

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 12 APRIL 1871

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THE PARLIAMENTARY DEBATES

DURING THE

SECOND SESSION OF THE FIFTH PARLIAMENT OF THE COLONY
OF QUEENSLAND, AUSTRALIA,

APPOINTED TO MEET

AT BRISBANE, ON THE TWELFTH DAY OF APRIL, IN THE THIRTY-FOURTH YEAR OF THE REIGN
OF HER MAJESTY QUEEN VICTORIA, IN THE YEAR OF OUR LORD 1871.

LEGISLATIVE COUNCIL.

Wednesday, 12 April, 1871.

Meeting of Parliament.—Absence of the President.—The
Opening Speech.—The Chairman of Committees as
Acting-President.

MEETING OF PARLIAMENT.

This being the day appointed for the meeting of Parliament, "for despatch of business," honorable members of the Legislative Council repaired to their places in their own Chamber, at noon.

The Clerk read the proclamation of His Excellency the Administrator of the Government, convening Parliament, and bearing date the 24th February, 1871.

ABSENCE OF THE PRESIDENT.

The Clerk produced and read the following letter :—

" Government House,

" Brisbane, 12th April, 1871.

" MR. CLERK,—

" I beg you will inform the House that I am unable to attend in my place as President of the Legislative Council, in consequence of being in the administration of the Government of the Colony.

" M. C. O'CONNELL,

" President.

" The Clerk of the Parliaments,

" Legislative Council Chamber."

The Hon. D. F. ROBERTS, Chairman of Committees, by virtue of the Standing Order of the 25th May, 1864, took the Chair for this day.

THE OPENING SPEECH.

His Excellency the Administrator of the Government came down in state to the Parliament Houses, and his coming having been announced to the Council by the Usher of the Black Rod, he was received at the main

entrance and conducted to the dais, by the Chairman (acting for the President), accompanied by the Postmaster-General and other honorable members of the Legislative Council. Whereupon, the Usher was directed to request the attendance of the Legislative Assembly forthwith. And the Assembly, with their Speaker, having presented themselves at the Bar, and being seated,

His EXCELLENCY read the following Speech :—

" HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

" 1. I am glad to have been enabled to call you together in the present Session, at a season of the year, for many reasons, much more convenient for the despatch of business than the times at which, for some years now past, the exigencies of the public service have compelled you to meet. Since you last assembled in this Chamber, it has pleased Almighty God to remove, by death, His Excellency Colonel Blackall. I feel convinced that you will, with me, deplore the loss of a Governor who had endeared himself so much to all classes of the community, and whose whole conduct shewed his ardent desire for the welfare of the people he had been sent to govern.

" 2. Official information, by telegram, has reached me that Her Majesty has been pleased to appoint the Marquis of Normanby to be the successor to Colonel Blackall, in the Government of this Colony, and I make no doubt the incoming Mail will bring authentic tidings as to the probable period of His Lordship's arrival. In the interim, I hold the Government under a Commission bearing Her Majesty's Royal Sign Manual and Signet, a copy of which will be laid before you.

" 3. One of the most important questions which will require your attention during the ensuing

Session, will be that of Additional Representation, and a more equitable distribution of the Electorates; but, before introducing a Bill for carrying out these objects, it is essential that you should be in possession of the latest and most reliable information as to the number and distribution of the population of the Colony. For this purpose, a Bill to provide for taking a Census will be amongst the first of those to be submitted to you.

"4. Bills will be introduced—

- "(1.) To Re-adjust the Financial Arrangements of the Colony.
- "(2.) To Amend the Law relating to the Volunteer Force of Queensland.
- "(3.) To Amend and Consolidate the Laws relating to the Post Office.
- "(4.) To Provide for the due Registration of Brands on Horses and Cattle.
- "(5.) To Protect the Oyster Fisheries.
- "(6.) To Amend and Consolidate the Publicans Act.
- "(7.) To Amend and Consolidate the Railway Laws.
- "(8.) To Consolidate and Amend the Laws relating to Parliamentary Elections.
- "(9.) To Reduce into one Act and to Amend the Excise Regulations relating to the Distilling, Rectifying, and Dealing in Spirits, and to the granting Duties of Excise upon Spirits Distilled in Queensland.
- "(10.) To Consolidate and Amend the Laws relating to Customs.
- "(11.) To Consolidate and Amend the Laws relating to Pilotage, Harbors, Lights, Marine Board, Navigation, and the Keeping and Carriage of Gunpowder.
- "(12.) To Amend the Law of Insolvency.
- "(13.) To Provide for the Safe Keeping and Sale of Kerosine Oil.
- "(14.) To Provide for a third Judge of the Supreme Court.

"5. It will be desirable that you should devote your attention to the subject of offering further facilities for the occupation of new country, and of abandoned runs in the far North and West.

"6. Notwithstanding the reduced rates for sending telegraphic messages, I am glad to be able to inform you that the revenue derived from the Telegraphic department has not decreased. Non-paying messages sent on the Public Service have been considerably lessened in numbers. The Telegraphic extension from Cardwell to Normanston is progressing steadily and well. Soon after the arrival of the iron poles—for which, owing to the absence of timber over a large portion of the line, it was necessary to send to England—I trust the lines will be completed, and in working order. I regret that an offer made to the Governments of the neighboring Colonies by my

Ministers, to place the Steamship 'Governor Blackall' on the line from Cardwell to Sourabaya, on their contributing a fair proportion of the subsidy, and which, if carried out, would have placed us in a position to receive news from Europe within a period of twelve or thirteen days, has not, so far, been favorably responded to. Contracts for the extension of the telegraph lines from Allora to Goondiwindi, *vid* Leyburn, and from Clermont to Springsure, have been accepted at reasonable rates; and tenders for a new line from Toowoomba to Warwick have been called for.

"7. The Government of New South Wales having refused to contract for a mail service to England, *vid* San Francisco, it has not been in the power of my Government to enter into any agreement for such services. The money authorised by resolution of Parliament to be available for that purpose, has not, therefore, been required. It now becomes a question for your consideration, whether it would be desirable for Queensland alone to undertake a postal service, *vid* Torres' Straits, even at a probable money loss for the first year or two.

"8. The question of railway extension has occupied the attention of my Government during the recess. The extension of the Northern line from Westwood across the Dawson is a measure which might be well undertaken, as without this extension the part of the line now completed cannot be expected to be reproductive; and in addition to a very large amount of traffic which such an extension would command from the pastoral districts which it would open up, a very large quantity of copper from the mines on the Peak Downs would also be sent down by it. But in the present state of the finances of the Colony I am unable to recommend its immediate construction, unless a Company can be found to undertake it. A Commission, appointed by me in accordance with a resolution of both Houses of Parliament, has been employed in taking evidence on the subject of a Railway between Brisbane and Ipswich. I am not yet in possession of the evidence taken by the Commission; but unless very strong proofs of the necessity for such extension, and the probability of its being a remunerative work are produced, my Ministry will hesitate before proposing to you the construction of such a line at present.

