

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 7 MAY 1874

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LEGISLATIVE ASSEMBLY.

Thursday, 7 May, 1874.

Australian Joint Stock Bank Bill.—Court House and Post Office, Condamine.—Telegraph Line Repairer at Condamine.—Overloading of Vessels.—Compensation to Mr. Wecker. — Appointments to the Legislative Council.—The Case of Mr. J. G. McDonald.—Rockhampton Gas Companies Bill.—Insolvency Bill.

AUSTRALIAN JOINT STOCK BANK BILL.

Mr. MILES said, in rising to move the second reading of this Bill, he did not think it would be necessary to take up the time of the House for any lengthened period. In fact, practically, the whole of the measure was contained in the first clause; and he hoped honorable members would not, on this occasion, stultify themselves by introducing such a clause as they inserted in the Bank of New South Wales Bill. The Joint Stock Bank had thought it advisable to obtain legal advice as to whether it was necessary to have this Bill passed; and he held in his hand the opinion of Sir William Manning, which stated there was no absolute necessity for it. He would read a clause from that gentleman's opinion, so that honorable members would be able to understand the matter:—

"I do not think there is any strict legal necessity for obtaining from the Parliament of Queensland an Act similar to that now before our own Legislature, namely, for extending for a further period of twenty-one years, the Bank's power to issue notes and bills. But I am prepared to think it probable that the Government, or the public of that colony, may raise doubts upon the subject, which might be productive of practical inconvenience."

If honorable members would look at the first clause, they would see it was provided that whenever Parliament thought proper, it could repeal the Act. The first portion of that clause read as follows:—

"It shall be lawful for the said Corporation subject to the conditions restrictions and limitations contained in the said Act of Incorporation and the several Acts amending the same so far as such conditions restrictions and limitations now remain in force for and during the further term of twenty-one years or until some general provision be made by the Legislature in respect of the issue of promissory notes payable on demand by the banking institutions of the said colony and no longer."

Therefore, at any time the Legislature thought necessary, this Bill could be entirely swept away. He was sorry the honorable member for Oxley was not present; but he thought, if he took the trouble to peruse the opinion he had read, he would not think it necessary to introduce such a clause in this Bill as was introduced into the Bank of New South Wales Bill. He now begged to move—

That the Bill be read a second time.

Question put and passed.

The Speaker then, on motion, left the chair, and the House went into committee on the

Bill. The House having resumed, the Chairman reported the Bill without amendment, and the third reading was made an order of the day for to-morrow.

COURT HOUSE AND POST OFFICE, CONDAMINE.

Mr. H. THORN moved—

“That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1874, the sum of £800, for the erection of a Court House and Post Office at Condamine.”

He said he supposed it would be necessary to give some information as to why the sum was asked for. The facts were simply these:—The place used as a court house was in a very dilapidated condition, being entirely eaten away by white ants. He could also say, that the cells used for the accommodation of prisoners coming from Roma and elsewhere were under the same roof. He hoped the House would agree to the resolution, as the sum asked for was absolutely needed.

The SECRETARY FOR PUBLIC WORKS said what the honorable member stated with regard to the condition of the court house might be quite correct, but there was scarcely any business done there, and it was constantly becoming smaller; and he could not see how they would be justified in agreeing to vote this sum. There had not been a bench sitting there for the last ten years, and there was not likely to be. The post office, he thought, was quite sufficient for all requirements, and the Government had no intention of supporting a motion to spend £800 on the post office in a place like Condamine.

Mr. MILES was aware that the court house at Condamine was in a very dilapidated condition; but he did not think there was much business done there, and he could hardly support the honorable member in asking for £800. He thought if a few pounds were expended on the building, it would, perhaps, be sufficient for the next four or five years. He hoped the Government would not allow the building to tumble to pieces for the sake of spending a few pounds to put it in order. He believed the walls and roof were in good condition, but the floor had been damaged by the white ants; and the lock-up and cells also required repairs. He thought £100 or £150 would be ample to put the place in good order. With regard to the post office, he believed the present building was ample for all requirements, and he could not assist the honorable member for Northern Downs in getting a new one. In fact, he thought it was rather too bad for that honorable member to ask for such a sum of money for the purposes mentioned in the resolution. He thought, however, the Government ought to give some assurance that they would see that necessary repairs were carried out.

The COLONIAL SECRETARY thought it was only right to the honorable member who brought this motion forward, as well as in justice to the Government, to state that they had no further information with regard to the necessity of this large expenditure than that given by that honorable member himself; and he thought the House could not be expected to vote a sum of £800 upon the statements that had been made. There was nothing whatever to show that £800 was required. He was perfectly aware—he saw himself some years ago—that the court house was in a dilapidated state; but no business of any importance had been done there for years. The Government had no information even with regard to the necessity for repairs, but they had no intention of allowing the building to go to destruction, and it would be put into such condition that it could be used for courts of petty sessions. With regard to the post office, the Postmaster was bound to keep it in repair. He would suggest to the honorable member to withdraw the motion, and the Government would take steps to inquire into the necessity for repairs, and get them done to a reasonable extent.

Mr. H. THORN said, after the assurance from the honorable the Colonial Secretary that something would be done in the matter, he would, with the permission of the House, withdraw the motion.

Motion withdrawn accordingly.

TELEGRAPH LINE REPAIRER AT CONDAMINE.

Mr. H. THORN, in moving the next motion standing in his name, said, he did not think anything coming from that side of the House would be supported by honorable members opposite, and, therefore, he would simply move—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1874, the sum of £120, for the service of a Telegraph Line Repairer at Condamine.

Mr. ROYDS thought the Government ought to make some reply.

HONORABLE MEMBERS on the Government benches: We have nothing to reply to; nothing has been said.

Mr. MILES said this was the result of having a tyrannical Government; they would not even condescend to give an answer.

The SECRETARY FOR PUBLIC WORKS: We have nothing to answer.

Mr. MILES did not believe that a line repairer was necessary; but he did believe that the honorable member for Northern Downs would have done more good if he had endeavored to get the present officer's salary increased, and made him do the whole of the work.

Mr. PALMER: They are all increased.

Mr. MILES contended they were not. He believed, however, it would be necessary to have a line repairer at the place shortly; because, when the extension of the line to Charleville and St. George was completed, the business would be increased considerably. The fact of the matter was, that at present the greater portion of the time of the telegraph station master was taken up in attending to the repairing of the line, and he knew there had been oftentimes considerable inconvenience from this. He was, therefore, confidently sure that as soon as these extensions were made, a line repairer would have to be appointed; but in the meantime he thought, if the Government increased the salary of the officer in charge, they would do all that was necessary for the present.

The COLONIAL SECRETARY was very glad to hear the honorable member for Carnarvon say that the officer who was at present at Condamine could do all the work, because that was the position the Government took up; they were of opinion that he could do all the work, and there was therefore no necessity for an additional officer. Whether that officer got a higher salary or not would not affect the work he had to do. He was in the same position as many other officers throughout the colony; in all country offices where there was not sufficient work to engage the attention of an individual in one particular duty, the offices of line repairer and officer in charge were combined. It was of course useless to keep a man hanging on when he had nothing to do. That officer had to repair the line a certain distance on both sides of the station, as was done between Ipswich and Brisbane. The officer at Goodna, who had much more business in the way of messages to attend to than the officer at Condamine, had also to keep a certain distance of the line in repair. He could easily understand that the time might arrive when, through pressure of business, inconvenience might arise from the present arrangements; but he was not aware that at present such was the case. Until the line was open to Charleville, and there was a large increase of business, it would not be necessary to appoint another officer; and he thought the honorable member for Northern Downs might rest very well satisfied with this discussion in answer to his motion.

Mr. J. SCOTT rose merely for the purpose of calling attention to a remark which had been made by the honorable the Colonial Secretary. That honorable member said the officer at Goodna was in the same position as the officer at Condamine, and that a great many more messages passed through his hands; but he would call attention to the fact that the line which the telegraph manager at Goodna had to attend to was a very short one indeed, whereas the line the officer at Condamine had to look after was a very long one—something like eighty miles from Dalby on the one side, and 120 miles from Roma on

the other. He had therefore about 100 miles of line to keep in order—forty on one side, and sixty on the other—which, he thought, would give him plenty of work to do. He did not know whether there was much important telegraphic communication in that part of the country or not; but if there were, certainly the one officer could not attend to the line and the work of the office at the same time.

Mr. H. THORN said the reason why he made no remarks in moving the motion was, because he knew it would be utterly useless to do so. He thought that, unless another officer were appointed, it would be far better to take the present officer away altogether, because he was scarcely ever there when he was wanted. He had been away four days in the week; and he thought it would be better to take him away altogether, or give him a man to assist him. There was a great difference between this case and Goodna, where the officer had only about ten miles to attend to.

Question put, and negatived on division:—

Ayes, 12.	Noes, 19.
Mr. Palmer	Mr. MacDevitt
„ Morehead	„ McIlwraith
„ Ivory	„ Macalister
„ Rorids	„ Morgan
„ Wienholt	„ Poote
„ H. Thorn	„ Pechey
„ MacDonald	„ Edmondstone
„ De Satgé	„ Stephens
„ J. Thorn	„ Bailey
„ Pettigrew	„ Buzacott
„ W. Scott	„ Hemmant
„ J. Scott.	„ Peattie
	„ Miles
	„ Fryar
	„ Dickson
	„ Fraser
	„ Groom
	„ Moreton
	„ Graham

OVERLOADING OF VESSELS.

Mr. PALMER said, in moving the motion standing in his name, he wished to state his reasons for doing so. It was known to almost everybody who took an interest in the shipping of this port, that the overloading of vessels, and particularly steamers, was carried on to a very dangerous extent. He had observed it himself, and he had been almost ashamed to go to sea in them. Whosoever duty it was—and it would appear, from the reply given to his question, a few days ago, by the honorable the Colonial Treasurer, it was Captain Manson's—to see that ships did not go to sea in an overloaded state, he could not conceive what overloading meant if that officer did his duty. He, himself, had seen ships, and steamers particularly, overloaded to a most frightful extent; he had seen the sponsons actually under water, and cargo still being crowded in. This he saw on a recent occasion when he arrived from Sydney. But the reason he more particularly had for bringing this matter before the House and before the Government, with a view that they would take some action—some serious action in the matter—was a communication he re-

ceived from Cooktown at the time he placed this motion on the paper. Without disclosing names, he might state that a more disgraceful state of affairs he had never heard of. He should at present refrain from mentioning the name of the steamer, because he thought it would be invidious to do so; but he would read to the House some extracts from the communication, which was well written, and evidently by a man who had knocked about and seen a good deal of the world. He said:—

"We started from Sydney so overcrowded with passengers that forty or fifty people had to sleep on deck. All our decks were lumbered up with ropes, spars, &c., to such an extent that it was almost an impossible matter for any person to move about.

"Notwithstanding our being so overcrowded, on arriving at Brisbane we found the agents of the vessel were booking more people to sail with us. An effort was made by several of us to influence the Shipping Master there to stand between us and the rapacity of the shipowner. He promised his assistance, came down and inspected the vessel, and after much formality the matter ended in his allowing to go on board the additional passengers, which had been booked in Brisbane, the only place for such passengers being on deck. At the entrance to Harvey's Bay, a small steamboat from Maryborough brought a contingent of twenty-eight more voyagers, several husbands and wives, with their children, being amongst the number. At Townsville, also, we received another contingent of human freight, until at last, I believe I am within the mark in stating that, including cabin passengers, we had something like 320 souls on board."

He then went on to say:—

"The Imperial Act prescribes, that any passenger ships carrying 100 steerage passengers, shall be provided with two water-closets, and for every 100 hundred additional passengers, two additional water-closets shall be provided—separate closets being provided for women and children. This steamer was permitted to go to sea with two closets only for the whole of the steerage passengers, including women and children. Common decency prevents one from entering further into this part of the subject.

"Yet more, the steerage accommodation for the female passengers was approached only through the fore cabin, occupied by male passengers. To give you some idea of how the females' sleeping apartment was ventilated, I may state that several respectable females with their children, rather than remain in their own berths, to be almost stifled to death, slept among the male passengers, in berths which some men vacated for them.

"Let us now go upon deck. There, indeed, did a motley crowd present itself—men, women, and children were huddled together more like lower animals than human beings. I thank Heaven the weather was propitious."

After referring to other matters, he said:—

"Permit me to say, in conclusion, that I have narrated only what can be authenticated. Much more I might say about other matters, such as drunken and incapable men on watch at night, neglecting their duty and other things, such as

want of discipline on board. Sufficient, however, that as a gold miner, who has travelled much, both by steam and sailing vessels, in various parts of the world, I cannot conjure up from the past, in a history of much vicissitude, anything more horrible than that which I experienced on board that vessel."

The writer asked him to bring the matter before the House, and he thought it was a subject of very great importance. In making the motion, he begged to call the attention of the honorable the Colonial Treasurer, in whose department the matter lay, to the necessity for having some better system in connection with the manner in which vessels were allowed to leave the port. Some papers had been laid on the table which excluded that honorable member from any *laches*, so far as one vessel was concerned. He referred to the "Thomas Brown," but still he thought there must have been something wrong in that case to have called for the interference of that honorable member; and he hoped these practices would be remedied by insisting upon the proper officer doing his duty in a proper and efficient manner. No matter what inconvenience shipowners, or companies, or individuals might be put to, the law should be strictly enforced, so that the port should not be disgraced by the manner in which vessels were now allowed to leave. He now moved—

"That there be laid upon the table of this House, a return showing the number of steamers and sailing vessels which have left this and the other ports of the colony for the Endeavour River since the 1st day of January last; giving the names of such steamers or sailing vessels, their tonnage, the amount of space available for each passenger, distinguishing saloon passengers from steerage, and the number of water-closets available in each ship."

The latter part of the motion met with a laugh when he was introducing it, but he thought, after reading the letter of this sensible man, it would not be considered a laughing matter that there should be only two water-closets for about 320 persons.

