

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 27 JUNE 1872

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LEGISLATIVE COUNCIL.

Thursday, 27 June, 1872.

The late Agent-General for Emigration. — Clerks of Petty Sessions Bill.

THE LATE AGENT-GENERAL FOR
EMIGRATION.

The Hon. E. I. C. BROWNE said that, in bringing forward the motion standing in his name, it was not his intention to go into the question between Mr. Douglas and the Government, or in any way to try to prejudice the minds of honorable members in favor of the gentleman who was seeking what he considered an act of justice at their hands; he merely wished to bring before the Council, that that gentleman was entitled to have that justice which he asked for. He thought they would not dispute with him on the point, that any of their fellow-citizens coming before them with a petition, properly worded, and in accordance with the rules of the House, and such petition containing a reasonable request, was well entitled to receive attention at their hands. The gentleman who now came before them by petition, and on whose behalf he (Mr. Browne) asked for the appointment of a Select Committee to inquire into the matter set out in his petition, was one who had long

held a very prominent position in the colony. He had been, more than once, a member of the Legislative Council; he had been a member of the Executive Council; and he had, also, represented the colony at home. Although they would be inclined to measure out full justice to everyone—the poorest citizen—who came before them by petition, if what he asked for was reasonable; yet, when the person who petitioned to be heard was one who had held such important offices, he thought that perhaps greater weight, than in an ordinary case, would be given to his request, being that of one who ought to be a good judge of the kind of complaint he made, and the redress he asked for. They had, no doubt, read the petition of Mr. Douglas, in which they would see what it was that he asked for. He (Mr. Browne) might say that, in undertaking to move for the committee, he did so in the most unprejudiced and impartial manner. He did not come forward with the design, or intention, or hope of obtaining a committee who would bring up a report matured, he might say, before the evidence had been heard on which the report ought to be founded. If the committee should be appointed, and if he himself sat as a member—and he supposed he should be appointed—he was sure, as he was of every other honorable gentleman, that he would attend to his duty, with a view to a thorough inquiry into the truth of the matter; and he was sure that the committee would bring up a report in accordance with the evidence. Therefore, it was quite possible that Mr. Douglas, in asking for the committee, and in obtaining their report, might find that report to be not in his favor, but against him. Still, if he was prepared to submit to that ordeal, the House might agree that he was entitled to have the opportunity of so doing. Honorable gentlemen would see from what he said in his petition, that serious charges had been brought against him—charges affecting him in many ways—against which, except by means of a committee, and by going into evidence upon them, he could hardly hope to set himself right before the colony in which he had played so prominent a part. They would observe, further, from his petition, that he complained that the honorable the Colonial Secretary, in a minute of the 2nd of March, 1871, accused him of having

“accepted the office of Agent-General, with his mind made up to disobey instructions.”

Now, unquestionably that was a very serious charge to make against a person. He (Mr. Browne) might say it involved a serious question of the honesty of the person who accepted the office, with the full intention of not carrying out the orders transmitted to him. It was difficult, of course, to substantiate such a charge as that, and it was difficult, also, to contradict such a charge. It was difficult to substantiate it, because it was

difficult to know what was passing in the mind of anyone; it was only by a man's actions that his conduct could be judged; and even his actions were not always a fair test of what his mind might be. But, certainly, it was not by documentary evidence that they could judge, and documentary evidence was all the Council had before them now, to enable them to judge of Mr. Douglas's conduct. It was not by documentary evidence alone that such a charge could be either supported or refuted: it must be by taking oral evidence, as well, of what his actions had been—as to whether they bore out such an accusation or not. There was, also, another very serious charge, indeed, made against him; and therein was the question, whether he was justified in sending out assisted passengers at one-half the amount of payment laid down in the Act of 1869. Now, it seemed that Mr. Douglas, in the third paragraph of his memo. of the 8th of September, 1871, which was by way of an answer to the minute of the 2nd of March, 1871, justified what he had done by reference to the action of Mr. Jordan and Mr. Wheeler, when, under the Immigration Act of 1864—which Act did not give them any more power to reduce the amount of passage money for assisted emigrants than was given to Mr. Douglas by the Act of 1869—they had reduced the amount from £8 to £4. Although he (Mr. Browne) could see that Mr. Douglas was absolutely not warranted by the Act of 1869 in taking the course he had taken; yet, relying upon the action of Mr. Jordan and Mr. Wheeler, which action had been accepted and justified by the Government under which they had carried on—relying upon their precedents—he had revived their practice by taking upon himself to act in a similar manner to them. It certainly might be, and fairly, a question whether what they had done justified Mr. Douglas in the course he had taken. But it was only fair that Mr. Douglas should be enabled to bring forward those precedents in his favor, which, up to the present time, he was not able to do; because, it was only by having recourse to the evidence of what took place under the Act of 1864, that it could be brought forward in his present justification. In the Colonial Secretary's minute, in reply to Mr. Douglas' memo. of the 8th September, that honorable gentleman said:—