"9. The Agent-General in England, Mr. John Douglas, having resigned that appointment, it has been offered to Mr. Archibald Archer, late a Member of the Legislative Assembly, who, from his known ability and long experience in the Colony, will, I am certain, perform the duties of the office thoroughly and well, should he accept it.

"10. The importation of laborers from the South Sea Islands, which, for some time, had

almost ceased, has again assumed considerable importance. Despatches will be laid before you, shewing that the employment of these Islanders in Queensland has led to representations being made to the Secretary of State for the Colonies, by doubtless well-meaning, but certainly ill-informed persons in England, on the hardships and ill-usage they suppose the Islanders to suffer from, and they have even gone to the length of accusing us of encouraging a Slave Trade. This, as you must all be aware, is a gross and unmerited calumny, for the very fact of your existence as a Parliament is a sufficient safeguard against acts of oppression within those limits over which the jurisdiction of the Colony extends. No complaints have been made by any of the Islanders, that they have been brought here contrary to their own free will, nor have any instances occurred of their not appearing to understand their agreements. To guard, so far as possible, against any irregularities at the Islands, or on the voyage, Government agents are now sent with every ship; but the Government of Queensland cannot be responsible for excesses committed by vessels employed in seeking laborers for other places. Maintaining a proper check over such vessels, and over all vessels cruising among the Islands, would appear to be the duty of the Imperial Government. For the fair treatment and proper care of the Islanders, while here, and their return to their homes, this Government will be responsible.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"11. The Estimates of Expenditure for the year 1872, will be laid before you; as, also, Supplementary Estimates for this year.

"12. You will be asked to provide for the erection of a suitable Monument over the grave of our late lamented Governor.

"13. You will also be asked for a vote to enable the Government to carry out the provisions of the Industrial and Reformatory Schools Acts, for which, I regret to say, there is urgent necessity.

"HONORABLE GENTLEMEN AND GENTLEMEN,—

"14. The statement of the improved condition of the Revenue for the first quarter of the year—shewing, as it does, a steady advance on almost every item—is a subject of congratulation.

"15. The accounts of our various Gold Fields continue to be encouraging, and I trust that the evidence taken by the Commissioner, appointed in accordance with a Resolution of Parliament, will afford a substantial basis on which to found legislation for this important interest.

"16. The Sugar producing interest is developing itself favorably, and I think that, within a very few years, Queensland will not only have ceased to import sugar, but have become a large exporter.

"17. The season has been especially favorable for Cotton growing, and I trust our exports of that article will be much larger than in former years.

"18. The news of the cessation of the War, which has been for months desolating two of the most important European States, and which must have led to so much public and private distress and misery, has been, I feel assured, received by you with sincere pleasure and thankfulness."

His Excellency, with his suite, having withdrawn, and the Assembly having retired, the sitting of the House was suspended until three o'clock.

On the resumption of the sitting, the Drainage Bill was read a first time, *pro formâ*, and other formal and routine business disposed of.

THE CHAIRMAN OF COMMITTEES AS ACTING-PRESIDENT.

The Hon. H. B. FITZ rose to call attention to what he considered an irregularity which, he said, originated with the Government, or, rather, with the Postmaster-General. This irregularity dated so far back as 1868; and though he knew that many honorable gentlemen in the Legislative Council felt as he felt in regard to it, yet being a delicate and an unpleasant matter to touch upon, it was therefore shirked; while, at the same time, there were few in the House who did not think it should be set at rest. Without having reference to any individual, at all, in the present instance, the matter should be settled for the future: it had reference to the conduct of the business of the Council, during the absence of the President. He thought the Government—he had no hesitation in saying, the present Postmaster-General, who held the office in 1868, also, had made a great mistake by the action which he then took: the honorable gentleman representing the Government placed an honorable member of the Council in a false position, and, indeed, all the members were in a false position thereby. He (Mr. Fitz) should endeavor to shew how. By a Standing Order of the Council it was expressly laid down that should the President be absent, the Chairman of Committees should take the Chair for the day. Well, the proper course of action he (Mr. Fitz) had seen in the New South Wales Parliament, during 1860, when Sir William Burton was President, and Mr. Hargrave represented the Government in the Upper House—during the illness of Sir William Burton, for three or four days. Although it was said, "That, in this colony, you may do as you like," he thought the House should have regard to the action taken in the older colonies. The action which the Postmaster-General took in 1868 placed the Chairman of Committees in a false

position—in this way :—The President, as in the present instance, was absent, owing to his being appointed to administer the Government of this colony. The usual proper letter was written and was sent by the President to the Clerk of the Parliaments, stating that, owing to his having been so appointed to administer the Government, he could not attend in his place during the sitting of Parliament. The Standing Orders provided for his absence. What was the action of the Postmaster-General, then? He moved that the Chairman of Committees should be the Acting-President, during the absence of the President. Instead of which, he (Mr. Fitz) told him—and he knew he was right, and honorable members would bear him out—that, when the President was absent, the Chairman of Committees should be in his place as a member of the House; and the honorable member representing the Government should have stated, in accordance with and by virtue of the Standing Orders, that he begged to move that the Chairman of Committees do take the Chair for the day. But what did he do? He moved that the Chairman of Committees be the Acting-President! And, if honorable members looked through the Journals of the Council for 1868, they would find that the records of the whole business of the House were signed by the Chairman of Committees as “Acting-President,” when they knew very well that there was no Acting-President—he was merely Chairman for the time being. He (Mr. Fitz) did not make these remarks in a personally invidious sense against the honorable gentleman in the chair. He respected him as he did every other honorable member of the House; he respected the Chairman of Committees as much as any other honorable member did; and he should be exceedingly sorry to know that any remark of his should be at all offensive to the honorable gentleman at present occupying the Chair of the Council, in the absence of the President. But he must state this, and one or two honorable gentlemen who were not now present had made very strong remarks indeed some time previously—on a very solemn occasion, one when all were called upon to attend the funeral of our late respected and much lamented Governor, when every head was bowed and every eye was wet with tears—when they saw that honorable gentleman occupying a position at the head of the members of the Council, dressed in the President’s robes. By the action of the Postmaster-General, the Chairman of Committees was placed in a very awkward as well as false position; and he (Mr. Fitz) blamed that honorable gentleman, as representing the Government. There was a very simple course open; but they were all aware, now, that the Postmaster-General had not done his duty as he ought to have done it. The Chairman of Committees, as a mem-

ber of the House, ought to have been in his place—not in the President’s chair; and it was the duty of the Postmaster-General to move him into the chair, in the absence of the President;—instead of which, the Chairman of Committees was announced by the Usher of the Black Rod as “the Acting-President,” and every other gentleman in the House stood up and bowed to the Chairman. This was a farce, and he (Mr. Fitz) had no hesitation in saying so. He was surprised that the Chairman’s good sense did not tell him that the Postmaster-General was wrong—that that was not the position for him. He made these remarks with the view of ventilating the question involved in the proceedings described. If it was in the power of the Governor to proclaim, in the *Gazette*, an Acting-President, let him do so; and he would be respected. He (Mr. Fitz) did not care who it was; if the Government proclaimed him, he would receive him the same as he received the President himself; but he said that, on that solemn occasion, he or any other honorable member had as good a right to put on the President’s robes, and walk in his place at the head of the Council, as had the Chairman of Committees.