The COLONIAL TREASURER said he was sorry the honorable member for Port Curtis, who had just spoken, had left the House, as he felt that he would be wanting in duty to the officers of his department, if he allowed some of the remarks of that honorable member to go unchallenged. He believed it was the experience of every ship-master coming to Queensland ports, that far greater care was exercised in regard to the number of passengers a vessel was allowed to carry, than was shown with ships leaving Sydney, and that the majority of vessels which were overloaded were overloaded when they left Sydney. As regarded the number of water-closets—and he knew to what vessel the honorable member referred—there was no doubt that the statement read by the honorable member was correct; but perhaps the honorable gentleman was not aware that, according to the Passengers Act, vessels

making passages of less than three weeks were exempted from making the provision in that respect, which would be required in the cases of ships going long voyages; therefore, the passengers in the vessel referred to by the honorable member suffered from circumstances, and not from any infringement of the Act. There was no objection whatever on the part of the Government to furnish the information asked for, although, for the reasons he had stated, they could not furnish what they did not possess, namely, a return as to the number of water-closets. There was at the present time before the other branch of the Legislature a Navigation Bill, which would deal with the whole question of shipping and the accommodation to be afforded to passengers; that measure had been very carefully prepared by the Marine Board, and had, he believed, received the approval and sanction of the honorable member's colleague, the late Colonial Treasurer. He thought it would give increased powers to the Marine Board to those they now possessed, and would prove of great benefit to the country. At the present time there were thirty different Acts under which the Board could proceed, and yet it was difficult to say what powers they possessed; but he thought the Bill now under consideration in the other Chamber would meet all requirements and give all necessary powers to that Board. Unless he was very much mistaken, the very case quoted by the honorable member had come under his notice, and it arose in the following way, namely, that a vessel came from Sydney having 137 passengers on board, but was reported in the papers to have 240; but the captain was rather negligent in the matter, as it turned out that the number of passengers reported was a little gas on the part of the steward. A number of people had gone on board at Sydney, at the last moment, although nothing like the number reported in the papers; but, on her arrival in Brisbane, the vessel was surveyed, and when the shipping master found that she had not more than she was entitled to carry, she was allowed to leave; at the same time he might remind the honorable member that they could not always accept the whole of the statements made by passengers. There were a great many deck passengers, and by law the master of a ship was allowed to take them, so long as he did not take more than his proper complement. He thought that the fact of the Government having introduced a Bill in another place, showed that they were aware of the necessity of legislation on the matter. He thought the honorable member might withdraw that part of his resolution referring to the water-closets, as the Government were not in a position to give any information on it.

Mr. ROYDS said that one thing had come under his notice, to which he would like to refer. The honorable Colonial Treasurer stated that it was mostly vessels coming from

Sydney that were over-crowded, but he (Mr. Royds) had been informed by a gentleman in Sydney, in regard to a vessel going to Cookstown, that although the authorities there had refused to allow any more horses to be shipped, when she arrived at Brisbane more horses were put on board. It thus appeared that the officers here were not so particular as they were in Sydney.

Question put and passed.

COMPENSATION TO MR. WECKER.

Mr. GROOM said that in moving the resolution standing in his name, he desired to inform the House that he had received a communication from the late honorable Secretary for Works that the matter had not been decided by him, and as soon as the change of Government took place, and the present honorable Secretary for Works took office, he addressed a further communication to him, and that honorable member in reply desired him to bring the matter before the House in the manner stated in the resolution. He might state that it was not so much the amount of cash involved in the resolution as it was the principle, whether the Railway Department was liable for accidents of such a nature. It was that particular principle which the honorable member was anxious for that House to affirm.

THE SECRETARY FOR PUBLIC WORKS: NO.

Mr. GROOM supposed he was wrong, but he had understood that to be the object of the honorable member. It appeared that a paddock of wheat, the property of Mr. George Wecker, was destroyed, or partly so, by a spark from a locomotive engine in December last year; a goods train was passing by the paddock, and a person in charge of a gate there, observed a spark to fly from the engine, which, in a few minutes, set the paddock in flames. He had a letter from the gate-keeper, and there was also other evidence to show, that the paddock of Mr. Wecker was set on fire by the cause he had mentioned, and that, had it not been for the exertions of some of that gentleman's neighbours, the whole crop of 108 acres would have been destroyed. The evidence showed that the total loss was confined to two acres, the amount claimed by Mr. Wecker for which was £15. He might mention that two similar cases had been heard before the Supreme Court in Toowoomba. In one, under the judge's ruling, the jury gave a verdict against the Crown for the losses sustained; but—as was usually the case when gentlemen went to law with the Crown—when the costs were considered, the compensation amounted to nothing. In the other case—that of a Mr. Walker, the case was, by consent, referred to arbitration. His own opinion was that the railway should be made responsible for accidents of that nature, for in the neighborhood of Warwick there was a large area under cultivation, and if care was not taken to pre-

vent sparks flying from the locomotives, very great injuries might be caused.

THE SECRETARY FOR PUBLIC WORKS: They can get damages.

Mr. GROOM had been told by the Under Secretary for Works that they could not. It had been said that there were proper spark catchers on the locomotives, but he had been told by competent persons that there were not. He had also been informed that in America they used spark-catchers of such an improved character, that there was no danger at all from fire, and if that was the case, he considered they should be introduced on the railways in this colony. He thought there was not the slightest doubt that the property of Mr. Wecker had been destroyed by a spark from a locomotive, and he did not think that any person, be he rich or poor, should be allowed to suffer from a loss of that kind. Such accidents had occurred before and might occur again. He desired to fill up the blank in the resolution with the words "fifteen pounds."

The **SPEAKER** said he would have to put the motion as it stood, and it would be competent of the honorable member to move the insertion of the words when the matter was before the committee.

Mr. GROOM would then move—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed upon the Supplementary Estimates of 1874, a sum not exceeding £ , as compensation to Mr. George Wecker, of Toowoomba, for losses sustained by the partial destruction of a paddock of wheat, caused by sparks of fire from the funnel of a locomotive.

The **SECRETARY FOR PUBLIC WORKS** said the honorable member for Toowoomba had made a mistake in supposing that his advice to him to bring the motion before the House was for the purpose of initiating the principle, that the Government were liable for all damages caused by sparks from locomotives. His object in making that recommendation was because the individual in question had no legal claim, but had only an equitable claim. At the present time the Government were not responsible so long as they could prove that they used all due precautions, and in the case referred to, he found that such precautions had been used. In the present case he had no doubt that the sparks had been allowed to escape. The law on the subject was as follows:—

"That in case damage is occasioned by this cause" (sparks from a locomotive), "the railway company are not responsible if it were purely accidental, no default or negligence being attributable to the railway company or their servants, either in the construction of the engine, in the mode of driving, or in any other way. The projection of a hot cinder or of sparks from a locomotive being used on the line upon land adjacent, is not a trespass, unless there be some negligence

or default. For when the Legislature has sanctioned and authorised the use of a particular thing, and it is used for the purpose for which it was authorised, and every precaution has been observed to prevent injury, the sanction of the Legislature carries with it this consequence, that if damage results from the use of such things, independently of negligence, the party using it is not responsible. It would seem, however, that the happening of mischief from this cause will ruin a *prima facie* case of negligence, and that the onus of showing that it was accidental, and not the result of any default, will lie upon the railway company."

In the case referred to, from all inquiries he had made, there was no negligence on the part of the railway authorities; but still there was no doubt that the property was burnt by a spark from the locomotive. He had not the least intention of initiating the principle that the Government were responsible, but he thought that the man had an equitable claim.

Mr. **MACDONALD** would like to know whether the origin of the fire had been traced to the engine.

The **SECRETARY FOR PUBLIC WORKS:** I said so.

Mr. **MACDONALD** thought that the engines should be provided with proper spark catchers, as it would sometimes be difficult to say whether a fire was caused by a spark from a locomotive or by some person who was smoking, throwing a lighted match out of a carriage into a paddock of grass or wheat.

Mr. **MORGAN** must take exception to the statement made by the honorable Secretary for Public Works, that the Government were not liable for any damage caused by sparks from a locomotive. What the honorable member had read referred only to private railway companies, whilst in the instance brought forward by the honorable member for Toowoomba, it was a Government railway, and surely they were liable for injuries caused by their engines, or by their means.

Mr. **PETTIGREW** certainly was of opinion that the Government were liable for the damage; they allowed the grass to grow alongside the line during the summer months, and the slightest spark would consequently cause it to take fire; that was pure negligence, as, if the grass was kept properly cut, there would not be the same risk.

The **SECRETARY FOR PUBLIC WORKS**, in explanation, said that if he had considered Mr. Wecker had a legal claim, he should have prevented the matter coming before the House, as then that gentleman would have had legal redress; but he had not considered he had that claim, but only an equitable one.

Mr. **DE SATGE** wished to know whether it was to be understood that the House established a precedent by allowing the motion to go or not. If Mr. Wecker got the £15, he considered that a precedent would be established, and other persons could come forward with similar claims; he could see nothing more

difficult than to trace the course of a spark from an engine.

The SECRETARY FOR PUBLIC WORKS said it was to prevent a precedent being made in the case, that he allowed it to be brought forward.

Mr. WIENHOLT thought that if compensation was paid to one person, the House could not refuse similar applications. He considered it was the duty of the people themselves to look after their property, and if they knew that a railway was passing through their land, they should take proper precautions, and not expect the Government to compensate them for what was really caused by their own neglect.

Question put and passed.

APPOINTMENTS TO THE LEGISLATIVE COUNCIL.

Mr. Groom, pursuant to notice, moved—

1. That, in the opinion of the House, the recent appointments to the Legislative Council were not justified by the increase of the Members of the Legislative Assembly under the Redistribution Act.

2. That, viewing the Legislative Council as a co-ordinate Branch of the Legislature, this House is of opinion that any attempt to unduly increase its members, and more particularly by the selection of gentlemen composed almost exclusively of pastoral tenants of the Crown and their agents, is detrimental to the public interest, and deserving of censure.

3. That the foregoing Resolutions be forwarded, by Address, to His Excellency the Governor."

He said he felt somewhat in a difficulty, in a House constructed as the present was, in seeking the opinions of new members in regard to the conduct of a Government before that House had met, especially as there had been a change of Government before the subject could have been brought forward. He had no doubt that he would be told that, as the late Government was defunct, they had no right to censure the past actions of that Government; but he contended that it was the duty of that House, as representatives of the people, to express their opinions of the action of the late Government in regard to the appointments to the Legislative Council made by them on the eve of the meeting of a new Parliament. It should not be forgotten that it was not intended by the founder of the Constitution Act that the constitution of the Upper House should be nominative, when he first submitted it for the consideration of the Parliament of New South Wales. He framed the Act in such a way that the appointments to the Upper House should only continue for five years; and if at the expiration of that time the public were satisfied with it, that then it should either remain a permanent nominative Chamber, or that the Legislature of the day should introduce a Bill to make it elective. That gentleman, Mr. Wentworth, gave it strongly as his

opinion that it should be elective. When the time arrived—when the five years were about to expire—for making the appointment of members to the Upper House permanent by law, it became a question with the Governor of the day as to what course of action he should take, and he sent a despatch to His Grace the Duke of Newcastle, who was then Secretary of State for the Colonies, on the subject. That gentleman evidently considered it a matter of great importance, as he sent a despatch to the Governor containing opinions which should guide the Government in making those appointments. One paragraph of that despatch was as follows:—

"A Government representing, not the entire community, but that political party which is in the ascendant, is in an evidently false position when called upon to reconstruct a branch of the Legislature. If they adopt the task, it cannot be expected that they will place their own party in a minority in the Council. But it is equally clear that if they give themselves a majority in that body, it will be liable to be viewed as the mere creature of the party which appointed it, and that their opponents will probably conceive themselves justified on succeeding to office in adjusting the inequality by the creation of fresh councillors. On every change of Ministry the same argument will be equally good; and the consequence may be that the first act of each Administration may be to swamp the Council, which has been previously swamped by their predecessors."

Now, it was very remarkable that those words were almost prophetic on the part of the Duke of Newcastle, because the very catastrophe which His Grace supposed might occur actually occurred at a subsequent period in the colony of New South Wales, as, no doubt, was in the recollection of many honorable members. The Governor of that colony submitted that despatch to his responsible advisers; and as the clause of the Constitution Act gave him the power, as representative of Her Majesty, to nominate gentlemen to the Legislative Council—because he could ignore the recommendations of his advisers—he called to the Council the most eligible and disinterested men of that colony—men of various public opinions and of much general influence. He (Mr. Groom) had no doubt that the action taken by the Governor, who was then Sir John Young, met with the approbation of the Duke of Newcastle, and that he did appoint gentlemen who were a credit to the colony. Now, that system was adopted by this colony from New South Wales, and, whether for good or evil, the colony was now under it. He considered it was for the good or evil of the colony for the people to watch most carefully any Government who appointed members to the Upper Chamber. The Constitution Act appointed a minimum of members, but not a maximum. Although the late Government raised up the number to twenty-eight, it was still within the province of the present Government to ask His Excellency

to appoint additional members sufficient to carry out their views, should it be necessary for them to do so. In order to prevent any misconception on that point, he would read a paragraph from a despatch from Lord Granville to Mr. Robertson not long ago. It appeared that Mr. Forster had submitted two names as members of the Upper House, there being at the time thirty-one members. He submitted two names, but His Excellency the Governor refused to appoint them. Mr. Forster considered it was the duty of the Governor to act upon the advice of his Ministers, but his colleagues did not agree with him, and he resigned and wrote to the Secretary of State on the subject; and when Mr. Robertson took office, he commented very strongly upon the interference of the Secretary of State for the Colonies in the matter. That opinion was caused by the receipt of the following despatch from Lord Granville:—

"I have the honor to acknowledge the receipt of your despatch, No. 109, of the 14th July, enclosing a memorandum made by Mr. Robertson on the subject of my despatch, No. 2, of the 18th December last, relating to some additional appointments which had been made to the Legislative Council of New South Wales. When writing that despatch, I was fully aware that the number of the Upper House in New South Wales was unlimited. I am also fully aware that on certain critical occasions it may become not only expedient, but indispensable to bring the two Houses into harmony, by creating, or threatening to create, a number of Legislative Councillors sufficient for that purpose. But it is not the less clear that the whole value and character of the Upper Chamber will be destroyed if every successive Ministry is at liberty, without any sufficient occasion, to obtain a majority in the Council by the creation of Councillors. To prevent this, some constitutional understanding, having in the public eye the form of a valuable, although not absolutely an inflexible precedent, and limiting the circumstances under which such creations can properly take place, is desirable. Such an understanding did, in fact, exist, between Sir John Young and his successive Ministers; and the object of my despatch of the 18th December was to enforce on you the inconvenience of any course which was calculated, without necessity, to improve the authority of that understanding, and to the expediency of making it clear in the interest of the colonial constitution that any necessary violation of its letter was not really a violation of its spirit; that is to say, that it was resorted to not to strengthen a party, but in reality for the convenience of legislation."