“Mr. Jordan and Mr. Wheeler had the authority of the Executive for what they did under the Act of 1864. Mr. Douglas had no such authority, and was sent home to administer a new Act.”

That was perfectly correct. Mr. Douglas had been sent home to administer the Act of 1869, and not the Act of 1864. What Mr. Douglas especially desired, now, was that he might be put in the position to shew that Mr. Jordan and Mr. Wheeler had no more power in 1864, than he had in 1869—that was to say, he would be able to shew, by the facts he was able to bring forward, that his case was exactly analagous to theirs; and, therefore, if he, in his action, did, to a certain

extent—undoubtedly he did—override the powers given to him by the Act, still he would shew a certain justification for having done so, and that he had a right to expect that the Executive would have followed the example of previous Executives in respect to the action of the Emigration Agent at home. Those were the principal points on which Mr. Douglas wished to be set right. It was an important consideration to him, because he had been surcharged with the extra £4 per head upon all the emigrants whom he had sent out as assisted passengers, to the amount of £1,400; and that very disagreeable item remained against him in the Auditor-General's report, and he (Mr. Browne) supposed it would go on against him from year to year in that officer's annual reports. Honorable members would agree with him, that a surcharge of £1,400 was a serious matter against the credit of any individual; and, for the purpose of setting himself right with the colony, Mr. Douglas was entitled to what he asked for at the hands of the Council.

The Hon. H. B. FITZ: More particularly if he became Treasurer.

The Hon. E. I. C. BROWNE said, however strong the case might be, he was sure that, in bringing it before the House, he could obtain the sympathies of every honorable member for a man who felt that an injury had been done him to get what he asked at their hands with a view to set himself right. He repeated that he did not move for the committee with any prejudged idea of bringing up a report favorable to Mr. Douglas. The report might be different from what Mr. Douglas wished: it might fall away from him instead of supporting him in the position he took up. But, when he asked for an inquiry into the case, the House ought to grant it. He (Mr. Browne) believed that the Postmaster-General intended to oppose the motion. He should regret it, if the honorable gentleman should do so; but he trusted that the House would agree that Mr. Douglas was entitled to the committee. He begged to move—

That the Legislative Assembly be invited to join this House in the constitution of a Select Committee to inquire into and report upon the alleged grievances complained of by Mr. John Douglas in his petition, presented to this House on the 20th instant, with power to send for persons and papers, and with leave to sit during any adjournment.

That the number of members to serve on the said joint committee be eight, four to form a quorum.

That the following members of this House be appointed to serve on the said committee, viz.:—The Honorable T. L. Murray Prior, the Honorable H. G. Simpson, the Honorable H. B. Fitz, and the Honorable E. I. C. Browne.

That these resolutions be transmitted to the Legislative Assembly by message in the usual way.

