemy of Captain Lambert, but that he hoped Captain Lambert would be removed.

“12. That the political leanings and connexions of Captain Lambert; his fear of, and close intimacy with Dr. Candiottis; his indebtedness to tradesmen in the town, together with his mode of life and companionships, militate powerfully against the impartial fulfilment of his many responsible duties.

“13. That although before a competent tribunal on the spot, the above complaint would be capable of legal proof, any inquiry by the local bench (or a portion of it), would fail to elicit the truth in the several matters herein referred to—the whole of the sworn-in magistrates of the district (except the writer), being representatives of Sydney capitalists, and warm partizans of Mr. Oscar De Satge; and the witnesses being nearly all licensed publicans, or wine and spirit merchants, who dread to incur the displeasure of the police magistrate, and a majority of the bench.

“14. That in order to restore public confidence in the Clermont court of petty sessions, the removal of the present police magistrate has become absolutely necessary; and that while such removal would inflict no injustice upon Captain Lambert, it would confer great benefit upon the towns of Clermont and Copperfield.”

Then, there was a paragraph added, stating that the police magistrate attended a meeting of a mining company, and though seeing that a breach of the peace was imminent, he and Mr. H. De Satge rushed out of the room, when they might have easily quelled the disturbance. Now, he maintained that those were very serious charges to bring against a police magistrate; and unless the Colonial Secretary could say that more was done in the matter, than merely referring the charges to Captain Lambert for his denial—for the answer was only a series of denials—Captain Lambert had not had a fair trial, and great injustice had been done to him and to the other gentlemen concerned in the matter. There was another letter from Mr. Buzacott, to the Colonial Secretary, dated Clermont, 28th April, 1869, and which would be found at page seven of the correspondence. That letter had reference to the conduct of the police magistrate of Clermont, in the case of Buzacott *versus* Simmonds, which arose out of the election proceedings. That letter was as follows:—

“Clermont, 28th April, 1869.

“SIR,—I have the honor to forward for your perusal, copy of depositions taken in the Clermont Police Court, on 30th March last, in the case of Buzacott *v.* Simmonds, in which the defendant was charged, under section fifty-two of the Elections Act of 1867, with wilfully ‘attempting to vote a second time at the same election for the same electoral district.’

“In connection with this case, I respectfully invite your attention to the following facts:—

“That Captain Lambert, P.M., the sitting magistrate, sought to prevent the taking down of evidence tending to incriminate the defendant (who was a prominent supporter of Mr. De Satge); that he showed an unmistakable bias throughout the hearing; that he dismissed the complaint without even admonishing the defendant; and that he refused me a copy of the depositions, although I expressed willingness to pay for the same.

“I beg further to point out, that Dr. Candiottis, who was one of the witnesses for the prosecution in this case, did not attend, although service of subpoena was duly made and proven; that Captain Lambert despatched a constable for Dr. Candiottis, who still declined to appear, on the verbal plea of ill-health; that the police magistrate, showing a disposition to adjourn the case, the complainant said that, although he wished to have the evidence of Dr. Candiottis, he would rather dispense with that evidence than put the defendant and witnesses to the inconvenience of an adjournment. (The defendant lived fifty miles distant); and that, not more than two hours afterwards, the writer saw Dr. Candiottis walking the public streets, apparently in perfect health.

“That, in consequence of the evident bias of the police magistrate, the writer declined to proceed with a charge of bribery he had preferred against A. R. Lidstone, butcher, in which the complainant was prepared to prove that the defendant had tendered payment to several electors for their votes, viz., John French, Thomas Jenkinson, and John Douglas; the first named having been tendered the sum of £2 14s. (amount of butcher's bill) to vote for Mr. De Satge; the second, one month's meat for his vote (the elector being a boarding-house keeper); and the third having been actually paid the sum of 10s. to influence his vote.

“To avoid misconception, I think it but right to add, that I do not accuse Mr. De Satge of corruption, or of any greater faults than committing his interests to notoriously unclean hands, and availing himself of the influence of a public officer in contesting the election.

“With regard to Captain Lambert, I feel bound to state, that although I was refused a copy of the depositions immediately after the hearing, he proffered me a copy on the 24th instant, after learning by letter from myself, that I had reported him to the Government. It does seem odd that during five years' residence here I should never have been refused access to depositions until after I was sworn in as a justice of the peace.

“Persuaded that the Government will mete out strict justice in this matter, I leave myself unreservedly in their hands, and shall be perfectly satisfied on receiving from you an assurance that due precautions will be taken to guard against a repetition of the improprieties complained of.

“I have, &c.,

“C. H. BUZACOTT.

“The Honorable the Colonial Secretary, Brisbane.”

Now, that letter showed most distinctly that Captain Lambert was a strong political partizan. If they could not get a Government

strong enough to prevent such conduct on the part of police magistrates, let them have police magistrates who would not be guilty of such conduct. He could say for Mr. Buzacott that, while he lived in Maryborough, he was a most upright man; and he had no hesitation in saying that he would be the last man to bring a charge against any one, unless he was perfectly satisfied that it was justifiable. He had brought this matter before the House, because he considered he would not have done his duty had he not called attention to it.