He considered that those words applied with very great force indeed to a matter which he should presently bring under the notice of the House. Now, the Legislative Council, up to the time of the dissolution of the last Parliament, consisted of twenty-one members, four of whom were appointed by the late Government; but in the address from His Excellency the Governor, with which the late Premier opened the present Parliament, there was a paragraph to the effect, that in consequence of the increased number of

members in the Legislative Assembly, caused by the passing of the Redistribution Bill, the members of the Legislative Council had been proportionably increased; and some three or four days prior to the resignation of the honorable member, a *Gazette* appeared in which some seven members were nominated. Now, he denied that it was necessary to make that large increase in consequence of the increase made in the Assembly by the passing of the Redistribution Bill. There had not been any other reason assigned, and probably the honorable member for Port Curtis had not had any opportunity for giving any explanation; but it might appear to honorable members strange that those increases should have been made, as they were not made, to quote the words of Lord Granville,

"to bring the two Houses into harmony."

In order that honorable members should see how far it was necessary to increase the number of Legislative Councillors in proportion to the Assembly, he thought that he should look to the relative numbers in other colonies, not only as a guide, but in defence of the position he had taken up. In Victoria, when the Legislative Council was elective, the number was thirty, and they were elected by special franchise, and the members themselves had a special property qualification. That body was, as very properly put by a great thinker, Mr. Higginbotham, a representative assembly of wealth; and probably from that very circumstance it was very antagonistic to the other branch of the Legislature of that colony, which was composed of seventy-eight members. In New South Wales, the Council consisted of twenty-six members, and the Assembly of seventy-two. The Council was formerly composed of twenty-seven members, but one died; and when Mr. Parkes was challenged for not having filled up the vacancy, he stated that that was the number agreed upon by Sir John Young and Mr. Wentworth. But in this colony, whilst there was an Assembly of only forty-two honorable members, there was a Legislative Council of twenty-eight. Had it remained at twenty-one, which was the number when the honorable member for Port Curtis took office, it might have been said that the number was not too great; but he considered that it was very strange and singular that only three or four days before the commencement of the present session, and when that honorable member must have known that he was in a minority in the Assembly, he should have resorted to the extraordinary expedient of nominating seven members to the Council. He believed it was done from purely political motives—what those were, honorable members could form but one opinion—the honorable member for Port Curtis could say whether that opinion was right or wrong. There were honorable members returned to that House pledged to a certain course in

reference, to certain matters, amongst others one regarding the Crown lands of the colony; and he therefore could not come to any other conclusion than that the increase of members in another place was to stifle any legislation upon that question which might take place in that House. If honorable members would take the trouble to look at the names of the seven gentlemen recently appointed to the Legislative Council, they would find abundance of evidence in support of that allegation. The honorable member for Port Curtis, when introducing his Redistribution Bill, stated that his object was to have represented all the interests of the colony. Although the honorable member said, a few evenings previously, that he was not very proud of his Elections Act for 1872, yet he had great reason to be satisfied with his Redistribution Act, which was certainly the fairest there could be, as all interests were represented by it; it was owing to that fact, perhaps, that the honorable member was at the present time sitting on the Opposition side of the House. He believed that the nominations to the Council were made for the purpose of checking any legislation of the Assembly which the public might consider necessary to their interests. If the honorable member was in earnest when he said that his object was to increase the Council proportionately to the new Assembly, why was it that, in his appointments, he had selected only one gentleman representing the commercial interest, and all the others representing the Darling Downs interest? Honorable members could not shut their ears to what they heard outside of that House; and it was commonly stated abroad that they were simply wasting their time in discussing the measures which had been submitted to them by the present Government—that they were merely passing Bills which, when submitted to the other branch of the Legislature, would be thrown out. Whether that would be the case or not, it was not for him to say; he hoped, for the sake of the country, and for the credit of honorable gentlemen in another place, that it would not be. At the same time, they could not shut their eyes to the fact that many of the very desirable measures now introduced by the Government might be rejected by the other House. He thought it was highly dangerous for any Government to follow the example of Mr. Cowper, who, on one occasion, when he wanted to pass his Land Bill, swamped the Upper House by appointing a number of gentlemen, who retired very soon after that Bill was passed. But he could not help regarding the swamping by the honorable gentleman opposite, Mr. Palmer, to be even worse than that of Mr. Cooper; because that gentleman had boldly stated in the Assembly the course which he intended to pursue, and the Assembly approved of the action he intended to take. But the honorable member for Port Curtis had not the same excuse; he had not the excuse that it was for the “con-

venience of legislation”—not for the purpose of strengthening legislation; and he had put it completely out of the reach of the Government of the day to make any such recommendation to His Excellency. It could not be, he thought, that the framers of the Constitution Act ever contemplated that it would be necessary to have recourse to such a swamping; he was quite sure that that great man, Mr. Wentworth, never dreamt of such a thing. Sir John Young, when he nominated two members at the instance of Mr. Robertson, explained to the Secretary of State for the Colonies that owing to the deaths they had in three years, they had been called upon to appoint nine members; and he gave expression to the opinion that during such a period he thought the number was rather large. To quote his own words:—

“It appeared to me that the creation of nine new members in so short a period was a large addition to the Legislative Council, and would have been so considered even with reference to so large a body as the House of Lords in England. How much greater then to so limited a Chamber as the Legislative Council of this colony?”

But how did that apply to the honorable member opposite, who, without any reason at all, except the very clear reason of desiring to check the voice of the people through their representatives in that House, had, within three or four days of the meeting of Parliament, nominated seven members to the Legislative Council, six of whom belonged to the pastoral interest? The intention of the honorable member was quite clear, and was evidently opposed to the opinions to the Duke of Newcastle, who said, in one of his despatches:—

“No Government can subsist unless the Legislature is an object of respect. No party Government can long subsist with advantage to the community unless rival political parties are tacitly agreed that great constitutional questions shall be treated with reference to the public good and not to party interests.”

He could not say that the honorable member opposite had shown much care and consideration for the respect of which the Legislative Council should be an object. He could not say whether the honorable member opposite had the same care or consideration for the respect of the Legislature; and in saying that, he wished to be understood as not reflecting in any way upon the ability or capacities of the gentlemen who had been recently appointed to the Legislative Council. The danger of the swamping power given to the Upper House was very clear, and he would point out one instance in which it had been shown. Not very long ago—it was in 1869—a very important measure was introduced in that House by the honorable member for Carnarvon, who then represented Maranoa, called the Station Wages Bill. That Bill was necessitated by the circumstances of the colony, as at that time, owing to the

depression of 1866 and the following years, large station properties were forced into the market by the mortgagees, and the people employed on those stations in many instances lost their wages. The object of the Bill was to make it compulsory on the mortgagees to pay those wages, and it was passed by the Assembly, and sent up to the other Chamber. But what was the fate of it there? He found, on referring to the *Courier* of that date, that, on the motion by Mr. John Douglas for the second reading, an amendment was carried, that it be read a second time that day six months, by a division of five members against three. Now it appeared to him a farce that it should be in the power of five members to throw out a measure, and thus upset the legislation of the Assembly; and it did not appear to him at all surprising that a deep-thinking man like Mr. Higginbotham, of Victoria, should have stated that, in many instances, the Legislative Councils could be done without. Now, although he (Mr. Groom) did not go so far as that, he still thought that, when an important and urgent measure of the Lower House could be thrown out by five members in another place, there was some force in such a remark, for there was no appeal. Then, again, the idea of such a measure as the Payment of Members Bill being rejected! That measure had passed the Assembly once, and had been rejected, and possibly might be rejected again. He approved of the plan in America—that, if a measure passed by one branch had been rejected three times by another, the President had the power to make it become law; and it was almost a question with him whether such a power should not exist in this colony. He thought it was peculiarly the province of a member of that House, if he thought that an injustice had been done, to express his ideas, as he (Mr. Groom) had endeavored to do that evening. He need not say that he felt very strongly on the question, because he believed that, whilst legislation of a certain character was necessary to the interests of the country, there was a large number of gentlemen in the other Chamber who would do their utmost to prevent it from becoming law. He knew that the honorable member for Port Curtis was responsible for that state of affairs; and he would say again, that he did not believe that there was the slightest necessity for the increase to the number of members to the Upper House, made on the recommendation of that honorable gentleman just before he left office. He had looked very carefully into the records of other colonies, and he could not find an instance anywhere else of the head of a Government packing the Upper House just a few days before leaving office. Mr. Gladstone had certainly, before leaving office, made many appointments, but there was no analogy between the two cases, as the appointments of Mr. Gladstone were of men who had for a great number of years been

servants of the Crown. That was a position which could not for one moment be assumed by the honorable gentleman opposite, for the simple reason that, with the exception of Mr. Ramsay, the gentlemen appointed by him were unknown to political life.

AN HONORABLE MEMBER: Mr. Gordon Sandeman.

MR. GROOM: Yes; Mr. Sandeman was an old member of the Assembly.

AN HONORABLE MEMBER: Mr. Buchanan.

MR. GROOM: Well, although that gentleman had been a member, he could not be looked upon as an old member—as one of long experience. He believed he had now expressed his views in regard to the question, and he should be glad to hear some expression of opinion from the honorable the Colonial Secretary as to the course to be pursued by him. He certainly could not see why it was necessary, because the Assembly had been increased from thirty-two to forty-two, the Council should be increased from twenty-one to twenty-eight. He begged to move the resolutions standing in his name.

MR. PECHAY seconded the motion.

MR. PALMER said he had hoped that some honorable member of influence on the opposite side of the House—some member of the Ministry perhaps, who had, he had no doubt, forged the shot which the honorable member for Toowoomba had fired—would have addressed the House before he rose to reply; but it was very evident from the pause which had taken place that not one intended to come forward until after it was put out of his power to reply to any statements that might be made. He would, therefore, shortly reply to the assertions of the honorable member for Toowoomba. There were a few facts he should leave to that House and to a much higher tribunal than that House—namely, to the public at large. The opinions of the honorable member for Toowoomba as to his motives—and when he spoke of his motives, he referred to those of his Government of which he had the honor to be head for nearly four years—and he hoped, therefore, that when he spoke of himself, it would be understood that he was speaking of his Government—and the imputations conveyed against him by that honorable member, he treated with the most supreme contempt; he had not the slightest respect, not the most distant respect, for any imputation that could possibly be made by that honorable member, and it was not the first time he had told that honorable member the same thing in that House. He certainly thought it would have been more to the dignity of the Government to have put some honorable member of more weight in charge of that matter; and he was astonished that the honorable Premier—who could have made a far better speech on the subject, and who could have concluded such a speech, as it was evident the honorable member for Toowoomba wished him to do, by impeaching the late

Government—should have left it to the honorable member to bring forward such resolutions as had just been read. He did not know how the matter could end, or what could be made of it. He thought such a question should never have been brought before that House. He thought that the constitution of the other Chamber was a matter with which that House had nothing whatever to do.

HONORABLE MEMBERS: No, no.

Mr. PALMER: He thought so; and that, unless some action was initiated in the Chamber to which he referred, that House had nothing to do with it. But as certain statements had been made by the honorable member who brought forward the motion, it would become his duty to refer shortly to them. In the first place, that honorable member had treated the House to a great deal of what, in so far as they were concerned, might be regarded as ancient history; the honorable member had thought fit to air his erudition, and to go into the early history of the constitution of New South Wales; but what that had to do with that House he (Mr. Palmer) was at a loss to imagine. Most honorable members who had taken the trouble to read up those matters must know that there was no connection whatever between the late Government filling up the Upper House and Mr. Cowper literally swamping the Legislative Council of New South Wales. The action of Mr. Cowper was taken with a certain object—an object expressed by him openly, namely, to carry his land measure through the Upper House the members of which Upper House stood in his way, and he (Mr. Palmer) considered very properly so—they having opinions of their own which they were bound to act upon. But Mr. Cowper, through the action of his Government, literally swamped them, not with a number of gentlemen of years' political experience, but with people not worthy of the name of men, who lent themselves to be the tools of Mr. Cowper for a day or two, in order to pass a Bill, and then retired into private life. The idea of comparing his action, which was to appoint a number of gentlemen to make up the legitimate number of the Upper House, with that of Mr. Cowper, was therefore most absurd; there was no parallel whatever between the two cases. The facts of the case were very simple, and there could be no danger of his intentions being misunderstood, as he had clearly stated them in the speech delivered by His Excellency in opening the present Parliament. He had not gone behind the bush in anything he had done; he had not gone down to that House without nailing his colors to the mast; he had not attempted to conceal anything or to keep anything out of the Governor's Speech, which it was well known was the speech of His Excellency's Ministers. He stated that his object in making the additions was a very simple one, namely, that the Assembly having increased the number of its members from thirty-two to

forty-two, he considered that a proportionate increase should be made in the Upper House; and if the honorable member who moved the motion knew anything of the enormous correspondence which had taken place on the subject, he would have known that it had been laid down that the Upper House should consist of two-thirds of the number of the Assembly.