The POSTMASTER-GENERAL: The Honorable Mr. Browne had very rightly said that he

intended to oppose the motion. He was fully aware that all Englishmen, himself amongst them, liked to see fair play; and therefore that Mr. Douglas, having been a member of the Council, would have the sympathy of the House in that respect. Although he gave due credit to the Honorable Mr. Browne for what he had said, that the committee he asked for would judge the case on its merits; yet, he must not, therefore, fail to give his reasons why he opposed the motion. The honorable gentleman had read certain memo. from correspondence in the nineteenth volume of the Council Journals. But the House must be aware that other correspondence had been laid on the table, a long time before that from which the honorable gentleman had quoted—in fact, very voluminous correspondence; and it was his (the Postmaster-General's) opinion, whatever the opinions of others might be, that whatever was to be gleaned in connection with the present case was to be gleaned from the printed papers already before the Council—that was, if any honorable gentleman would take the trouble to go into them *ab initio*—and, after going through those papers, any honorable gentleman would be able to decide whether Mr. Douglas was or was not to blame. The committee, he thought, would serve no good end, whatever their decision might be. His name was placed on the committee, and he was perfectly satisfied that the honorable gentleman who had nominated him knew that, whatever he might say now, he would judge according to the merits of the case, even though it were against the Government. He thought there had been some great mistake made, and that Mr. Douglas had made a great mistake in applying for the committee. He would shew the origin of the proceeding. If honorable gentlemen would turn to the eighteenth volume of the Journals, page 131, they would find a letter written by Mr. Douglas, on the 23rd of February, 1870, in which he first alluded to the matter of receiving £4 from assisted emigrants for their passages to this colony, instead of £8 each, as laid down by the Act—thereby overriding an Act of Parliament:—

“I beg to forward to you copies of the handbills, which have now been in circulation for nine weeks, and, in doing so, I would beg to call your attention to the terms on which free and assisted passages are granted. These are, as nearly as possible, the same as those in force under the old Act. I have felt the necessity of not destroying the continuity of our administration, which might have been effected by too strict an interpretation of the existing Act, and, I trust that, in this respect, I may have your approval.”

That was the first intimation, as far as he (the Postmaster-General) could see, from Mr. Douglas, of his infringement of the Immigration Act of 1869. A telegram was sent to him by the Colonial Secretary, which read thus:—

“Brisbane, 21st April, 1870.

“Re rates free and assisted passages, referring to concluding paragraph, 23rd February, comply

strictly with the letter of the Act, until further instructed.

“Direct all ships proceeding to the northern ports to call off Moreton Island for orders.”

He (the Postmaster-General) would first point out that that telegram did not proceed from the head of the Government that he had the honor to be associated with; it was sent by Mr. Lilley, a late colleague of Mr. Douglas. On the 17th June, Mr. Douglas wrote:—

“I have the honor to acknowledge the receipt of a telegram on the 13th instant, dated Brisbane, 21st April, relating to ‘The Immigration Act of 1869,’ and ships calling off Moreton Island, which will have my attention.”

As honorable gentlemen would see, Mr. Douglas had received full instructions, and was fully aware that he was infringing the Act; and he (the Postmaster-General) thought that his honorable colleague, the Colonial Secretary, was perfectly justified in the memo. which he afterwards wrote; for the Agent-General, however responsible an officer he might be, was certainly under the Government, and must obey the orders which he received from the Government. He wished particularly to call the attention of the House to the telegram, and to the fact that the commencement of the dispute was not by the Palmer administration, but by the Lilley administration, and by the Premier by whom Mr. Douglas had been appointed Agent-General. Another matter was, that Mr. Douglas, when he received the appointment of Agent-General, accepted it with the full knowledge that he had a certain Act to carry out, and that he was bound to carry out that Act. With reference to the surcharges which had been made, it was some time after the correspondence quoted that they were reported; and Mr. Douglas was certainly surcharged the £4 on each assisted passage. He (the Postmaster-General) was not aware what the amount of surcharges was exactly; it was said to be £1,400, and it might be a little less or somewhat more. However, that mattered not to the question; there was no doubt that Mr. Douglas was responsible to the Government for receiving less for the passages than the Act or his instructions gave him power to receive. It would never do for a gentleman sent home to carry out an Act of Parliament to break through that Act. Mr. Douglas, also, when he accepted the position of Agent-General, did so with a full knowledge—and as his appointment was understood in both Houses of Parliament—that he was to lecture. This he distinctly refused to do. It was difficult to say what the reason of Mr. Douglas might have been for sending in his resignation. Perhaps it was, because he was surcharged the amount for not receiving which, in contravention of the Act, he had been found fault with; or, because he would not lecture, as he had been instructed to do. But, on the 29th December, 1870, Mr. Douglas tendered his resignation; and in his letter of resignation he entered fully into

particulars, and gave his reasons for resigning, which were threefold. He said :—

“My reasons for thus resigning an office which I esteemed it my highest privilege to have accepted, are threefold :—

“1st. When appointed, I had good reason to believe that, in passing ‘The Immigration Act of 1869,’ the intention of the Legislature was to promote immigration, and that, under any circumstances, it was not intended to diminish the opportunities afforded under the previous Act which it repealed. My present instructions, however, are such that I cannot anticipate the possibility of giving effect to the Act on a scale such as would justify my retention of office for such a purpose.”