The COLONIAL SECRETARY said that, as usual, the honorable member for Maryborough had brought this matter before the House in a most unfair manner. He had, in fact, only stated half the case. The whole of the correspondence, which had been on the table of the House for the information of honorable members, for a week past, arose out of a series of charges and counter-charges. There were charges brought against Mr. Buzacott, who was a candidate for the representation of Clermont at the last election, and against his scrutineer. The charge against the scrutineer was that there had been found on his person a number of supernumerary ballot-papers. It appeared that Mr. Buzacott, who was the owner of a printing press at Clermont, printed a number of balloting papers at the request of the returning officer. But he also printed more than he was ordered to print, and gave them to Mr. Jones, his scrutineer. Those had the name of Mr. Oscar de Satge erased with black ink. They were seen outside the polling-room, at Beaufort, by the deputy returning officer, Mr. McGavin, and ordered by him to be destroyed. Now, although that appeared in the correspondence, the honorable member for Maryborough did not find it convenient to quote it, inasmuch as it would not have suited his purposes to do so. No doubt the honorable member for Maryborough would regret to find that the matter was not dealt with by the Colonial Secretary alone; but that it was dealt with by the whole of the Cabinet. The whole of the correspondence was brought before them and carefully considered, and the decision arrived at was the decision of the Cabinet. The honorable member for Maryborough had stated that Mr. Buzacott was a most estimable man, who would not make a charge against any one unless he was perfectly satisfied that it was justifiable. The honorable member also quoted passages from the *Peak Downs Telegram* of the 6th of August, but there was one passage in the same paper which he had not quoted. That was a passage in a speech delivered by Mr. De Satge, at Clermont. Mr. De Satge had addressed his constituents at Clermont at considerable length, after which Mr. Buzacott made, as appeared by the report of the proceedings, a very few observations, concluding with a motion to the effect that Mr. De Satge ought at once to return to his place

in the House. The report then proceeded as follows:—

“Mr. De Satge again rose, and indignantly denied the right of his political opponent to come there and submit what was tantamount to a vote of censure upon him. He (Mr. De Satge) came there to meet his constituents, as their member. He had no brothers to get on in the post office—he did not go into the House to advance his own private interests, as his late opponent wanted to do. He would not come there to be criticised by this persistent political agitator, and would not recognise him as the voice of this constituency. He would tell them what Mr. Walsh, a most valuable member of the House, said to him just before he came on board the steamer, at Brisbane. Mr. Walsh said he ‘was astonished at the Government placing a damnable political agitator like Buzacott on the commission of the peace.’”

It was that “damnable political agitator, who had been placed on the commission of the peace” whom the honorable member for Maryborough now got up to defend. Now, he could inform the House that the whole of the complaints on both sides was fully gone into and carefully considered, and the Government came to the conclusion that no blame could attach to Captain Lambert. The correspondence in the case was before the House; and he would leave it to honorable members who had read it to say whether the honorable member for Maryborough had not occupied the time of the House in a most useless manner.

Mr. PALMER said he was sorry to find that the Colonial Secretary had taken into consideration any of the charges at all. The whole thing arose out of a number of paltry and ridiculous charges being made by a defeated candidate against a returning officer. It began with this—that the printer printed more voting papers than he was ordered to print, and that on some of them the name of one of the candidates was erased. Now, it was a perfect farce to refer to the like of that, for it was well known that the same thing was done at almost every election by the rival candidates or their friends, with the view of showing the electors how they ought to mark their ballot-papers. He certainly must say that he thought the honorable member for Maryborough had uselessly taken up the time of the House in referring to the matter; but the Colonial Secretary was much more to blame in taking up the matter at all, and wasting what was public property in dealing with it.

Mr. MILES said, he could not agree with the honorable member for Port Curtis, in thinking that the honorable member for Maryborough was to blame, for bringing the matter before the House. For his own part, he thought it was altogether wrong to appoint police magistrates to act as returning officers. He was not in a position to say, whether Captain Lambert was deserving of what had been said about him; but, it appeared to him, that if there was any truth in the charges

made against him, the case had been dealt with in a most extraordinary manner. He thought there ought to have been a commission appointed to inquire into them on the spot. With reference to the printing of the ballot-papers, with the name of one of the candidates erased, he did not see there was any harm in that, as it was only done for the guidance of the friends of the candidates. It was well-known that those papers could not be used; and, that it was only the voting papers furnished by the returning officer that could be used by any person voting. If Captain Lambert had acted in the way he was charged with having acted, he was unfit to keep his position, as police magistrate, for twenty-four hours. He must say, that he thought the Government had not acted fairly in this matter, in not causing an inquiry to be made. There was a charge brought against the police magistrate, at Taroom, the other day, and an inquiry was ordered to be held into his conduct; and the report, he believed, was such, that the magistrate was removed. It might be the same with Captain Lambert, if an inquiry were made into his conduct. At any rate, if Mr. Buzacott could prove the charges he had made, Captain Lambert could not hope to remain in the office he now held; and he thought that Mr. Buzacott should have had an opportunity of proving them. He thought the Government had acted wrongly in exonerating the police magistrate, without any evidence whatever; and merely on his own denial of the charges. It seemed to him most extraordinary that Captain Lambert had been relieved from the charges. He hoped the Government would give Mr. Buzacott an opportunity of proving his charges; and, if it were found that he could not do so, then there would be an end to the matter.

The question—That the House resolve itself into a Committee of Supply, was agreed to.

Upon the resumption of the House, the Chairman reported that it was discovered, on a division in Committee of the Whole, that there was not a quorum present.

The House was counted, and, there not being sixteen members present, was adjourned by the Speaker until next day.