The SECRETARY FOR PUBLIC LANDS: Who said so?

Mr. PALMER: The honorable member has the correspondence; he can find it out.

The SECRETARY FOR PUBLIC LANDS: Who by?

Mr. PALMER: By a dispatch from the Home Government, which anybody can discover for himself to-morrow.

The SECRETARY FOR PUBLIC LANDS: I do not think it exists.

Mr. PALMER: I do not care what the honorable member thinks—I have not the least respect for what he thinks; I do not care one fraction whether he believes it exists or not, but I say that it does.

The SECRETARY FOR PUBLIC LANDS: I do not think so.

The SPEAKER: The honorable member is not in order.

The SECRETARY FOR PUBLIC WORKS: Hear, hear.

Mr. PALMER: The honorable member, in his usual style, was trying to put him out in his remarks, but the only effect of that would be to keep him a little longer on his legs; at the same time, he would tell the honorable member that he had no right to interrupt him, and the less the honorable member said the better. He would repeat that such a correspondence did exist, and had done so for years, and was to the effect that the Upper House should consist of two-thirds of the number of members in the Assembly.

The SECRETARY FOR PUBLIC LANDS: I deny it.

Mr. MOREHEAD: It is sure to be true if he denies it.

The SPEAKER: This is a very important debate, and I do hope honorable members will avoid personalities.

Mr. PALMER: It began from a Minister of the Crown, who should have known better, and who ought to have set a good example to the House, instead of which he set a very bad example indeed. He would say again, that the correspondence did exist, and that that House having passed an Act increasing its number from thirty-two to forty-two, he was justified in asking His Excellency the Governor to increase the number of members of the Upper House to their proper proportion; it was upon those grounds that the increase was made. Another charge made by the honorable member for Toowoomba was, that the *Gazette* appointing those gentlemen only appeared two or three days before the opening of Parliament; but he doubted whether

there was another honorable member besides the honorable member for Toowoomba who did not know that the arrangements for making those appointments must have occupied considerably more than two or three days before the opening of Parliament. Did not the honorable member know that it was not a position so very much coveted—that for one acceptance there might be three or four refusals? Did that ever enter into the mind of the honorable member? He could safely say that he had requested a number of gentlemen to allow him to lay their names before His Excellency for appointment to the Upper House, and that he had refusal after refusal; and so far from having selected pastoral tenants of the Crown in preference to others, he could prove that offers were made to a number of gentlemen entirely unconnected with squatting pursuits in any way, and that they were refused. So far from wishing to pack the Upper House with pastoral tenants of the Crown, he had done everything in his power to induce other classes of the community to take seats in that House. He was not going, nor did he believe he had any right to make use of the names of the gentlemen in this colony to whom he had written, and with whom he had communicated on the subject of their willingness to be presented to His Excellency the Governor as persons fit to sit in the Upper House. But he again boldly asserted, whatever some individual members of that House might choose to think upon the subject—and he believed, he flattered himself, that the majority of the House had sufficient confidence in his word to believe that he would not state what did not occur—that before offering seats to many of the gentlemen who now occupied seats in the Upper House, he made the same offer to a larger number of gentlemen who were members of the mercantile community. But it must be patent to every honorable member of that House that mercantile men, as a rule, in this colony could not afford time from their commercial pursuits to devote their attention to political matters. In fact, many of them considered it would be injurious to themselves—and they ought to be the best judges of their own interests—to take any part in political life. That was, of course, a question which rested entirely with themselves, and with which he had nothing to do. But since this question came on he had taken the trouble to obtain, through a friend, a list of the present members of the Legislative Council, and he had ticked off, out of the twenty-eight members of which that House consisted, the names of fourteen who were totally unconnected with pastoral pursuits. Now, admitting that six out of the seven members whom he had appointed were pastoral tenants of the Crown—but he would never admit that they had no other interest in the colony; for those engaged in pastoral pursuits had as much interest in the welfare

of the colony, and in many instances a great deal more, than any other section of the community—but admitting that, he still maintained that the Upper House fairly represented the various interests of the colony. There were fourteen members—not including the honorable the Postmaster-General, who, although he might, from family connections, be interested to some extent in pastoral pursuits, could hardly be considered a representative of the pastoral interest—out of twenty-eight, who, as far as he knew—and he knew a good deal about such matters—were entirely unconnected with pastoral pursuits; and he repeated that the Legislative Council fairly represented the great interests of this colony. And he would also say that his object—his duty was, so far as he could, to recommend to His Excellency the Governor the names of parties who would fairly represent the varied interests of this great colony. He believed, and he hoped, he had succeeded in this; and if he had failed, he had failed through error in judgment, and not wilfully.

HONORABLE MEMBERS: Hear, hear.

MR. PALMER: But he thought it was very premature indeed to answer a question before it had been asked; to guess at results and put them down, as the honorable member for Toowoomba had done, as foregone conclusions, before the members of the present Legislative Council had even been tried. He thought it was begging the question—a question that ought never to be entertained; that ought never in fact to have been introduced, and with which that House was utterly unable to deal. The parallel between Victoria and New South Wales was a most unhappy one. The Premiers of both of those colonies were virtually trying to destroy the Upper House. The Premier of Victoria had announced in his electioneering address that one of the great objects of his Ministry would be to reconstruct the Upper House and prevent a dead-lock, which before now had occurred. The parallel with regard to that colony again did not hold good, because the Upper House in Victoria was elective. In New South Wales, the Premier of that colony last session introduced a Bill dealing with the Upper House, which was thrown out because it had not been initiated in that House; and he now persistently refused to appoint members to that House in order, he (Mr. Palmer) believed he had stated, that it might be forced to remodel itself. He had no wish whatever to destroy the Upper House here. It was part of our present constitution, and he maintained that so far, to the best of his judgment, ever since its foundation, the Upper House had done its duty, and done it well; and he had no reason to suppose that the present House would not do its duty also. At all events, he said it was begging the question to say it would not. Then, again, he was twitted that on the eve of meeting that House, with the knowledge that he would not have a majority, he had no

business to make any recommendations with regard to the Upper House. That, again, he denied. He had no knowledge that the late Government would not have a majority. From all the calculations he was able to make, he fully expected a majority of two or three at the least; and any Ministry that had a majority of even one or two on going into office could carry on, because they were pretty sure to increase that majority. No doubt it was very easy to foresee an event after it had happened; it was easy now to say that it was evident he would be in a minority when the House met, but he again denied that he knew anything of the sort. That his calculations were wrong he did not complain of for one moment; he calculated on a certain majority of two, but that calculation had failed—failed most completely, as the present majority on the Government side of the House clearly showed; so the prophecy, as he said before, was after the event. That was a gift they all possessed in common; but he was not to be held responsible that his surmises or his calculations did not come out correctly. With respect to these appointments, and with the explanation he had made, he was quite willing to take upon himself the whole of the responsibility connected with the recommendations he had made. He was glad to see that the honorable member for Toowoomba, while making broadcast insinuations against himself, did not attempt to impute any further crime against him with respect to these recommendations than that the gentlemen appointed were, with one exception, pastoral tenants of the Crown. He was very glad the honorable member did not do so, because it saved him the trouble of entering into a defence of those gentlemen. He had no reason to regret the appointment of a single individual he had recommended, nor should he for one moment regret it until he saw by their actions they deserved that regret. He had no doubt the appointment of a very different class of men would suit the honorable member for Toowoomba better; but he had yet to learn that it was the duty of any Premier of this colony to take the opinion of that honorable member or any other honorable member, or any member of the community, upon the recommendations that he made to His Excellency the Governor. It was his clear duty to propose men he thought best adapted for the particular service he recommended them for; and he was not bound by what anyone supposed as to the fitness of the gentleman whom he might recommend. Although he knew there was a probability that the question would come on to-night, he came quite unprepared with any reply. He had very great doubt whether the question could be put, and he did not think it necessary to make any preparation; but the honorable the Speaker having seen fit, and no doubt he had studied the matter carefully, to put the question from the chair, he felt bound to reply. He felt, although he

stood there prepared to take the whole responsibility of these appointments on his own shoulders, that this motion was aimed at much higher game than his poor self. And, although, little as he might regard the individual opinion of honorable members of that House, he should feel, and deeply feel the censure of the majority of it on his conduct—yet, with the proud consciousness that he had done nothing more than his duty to the country; that he had endeavored to the best of his humble capacity to recommend to His Excellency men who had a stake in the country, men of mature age, not boys, not friends, not men without experience in the colony, he should feel, whether the majority of the House censured him or not, that he had done his duty.

The Hon. B. B. MORETON said the few words he would say on the subject in explanation of the reason why he would not give a silent vote upon it, would arise from motives other than those of a partisan shape. He freely endorsed much that had fallen from the honorable gentleman at the head of the Opposition, and although the honorable member for Toowoomba had made an able speech in support of the position he had taken up, yet he could not, for one, as a member who neither belonged to one side of the House nor the other, but who had views of his own, and who would at any moment undertake to vote in accordance with those views, approve of the expression of opinion given by that honorable member. Although there was one portion of the resolutions he might vote for, namely, the first—he certainly could not vote for the second or third—yet, after hearing the remark made by the honorable member for Port Curtis, a remark which entirely coincided with his own opinion—that the resolutions were aimed at a much higher person than any person in that House—he for one would dissent from the whole of them. He gave these views for the purpose of at once stating that he was not actuated by any partisan feeling, but simply because he believed it was not their proper position, either on one side of the House or the other, to impute more motives than they could help to those who exercised the power they held as Ministers of the Crown. It was a common practice in that House—at least so far as his experience went it had been—to try to impute motives to every honorable member who gave a vote; but he hoped the time would come when they would be judged by measures and not by insinuations and charges of motives from which their votes were supposed to originate. Although as an independent member of the House, he agreed, to a certain extent, in the opinion expressed in the first resolution, that the increase in the number of members in the Upper House was not justified by the increase in that Chamber; still, at the same time, believing that if they carried the resolution it would be fixing censure on a

much higher person than anyone in that House, he would not vote for any of them.

Mr. BUZACOTT said he had not the slightest intention when this motion was brought forward of making any observations with regard to it: but seeing that the honorable member for Toowoomba stated he addressed his remarks more particularly to those honorable members who had recently taken seats in that House, he thought some of them should, at any rate, stand up and explain that, although perhaps they had not had the same experience as that honorable member, they could well understand what he intended to do with respect to the resolutions he had introduced that evening. He said resolutions of this character were an insult to the House; and there was no doubt they were aimed higher than the position occupied by any honorable member of that House, or that they would ever occupy. He thought, before the honorable member for Toowoomba brought forward the resolutions, he ought seriously to have considered the matter, and if he had not consulted the honorable gentleman at the head of the Government respecting them he ought to have done so. He thought resolutions of this character would be a most serious thing for that House to endorse or even to consider, and he could not but say that the honorable member for Toowoomba was committing a very grave error in submitting them. At the same time, however, he felt it would be for the advantage of the members of that House, and also of the public outside, that the honorable member for Port Curtis had been afforded an opportunity of vindicating himself so ably as he had done to-night. He maintained that his vindication had been complete and full in every respect.

HONORABLE MEMBERS: Hear, hear; no, no.

Mr. BUZACOTT: Every honorable member who believed that that honorable gentleman had spoken honestly must say his vindication was complete. The honorable member for Toowoomba said it was absurd that four or five members in another place should be afforded an opportunity of destroying the work of the House which was composed of the representatives of the people, and in this he held the same opinion as that honorable member; but that, he maintained, was the very strongest argument that had been brought forward in favor of the increase of the members of the Upper House. They must all know that if they were to have debates at all, they must have an assemblage of members together; because half-a-dozen men could not well get up a debate at a table; they would be a mere committee, and they could not stand up one after another and get up a serious and set discussion. He therefore maintained that the remark made by the honorable member for Toowoomba was really strong proof of the desirableness of increasing the members of the Upper House, as had been done on the recommendation of

the honorable member for Port Curtis while he held the office of chief adviser to His Excellency the Governor. After his statement that there had been correspondence with the Secretary of State in which it was laid down that the Upper House should be equal to two-thirds of the Lower House, he would repeat that his vindication was full and complete, and he, for one, until that statement was disproved, should believe it. That honorable member said distinctly this correspondence existed, and if it did exist, it could be produced before the House, and if what he had stated was not found to be true, they would then be quite prepared to form their own conclusions. With regard to the statement that these additions were made only three or four days before Parliament assembled, he attached very little importance to that circumstance. It was distinctly stated in the Vice-Regal Speech that these additions had been made in consequence of the increase of members in the Lower House; and, although he might be disposed to think that, perhaps, the addition of seven was rather more than the circumstances required—and if a simple motion like that had been brought forward, he should feel called upon to support it—yet he could not see that any grave error had been committed. They all knew that when a Ministry tendered to Her Majesty's representative certain advice on any subject, he was bound either to accept it or to dismiss the Ministry by whom it was tendered; but he would point out that in this case there was a distinction. When the advice of the Ministry amounted to merely recommending certain names of persons eligible to occupy seats in the Upper House, His Excellency was not bound to accept that advice, and if he did not accept it, he was not bound to dismiss his responsible advisers, and neither should the Ministry take umbrage at his refusal. A similar case occurred in New South Wales, where the Ministry of the day recommended one or two members to the Upper House, and His Excellency refused to appoint them. There was no resignation of Ministers at that time; neither did His Excellency the Governor dismiss them. They remained in office for a considerable time afterwards; but, had it been a recommendation to dissolve the House, it was very clear that either the Governor would have to take the advice or to dismiss his Ministers. As he understood the matter, the appointment of members to the Upper House was in the exercise of the Royal prerogative, and all the Ministers could do was to recommend certain persons, and they should not take umbrage if the Governor refused to accept their recommendation. It had been stated by the honorable member for Toowoomba, that when the honorable member for Port Curtis made the recommendations he must have known he would meet the House in a minority. Now, he had studied the position of affairs at the time, and he could state distinctly to the House that when he

came to Brisbane he believed the late Ministry would have a small majority, and he found that every one of their supporters thought so too. He therefore maintained that it was not fair for the honorable member for Toowoomba to insinuate that the late Ministry were aware that they would be in a minority, and because they were aware of this they made these recommendations. He contended that nothing that had transpired that evening, and nothing that had happened either inside or outside of that House, warranted a remark of that kind. He believed the additional members to the Upper House were appointed fairly and honestly, and in the full belief that when Parliament assembled the Ministry would have a majority. He hoped the honorable member for Toowoomba, after this discussion, would see fit to withdraw the resolutions. He could not conceive how the House, composed as it was at present, could assent to them in any way, or give them the slightest encouragement whatever; and he was not at all surprised that honorable members opposite seemed disposed not to support them. He thought, after the statement made by the honorable member for Port Curtis, every honorable member ought to be satisfied that the resolutions never ought to have been presented to the House for its consideration.