The POSTMASTER-GENERAL said he thought he should be able to set at rest everything his honorable friend had alluded to, as to his share in the proceedings animadverted upon by him. In the year 1868, he moved, it was said, a resolution in the House, that the Chairman of Committees should be “Acting-President.” He thought that any honorable member who brought forward an accusation should be able to substantiate that accusation. If honorable members would only turn over the Journals of the Council for that year, they would find the following minute:—

“The Honorable the Postmaster-General moved, *without previous notice*, it being an unopposed motion—That during the absence of the Honorable the President from the sitting of the House, whilst acting as Governor of the colony, the Honorable the Chairman of Committees do take the Chair from day to day.”

“Question put and passed.”

That was the motion he brought before the House on that occasion; and there was nothing in it about “Acting-President.” The honorable gentleman now presiding in the Chair occupied his position by virtue of his office as Chairman of Committees, and in accordance with the Standing Orders, which said that,

“Whenever the House shall be informed of the unavoidable absence of the President, the chairman of Committees shall take the chair for that day only; and, in the event of the President’s absence continuing for more than one day, shall, if the House shall think fit and so order it, take the chair in the like manner, on any subsequent day during such absence.”

There was nothing irregular in the honorable gentleman now occupying the chair; and, before the honorable Mr. Fitz spoke so strongly, or blamed the Government, or anyone, he should be in a position to substantiate his charge, which position he was not able to maintain on the present occasion. He (the Postmaster-General) admitted that he was rather astonished himself when the Usher of the Black Rod announced the "Acting-President," at the opening of the sitting; and he agreed fully with the honorable gentleman opposite (Mr. Fitz) that the Chairman of Committees had no right to the title of "Acting-President," though occupying the President's chair during his absence. He agreed, also, that his honorable friend, the Chairman, had no right to don the robes of the President on the late melancholy occasion which had been referred to. The Honorable Mr. Fitz had been rather hasty in saying that the irregularity which had occurred in the conduct of the business of the House, and the awkward and the false position in which the Chairman of Committees had been placed, were attributable to the Postmaster-General, as the representative of the Government. He would have done well to have made himself acquainted with the facts of the case. If he had examined the Journals of the House, he would have found that the whole proceeding in 1868 was in proper form—that the motion made and passed was in accordance with the Standing Orders. It was true that the record of the motion was headed by the Clerk of the Parliaments, "Acting-President;" but that was irrelevant to the motion itself. The only blame which could be attached to him (the Postmaster-General) was, that no formal notice was taken of the record, at the time, as the whole session passed without its being noticed; but that blame must attach to the honorable Mr. Fitz as well, who was a much older member of the Council than he, and who might have then made the objections that he now made. The honorable gentleman blamed him, as representing the Government, because immediately on the meeting of the House provision was not made for filling the chair, by formally moving the Chairman of Committees, or some other honorable member, into it. As he had said, the chair was now occupied in accordance with the Standing Order, which order he had read to the House. The House having been informed of the unavoidable absence of the President, the Chairman took the chair "for that day only." It was incumbent on the House to make provision for the chair being occupied at the next and future sittings, during the absence of the President; and he (the Postmaster-General) had come down to the House prepared to make a motion with that object, as the honorable Mr. Fitz would have found, if he had waited a little while. He felt assured that the honorable gentleman would exonerate him of any blame which he had at first

attributed to him. He now moved, as he should have done earlier, had the honorable Mr. Fitz not have arisen to address the House—

That, in pursuance of the Standing Order of the 25th May, 1864, this House do now order that the Chairman of Committees do take the chair, from day to day, during the absence of the President.

The Hon. H. B. FITZ moved, by way of amendment—

That the Honorable Gilbert Elliott do take the chair, from day to day, during the absence of the President.

He said he trusted that in the few remarks he had to offer, which would be very brief, he should not utter anything to give pain to one gentleman or the other; for there was nothing he should so much regret. One thing he must say, was, that the presence in the Council Chamber of the honorable gentleman who had latest come amongst them as a member of the House, gave them all pleasure: the honorable gentleman had presided over the deliberations of the other branch of the Parliament for a period of ten years, and, in recognition of his services, the Legislature had almost unanimously voted a pension to him. When he spoke to the honorable gentleman upon the subject of his motion, Mr. Elliott said he could not accept such a position as was proposed, as he had been provided for by the country; he said, further, that if the House should think fit to place him in such a position—he had no wish for it, he wished to remain quiet—if the House should think his services beneficial for the country, he would be glad to give his time to the country, but that he certainly could not accept any emolument. His reason for mentioning this was, that in proposing Mr. Elliott, his nomination should be received by both sides of the House without the slightest objection. When one honorable member of the House was asked if he would not like to see the honorable Mr. Elliott occupying the position during the short interregnum, he answered that he should like to see him in that position, but that he was a strong supporter of the present Government, and that the Chairman of Committees was very anxious to keep his present position. The honorable Captain Simpson had spoken to him (Mr. Fitz) on the subject, and asked him if he would support Mr. Elliott; and he had said, most decidedly, that he should feel exceedingly pleased to see that honorable gentleman walk up to the desk and say the prayers with which the deliberations of the Council were opened. And he (Mr. Fitz) now mentioned the honorable Mr. Elliott's name in the conviction that it would be received by both sides of the House with applause, much less without any objection. When the House saw that one honorable gentleman said he wanted such a position, that he desired to continue in it—

The CHAIRMAN called the Honorable Mr. Fitz to order. He had a right, as a member of the House, to reply, but the honorable member had no right to make such observations.

The Hon. H. B. FITZ : Hear-say.

The CHAIRMAN : The honorable gentleman should not retail hear-say of a personal nature.

The Hon. H. B. FITZ : Captain Simpson had said that as he was a junior member, it would be better for him (Mr. Fitz), a senior member of the Council, to bring forward Mr. Elliott's name. If those little things that he had heard were true, he certainly thought it would be best that the House should exercise a choice in appointing a Chairman to act during the absence of the President. He said unhesitatingly that he should be pleased to see the Honorable Mr. Roberts occupy his position as Chairman of Committees of the Legislative Council until age and infirmity made him unfit for the further discharge of the duties of the office; but he had no wish to see the honorable gentleman who occupied that position use his office, or his influence derived therefrom, for the purpose of gaining a higher and more influential position in the House.