If Mr. Douglas thought that he would not be able, by his work, to do as much good as he was expected by the country to do, there could be no reason why he should not resign. Mr. Douglas resigned of his own free will, so far. He continued :—

“2nd. I also accepted the office of Agent-General for Emigration on the condition that I should be appointed Agent for the colony in England; and, as the Government have now made arrangements for otherwise doing this business, it is obvious that they do not require my services in that capacity.”

He (the Postmaster-General) could say that he was not at all aware that Mr. Douglas was promised anything of the sort, when he went to England—except the office he had from the first :—

“3rd. In addition to this, I have been instructed to deliver lectures in the market towns of the United Kingdom; but I have judged that the circumstances in which I found myself placed, did not seem to justify the expediency of giving effect to this instruction.

“I trust, therefore, that I shall not be considered disrespectful when I add that, whatever humble capacity I may have, such as may have appeared to justify the Government when they entrusted to me the important post of Agent-General for Emigration, I have never considered that I possessed, nor have my friends attributed to me the possession, of those special gifts which are essential to the effective performance of such duties as those of an accredited lecturer—duties which, unless they were discharged with singular tact and discrimination, would either have failed to produce the satisfactory results anticipated, or, if successful in producing them, would have probably done so at the risk of creating a reactionary feeling, calculated to diminish that character for steady growth and sustained action, which is the very highest claim we could offer to the respect of our fellow-countrymen in England.”

Really, he (the Postmaster-General) wondered very much that the gentleman ever started—that he ever accepted the office of Agent-General for Emigration, under the circumstances. However, Mr. Douglas’ resignation was accepted, and all the correspondence up

to that date was published. In the hand-bills which Mr. Douglas issued, it was stated—

“Single men, £4 each, and £1 for ship-kit.”

It was after the return of Mr. Douglas to this country, that that gentleman wrote a letter to the Colonial Secretary, dated 11th September, 1871, as followed :—

“Referring to an interview with you on the 6th instant, relating to certain correspondence between the Government and myself, which was published by the authority of Parliament, I beg to request that certain omissions therein may be rectified, and that copies of the following papers may be laid on the table of the House when it meets :—

“1st. Copy of telegram from you rescinding telegram of the 21st of April, 1870, by which I was instructed to direct all ships to call off Moreton Bay; because I observe that when a deputation called upon you in reference to the supposed undue proportion of emigrants despatched to the Northern Ports, you are reported to have said that all ships had been ordered to call off Cape Moreton.

“2nd. Copy of my reply to your letter of the 3rd October, 1870, No. 217, referring to defective medical inspection of emigrants; because His Excellency the Governor in Council had commented thereon.

“3rd. Copy of minutes of proceedings of the Executive Council of the 2nd of March last, whereby, in accepting my resignation, the Colonial Secretary records a grave censure on me, together with the memorandum forwarded herewith; because it would appear to be not unjust that I should be afforded an opportunity of offering some remarks in mitigation of the opinions which His Excellency’s Government have expressed in reference to my resignation, and to the causes of it.”

Now, what further Mr. Douglas could want, after the correspondence which he there asked for had been supplied, he (the Postmaster-General) was at a loss to see. The Honorable Mr. Browne had brought forward, among other things, the Executive Minute of the 2nd March, 1871, the subject of which was the conduct of the Agent-General for Emigration, and in which the Colonial Secretary stated

“that to the first reason given by Mr. Douglas, it is hardly necessary to allude. Judging from Mr. Douglas’ action in several instances, it would appear that he imagined, not that he was bound to administer ‘The Immigration Act,’ but that he had the power to override it, and do exactly as he pleased—as witness his action in receiving from a number of immigrants a deposit of four pounds (£4) on his own responsibility alone, the Act expressly stating that this amount should be eight pounds (£8).”