Mr. BAILEY hoped honorable members would be very cautious in dealing with this motion. The assertions made by the honorable member for Toowoomba, and the facts of the case, appeared to him to be simply these: At a general election certain measures were demanded by the people of the colony, and the result of the election was that a great majority of the members returned were pledged to support those measures. The assertion then went on to say, that finding these measures were distasteful, the honorable member for Port Curtis, who was then at the head of the Government, took steps to prevent them from becoming law, by packing the Council. But he was not at all disposed to believe that members of the Upper House were willing to be made the puppets of the honorable member for Port Curtis, or any other honorable member, and he was also very loath to believe that the Upper House would be disposed to set at defiance the expressed wishes of the people, as set forth by their representatives. He did not believe it would be possible for any honorable member in that sense to pack the Upper House; and it would be very premature to say it had been done until it could be proved to have been done.

Mr. PALMER said he wished to say a few words in explanation. He now distinctly stated that to no member of the Upper House, or any gentleman he ever asked to be presented to His Excellency as willing to accept a seat in that House, did he ever put a single question of any description as to his views upon any subject.

Mr. DE SATGE had been waiting, with some patience, for an expression of opinion from the Government, with regard to these resolutions, which had emanated from a very strong supporter of theirs. He thought they ought not to allow such a large portion of a private business day to be taken up by a discussion of this character. It was incumbent on them to stop at once, this almost indecent discussion, as was made patent to the House, by the speech of the honorable member for Toowoomba; and they ought at once to have disclaimed any part or portion of support to that honorable member, so far as this motion was concerned. He thought, at any rate, one member of the Government ought to have replied, at once, to the present head of the Opposition, the honorable member for Port Curtis. He considered that in an attack of this kind upon the Upper House—in even allowing a discussion upon it, they were allowing a precedent of a very bad character. Now, he would ask the House, what weight could for one moment be attached to the assertions of the honorable member for Toowoomba? He considered that a motion of this kind should only emanate either under the direct sanction and support of the Government or from some independent member of the House whose antecedents, whose character, and whose character as a reformer, should be perfectly spotless. That honorable member had attacked the recent appointments of the late Government in a manner most indecent, and most flagrant; and he was sure that he would have the support of many honorable members of that House in stating that, when they came to consider the names of the honorable gentlemen who were proposed by the late Government, they were gentlemen who had occupied the highest positions in this colony for the last twenty years. They had been picked as men who had taken an important part in the administration of the laws of this colony, some of them ever since the establishment of responsible government. There was hardly a name amongst the seven who had not had great practical experience in the country, and who had not been connected with its settlement and advancement from the very first; and he thought when they attacked men of that position, and attacked them so unfairly—because he was sure there was a covert attack on those members personally—they should consider the circumstances of the country fifteen or twenty years ago. Certainly, then the name of a squatter in this colony was not looked upon in the way it was in that House at the present time, and the whole administration of the affairs of the country was then in the hands of those pioneers. What would Queensland be now had it not been for the energy and determination of many of those gentlemen who had been appointed to the honorable position of members of the Upper House? Every one of them

had been connected with the advancement of the country in every possible respect. What did the honorable member for Toowoomba know about them? And yet he attacked, under privileges of that House, men of that integrity and of that well known position in this country; and was he to do so unchallenged, under cover of his position as a member of that House, when actually some of those gentlemen had not taken their seats? It was not yet known what their opinions were, or how they would vote, and that honorable member knew only by repute that they were men of unstained character. He must, therefore, in making an attack of this sort, lay himself open to a retort on his own position. He was very desirous of following the direction of the honorable the Speaker and avoiding personalities, and they had had lessons in that House showing that such a course was very desirable; but the honorable member for Toowoomba must know that in making this attack, in his position as a member of this House, he was attacking gentlemen who could not defend themselves, and that he was attacking the whole body of the Legislative Council of this colony. He asserted, also, that this attack came from the very last—and he said it advisedly—the very last honorable member who should attempt to discuss the character and position of any member of the other House. He only wondered that the impeachment of the late Government should be allowed in that House in any shape or form. They were not sitting on the Opposition benches to defend acts that had taken place some months ago, and they were not now to be impeached with regard to their conduct when in office. It was the present Government who had to defend the acts and the legislation of the country. The late Ministry had resigned, and they did not sit there to defend their conduct. The late Premier afforded ample opportunities when in government for attack, when he was there with a body of supporters—many of whom were now away—to support his conduct. He was sure that every honorable member would consider that in the seven last appointments made to the Upper House the gentlemen appointed were the very best men who could be found in the whole colony; men of the largest experience; men who had been large leaseholders, and were great freeholders in this colony; men who had acquired by their own industry the right to purchase land, and make large settlements in the country. And he maintained that in this attack the honorable member for Toowoomba had made a general attack upon the respectability of men who, for twenty or thirty years, had striven to advance the interests of the colony, and who, by their own energy and success, had acquired large properties in it. He contended the discussion was most irrelevant, and ought never to have taken place in that House, and he did hope from the very

outset the honorable the Speaker would put an end to it, as one outside the privileges of the House which could not be entertained in any shape or form.

Mr. PETTIGREW was very sorry indeed that the honorable member who had just sat down had made the speech he had made. It was the most intemperate and the most indecent speech he had heard in that House since he had been a member of it. He certainly must state that he had heard that honorable member say he was sorry motives were imputed, and yet he had been harping on that one subject all night. He had imputed every evil motive to the honorable member for Toowoomba that he could think of, or dream of, or imagine. He must also state, and he believed every honorable member of the House would bear him out, that the speech which the honorable member for Toowoomba made on this subject was calm and temperate, in fact particularly so. He reasoned the case out on its merits; he quoted largely from correspondence with Secretaries of State and other authorities, to show that this particular action had not received the support of Governors and Secretaries of State. The turn in the debate had been caused by the honorable member who had just sat down by reason of his imputing motives to the honorable member for Toowoomba. He endeavored to show that that honorable member had represented the gentlemen recently appointed to the Upper House in a light quite different to the way in which they had been represented. He (Mr. Pettigrew) had the pleasure of knowing some of those gentlemen for years, and he could say that they would be a credit to that or any other Legislature. He must also state that he was very much pleased indeed with the manly, straightforward defence which was made by the honorable member for Port Curtis. That honorable gentleman spoke his sentiments; he took all the responsibility on himself, and showed that he did not wish to shirk the matter in the slightest degree. He thought the resolutions were very inopportune, and, after all the discussion, he could not see that any result could follow. For his own part, he could only support the first resolution:—

“That, in the opinion of this House, the recent appointments to the Legislative Council were not justified by the increase of the members of the Legislative Assembly under the Redistribution Act.”

He believed it was a mistake on the part of the honorable member for Port Curtis, when Premier, to make these appointments, and it was a mistake he had confessed.

Mr. PALMER: No, no; I never said anything of the sort.

Mr. PETTIGREW: Perhaps the honorable member did not put it exactly in those words; he said he expected a majority.

Mr. PALMER: That is a different matter altogether.

Mr. PETTIGREW: The honorable member expected a majority in that House, and he could say that his calculations, and the calculations of other gentlemen, on the point, coincided pretty well with those expectations. He could assure the honorable member for Port Curtis that it was expected he would have a majority, a very small majority, when he met the House. However, he thought the number of gentlemen appointed, and there was no fault to find with the gentlemen themselves, was, perhaps, too large. As to what opinions they would represent when they came to deal with legislation, he believed, with the honorable member for Port Curtis, they were not going to be his dummies, or the dummies of any man. A man who would go there as the tool of any Government was perfectly unfit to be there, and such a man ought to feel thoroughly ashamed of himself. He would only be wasting time to go to the Upper House to legislate and be the tool of any Government. He thought the honorable member for Toowoomba would do well to withdraw the motion. He could see no good that could come from it, and he did not think, if the resolutions were forwarded to His Excellency the Governor, it would make matters better. What could be done? These gentlemen had been appointed, and they were surely not going to turn them out again. They were there; and he thought the best thing they could do was to leave them in peace and quietness. He trusted they would legislate, as he believed they would, for the good of their country.

The SECRETARY FOR PUBLIC LANDS said he would much rather not address the House on this subject; but in consequence of some words which passed between himself and the honorable member for Port Curtis when he was speaking, he would now make a few remarks on the matter he referred to. But before doing so, he would just say that the first of these resolutions was the only one he could agree with; and he did not agree with any of them being brought forward and honorable members being compelled to vote on them. Although he agreed thoroughly with the first resolution, he would much prefer that they had not been brought forward at all; and one reason for this was that no member of the Government knew they were intended to be brought forward. Certainly he, for one, did not know, and honorable members who knew anything of the honorable member for Toowoomba would give him credit for being rather apt to do these sort of things without consulting the Government or anybody else; he was very independent in that way. He (the Secretary for Works) knew nothing about them, and he believed every other member of the Government was in the same position. One reason why he objected to the resolutions was, because they seemed to him, and he took them to mean, nothing more than a vote of censure on a defunct Government. He

did not remember ever hearing of that before, and he thought it was a thing no Parliament ought to do. He took it that, having left the Ministerial benches, and taken seats on the Opposition benches, they were fairly entitled to be left alone; and it was not advisable that any honorable member should ever bring forward a definite resolution bearing on their conduct. He certainly objected to any resolutions censuring a defunct Government; and although he had not had any conversation with the honorable member for Toowoomba about the matter, it was probable that his object might be answered by this discussion; and he would press him to withdraw the resolutions. With regard to the observations of the honorable members for Rockhampton and Maryborough, censuring previous speakers for attributing motives, he would point out that throughout almost the whole of their speeches they attributed motives to the honorable member for Toowoomba in introducing the resolutions.

The Hon. B. B. MORETON: I rise in explanation. I never imputed any motives to the honorable member for Toowoomba.

The SECRETARY FOR PUBLIC LANDS: He would accept the honorable member's word; but he was afraid he would have to put the same thing in a different way. From beginning to end, that honorable member stated the object and motives—he was afraid he must use the word—of the honorable member for Toowoomba was a higher aim—

The Hon. B. B. MORETON: I must rise again in explanation. I did not impute motives. I said the resolutions might censure a higher person.

The SECRETARY FOR PUBLIC LANDS withdrew any expression the honorable member considered offensive; but his explanation, he thought, amounted to much the same thing. He thought it would have been better if honorable members had not said the honorable member for Toowoomba was aiming at anything except what he said he was aiming at. Now, with regard to the question itself, this was the only inducement he had in speaking upon it at all:—When referring to the correspondence, he asked the honorable member for Port Curtis, "who said so?" and he received rather a sharp reply; but the question was put in kindness, because the honorable member was making an explanation; and he (the Secretary for Lands) was merely suggesting that he was in no way proving what he stated, and that it would be just as well to make the statement a little more definite. The whole of the question rested on this: There had been some kind of correspondence somewhere between somebody or another, and the names of the parties to the correspondence not being stated or fixed in any way, and the matter was so hazy, that he thought it necessary to suggest that the honorable member should describe more minutely what his statement amounted to. The first part of the question that arose

was this: There was said to be some correspondence fixing the number of members in the other House. Now, he knew of no power whatever outside the Act of Parliament which authorised the Premier or the Government to take upon themselves the responsibility of proposing to increase the number of members in the Council. He believed that was undeniable. He knew of nothing in the shape of correspondence which could supplement an Act of Parliament in that respect, except instructions from the Home Government to the Government here. That could be done, but the honorable member took the responsibility of the recommendation upon himself. He therefore presumed he had no instructions from the Home Government to make these recommendations. He was aware that there was some correspondence three or four years ago; but he submitted that no Government could carry on that correspondence, and bring it forward as justification of their own actions—that they could do what they told themselves. He was aware that when Sir George Bowen was Governor, some ten or twelve years ago, an Executive minute was passed that the members of the Upper House should not exceed a certain number; but the honorable member had given no proof—he had cited nothing to show—that they were compelled to make this addition. They had nothing to refer to as to where this correspondence was, and he knew of no correspondence that could warrant it. Even if they had the correspondence before them, it would not carry out the attempted justification of that proceeding. They would find that the correspondence deprecated the swamping of the Upper House by appointing above a certain number of members, but it did not say that the number should not be kept below that. He was quite satisfied that not one word of correspondence could be found which in any way recommended the increase of members in any case. What was pointed out was the abuse of appointing a certain number of members for political purposes to swamp the Upper House. He therefore submitted that even if the honorable member had the correspondence he supposed he had, and it was brought forward, it would be condemnatory of his conduct in putting in this additional number. He had already expressed his opinion that he would prefer that the resolutions had not been brought forward. He did not know they would be brought forward to-night, and he hoped the honorable member for Toowoomba would withdraw them. He had not, so far as he knew, given any opinion on the action itself; but he had shown by the honorable member's own statement that he would be condemned if the correspondence were produced. He felt bound to say, as he had to speak on the matter, that so far as the gentlemen who had been appointed were concerned, he had the greatest respect for them—he had nothing to say against them in any shape or

form. Nor did he believe it was intended by the resolutions to cast any slur upon them or upon the Upper House. It seemed to him they simply amounted to the condemnation of the head of the late Government for proposing that the Upper House should be increased by that number immediately before meeting a larger Parliament, in connection with which, the very least that could be said was, that he did not know for certain his Government would stand. He was not going to speak of the matter after the event, and he would simply give it as his opinion, that it would have been better if the honorable member had not done it. He hoped the honorable member for Toowoomba, when satisfied with the length of the debate, would withdraw the resolutions.

