

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 7 JUNE 1871

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LEGISLATIVE COUNCIL.

Wednesday, 7 June, 1871.

Inspector of Distilleries' Report.—Adjournment.

INSPECTOR OF DISTILLERIES' REPORT.

The Hon. G. ELIOTT, pursuant to notice, moved—

“That a Select Committee be appointed to consider the Report of the Chief Inspector of Distilleries, and to inquire into the truth, or otherwise, of certain charges against the Honorable C. B. Whish, contained in that Report, and with power to call for persons and papers, and sit during any adjournment; and that such committee consist of—The Honorable T. L. Murray Prior, the Honorable G. Harris, the Honorable H. B. Fitz, the Honorable J. J. Galloway, and the Mover.”

The honorable gentleman, in doing so, stated that after the remarks which had been made on the last day of the meeting of that House by the Honorable Captain Whish, in reference to the Report of the Chief Inspector of Distilleries, which the honorable member said contained certain allegations against him, and aspersions on his character, he (Mr. Elliott) had deemed it the proper course to pursue to move for a Select Committee to inquire into the whole case. Honorable gentlemen would perceive that the allegations were bad enough, but since they were made, a letter had been written by the Chief Inspector of Distilleries which made them worse. He would now read a letter from the Honorable Captain Whish to the Inspector of Distilleries at Oaklands, Mr. J. Croker, which would throw some light on the matter, and also Mr. Croker's reply.

[Copy.]

“Oaklands, 29th May, 1871.

“SIR,—I beg to call your attention to the following extracts from a letter from the Chief Inspector of Distilleries to the Colonial Treasurer, and to request the favor of your early reply to the subjoined questions relating thereto.

“Extract 1st. ‘The Inspector on the plantation has not, for months, had the Government key, as the Act provides he should have; that he has been prevented from the discharge of his duty, and exposed to dismissal on account of neglect; and that Captain Whish has assumed the functions of Inspector of his own store, in direct contravention of the Act.’

“Extract 2nd. ‘They have obstructed Mr. Croker, for months past, in the discharge of his duties.’

“The above extracts refer to your experience on Mr. Raff's plantation, and on this one; I would ask you then, referring, of course, only to myself and to your experience at Oaklands—

“1stly.—Have you not always been able to enter the spirit store and distillery ever since you took charge?

“2ndly.—Have you not always held a key of the Government lock on the spirit store?

“3rdly.—Has any action on my part, in any single instance, ever prevented you from discharging the duties of your office?

"4thly.—Have I ever, to your knowledge, assumed the functions of Inspector over my own store? If so, state when and in what particular?"

"5thly.—Have I obstructed you for months past in the discharge of your duties?"

"I have, &c.,

"C. B. WHISH.

"To J. Croker, Esquire, Inspector of Distilleries, Cabulture."

"Oaklands Distillery, 30th May, 1871.

"SIR,—In acknowledging receipt of your letter of yesterday, I do myself the honor to return the following replies to questions 1, 2, 3, 4, and 5, therein.

"1. I have always been able to enter the spirit store and distillery whenever I thought proper to do so.

"2. I have always held one key of the Government lock on the spirit store, you holding a duplicate, which you gave up to me (*on my demanding it*) in February last.

"3. You have never interfered with me in the discharge of my duties as Inspector of Distilleries.

"4. I do not understand what is meant or alluded to, by your having assumed the functions of Inspector over your own store; you certainly held a key, and could enter it at any time.

"5. You have never obstructed me in the discharge of my duties as Inspector of Distilleries.

"I have, &c.,

"JOHN CROKER,

"Inspector of Distilleries.

"The Honorable C. B. Whish, Oaklands."

It would be seen that Mr. Croker's letter was pretty clear on the matter. His honorable friend was most anxious to be relieved from the imputations made on his character, and he (Mr. Elliott) thought it would not require any words from him to induce a committee to be appointed to examine into the truth of the allegations; for, as his honorable friend had stated, if they were true, he ought not to have a seat in that House, and if they were not true, then the Chief Inspector of Distilleries was unworthy to continue holding the position he now held.

The motion was put and carried.

ADJOURNMENT.