He (the Postmaster-General) believed that that was one of the principal matters to which Mr. Douglas alluded; and he could hardly imagine how any honorable gentleman could suppose that the Colonial Secretary had stated too much, when he made use of the expressions contained in that paragraph :—

“With respect to second reason given, the Colonial Secretary is unable to say what grounds Mr.

Douglas had for supposing that he was to have been appointed Agent for the Colony, as he asserts, and to be Agent, as he implies. His letter of appointment says—'He is to fulfil such other duties, in addition to those connected with emigration, as he may from time to time be called upon to perform,' and his instructions repeat the same, almost in the same words. * * * *

Mr. Douglas has had additional duties imposed on him in the matter of telegraphic communication, and sale of the Fairlie engines."

He was not aware whether Mr. Douglas had expected to be paid as an agent for those other duties. He might have expected it; but it was thought by the Parliament that £1,000 a-year was ample remuneration for his services. Then, with regard to Mr. Douglas' third reason:—

"Mr. Douglas' third reason seems to the Colonial Secretary the most extraordinary of all. On reference to his instructions it will be found that, in the second paragraph of them, he is distinctly told, 'It will be the duty of the Agent-General to make known these inducements, and to direct public attention to them by lecturing as frequently as other engagements will permit.' These instructions, the Colonial Secretary is informed by the late Premier (Mr. Lilley), were actually revised by Mr. Douglas himself; but even supposing they were not, they have been for many months in the hand of the Agent-General. He accepted his appointment, knowing that he was expected to lecture; and how he can now refuse to carry out those instructions, and refuse to perform what was certainly at the time he was appointed, and by the Ministry by whom he was appointed, considered one of the most important of his functions, is to the Colonial Secretary inexplicable."

Really, with all that matter before the House, nothing more could be required by honorable gentlemen in connection with the case. Although, as he (the Postmaster-General) said before, he, like all Englishmen, desired to see a man enabled to answer any accusation that might be brought against him, yet he considered that Mr. Douglas had had full opportunities of answering everything—and, in fact, he had answered everything, and had brought forward every argument in his behalf—and that the gist of the matter could be perfectly attained by any honorable gentleman, or by anyone else, who chose to read the correspondence which had been printed. He was satisfied that everyone who read that correspondence must blame Mr. Douglas for the action he took, in his position. It was hardly necessary for him to say more. He had, perhaps, spoken at too great length; but he hoped that honorable members would agree with him that there was no necessity for the committee.

The Hon. H. G. SIMPSON said this seemed to him to be a very simple matter:—A gentleman who had held a very high position at home as the representative of this colony, and also in the Government of this colony before going away, had had a difference of opinion with the Executive Government for the time being; the Executive having acted

as they had thought proper, in consequence of their action the gentleman had felt himself compelled to resign the position he had held in the mother country: he now came before the Council by petition, and asked the House, as the whole facts of the case were not understood by the Parliament and the country, or the public in general, to grant him the opportunity he wished for of once more and thoroughly explaining his case, so that it might go through the length and breadth of the colony what the facts of his case really were. His honorable friend, the Postmaster-General, had stated the case for the Government. He (Mr. Simpson) had no doubt that if the committee were appointed, it might come up again; but they would be able to hear what Mr. Douglas had to say on the other side. He could not see any objection to the motion. It was not to be supposed that the committee, if formed, would proceed to the inquiry with a firm determination to bring up a report against the existing Government, any more than to bring up a report in Mr. Douglas' favor. There could be no harm whatever in the committee being appointed for the purpose of ventilating the matter and getting as clearly as they could at what were the real facts of the case. True, it was possible to get at a great portion of the facts in the correspondence which had been so liberally quoted by the Postmaster-General. But, at the same time, there was a difference in a number of honorable gentlemen each reading the correspondence privately, and making up his mind upon it, and the whole subject being considered and discussed by the House; and they would all prefer, he thought, to have the evidence, if any, that might yet be given, in addition to what was already before them, and to deliberate upon the case with the whole available facts before them, as they could be presented by a select committee appointed specially to inquire into it. The only question, now, was, whether the inquiry was likely to be expensive, or a waste of the time of honorable members. He could not discover any necessity for its being expensive, seeing that the only evidence to be taken was that of persons resident in Brisbane; and, on their account, it was not likely to cause expense. As to the waste of time, he could not see that the inquiry, if the committee should be appointed, would involve that to honorable members of the Council; for the session could not be closed very shortly; and, so far as the Council were concerned, there was very little committee work doing. If honorable members of the other House were deeply engaged, that was their business. He could not see, so far as the Council were concerned, why they should not appoint the committee. He should certainly support the proposal of the Honorable Mr. Browne, for the reason that he believed that a gentleman in Mr. Douglas' position, who considered himself aggrieved, was entitled to the attention of the House, and to be heard before them if he