Mr. PECHER said that he was extremely sorry that the honorable member for Normanby should have put into the mouth of the honorable member for Toowoomba the words that he had done, for he was sure it would be conceded by honorable members on both sides of the House, that no speech on such a subject could have been freer from personalities of all kinds than that which had been delivered by the honorable member for Toowoomba. He trusted that they would get through the debate without hearing any further remarks of the same kind. He must say that the speech of the honorable member at the head of the Opposition stood out in great prominence from those which had been delivered by the honorable member's supporters; the honorable member's speech was a very able and good speech, although he had made out a very bad case. The honorable member had stated that there was no parallel between the case of Mr. Cowper and his own; and he believed it was also stated by the honorable member for Toowoomba that there was no parallel between them. He quite agreed with those honorable members, for in the case of Mr. Cowper, he knew that he had the country at his back, and also the representatives of the people at his back. He had expressed his wishes to pass a certain measure and his way was blocked by the Upper House; and in order that they should not do so any longer, he had certainly put a wrench upon the constitution, and it answered his purposes. The action of the honorable member for Port Curtis was exactly the contrary to that, as he must have known what the feelings of the country were; he must have known that the system of voters' rights was disapproved by the country; he must have known that there was an agitation throughout the country for a new Land Bill; and he must have known that the last people to give satisfaction in the matter of the lands, were those who occupied the land which the people demanded to have thrown open. The honorable member for Port Curtis wished to have a drag put upon the Assembly, whereas Mr. Cowper, so to speak, wished to put on a spurt; therefore the two cases were not at all

analogous. There was another statement made by the honorable member for Port Curtis, that the Upper House should consist of two-thirds of the number of the Lower House. Now, if there was any force in that argument—if there had been any authoritative decision come to in the matter, it would have been the strongest argument against the course pursued by that honorable gentleman; for certainly, if he increased the Upper House in proportion to the increase in the Assembly, the proportion should not only have been in quantity, but also in quality. Why should not the honorable member have waited until he was sure of the majority which he said he anticipated? and then, when he had that majority, he could have made the increase in the Upper House not only in quantity, but in quality also. He would refer to another statement made by the same honorable member—that before asking the gentlemen whom he had advised His Excellency to nominate to the Upper House, to accept that honor, he had offered it to gentlemen engaged in other pursuits than sheep farming. Now, he certainly thought, the honorable member had rather strengthened the case against himself, by making that admission; for he certainly had not offered it to gentlemen who were capable of coming to a conclusion with regard to the honorable member's unconstitutional action. He wished the honorable member had gone a little further, and had informed the House whether some of the gentlemen did not refuse because they thought he was putting a strain on the constitution. The honorable member had acknowledged that one-half of the gentlemen made members of the Upper House by his action, were pastoral tenants of the Crown, and, he had contended, that it was a very fair division of the interests of the colony. He however did not agree with the honorable gentleman, and he would like the honorable member to point out gentlemen, in the other Chamber, who could be said to represent either the agricultural or mineral interests. There was one conclusion he must arrive at, namely, that although the honorable member was disappointed of his majority in that House, he took very great care that he should not be disappointed of it elsewhere.

Mr. DICKSON said that if the three resolutions were put *in alobo*, he should be inclined to vote against them. He thought the first resolution was one to which many honorable members must give their concurrence, as individually they believed it to be correct; he also thought that there were many honorable members, and also people outside, who disapproved of the action of the honorable member for Port Curtis. He did not wish to impute motives to the late Government, but he would say that their action was, to say the least, indiscreet. Notwithstanding the excellent speech made by the honorable member for Port Curtis, it amounted to this—that he considered he had the power to recommend

the appointments, and he exercised that power. He submitted, however, that it was not proper that honorable members of that House, knowing the feeling of the people outside, should shirk the responsibility of expressing an opinion upon the subject by asking the honorable member for Toowoomba to withdraw his resolutions as a whole. He himself would be sorry to see all three withdrawn, and hoped the honorable member would retain the first. He did not look upon it so much in the way of a vote of censure upon a defunct Ministry as a warning to a future Ministry. With regard to the second and third resolutions, he thought they would reflect upon the other branch of the Legislature now assembled; and as the House could not undo what had been done, there was no use in reflecting upon those gentlemen who had lately made an addition to that Chamber. He would therefore move that the clauses be put *separatim*.

Mr. MILES said he was very much inclined to take the same view of the question as the honorable member for Stanley, as he thought it was of no use crying over spilt milk; and that, no matter what that House might do, they could not recall the appointments which had been made. He thought, for that reason, it would be well for the honorable member for Toowoomba to withdraw the resolutions. Should the honorable member, however, press them to a division, he should vote for them, as he did not believe there had been any necessity for the appointments. He had come to that conclusion partly because one of the gentlemen who was appointed to a seat in the Legislative Council had since gone to England. Now, that gentleman's services could not have been very much required when the honorable member for Port Curtis knew that he was going home. He quite understood that honorable member when he said he had not put a single question to any of those gentlemen when he placed their names before His Excellency for appointment. He could quite understand that statement, for if he was going to make an appointment of a similar kind, he should not require to ask any questions, as he would take very good care that he thoroughly understood their politics previously. He had no doubt that the honorable member for Port Curtis knew their politics as well as the honorable member did his own; so that it was quite unnecessary for him to put the question. He thought on the whole, up to the present time, the Legislative Council had done their work, and done it well; he thought that fewer measures had been thrown out by them than by similar bodies elsewhere, and he should be the last to cause any ill-feeling between that Chamber and the Assembly. He believed that any measure sent up from the Assembly would be dealt with fairly by the Legislative Council; at any rate, up to the present time, there had been no occasion to lead him to suppose otherwise.

Mr. J. SCOTT said that he objected to the resolutions being discussed *seriatim*, as he did not think it was a matter on which honorable members should be asked to vote. He considered that, making allowance for all liberty of debate, when a Ministry once went out of office, they should not be made the subjects of a vote of censure. Let their past conduct be canvassed in any shape or form, but not in the manner in which it was being done, by having a distinct resolution tabled, and by honorable members being asked to pass a resolution condemnatory of a Government not in power. It put honorable members in the unpleasant position of having to vote when they would not wish to vote at all.

The COLONIAL TREASURER said he quite agreed with what had fallen from the honorable member for Springsure, and thought they should follow the practice of the English Parliament, and not debate the action of a late Government. That was a rule laid down by that authority on Parliamentary practice, Mr. Todd. He thought the resolutions should be withdrawn, as the object of the honorable member for Toowoomba had been answered by the discussion which had taken place upon them. He believed that the more strictly they confined themselves to the practice of the Imperial Parliament the safer they would be. The resolutions must either censure His Excellency the Governor or the late Government; he certainly did not think it would be a decent thing for that House to pass a vote of censure on His Excellency; and, if they followed the advice of Todd, it was not advisable to pass a vote of censure upon a defunct Government. He should not say more, but he had no doubt all honorable members had strong opinions upon the subject; and had he been sitting opposite, he would most probably have expressed those he held. He should only refer to one remark of the honorable member for Port Curtis; a remark which the honorable member had made several times. That honorable gentleman had taunted the present Government with not having met the House with a speech from the Governor; but supposing the Government had prorogued, and had called Parliament together two or three weeks earlier, the effect of that would have been to have unseated three honorable members, namely, the honorable members for the Burnett, for Maryborough, and Burke, and that the Government would not have been justified in doing. He hoped the honorable member would not again repeat that remark, for he must have been aware what effect a prorogation would have had, and that no Government would be justified in unseating three honorable members simply for the purpose of gratifying their own wishes.

Mr. PALMER would point out to the honorable member how easily the Government could have done it. They could have met the House, and then adjourned for a day, and have come down with a speech; but they

were too good judges for that—they knew very well what they were about.

The question was put that the resolutions be taken *seriatim*, and the House divided as follows:—

Ayes, 13.	Noes, 18.
Mr. Hemmant	Mr. Morehead
" MacDevitt	McIlwraith
" Stephens	Beattie
" Macalister	Graham
" Fraser	W. Scott
" Macrossan	J. Scott
" Groom	Roids
" Dickson	Wienholt
" Fryar	De Sauts
" Pochey	Ivory
" Miles	Morston
" Foote	Lord
" Griffith	Hodgkinson
	H. Thorn
	W. Thorn
	Jettigrew
	Pailey
	Buzacott.

Mr. FRASER said he had not had the least intention of saying anything on the question now before the House, but far less had he any idea that the honorable member for Toowoomba intended to place the motion on the paper. So far, therefore, as that side of the House was concerned, it was not a party question. He would submit that the authority quoted by the honorable the Colonial Treasurer had rather confirmed the action taken by the honorable member for Toowoomba than weakened it; because the resolution was brought forward, not for the purpose mentioned there, but as a question of State policy. He must object to the statement that they were not to censure any conduct of a defunct Government, because, if so, they must say that however objectionable the conduct of a Government might be when in office, so long as they lived they were to be free from any censure. He would like to know where the functions of that House would end if they were to sanction such a course as that. He must say that the honorable member for Port Curtis had given a very candid reply to the speech of the honorable member for Toowoomba, and he submitted that the honorable member should have done so; for, although he stood conscious of his own right, yet he should have been even grateful to the honorable member for having given him an opportunity of justifying to the country the course he had pursued. The House must admit that the reply was an able and candid reply, but still it did not remove from the minds of honorable members the idea that very objectionable appointments had been made to the Upper House. He thought that the thanks of the House and of the country were due to the honorable member for Toowoomba for having brought forward the subject, and he was sure that honorable members would be justly exposed to the censure of their constituents if they allowed a question of that sort to pass by in silence. It should be borne in mind that the honorable member for Toowoomba particularly guarded himself against disparaging in any way or degree any one of the gentlemen who

had been the subjects of those appointments; and he thought it was a very unfair advantage to be taken of the privilege and freedom of debate, to attempt to cast upon the honorable member an aspersion of that kind. They had been told that the honorable member had indulged in a number of assertions; but he submitted that the honorable member had stated facts which could not be denied; and what were those facts? Why, at the very time of the late Government going out of office, they made appointments to the Upper House of an unusual number, and unusual in their character. It was a fact that those appointments had been made, and that six out of the seven gentlemen appointed were pastoral tenants of the Crown. Now, however independent, however upright, however free from suspicion the character of those gentlemen might be, it must be a fact recognised by that House, that in the opinion of the country generally, the whole thing had been looked upon as a political move. That being the case, he contended that, in justice to the late Government, and in justice to that House, the honorable member for Toowoomba had done well in bringing the question before the House that evening. A great deal had been introduced into the discussion which was beside the question altogether; but he hoped that the effect of that discussion, although the resolutions might be withdrawn—and seeing the result of the last division, he hoped the honorable member would withdraw them—would be to act as a warning to future Ministries. Although it had been suggested that should the present Government find that the measures they had introduced into, and been able to pass through that House, were thrown out by the other Chamber through its having been packed by the late Government, it would be quite competent for the honorable Premier to recommend His Excellency to counteract the effect by nominating a number of gentlemen from the other side, he trusted himself that the Ministry would not have recourse to anything of the kind. He thought it would be better to leave it to the sense of the country and the expression of public opinion. He hoped that, seeing the sense of the House that evening, the honorable members of the Upper House would well consider that fact, and deal with measures sent up to them on their merits; and finding that they were in accordance with the wishes of the people, would deal with them impartially, and would not throw them out either for political or any party motives.

Mr. MOREHEAD would not have addressed the House at all upon the question now before it, but for the semi-injurious attempt to distort what had taken place, which had been made by the honorable member for Bundamba. That honorable member had held out a threat to the Upper House; he understood him to say that he hoped it would be a warning to the other branch of the Legislature—

Mr. FRASER rose in explanation. What he said was that he hoped it would be a warning to future Ministers—not to the Upper House.

Mr. MOREHEAD: The honorable member was distinct, and yet very indistinct. The honorable member had certainly made that remark, but he believed he intended it to be a word of warning to the Upper House. He did not know what the result of the resolutions would be except as an insult to a person whose name he did not wish to bring into that debate. He was very sorry that any discussion should have taken place on the resolutions, and considered that it might have been negatived at once. After what had fallen from the honorable member for Port Curtis, nothing more should have been said, except by the honorable member for Toowoomba in withdrawing the motion. He thought it was now, that honorable member's duty to do so, and he hoped the honorable member would have that proper feeling which he believed every honorable member of that House had, and withdraw them. He had been surprised to hear the remarks made by the honorable member for Bundamba, and looked upon his explanation as a very lame one.