The CHAIRMAN : What right had the honorable member to say that he was using his office for any such purpose? Honorable members would bear him out that the Honorable Mr. Fitz had no right so to address the House. Mr. Fitz was no confidant of his; and it was easy to be seen that he was no friend.

The Hon. Mr. FITZ : When he heard those things, he certainly took action, and his amendment was in accordance with it. The Honorable Mr. Elliott said he would much prefer being allowed to remain quiet during his time; that he had been provided for; but, if the House should think fit to place him in such a position, he could only say that he would receive no emolument for it. He (Mr. Fitz) was going to remark, when he was interrupted by the Acting-President, or Chairman—

The CHAIRMAN said he did not interrupt.

The Hon. H. B. FITZ : So far as the individual was concerned, he should like to see the honorable gentleman occupy his position—as he before remarked—until age and infirmity made him unfit for it; but when these short interregnums took place, he saw no reason why the honorable gentleman should not keep his present position, and the House choose whomsoever else they liked to occupy the President's chair. He had made a remark that during 1860, when Sir William Burton was lying ill at the Union Club, Sydney, from bronchitis, the Chairman of Committees, the Honorable George Wigram Allen, occupied both positions for one day; that was, he took the chair when called to it from the body of the House, but was not announced in the manner in which their Chairman of

Committees was to-day announced, as "Acting-President." Mr. Allen said to the Council that it might be inconvenient, in the press of business, that he should occupy the places of President and Chairman of Committees, and that it would be better for the House to elect some one else of their body to fill the President's chair, during his illness, and for him to remain in his own position of Chairman of Committees: if the Chairman kept the President's chair, it would necessitate the appointment of a Chairman of Committees. The Honorable E. Deas Thomson was thereupon appointed, for a few days, to fill the President's chair. In a small place like this, and with the limited amount of business going on, and for the sake of economy, of which the Government were such staunch advocates, and when there was talk of cutting down the Civil Servants five per cent., he did not see why the present Chairman could not keep his position, and the House appoint somebody else to take the President's chair. Let the House appoint the Honorable Gilbert Elliott to occupy that position during the interregnum, knowing his position, and that he would accept no emolument.

The CHAIRMAN (leaving the dais) said he had it from his honorable friend, Mr. Elliott, whom he always called his friend "the Speaker," that he had no idea of entering into a contest of this kind; and he was sorry to see that it had been conducted in such a way by the honorable member who last addressed the House. From differences in business matters, quarrels in his office, the Honorable Mr. Fitz had chosen to attack both himself and the honorable Mr. Browne, with whom, also, he had quarrelled: he had attacked them on purely personal grounds, from personal motives. The honorable gentleman had no right, in his position as a member of the Council, to do so, and he (the Chairman) rose simply to say those words to him.

The Hon. H. B. FITZ : No, no.

The Hon. E. I. C. BROWNE said he had not intended to speak at all on the motion, and certainly he would rather not do so. If it came to a vote, it would be sufficiently painful to him to vote against a gentleman he so highly respected as the Honorable Gilbert Elliott. He should have been glad to have avoided speaking on the motion; but after what had fallen from the honorable member opposite, Mr. Fitz, without having the slightest desire to disabuse his mind, he should, if other honorable members thought it necessary, be willing to put himself straight with them, and to explain what did take place upon more than one occasion. He did not remember the conversation that that honorable member had alluded to: how the honorable member became acquainted with it, he was not aware; nor was he aware from what source the honorable member derived information of his private conversation.

The Hon. H. B. FITZ called the honorable member to order, and said he never mentioned the Honorable Mr. Browne's name.

The Hon. E. I. C. BROWNE: The Honorable Mr. Fitz spoke of an honorable member who had spoken of another member, a legal member, of the House—

The Hon. Mr. FITZ: He never said anything about a legal gentleman, when he spoke of another honorable member of the House.

The Hon. E. I. C. BROWNE said he was quite aware, from what had fallen from the honorable gentleman opposite, that he had been alluded to. The honorable gentleman spoke of two legal gentlemen.

The Hon. H. B. FITZ: He did not.

The Hon. E. I. C. BROWNE: The honorable member, also, in the chair had arrived at the same conclusion. He (Mr. Browne) now wished to state to the House what had passed between himself and, not only the honorable member in the chair, but two or three other members of the Council whom he saw present, and who did speak to him upon this very point—as to the propriety of getting the Honorable Gilbert Elliott to fill the chair, in preference to the Chairman of Committees. Before going into the matter, he explained to them—more than once, he said it to different members—as it was only fair, that, before giving an opinion upon that point, he was aware he was to be proposed as Chairman of Committees, if the chair should be vacated; so that honorable members might not conclude that any opinion he held was a biased one, and that they might take his opinion for what it was worth. He did not think that anyone who knew him would think his opinion was likely to be biased by the consideration of lucre—the salary of the office for a couple of months! He did not state this before, but he did so now. His opinion was, that it was unadvisable that Mr. Elliott should be proposed to fill the chair, in opposition to the Standing Orders of the Council. He then saw no reason for doing so, and he saw no reason now; and, therefore, he should support the motion.

The Hon. GILBERT ELLIOTT said he regretted extremely that his name had been brought forward on this, to him, unpleasant occasion, by the action of his honorable friend, Mr. Fitz; and he requested that his honorable friend would withdraw his amendment. He thought that all this unpleasantness might very well have been avoided, if the Government had done what he thought they ought to have done. When the President became Administrator of the Government, they should have appointed, at once, an Acting-President. That would have avoided all that was now going on. He certainly had said, and he now said, again, that if ever his services could be of any use to this House, he should be glad to give them gratuitously; for he received a pension

from Parliament for services rendered in another place.

The POSTMASTER-GENERAL said he should give way to no honorable member in the respect he felt for the honorable gentleman who had just sat down. In regard to what the Honorable Mr. Fitz had said, that every member of the House would be glad to see the Honorable Mr. Elliott in the chair, he must say, that he for one was never spoken to upon the matter by Mr. Fitz, until he spoke himself to that gentleman. It was only by chance that he knew what the honorable member was doing. He agreed in one way with Mr. Fitz, and perhaps other honorable members would agree with him, that it was not because one honorable member happened to hold a position in the House, therefore he was always entitled to retain it. He thought that if any other honorable member wished to hold office, and if he only came forward plainly, or if his friends came forward plainly, and said he was entitled to the position, he had a right to try for it. He (the Postmaster-General) found no fault with the Honorable Mr. Fitz, or any other honorable member, for what had been done. If any other honorable member attained the position of Chairman, well and good. It was open to every one in the House. If the Honorable Mr. Fitz had only been candid—if he only had come to him and stated what he had proposed to do—

The Hon. H. B. FITZ begged to correct the honorable gentleman. He proposed to do nothing until within the last twenty-four hours. It was the Honorable Captain Simpson's proposition; but, as he was a junior member, he deferred to him (Mr. Fitz) as a senior member; yet he had hesitated to move in the matter, until he heard what he had already mentioned in the House.