wished it. At the same time, Mr. Douglas understood thoroughly that the asking for an inquiry was his own doing and risk entirely. If the committee should find in his favor, he would gain his point; if not, it would be otherwise with him. For his (Mr. Simpson's) own part, having been nominated a member of the committee, he should, if appointed, go into the inquiry knowing nothing about the matter, as, he confessed, he was perfectly unbiassed; and he believed that every honorable gentleman named was the same. He could see no reason for objection to the motion.

The Hon. H. B. FITZ: As his name had been mentioned as one of the members of the committee, he wished to state in a few words that he thought the appointment of the committee would be nothing but right. Looking at the previous position of Mr. Douglas, who was seeking the inquiry, the House should not object to appoint the committee. If the committee should be granted, he could only say that he would enter upon the inquiry and judge of Mr. Douglas' case entirely upon its merits. At present he could say, much as Captain Simpson had remarked, that he had not gone into it, nor read much about it. He had certainly seen the correspondence, but he had not read it carefully. When the House came to consider the previous position that Mr. Douglas had held in this colony—he had held the same position in the Council as the honorable member who now represented the Government, the Postmaster-General; he had held the office of Colonial Treasurer, and that of Secretary for Public Works, in another place—and that he was always a prominent individual in Queensland; and, as they were all perfectly aware that party feeling ran very high, in a community that must be regarded as a small one; those were reasons why he thought the Council should not deny any public man the opportunity that he desired, to do what he might think was justice to himself. For those reasons, too, he (Mr. Fitz) would vote for the committee. If the evidence was so strong against Mr. Douglas as the Postmaster-General had said it was, that was Mr. Douglas' look-out. He (Mr. Fitz) had no doubt that the case would be disposed of entirely satisfactorily, in accordance with the evidence; and, it was believed, that there was evidence to be brought before the committee, other than that now in the possession of the House.

The Hon. L. HOPE said he was inclined to think that it would not be a very good precedent for the House to engage in matters as between the Executive and other persons who were to carry out their orders in distant lands. Mr. Douglas had, no doubt, filled very important posts in the colony; but, at the same time, and for that very reason also, he ought to have been sufficiently well-informed, that he should not lightly have infringed an Act of Parliament or disobeyed instructions of the Government he served. There was not

such a case of hardship made out as to necessitate the interference of the Council or of the Parliament generally in the matter brought before the House. It was not denied that Mr. Douglas had infringed the Act, or that he had disobeyed his instructions. There was a great deal of correspondence before the House which confirmed that. Therefore, he (Mr. Hope) thought it would be somewhat injudicious for the House to interfere between the Executive and the Civil Service.

The Hon. H. B. FITZ: He might further remark that, if a committee of the Council only had been asked for, he should not have supported the motion; but a joint committee of both Houses of Parliament being asked for, and Mr. Douglas having been a prominent member of the Council, for that reason the Council should not object to the appointment of a committee.