The POSTMASTER-GENERAL said, he would now move the adjournment of the House; and in doing so, would refer to some remarks that had fallen from honorable members relative to an adjournment, during that afternoon. It had been his intention to ask the House to adjourn at once, to the same date as the Legislative Assembly, and he was going to enter into certain explanations relative to it—as to why it was necessary for the Government to pursue such a course; but he saw that the feeling of the House was, that they should first dispose of the business on the paper, and he had no objection to that course being pursued. He would, therefore, now only move that the House adjourn until the 14th instant, when he hoped that the honorable the country members would be

present, as he intended to ask for an adjournment to the 7th November, and it would then be his duty to state his reasons for so doing. In regard to what had been said upon that matter, as to that House being compelled, because the other branch of the Legislature had done so, he must say, that he saw no reason whatever why that House should adjourn at the same time as the other House, as it was laid down by May, in page 48, that one House had the power of acting independently of the other as regarded adjournments. He would also explain to honorable gentlemen that, although they might adjourn for what appeared a long period, still, it was a prerogative of His Excellency the Governor to call them together, by proclamation, after fourteen days' notice, and that he trusted would remove any objection honorable gentlemen might have to so long an adjournment. May went on to say—

"A power of interfering with adjournments, in certain cases, has been conceded to the Crown by statute. The 39 and 40 George III., c. 14, enacts that when both Houses of Parliament stand adjourned for more than fourteen days, the Queen may issue a proclamation, with the advice of the Privy Council, declaring that the Parliament shall meet on a day not less than fourteen days from the proclamation; and the Houses of Parliament then stand adjourned to the day and place declared in the proclamation; and all the orders which may have been made by either House, and appointed for the original day of meeting, or any subsequent day, stand appointed for the day named in the proclamation."

He thought by that, honorable gentlemen would perceive that, if necessary, they could be summoned together again. He would now move the adjournment of the House, to Wednesday, the 14th June.

The Hon. H. B. FIRZ said that, notwithstanding the remarks of the honorable the Postmaster-General, he thought it was very unwise and impolitic for the House to adjourn in the way suggested, as there was a great deal of business to be transacted, and other business might be initiated. As to the country members, whom the honorable member had especially invited to be present on Wednesday, he (Mr. Fitz) would remind the honorable member that there was only one country member, and that there would be a quorum without him. There were many important measures that could be initiated by that House, and there was also the probability that the adjournment of the other branch of the Legislature would not be so long as was supposed, as it was most likely that some understanding would be come to between the parties. There was no doubt whatever that the course pursued by the Premier of the colony, on the present occasion, was unprecedented; and although he had always given that gentleman credit for not caring about office, and in fact, considering it rather a burden upon him, yet he must say, after witnessing his present conduct, that the

honorable gentleman showed a great tenacity for retaining it. He thought that after the people outside had so unmistakeably expressed their opinion with regard to the matter of railway extension, it was the duty of the Government to listen to it and pay attention to it, and also, that by their not having done so, they had trampled upon that opinion and set it at defiance. It had been said by the present Government, that they had public opinion on their side; but he and other honorable members were aware that petitions had been presented to the Assembly signed by an aggregate of five thousand persons, in favor of railway extension. He held that if the Government could not agree to railway extension, they should have walked out of the House when they found that the voice of the people was against them. He thought that there was not a single instance of a Government having acted in the manner in which they had done, and where a House had been treated in the same way, except perhaps once in New South Wales, during the Cowper Ministry; and he considered it was the duty of the Council—for although it was a nominee Chamber, still it indirectly represented the people—to mark their sense of the conduct of the Government on the question. On that day week, when the honorable the Postmaster-General brought forward his motion for adjournment, he would be prepared with an amendment which would have the effect of explaining his views in a more direct manner.

The Hon. G. ELLIOTT would explain to the honorable gentleman who had just sat down, that the course taken by the present Government was not altogether unprecedented, as in looking over some authorities that day he found an example in the House of Commons, where there was an adjournment for five months.

The Hon. H. G. SIMPSON said he did not intend to say much at the present time, as the question of adjournment would be again brought before the House. He certainly had been perfectly surprised, on arriving in town that morning, to find that the Legislative Assembly had been adjourned for five months. He had heard of the probability of such a thing, but treated it only as a *canard*, until he saw some notice of it in the *Queensland Times* of the previous day, when he thought there might be some truth in it. If it was not an unprecedented, it was at least a peculiar course for the Government to adopt; for although they had a majority of one, it was a majority gained under very extraordinary circumstances. He quite agreed with what had fallen from the Honorable Mr. Fitz, and when the proper time arrived, he should be prepared to support any amendment that would have the effect of preventing that House from becoming a catspaw in the hands of the Government.

The motion was then carried.