The POSTMASTER-GENERAL: He could only say that it came to his ears that this was to be done, and that the Honorable Mr. Fitz was to be the mover. He did not hear it from Mr. Fitz. The honorable gentleman knew better than he, of course, and could answer for himself. This was not the first time that the same thing had been attempted. Any honorable member had a right to bring forward anybody else whom he pleased for the office; and if the majority of the House chose to put any other candidate in, it was their right to do so. He, also, could not help saying that he thought it was a great pity that his honorable friend, Mr. Fitz, had alluded in the terms he had used to a gentleman in the chair, who was hardly in a position to defend himself.

The Hon. H. B. FITZ: He did not allude to the honorable gentleman in any unseemly way; he spoke of him in his office merely, what he had heard as a rumor.

The POSTMASTER-GENERAL: Honorable members could form their own opinions. There was one question which had been brought forward by his honorable friend, Mr. Elliott, that if the Government had ap-

pointed an Acting-President, all this present trouble would have been avoided. As far as he could see, he did not think it was competent for the Government to do so; and, it was very questionable if the Administrator of the Government could himself appoint an Acting-President. He had no doubt that His Excellency could appoint a President; but he thought no gentleman in the House, if placed in his position, would have appointed an Acting-President. He (the Postmaster-General) certainly should not. He could only say that the question was now before the House, in due and proper form; no objection could be taken to it; and he trusted that the House would accept it, in the way he had proposed it.

The Hon. H. G. SIMPSON said, as the Honorable Mr. Fitz had mentioned his name very prominently, he felt bound to explain the exact line he had taken in this matter. What the Honorable Mr. Fitz had said about his (Captain Simpson's) speaking to him was perfectly correct. He did speak to him about the Honorable Mr. Elliott filling the chair during the absence of the President. At the same time, the honorable gentleman had not told all, and if he would cast his memory back again to their conversation, he would recollect that he said, upon being spoken to, "By all means; I was just going to speak to you about it." To pass to another matter, he (Captain Simpson) might further state that they had agreed to see other honorable members, and to find out what their feelings were. He spoke to two or three, and amongst others, to the Honorable Mr. Elliott himself. That honorable gentleman said, at that time, that he considered it a great mark of honor, and he should be very happy to give his services gratuitously if he were placed in the chair temporarily. Upon hearing that, he (Captain Simpson) spoke to one or two other honorable members, and the Honorable Mr. Fitz did so, too; and they found that several were of the same opinion as themselves. He thought the Postmaster-General had a right to complain that they did not speak to him; but their not doing so was a mere accident. He had intended to do so, and was about to do so several times. They rarely met, except upon the business of the Railway Commission, when other things were cropping up, and when they had much other business to occupy their attention; and it slipped his memory until he heard from an honorable member now present, the Honorable Captain Hope, that the Postmaster-General was about to propose the Chairman of Committees as Acting-President. After that, he thought that the Postmaster-General was pledged; and he did not take so much pains about it, although he had it in his mind to speak to him, but he never did so. With regard to moving the amendment—he was going back to a conversation with the Honorable Mr. Fitz—he had declined to bring it forward because he was compara-

tively a junior member of the Council, while there were many honorable members who had sat in the House from the commencement; yet he did think it his duty to give his most strenuous support to placing such a member in the chair as the Honorable Mr. Elliott. Apart from that, he had another reason, which he felt bound to give. Everywhere, he found—not only abroad, out-of-doors, but even amongst certain honorable members, the impression prevailed—that it was the almost universal opinion that, as a matter of course, the Chairman of Committees must take the chair of the House in the absence of the President. Then, again, he must say that the action of the honorable gentleman, the Chairman of Committees, on the occasion which had been alluded to by the Honorable Mr. Fitz, was one which surprised him very much. He was sure the honorable gentleman would exonerate him from any wish to wound him, and would acquit him of entertaining any unpleasant feeling towards him in the course pursued. The House must set themselves right with the outside public. Let it be understood that there was no position in the House which gave any honorable member the smallest right or claim to sit in the President's chair. He was very glad to see that the Postmaster-General had laid it down as his opinion, also. That was one of his main reasons for moving in this matter at all—finding such an impression or opinion abroad, he felt it his duty to move. He had no personal objection to the honorable gentleman in the chair; but, at the same time, he would support the Honorable Gilbert Elliott. It was not for him to say that he did not wish this to go on. He (Captain Simpson) maintained that no member could decline the honor, if the House wished to confer it upon him. The Honorable Mr. Elliott had told him that it would be extremely inconvenient to him to fill the chair. There was an intention to bring in a Bill, in another place, to deprive the honorable gentleman of his well-earned pension. If what the Council chose to do in this matter was to be taken as a handle for action elsewhere—if, because they put the honorable gentleman into the chair, such a measure should be brought forward—it would be a breach of privilege. It would be monstrous that the Council could not put whom of their members they liked into the chair, without being liable to a bill of pains and penalties. He had no right to ask the honorable gentleman, if he was in any way affected by what he had heard; but he could only say that a few days ago the honorable gentleman felt himself bound to accept the chair, and was extremely willing to occupy it, if appointed by the House. He hoped that honorable members would not take anything he said as actuated by any improper personal feeling.

The Hon. GILBERT ELLIOTT: He might say that what the Honorable Captain Simp-

son had stated about his pension had not had the slightest influence on him. He never gave it a thought. He knew very well that such a measure would not be carried in the other House—anything so monstrous! From his knowledge of that House, he felt confidence in saying so. In New South Wales gentlemen in the enjoyment of pensions held, at the same time, official positions with credit to themselves and to the colony. He had said that his services should be at the disposal of the House whenever they should be absolutely required, and that he would accept no remuneration for them. But under the circumstances, it would put him in an invidious position to insist upon his nomination—it would put him in hot water—and, at his time of life, he did not feel that he should be placed in that position; but, certainly, his objection was not because of any intention, expressed or otherwise, to abolish his pension.

The Hon. H. G. SIMPSON begged to say that he never meant to suggest that such was the influence on the honorable member. He mentioned that such a rumor had come to his ears.