The POSTMASTER-GENERAL: In reply to the honorable gentleman—

The Hon. E. I. C. BROWNE: The honorable gentleman had no right of reply. He did not think that in his own reply he had very much more to say than he had already advanced. The Postmaster-General, in following him, did not attempt, by anything he said, to shew the House that Mr. Douglas was not entitled to the justice he asked for at the hands of the House; but the honorable gentleman had wandered away from that broad ground, and gone into matter which he (Mr. Browne) had carefully avoided, and that was as to the merits of the question as between Mr. Douglas and the Colonial Secretary. That was what he, in proposing the motion, carefully avoided. That was a question to be left to the committee; and it was not for the House now to attempt to decide upon it. Therefore, he (Mr. Browne) thought that, far as the honorable gentleman had gone, the case had been left exactly where he had himself put it:—That Mr. Douglas, as a gentleman, came before the Council with a petition, shewing that very serious and grave charges had been made against him, and he asked the House to be the judges of his case; and he proposed to bring forward evidence in support of his case, and to abide by their decision. That was not, surely, an unreasonable request for him to make, or for them to grant. As the Postmaster-General had said, there was plenty of evidence—from which the honorable gentleman had quoted largely—supposing that they did not go beyond that; but it was Mr. Douglas' intention to go far beyond it, and to shew evidence that could not be shewn in the House otherwise than by the aid of a select committee. It was not unreasonable that a certain number of their body should draw up a report upon that very evidence now before them; but Mr. Douglas would not confine himself to the correspondence already published. He wished to bring forward much further evidence that the House had not, and could not have before them, without the machinery of a committee, which would

afford him the best means of shewing whether he had not been justified in arguing, from the analogous cases of Mr. Jordan and Mr. Wheeler, and in expecting, that the Executive would have acted towards him as preceding Executives had acted towards them—in authorising what they in their discretion had done. He (Mr. Browne) did not say that Mr. Douglas was right. As far as he could judge, now, he agreed with the Postmaster-General that the reduction of the passage money for assisted emigrants was an infringement of the Act of 1869. But then, both Mr. Jordan and Mr. Wheeler had infringed the Act of 1864, under which they had officiated. Mr. Douglas said he had evidence to bring forward, if the committee should be appointed, which justified him—and he said as much in the evidence before the House;—and that he ought not to have been visited with the severe punishment which had fallen upon him by the surcharges which had been made. He (Mr. Browne) would, without saying any more on the matter, leave it in the hands of the House, trusting that they would agree with him that Mr. Douglas should have the committee that he asked for. There was, however, one other point:—The Postmaster-General had referred to the telegram of the 21st April, 1870, from the Colonial Secretary to Mr. Douglas, instructing him to comply strictly with the Act, referring to assisted passages. There was no evidence that, after having received that instruction, Mr. Douglas went on reducing the amount of passage money. If it should appear that Mr. Douglas, after that telegram, did so—if the committee should find out that he had done so, their report would be in accordance with that finding. But Mr. Douglas came before the House asking them to be his judges between him and the Colonial Secretary, and the House should not refuse his request.

The question was put and affirmed, upon a division, as under:—

Contents, 8.	Not-Contents, 2.
Hon. E. I. C. Browne	Hon. L. Hope.
" D. F. Roberts	" T. L. Murray-Prior.
" W. Thornton	
" J. A. Bell	
" J. Gibbon	
" H. B. Fitz	
" J. Mullen	
" H. G. Simpson.	

On the motion of the Hon. E. I. C. Browne, the resolutions were transmitted by message, in the usual form, to the Legislative Assembly, for their concurrence.

CLERKS OF PETTY SESSIONS BILL.

The POSTMASTER-GENERAL moved the second reading of "a Bill to amend the Law relating to Clerks of Petty Sessions," which, he said, was a very simple measure requiring very little explanation. It proposed to repeal part of a clause in the Felons Act which ran thus:—

"And be it enacted that it shall and may be lawful for the Governor for the time being by any

notice published in the *Government Gazette* to appoint places at which petty sessions shall be holden and to appoint one fit and proper person to be clerk to every such petty sessions who shall attend to discharge the duties of his office at the place for which he shall be nominated and at no other place whatever."

The first clause of the Bill set forth that—

"The Governor in Council may nominate any person to be clerk of petty sessions at one or more places and any such clerk may discharge the duties of his office at every place for which he is so nominated."

Honorable gentlemen would see from that, how much better the duties could be carried on under the new measure than at present, if the Government obtained authority to make the change.

Question put and passed.