Mr. FRYAR had very little to say either in favor of or against the resolutions, but he believed the honorable member for Toowoomba had done good service in bringing them forward. He was surprised to hear the late Premier say that that House had nothing to do with the constitution of the Upper House; for although it appeared to be the prerogative of His Excellency the Governor to appoint members to the Upper Chamber on the recommendations of his advisers, yet surely that House had a perfect right to discuss the action of a Government in making those recommendations. He was very sorry that motives had been introduced into the debate—that the honorable member for Toowoomba had only fired shots which had been forged by the Government. He believed there had been no such intention on the part of the Government; nor were they aware, he believed, that the honorable member for Toowoomba was going to bring forward his motion, until it was on the paper. That honorable member had also been charged with firing at higher game than the late Government; but he believed, again, there was no such intention. He believed the resolutions were intended to be a vote of censure on the late Government; and although he did not quite agree with them, he believed that bringing them forward would result in good to the country. The honorable member for Port Curtis said that he had taken great care to get the best men, and that there was a great difficulty in getting them; and that out of every four who were asked three refused—so that it would be seen from that that three inferior appointments had been made to every one good one. The honorable member for Port Curtis said he believed they were

all good appointments, and complained of the great trouble he had; but, he thought, the honorable member had taken too much trouble, and that, considering that there was a new House about to assemble larger than any hitherto assembled, it would have been well for the honorable member to have left those appointments until that House should have had time to give expression to its opinions. He thought there was nothing in the resolutions to charge the honorable member with dereliction of duty, or excess of duty, but he thought he should have waited. In common with other honorable members he was desirous that the resolutions should be withdrawn; at the same time he was glad they had been placed on the paper, as honorable members had thus had an opportunity of expressing their opinions, of that act of the late Government.

Mr. GROOM (in reply) said that he had not regretted, one iota, the action he had taken that afternoon in respect to the resolutions he had brought forward, and it could not be expected that he would allow some of the remarks which had been made to pass by without entering upon his defence. In the first place, he denied having said those words which had been put into his mouth by the honorable member for Normanby, and during the fourteen years he had been a member of that House—

Mr. FRASER called attention to the state of the House.

A quorum having been formed,

Mr. GROOM resumed: He was observing that he distinctly repudiated having been put in motion by any honorable member of the Ministry, or by any honorable member of that House; he had acted entirely independently during the fourteen years he had been a member of the House, and would do so again. If his resolutions had not done any other good, they had had the effect of bringing out something from the honorable member for Port Curtis—namely, that some secret correspondence had been going on, of which the public knew nothing, with reference to the constitution of the Upper House; and that the honorable member was determined to bring up the number of the other Chamber to the maximum, as he said that as the Assembly was increased to 42 members he would take care that the Upper House should be increased to 28. He hoped some honorable members, on going to their constituents, would be challenged about that secret correspondence. He had been charged with aiming at higher game than the late Government; but such an insinuation could only proceed from an empty mind, of which they had had such an exhibition by an honorable member on the preceding evening. It was no purpose of his to censure any one; but he had gone on broad grounds, namely—that the action of the late Government was unconstitutional. He still said it was, and the admission of the honor-

able member for Port Curtis that evening satisfied him that he was right; he could also satisfy his own constituency that he had been right. He strongly objected to a nominee Upper House, and he hoped that in time action would be taken to make it elective. He was strongly of opinion that his action that evening would be productive of good, by having caused a discussion on the subject; and now, with the permission of the House, he would withdraw the resolutions. At the same time, he would again repeat that he had not intended to reflect upon any one, and would challenge the statement that that House had no right to discuss the unconstitutional way in which appointments had been made to the other Chamber.

Motion, by leave, withdrawn.

THE CASE OF MR. J. G. McDONALD.

Mr. MACROSSAN moved, pursuant to notice—

That, in the opinion of this House, J. G. McDonald, late Gold Commissioner, Charters Towers, is unfit to occupy the responsible position of Gold Commissioner, or Police Magistrate.

He said that from whatever side the motion standing in his name was regarded by himself, it was a most unfortunate thing that he should be obliged to bring it before that House. He believed that he should be able to show that he had been obliged to bring it forward. It was a most important question, but as he was thoroughly acquainted with all the inquiries that had been made, and with other circumstances and other matters connected with such inquiries which did not appear on the printed papers furnished to honorable members, he could not in justice to himself, or to the constituents whose interests he represented, allow the matter to pass unnoticed. Before he entered upon the facts connected with the inquiry itself, he thought it would be advisable to give honorable members some information respecting the management of the gold fields, and the immense powers vested in commissioners on them; inasmuch as he believed, with the exception of those honorable members who had occupied the position of Minister of Works at any time, and the gold fields members themselves, the House were not acquainted with the manner in which matters were conducted on the gold fields. Most people were under the impression that the office of commissioner was an office which anyone could hold; they were not aware of the powers or the duties of that officer. In reality, the commissioner on the gold fields of Queensland had more power over the distribution of property than a judge of the District Court; his power, in fact, was unbounded, and claims of the value of thousands of pounds often rested upon his decisions; and there was no appeal against his decisions. It was, therefore, of the utmost importance that a man appointed to the posi-

tion of commissioner should be thoroughly qualified, both technically, morally, and practically, for the exercise of his duties. The generality of the appointments of commissioner had, however, unfortunately, not been in accordance with the qualities he should possess. He would not say how that had arisen; but he believed, as a general rule, that the gentlemen who occupied the position of commissioners had been the most unqualified to hold the situation, of any officers under the Government.

Mr. PALMER: No.

Mr. MACROSSAN: The honorable member said "No;" but he did not know what he was saying, as he (Mr. Macrossan) would be able to show before he sat down, that the majority of the honorable member's appointments had been most unsatisfactory; in fact, the gentleman whose conduct had been the subject of inquiry, was appointed by the honorable member. In justification of the action that he had taken, and to prove the importance of the subject, he should read for the information of the House a memorandum which was issued by the Minister for Works of that time, the honorable gentleman who was now Speaker of the House, having reference to this particular case:—

"MEMO.—Having read carefully Captain Whish's report, and the evidence *re* Andrews' charge, it is made too clear to me that Mr. McDonald has brought disgrace upon the public service, by knowingly employing a notorious offender against the civil and social laws; and also as a magistrate and commissioner, he, Mr. McDonald, has favored his *protegé*, Wilkie, at the expense of justice in one case, and to inflict injustice in another (Andrews).

"If comparisons are made of the dates in the evidence, and of my telegrams, wherein Mr. McDonald was peremptorily ordered to remove and restrain Wilkie from all official position and recognition, I think it will be seen that Mr. McDonald disobeyed these orders.

"In my opinion Mr. McDonald ought to be dismissed the public service forthwith."

That was the opinion of the Minister for Works and Mines in the Government of the honorable member for Port Curtis—that Mr. McDonald ought to be dismissed from the public service forthwith. The papers relating to the inquiry had been in the hands of honorable members for ten or twelve days, and he (Mr. Macrossan) hoped that, in justice to the individual on whom the inquiry was held, honorable members had read them through carefully. The charge upon which the inquiry was held was simply this:—A certain gold miner, named Andrews, built a house outside the Government reserve at Millchester, on the Charters Towers gold field. He stated in the charge which he made, that that house was built outside the reserve forty-two feet; that, after he had built it, the Government reserve was extended, and that he was obliged to leave his house—in fact, that he was induced, by

certain threats held out to him by Mr. McDonald, to accept £8 in lieu of, or as compensation for leaving, the house; and that, in a few days after he went out of the house, an individual who had been an offender against the law, and who, in the course of the inquiry, was called "an ex-convict," was put into the house; and that that individual took a woman into the house with him—a woman who was described as a character not at all estimable—and lived there with her. That was the charge made against Mr. McDonald; and that charge was proved upon inquiry—not only upon evidence which was adduced in the inquiry held by Captain Whish, but still further, in evidence adduced in the inquiry which was held by Mr. Commissioner Ramsay, which latter inquiry was in the nature of an appeal from the former inquiry. By the evidence it was clearly proved that the case Andrews had stated was correct; and the opinion of the Minister for Works at the time the report was sent in was perfectly justifiable. He (Mr. Macrossan) believed that there was another honorable gentleman, who was not now present, but who had held the same Ministerial office after Mr. Speaker; and that honorable gentleman also held the same opinion. But why Mr. McDonald was not dismissed by the Government of the honorable member for Port Curtis, he (Mr. Macrossan) did not know. He should not like to take up the time of the House by reading too much from the inquiry, and he should read only what he considered sufficient to show the case that Andrews had sent in, in his complaint to the Minister for Works. There was a foot-note at the end of the complaint which read thus:—

"A very serious complaint, which requires full explanation and inquiry into. Forward to Secretary for Works, of which (*sic*) Department Mr. McDonald is the paid Commissioner.—A.H.P., W.H.W."

Arthur Hunter Palmer and William Henry Walsh. In consequence of that note, Captain Whish was sent to Charters Towers. He held an inquiry. The result of his inquiry appeared in the papers laid on the table of the House. After stating that he had arrived at Charters Towers, he said:—

"The copy of Andrews' complaint, and that of his letter to Mr. McDonald, the only papers handed to me, are herewith returned."

This was a report to the Secretary for Public Works at the time, who was Mr. Speaker:—

"The depositions on the subject accompanying this report will be referred to by me in the course of summing up the case. I will, in the first instance, confine my remarks to the subject matter of the complaint, which seems to resolve itself into the following particulars:—

"1st. Was there a recognised reserve at Millchester before Mr. McDonald went there; and, if so, of what area?

"2nd. Were there distinct boundaries to it at the time that Andrews built his house?

"3rd. Was Andrews' house erected clear of those boundaries?"

"4th. Does there appear to have been any necessity for extending the reserve?"

"5th. Did Mr. McDonald pay Andrews for the house on behalf of Government?"

"6th. Did he give the house to Wilkie to live in?"

"7th. Did he wittingly allow Wilkie to take a prostitute, Leah Gardiner, into the house to live with him?"

"8th. Was there any public servant present with a superior claim to being allowed the use of the house?"

It would be observed that some of those particulars had nothing to do with the charges that Andrews had made. Andrews made no charge regarding the "superior claim" of any other public servant to Wilkie; he merely stated that he had built his house outside the reserve; that his house had been taken from him—that he had been induced to give it up for £8, by McDonald—and that after he had been induced to give it up, Wilkie and Leah Gardiner had gone to live in it. Captain Whish, in his report, said:—

"On the first and second particulars—Evidence is conclusive that there was a Government reserve laid out by Mr. Charters and Sub-Inspector Klohesy, and marked with pegs. This is proved by Acting Sub-Inspector Collopy and Constable McSweeney, and I was myself shown the pegs, which are still standing;"—

Captain Whish, himself, was surely sufficient evidence, when he said he was shown the pegs "still standing;"—

"and which appear to include about two acres of ground, and I cannot understand why Mr. McDonald should have experienced any difficulty in ascertaining the exact limits of the reserve in question."

And never could he (Mr. Macrossan) understand why Mr. McDonald had any difficulty in ascertaining the reserve in question, because he also, as well as Captain Whish, saw the pegs in the ground months afterwards. Andrews was turned out of his house, and for five months afterwards, to his (Mr. Macrossan's) knowledge, three pegs were standing; the fourth had been pulled down, with the collusion of Mr. McDonald, by a certain resident on the main street who had built on the reserve, and who had pulled the pegs down to cover what he had done:—

"On the 3rd particular—I examined the position of Andrews' house, which is about forty feet, more or less, outside the boundaries of the original reserve."

"On the 4th particular—The reserve, as originally laid out, was sufficiently large to contain the usual public offices"———.

That was beyond the question. He maintained that that had nothing to do with the question, and, therefore, he should not read it.

"On the 5th particular—Mr. McDonald admits that he paid Andrews eight pounds for his house by a Government voucher, purchasing it for Government. The eight pounds was not accepted

by Andrews as adequate value for the house, but simply received by him, as any smaller sum might have been, under protest, and in fear of being forcibly ejected, and with the full determination of laying the matter before Government, as he had now done."

He (Mr. Macrossan) hoped that honorable members understood this. He supposed that all of them had their copies of the inquiry. Andrews, in the charge, said that, as measured, his house was outside the boundary of the original reserve; that McDonald told him it did not matter, he would have to shift; that, after some conversation, Andrews agreed to take £8, and that McDonald told him that the man, Wilkie, who was then along with McDonald, would write a letter from Andrews to McDonald, and that Andrews should sign it. The purport of that letter was that Andrews was willing to accept £8 for his house. Captain Whish showed that that letter bore internal evidence of not having been written by Andrews, and his reasons on that internal evidence were as followed:—

"In comparing the copy in my possession with the original sent to Mr. McDonald, signed by Andrews, but not in his handwriting, I found certain discrepancies, which I have marked in pencil."

"The spirit of the letter is submissive, almost abject, which is by no means the spirit in which Andrews thinks and speaks of the whole affair; the letter represents him in pecuniary difficulties at a time when he was earning from £6 to £12 a week as an engineer; and the idea of his preferring £8 from a gold commissioner to £13 from a private individual, is so incredible that Mr. McDonald thought it necessary to account for it by explaining that Andrews would have had to move the house for £13, which the latter denies."

Again:—

"On the 6th and 7th particulars—The evidence of all parties shows that after turning Andrews and his wife out of the house, Mr. McDonald gave possession of it to Wilkie who was his orderly, and who occupied it from the time that Andrews vacated it"———.

Mr. McDonald, himself, did not deny it;—

"to the date of Wilkie's last embezzlement, about the 25th May—and that he had a prostitute named Leah Gardiner living with him at the time, of which fact Mr. McDonald was admittedly cognisant."

"He states that he had given Wilkie notice to leave the house in consequence of such conduct; but it is difficult to reconcile this with the fact, well known and freely commented upon in Millchester;"———

and well known and freely commented on beyond Millchester, to his (Mr. Macrossan's) knowledge:—

"that Wilkie and Leah Gardiner were always living together in a tent on the reserve, and then moved together into Andrews' house, by the Commissioner's permission, and remained there unmolested until Wilkie's malpractices once more culminated in an act of open embezzlement."

On the 8th particular, which referred to Mr. McDonald's relations to other public servants

and as it was a matter beyond Andrews' complaint, he should not speak; although it was a matter for the Government themselves:—

"The statement of Mr. McDonald that he sent an orderly to warn Andrews not to build a house on the reserve, is denied by the latter, and the orderly employed on the occasion is said by Mr. McDonald to have been dismissed by him in December last.

"The charge of insolence against Andrews is admitted by him so far only as that he told Mr. McDonald he would inquire of the Government, whether the Commissioner had authority to turn decent working people out of their houses, to make room for his prostitutes."