The Hon. St. GEORGE R. GORE observed that, as it appeared to be the rule that each honorable member who addressed the House should explain how he came to hear of this question, he felt he had honorable members' permission to explain how he came to deal with it. On the last day on which he was in town, about a week ago, it was talked of that it would be competent for the Honorable Mr. Eliott to take the very mild duties of the chair for a couple of months. He thought it was extremely desirable that that honorable gentleman should hold the office. He was aware that a certain impression had gone abroad on the subject of the temporary occupation of the chair of the House; and he took shame to himself for being one of those who had led to the impression, that the Chairman of Committees had a perfect right to that position; he took shame to himself for his ignorance of the Standing Orders, and for not having paid more attention to them. But a person did not know things by intuition. Formerly, his honorable friend the Chairman of Committees occupied his office from year to year, but the impression seemed to have got abroad that he must, under all circumstances, be Chairman. He thought it would be better if no change had been made, and he trusted that a resolution would be passed that the House should revert to the former practice, and that a Chairman of Committees should be appointed for the session, as was the original practice, which had been unwisely departed from. However, the House had differed from him, and his honorable friend was confirmed in his appointment of Chairman of Committees. As soon as he (Mr. Gore) was informed by the Honorable Captain Simpson that the Chairman of Committees was not to

occupy the position of Acting-President, as a matter of course, he thought the change proposed would be a good one, if only it was regarded with favor as a matter of economy, for which the present Government were such advocates. It would be clearly a saving to the country of the amount of the salary of the Chairman of Committees, which his honorable friend, Mr. Browne, seemed to have set so much store upon. He had promised his honorable friend, Captain Simpson, that he would attend the House at the opening of the session, although he had not intended originally to come down for some days longer. He had taken the trouble to look into the matter; and, although he could speak at length upon the question, he intended to spare the House on this occasion, because his honorable friend, the Postmaster-General, had completely reprobated what he considered the almost indelicate assumption of the Chairman of Committees at the funeral of the late Governor. As he had been informed, the House being under prorogation, the Chairman of Committees assumed the precedence of the President of the Legislative Council amongst all the members who followed the late Governor to the grave.

The CHAIRMAN: It was the Clerk of the Parliaments' opinion that the House should attend the funeral as if in session. It was an erroneous one, and his (the Chairman's) taking the position he did take was, therefore, a mistake.

The Hon. St. GEORGE R. GORE: He was very sorry that it was such a very wrong opinion of the Clerk of the Parliaments, and that the honorable member, as an old member of the Council, should have acted upon it; his conduct was a mistake, and might be regarded as a piece of overweening arrogance of authority. The Postmaster-General said it was a mistake, and that he had had nothing to do with it. He (Mr. Gore) had thought that the Government, in the plenitude of their power, tried to overrule the House—to settle things exactly as they pleased—and that the honorable gentleman now in the Chair was arrogating to himself a position—

The CHAIRMAN: He had acknowledged the mistake.

The Hon. St. GEORGE R. GORE: Well, if the honorable gentleman acknowledged the mistake, he thought that took away the sting of the matter. The House were indebted to the Honorable Mr. Fitz for ventilating the subject. He thought the Chairman was exceeding his duty when he endeavored to make the doing so a personal matter. Mr. Fitz deserved the thanks, not only of the House, but of the country, for putting a question which was so little understood so plainly before the public, on its own merits. With respect to what had fallen from his honorable friend, Captain Simpson, he (Mr. Gore) entirely corroborated what had been stated. There had been a great deal of excessively foolish, ill-judged, conversation

out-of-doors—they knew it was the most paltry, low, balderdash—about the Honorable Mr. Elliott presuming to come out in opposition to the Chairman. It was perfectly preposterous that a body like the Assembly should think of bringing forward such a measure as the one mentioned, to deprive the late Speaker of his pension. Fortunately, the Council had the veto; and they might stand on that. No Act of Parliament could pass without the consent of the Council; and he thought, therefore, that the Honorable Mr. Elliott was perfectly safe. But the matter was quite childish. He did not think any member of Parliament would dream even that such a measure could be carried. He must say that he should feel sorry if the amendment was not carried. The question having been fairly brought before the House, it was extremely desirable, as so much misconception had arisen upon it, that it should receive an authoritative answer; and another consideration was, that economy would be consulted to the extent of the salary of Chairman for a couple of months. With reference to what the Honorable Mr. Browne had said, it was extremely probable that some persons—as it had been mooted—might say that he was actuated by considerations of lucre; and it would be a very good course for him to come forward and support the Honorable Mr. Elliott, and so let matters remain as they were. That would be a course of action in favor of economy, and it would free his (Mr. Gore's) mind from that impression, if the honorable gentleman so acted. He should be rather surprised, after his explanation, if the honorable member did not vote with the Opposition side of the House. He did not know whether the question was regularly or irregularly brought forward, but he had no doubt there had been a canvass going on;—he had no hesitation in saying that it was going on. He did not suppose that, as the Honorable Mr. Elliott had talked about it, he would find himself in hot water by taking the position of presiding over the deliberations of the Council.

The Hon. H. B. FITZ said, by way of explanation, that the Chairman of Committees had done him great injustice. He declared that he had no personal feeling in this matter, beyond this: the Government, by their action, had placed the Chairman of Committees in a false position. The Council, as a body, had no right to stand up in their Chamber to receive and bow to one of their members—and that member should not be announced as Acting-President by the Usher. The Chairman had done him (Mr. Fitz) an injustice when he said that this was a personal matter. Honorable members—he did not name them—had expressed themselves very strongly indeed on a late very solemn occasion; he did not say what remarks they made, but that the Chairman had no right to the position he had assumed. He looked upon the matter in the same light;

and he said that he, or any other member of the House, had as much right to put on the President's robes as the honorable the Chairman of Committees.

The Hon. ST. GEORGE R. GORE: Perhaps he might add, in reference to this matter, that neither the Governor, nor the President, nor anybody else, had any authority to appoint an Acting-President. He thought the Acting-President was a person entirely unknown; and it was a matter of regret that the Parliamentary papers were printed with so little knowledge that he should appear on the records of the House.

The CHAIRMAN: With all due deference to the honorable gentleman, he did not know the rules of the House. There was an additional Standing Order, which he had evidently overlooked:—

“Whenever the House shall be informed of the unavoidable absence of the President”—

which was done to-day—

“the Chairman of Committees shall take the chair for that day.”

What did the honorable member think of that?

The Hon. ST. GEORGE R. GORE: He submitted that the honorable gentleman's explanation did not meet the question. The House could not be informed of the President's absence, until the chair was taken. The honorable gentleman took the chair first.

The CHAIRMAN: A letter from the President was read by the Clerk upon the assembling of the Council, and before the chair was taken.

The Hon. E. I. C. BROWNE desired to offer a few words of explanation. The Honorable Mr. Gore had put it to him that if he (Mr. Browne) now voted for the amendment, it would be a good way of removing the imputation, that what he had said in his speech might possibly be brought against him—that his vote was biassed, because he knew he was to be brought forward as Chairman of Committees, if the office should become vacant. That imputation, if brought against him, he considered so perfectly worthless that he did not think it worth his while to attempt to remove it; so that the Honorable Mr. Gore must give him some better reason for changing his opinion than that. The honorable member also said that he (Mr. Browne) seemed to set a very great store upon the office of Chairman of Committees. In answer, he said he was very indifferent to the matter. Were the office one of greater emolument than it was, he might have set store upon it. If it were that of Postmaster-General, for instance, he might have been seen going up and down, and in and out, so as to be in the way when it was vacant—as he, and the honorable gentleman, too, had seen an eager candidate formerly. The honorable member himself had been seen so acting, when that office in the Ministry was vacant, until he made himself a laughing-

stock for his pains. He set great store upon that office, at any rate. Unfortunately, the office of Chairman was of very small emolument, or he (Mr. Browne) might have set some store upon it.

The Hon. L. HOPE said he was very glad that the House had now an opportunity of expressing their opinion upon the subject under discussion; because it was very clear to him, and he held the opinion for some time past, that the Acting-President was unknown to the Council, and that notice should be taken of such irregularities as had been referred to, which, in the absence of notice of them, it seemed had drifted into a system. The House ought to be very much obliged to the honorable gentleman who had "belled the cat;" and, for himself, he was very glad that the Honorable Mr. Fitz had shewn so much determination. Honorable members should uphold, to the utmost of their power, the privileges of the House, and they should reprobate any action which might be taken in another place, in the manner suggested, against the honorable gentleman whose name appeared in the amendment. He should certainly support the amendment. As explanations seemed to be the order of the day, he should offer a small one. Captain Simpson said he was under the impression that he (Captain Hope) had heard that the Postmaster-General was to propose the Chairman of Committees as Acting-President. If he recollected right, his remark was, that he supposed the order of things was, that the Postmaster-General should bring on the motion, and that that would be the time to discuss the matter now before the House. He believed that was what he said; it was what he meant to have said.

The Hon. H. G. SIMPSON: The impression produced on his mind was, that the Postmaster-General was to propose the Chairman of Committees.

The Hon. L. HOPE: He did not know.

The Hon. H. G. SIMPSON: That was his reason for not speaking to the Postmaster-General.

The Hon. J. C. HEUSSLER observed that it would be best if the House should not divide on the question. His honorable friend, Mr. Fitz, was very powerful in his speech, when he began; but was not so bad in the end. On this occasion, he (Mr. Heussler) was very sorry, indeed, that so many personalities had crept into the debate; and it struck him forcibly that they should have been avoided. He did not think that the House—he said it with all due deference—could confer any honor upon the Honorable Gilbert Elliott by appointing him to fill the chair. It might be of great advantage to the Council to see the honorable gentleman presiding over their deliberations; but to place him in the chair would not be conferring an honor upon him. That honorable gentleman had held the office

of Speaker in the other House, not by the sufferance of the House, but by the voice of the country, represented by that House—he had been elected so often and successively—during a period of ten years. Furthermore, he (Mr. Heussler) thought it was cruelty rather than anything else, when a gentleman said, more than once, that he was an aged man, to put him in the chair; where he might have to sit during the afternoon and late on into the night. That need not be done if there was another member of the House who might qualify himself for the office. With that view, he could hardly vote for the election of the Honorable Gilbert Elliott. He would give another reason: if his honorable friends, Captain Simpson and Mr. Fitz, had not muddled the whole thing so much—they had certainly done a great deal to bring the matter before the House and the country, for which they deserved well—it might have been a proceeding to command support; but they had managed so badly that they had much better have held their tongues altogether about it. Here was one of the oldest members of the House, who ought to have known that it was the duty of the Government to bring the matter before the House: why did he not go to the representative of the Government, and find what he intended to do? Then the honorable Captain Simpson told the House that he had not spoken to the Postmaster-General. He (Mr. Heussler) seldom came down to the House in the recess, but he sometimes took a cup of coffee in the refreshment rooms; and whenever he went there he saw Captain Simpson and the Postmaster-General together. This happened half-a-dozen times during the last three weeks. It must be remembered that, however much it might be wished to confer honor upon the Honorable Gilbert Elliott, in so doing they would cast a slur upon their Chairman. He did not see, under all the circumstances, how the House could, at the present time, with a good grace, reject the motion which had been moved by the Postmaster-General. Respecting the alleged impropriety of the Chairman of Committees having used the President's robes at the time of the funeral of the late respected Governor, he had often had a private conversation with the Honorable Mr. Roberts; he had sometimes heard remarks, as several honorable members were rather sore on the point of precedence at the funeral, and Mr. Roberts knew that the matter had become personal; and he, one day, admitted that the wearing of the robe was a blunder, somehow or other, and that it was made by the advice of the clerk or somebody, that everything should go on as if Parliament was sitting. "But you know, Heussler," said Mr. Roberts, "as well as I can tell you, that I do not push forward myself." He (Mr. Heussler) would certainly let the Government have their own way at present in the matter before the House.

The Hon. J. F. McDougall said he believed, as he had been informed, that the intention of the amendment was to ventilate the question, as to whether the Chairman of Committees had a vested interest in the chair as Acting-President. He gathered, from what honorable members had said during the debate, that they were all unanimous in their belief that no such right could be claimed, beyond that which was given to the Chairman by the Standing Orders, namely, the right from day to day. It appeared to him that, so far from the Postmaster-General having in any way acted irregularly, the proceedings, so far, were perfectly right; and the honorable gentleman was correct in bringing forward his motion in the way he had done. The question having been sufficiently ventilated, and all the circumstances referred to having been brought so prominently before the House, it would be well if the mover of the amendment would withdraw it. That seemed to be the wish, also, of the Honorable Mr. Elliott. If that course should not be pursued, he (Mr. McDougall) should feel it to be his duty to vote for the original motion.

The Hon. H. B. Fitz said that he rose merely to state that the remarks of the honorable gentleman whose name had been brought so prominently forward, and whose wish now was that this matter should not be proceeded with any further, induced him to withdraw the amendment. When he resolved to take action in the matter, it could not be taken unless he moved in the way he had chosen. He repeated that his motion was made solely for the object of ventilating the question; and the Chairman of Committees did him a great injustice when he said the motion was prompted by purely personal motives. He knew perfectly well that in undertaking this task it was an unpleasant one; but it was such a task as somebody must undertake, he was convinced, when he heard such remarks as had fallen from honorable gentlemen who, he was surprised, had not shewn themselves in the Council to-day.

Amendment, by leave, withdrawn.

The POSTMASTER-GENERAL rose to reply on the debate.

The Hon. H. B. Fitz objected to a reply, when the amendment was withdrawn.

The POSTMASTER-GENERAL maintained that he had a right to reply. It would be better that he should speak, because there were other matters to be touched, upon which it was desirable that the House should hear him.

After some further deliberation, and an appeal to the Chair,

The POSTMASTER-GENERAL proceeded: He was sure, he said, that the House would see that there was no misunderstanding about this matter. The purpose which his honorable friend, Mr. Fitz, sought to gain, and on which he had laid so much stress, in bringing about this discussion, for the purpose of ven-

tilating the question, would have been gained if he had not been so exigent. He (the Postmaster-General) wished to say to the House, that it had been his intention, as he thought it was his duty—and whether he succeeded or not, he always tried to do his duty—to have introduced the question to the Council. He had studied the question, and he wished to give the House a short explanation; the more so, because several things he had said had been taken in a manner which he did not intend. Therefore, it was due to himself, and to the House, that he should make some explanation of the matter. He had some very grave doubts on his mind, whether it was competent for the House to elect any gentleman as Chairman. If honorable members would allow him to give his reasons, he should gladly do so. His honorable friend, Mr. Gore, was, he believed, one of the oldest members of the Council; he was a member of the legal profession, and, if that honorable member did not take notice of the honorable gentleman who held the position of Chairman being styled “Acting-President,” and if no notice was taken of it by other senior members, the omission was very excusable in a junior member like himself.

The Hon. ST. GEORGE R. GORE: It was not his business to see it.

The POSTMASTER-GENERAL: He thought that, in a case of that sort, it was the business of every member of the House. Seeing that he had made up his mind to act—if he found he was wrong, at once to acknowledge it—after having considered the whole question, he came down to the House prepared to bring it forward for full discussion. If honorable members would read the Standing Order of the Council, framed to provide for such a case as the present, they would see that he was correct, when he said that the Chairman of Committees was now properly in the chair. He could see no reason why the House should not alter it for the future, if they chose so to do:—

“Whenever the House shall be informed of the unavoidable absence of the President, the Chairman of Committees shall take the chair for that day only”———.

As far as he (the Postmaster-General) could see, if he merely brought forward a motion, as he had done before, without notice, any honorable member could object to it, and it would be thrown aside; but the question then arose, Who would take the chair to-morrow? By the Standing Order, the Chairman of Committees was supposed to take the chair for one day only.

The Hon. H. B. FITZ: Any member of the House.

The POSTMASTER-GENERAL (*reading*):

“And in the event of the President's absence continuing for more than one day, the Chairman shall, if the House shall think fit, and so order it, take the chair in the like manner on any subsequent day during such absence.”

There was no other provision made allowing or permitting the House to elect anyone, any other member, as Chairman. He merely brought this forward, standing under correction by any honorable member afterwards. They could go for a precedent to the House of Lords, where, until recent times, certain peers were named as Deputy-Speakers of the House. During the absence of the Lord Chancellor, as Speaker of the Lords' House of Parliament, a Deputy-Speaker, according to his rank, took the Chair, and if none of the Deputy-Speakers was present, the House elected a Chairman. That Chairman, immediately one of the Deputy-Speakers came in, vacated the Chair; and each Deputy-Speaker gave up the Chair as one of higher precedence came in. The Crown appointed the Deputy-Speakers. In 1824, Lord Gifford, Chief Justice of the Common Pleas, was appointed sole Deputy-Speaker; and, since 1851, as far as he (the Postmaster-General) could understand, there was only one Deputy-Speaker in the Commission—the Chairman of the Lords' Committees, who, always, *ex officio*, acted as Chairman, in the absence of the Lord Chancellor. Now, he saw a very great difference here; and he was very glad the practice of the Council was so clear and distinct. He brought those matters forward to shew the honorable gentleman opposite, Mr. Fitz, that the accusation he had brought against the Government was without grounds; and that he, as it was his duty to do, had taken the question into earnest consideration. In the Standing Order of the House of Lords, the only part he could find bearing upon this question was the following:—

"It is the duty of the Lord Chancellor, or the Lord Keeper of the Great Seal of England, ordinarily to attend the Lords' House of Parliament; and that, in case the Lord Chancellor, or Lord Keeper of the Great Seal, be absent from the House of Peers, and that there be none authorised under the Great Seal, from the King, to supply that place in the House of Peers, the Lords may then choose their own Speaker during that vacancy."

How far that practice was analagous to the present circumstances of the Council, he left the House to judge. He was glad that his honorable friend in the chair had been elected Chairman of Committees; but, at the same time, he must inform him and the House that had not the Honorable Mr. Fitz risen in his place, and taken exception to the Chairman of Committees coming into the House as "Acting-President," it would have been his unpleasant duty to have done so. His honorable friend had made a great virtue of taking upon himself the unthankful task of "belling the cat;" and, although, so far, he (the Postmaster-General) was indebted to his honorable friend, and much obliged for the action taken by him, he should not have shrunk from his duty, for it was not his habit to shrink from anything which his duty

demand, however much he might dislike it.

The Hon. H. B. FITZ: The honorable member did not name it.

The POSTMASTER-GENERAL: Whenever the honorable member wanted anything done, he came to him. As a rule, when the honorable member wanted anything, he (the Postmaster-General) always went against it. He agreed that the Chairman of Committees had no right to the title of Acting-President; and he was much astonished when he heard the Usher so announce him; but the Chairman was properly in the chair, to-day. Unpleasant as it was, if the honorable gentleman, after this, came to the House as Acting-President, and insisted upon it, he (the Postmaster-General) would be the first to bring forward a motion rescinding the motion which he had moved, and which would be passed to-day. He hoped his honorable friend would not take exception to what he had said; and he hoped that he would not insist upon that title while in the chair.

The CHAIRMAN (leaving the dais): The honorable gentleman did not know the rules of the House. There was nothing like being plain, and he was not afraid to speak, like some honorable gentlemen. If the Postmaster-General would refer to the Standing Orders, he would find that, when the President sent a letter saying that, from unavoidable absence, he could not attend, as to-day, the Chairman of Committees, as a matter of course, and as a matter of right, took the chair.

The POSTMASTER-GENERAL said he thought he had finished. He was sorry to disagree with the honorable gentleman in the chair, but he thought his and other honorable members' opinion was as good as the Chairman's. He said there was no "Acting-President;" and if the honorable gentleman insisted upon it, he told him candidly that he should rescind the motion that he was to be Chairman of the House.

The Hon. E. I. C. BROWNE suggested that the question should be referred to the Standing Orders Committee, as soon as that committee was appointed, to say in what position the Chairman stood. He was inclined to agree with the Postmaster-General, that the office was not that of Acting-President; but he should be very sorry to give a decided opinion. The best course would be to have the question decided; and if the honorable gentleman thought it desirable, he could have it referred to the Standing Orders Committee, with instructions to search for precedents upon the point, and to report to the House. The House was not bound to accept the report. It was the usual course to refer questions of difficulty to committees, either specially appointed for the purpose, or standing.

The POSTMASTER-GENERAL said he should be very glad to accept the suggestion of the honorable gentleman.

Original motion put and affirmed.