That was the insolence of which Andrews was guilty, and which he admitted:—

"So much for the subject matter of Andrews' complaint, the grounds of which appear to be thoroughly established; but to enable you to form a correct opinion on an isolated question, I feel compelled to draw your attention to certain circumstances of recent occurrence, which throw a considerable light on the subject, and which appear to me to prove beyond a doubt the existence of some community of interest between the Gold Commissioner, and Wilkie and Leah Gardiner, such as should never have arisen between persons in their relative positions."

Captain Whish then went into detail about Wilkie having embezzled certain funds, which he (Mr. Macrossan) would explain to honorable members:—An entertainment of a theatrical and musical kind was coming off at Charters Towers, for the benefit of the hospital. Wilkie was one of the individuals who collected the money for the tickets. Instead of handing the money for the tickets over to the hospital committee, he appropriated it to his own use. That was the embezzlement of which he was guilty. Some endeavors were made—which did not appear in the return, but, in fact, of which he (Mr. Macrossan) knew—to compromise the matter between the hospital committee, Wilkie, and Mr. McDonald; but the hospital committee were determined to prosecute unless Wilkie gave back the money. Wilkie had not the money, and it appeared in evidence, further on—in Mr. Ramsay's report—according to an admission which Mr. McDonald himself made to Mr. Ramsay, that he gave £7 to Wilkie on the day preceding the apprehension of the latter, and gave it to him out of his own pocket. For what purpose? He (Mr. Macrossan) should leave honorable members to infer anything! The money was owing three months! But there was a suspicious influence: the money was given at the time Wilkie was threatened with a prosecution for embezzlement unless he produced the money to the amount required. It tended to show the "community of interest" existing between them. He should read some evidence of Mr. McDonald himself as it was given to Captain Whish:—

§, "Mr. John Graham McDonald states: I am a Gold Commissioner and Police Magistrate of the

district of Charters Towers. I joined the appointment about 27th September, 1872. There was said to be a reserve here, and there were two or three pegs in the ground, said to be put in by Mr. Charters, but I never could get anyone to show me the complete boundaries of the reserve, nor was there any plan or record of any such reserve having been laid out in the office."

He admitted that "there were two or three pegs," but he could not get any one to show him "the complete boundaries." Well, if he had only taken the trouble to have asked Constable MacSweeney, Gillanders, Sergeant Collopy, or, in fact, any other civilian living in the reserve, the boundary pegs would have been shown him; but he (Mr. Macrossan) did not think he ever took the trouble to ascertain the boundaries. He did not believe there was any mining surveyor there:—

"In the month of October, Mr. Superintendent Commissioner Jardine requested me to accompany him to Millchester, for the purpose of determining where the reserve should be. I subsequently marked it out in accordance with his views. We noticed, at the time, that there were several persons encamped within the boundaries of the proposed site. Mr. Jardine said that if it were determined by the Government to erect the public buildings at Millchester, it would be necessary to give those parties notice to remove. Subsequent to this, while Mr. Jardine was at Ravenswood, he wrote me a letter, dated 26th November, 1872, in which he writes as follows:—'I would at once give notice to the people camped on the reserve at Millchester, to remove within a given time.'"

That was, the people who were on the reserve as he had extended it; not camped on the original reserve:—

"In accordance with those instructions, I caused a notice to be issued giving various parties, who were camped within the boundaries of the proposed site, fourteen days notice to remove.

"I laid out the reserve in November, 1872, and on or about 3rd December, all the people camped on the reserve received a notice to quit."

He then went on to say:—

"Andrews did not begin to build till after Mr. Jardine and myself had determined the site of the present reserve; and while he was building I sent him a verbal notice, by my orderly, that he was building within the site reserved for Government purposes."

Now, he (Mr. Macrossan) took it that any individual who understood anything about the gold fields well knew that that must be a falsehood, although uttered there by the Gold Commissioner. There was no man, in his senses, who would undertake to build a house inside the Government reserve, or, having once started to build it, not only upon the Government reserve, but even upon any other man's claim, or upon a Government allotment, who would not immediately desist—especially against Government, for he could not claim, by any means, compensation from the Government. He undertook to say that there was not a single mining member in the House would believe McDonald. Mr.

McDonald had sent verbal notice by his orderly. Why did he not produce the orderly—it was competent for him to do so—to be examined by Captain Whish? Captain Whish told him the evidence of the orderly was important; but he did not produce him.

The SECRETARY FOR PUBLIC WORKS: Was that in the evidence?

Mr. MACROSSAN: Which?

The SECRETARY FOR PUBLIC WORKS: That Captain Whish told him to produce the evidence of the orderly?—It was not in the evidence: withdraw the statement.

Mr. MACROSSAN: He withdrew the statement that Captain Whish gave the order to produce the orderly. But it was competent for Mr. McDonald to have produced that evidence, because he must have known that the orderly's evidence was important. It came out in the report by Mr. Ramsay that the orderly was living on Charters Towers for some time—about six weeks before Mr. Ramsay went up, the man went to the Endeavour River. The orderly was a man named Burns, who, after he had been dismissed by Mr. McDonald, followed the occupation of a horse-tailer, and herded his horses on the reserve before the court house; so that there could have been no difficulty in producing him. If that orderly by whom the order had been sent, as stated, to Andrews to desist from building on the reserve, had been produced, his evidence would have settled that matter; but Mr. McDonald had failed to produce that evidence. "Andrews," he went on to say,

"was not summoned because his wife stated that he was, at the time, suffering from fever, and that he would at any time remove as soon as he recovered. In accordance with this request, he was allowed to remain till the 1st February, 1873. On then being required to remove, he demurred, stating that he considered himself entitled to some compensation, and stating that the building had cost him some thirteen pounds to erect. He was summoned on the 1st February, to show cause why he should not be evicted. On the afternoon of that day, I had been laying off claims near Millichester, and on my return the defendant met me. I believe Wilkie, who was orderly at the time, was with me. Andrews asked me if I would allow him some compensation, as he stated again that the building had cost him some thirteen pounds, which sum he could obtain by removing it and erecting it elsewhere. I value the building itself at eight pounds. I stated to him that I had no authority whatever to allow him any compensation on behalf of the Government, but that, as he had been suffering from fever, and stated he was unable to build another humpy without compensation, that I could take it upon myself to allow him what I considered to be a fair value, eight pounds. This he agreed to."

It would be unnecessary to read Captain Whish's inquiry further; it would be better that he (Mr. Macrossan) should go on to Mr. Ramsay's, and take that as summing up the whole.

HONORABLE MEMBERS: Hear, hear.

Mr. MACROSSAN: However, he should say, that when Captain Whish sent down his report to the Government, which, he supposed, was fully considered by all the members of the late Government—at least, he should give them the credit of having considered it, because he found their names attached to a minute, headed, "Suspension of Mr. J. G. McDonald"—the following opinion was arrived at:—

"Ministers recommend, under the report of Captain Whish, that Mr. McDonald, Gold Commissioner, be suspended, and called upon to show cause why he should not be dismissed the public service."

It was signed by the honorable gentlemen, Mr. Thompson, Mr. Graham, Mr. Murray-Prior, Mr. Palmer, and Mr. Bramston. Then, Mr. McDonald was superseded by Mr. St. George, who went up to Charters Towers. Mr. McDonald came down to Brisbane, he (Mr. Macrossan) believed, and he sent in a reply to Captain Whish's report, as it were, showing cause why he should not be dismissed the public service. Now, mark, in answer to that showing of cause, there was the statement of Mr. Herbert, the Under Secretary, in a letter from him to Mr. McDonald:—

"Sir—Referring to previous correspondence on the subject of your suspension from your office as Gold Commissioner, Charters Towers and Broughton Gold Fields, I am desired to inform you that the Government consider that you have not cleared yourself of the charges which have been brought against you; but, as you may be entitled to demand a fresh inquiry in consequence of your not having had an opportunity of cross-examining the witnesses whose evidence was taken by Captain Whish, and of producing witnesses for your own defence, a further inquiry will be granted you, should you wish it."

A further inquiry was granted to Mr. McDonald in consequence of the irregularity with which Captain Whish had conducted the first inquiry. In justice to Captain Whish, he must be allowed to state for himself why he conducted the inquiry in what was supposed to be an irregular manner: this was his reason:—

"In the absence of all instructions as to the mode of conducting the inquiry, my sole object was to keep it as private as possible, affecting as it did the character of the senior Government officer, and the complaint was, as the honorable Colonial Secretary noticed, of so serious a character that I could not but believe that the Commissioner would be able to refute it. My only alternative was to arraign Mr. McDonald in the character, more or less, of a prisoner in his own court house on a charge which after all might turn out to be groundless. I was loath to expose him to such a humiliation, nor did I consider such a course advisable on public grounds, as being derogatory to the character of the Chief Government officer for the district, who might, as I have said, all the time be perfectly innocent of the charge laid against him; but I beg to assure

you, that no such sentimental considerations shall ever again form ground of complaint against any future inquiry in which I may be engaged."

It was out of deference to Mr. McDonald himself that Captain Which conducted the inquiry as he did. However, an inquiry was held by Mr. Ramsay, and Mr. McDonald was allowed every opportunity of repudiating the charge Andrews had made. Mr. McDonald was in a place where he had every opportunity of producing evidence which he thought would exculpate him from the charge. The inquiry was conducted in a very unusual and strict way, on oath; and, yet, according to the report of Mr. Ramsay, he utterly failed to break down the charge against him. Only such portions of Mr. Ramsay's report need be read as bore on the case. Now, he (Mr. Macrossan) might say, concerning Mr. Ramsay, that his was one of the very few appointments which were made by the late Government that was worthy to be made;—he was a gentleman who had given great satisfaction as a gold commissioner and police magistrate at Ravenswood; in fact, there was nobody on the Queensland gold fields who had given such satisfaction as that gentleman. He considered it was an invidious thing to ask him to hold an official inquiry upon a brother officer of the same rank as himself; it placed him in an invidious position, because, at that time, there was a rumor on Charters Towers that certain powerful members of the late Government were determined that Mr. McDonald should not be dismissed, and that a favorable report was looked for. Well, in spite of the rumor, Mr. Ramsay conducted the inquiry as a gentleman and as a Government officer ought to do. This was his report:—

"In my letter of instructions there are only two points in the case mentioned for my guidance, viz.:—

"1. The name of the orderly said by Mr. McDonald to have been sent by him to give notice to Andrews that he was building on the reserve; also, if the said orderly was produced, to have him examined.

"2. If it was a fact that J. Wiseman Wilkie and Leah Gardiner were living in the hut in question from the 21st March to some date in May."

Now, that was a fact that was plainly proved, without dispute.

The SECRETARY FOR PUBLIC WORKS: No, no.

Mr. MACROSSAN: It was not proved? Well, the honorable gentleman would say, after that, that the sun did not shine.

AN HONORABLE MEMBER: It does not.

Mr. MACROSSAN: If any honorable gentleman, in open day, raised his head, and shut his eyes, and said he could not see the sun shine, certainly that did not alter the fact of its shining:—

"Regarding the first, Mr. McDonald states he sent his orderly, Henry Burns, to give notice to the man who was building the hut, about the 5th or 6th November, and that this occurred after

Mr. Jardine and himself had fixed the reserve. Wm. C. Little, a witness called by Mr. McDonald, states that on the 5th or 6th November he heard Mr. McDonald request his orderly to give the man building the hut notice that it was on the reserve. Mr. Little also states that Mr. Jardine was at this time at the Towers."

Lower down, Mr. Ramsay said:—

"Regarding Little's evidence, I do not consider it of any weight."

He (Mr. Macrossan) had not anything to say about him, further than that his evidence with respect to anything about Mr. McDonald could not have any weight with persons acquainted with affairs on Charters Towers, and Mr. McDonald's complaisance in the case of Moxom and Poro, in which Little was concerned—a case which was well known to the honorable and learned members for Ravenswood and Oxley. He must tell honorable members that, beneath all the evidence of the inquiry, there was a mass of filth—

HONORABLE MEMBERS: Hear, hear.

Mr. MACROSSAN: Of scandalous matter—

HONORABLE MEMBERS: Hear, hear.

Mr. MACROSSAN: Which no honorable member of the House—

HONORABLE MEMBERS: Hear, hear.

Mr. MACROSSAN: Could thoroughly understand so well as he, himself—

HONORABLE MEMBERS: Hear, hear.

Mr. MACROSSAN: Who knew the facts of the case; or, as honorable members from the gold fields, who knew the state of the gold fields. Further on, Mr. Ramsay said:—

"Yet Mr. McDonald puts in an affidavit of Mr. Gold Commissioner Jardine's, stating that on the day that he, in Mr. McDonald's company, first fixed how far the reserve should be extended, the hut was built"—

He (Mr. Macrossan) hoped the Secretary for Public Works would mark that the "hut was built." He should give the honorable gentleman some information on the subject yet;—it should be something towards the building of the hut. Mr. Jardine went to Charters Towers on a special mission in the month of October, 1872, which was the date in question. He (Mr. Macrossan) did not know the exact date of his arrival; but he knew it was before the middle of October. One question upon which he was called to decide was, where the Government buildings should be. At that time, there were two little townships opposed to each other very much—one rivalling the other as to which should have the post office and other Government buildings. A great pressure was brought to bear on Mr. Jardine by the residents of Charters Towers and Millchester. Mr. Jardine determined that he would not make up his mind on the matter at that time. He had another mission to perform, he (Mr. Macrossan) believed, to the Cape River; and, about the 20th, he left Charters Towers to ride to the Cape River, and he was absent about ten or twelve days.

At the time he returned, Charters Towers was in a state of riot. It might be in the recollection of honorable members that there was a very serious riot—that a certain butcher's shop was pulled down. During the first week of November, Mr. Jardine, Mr. Charters, and Mr. McDonald, and other gentlemen were engaged in quelling that riot, and in enforcing the keeping of the peace, and in trying the rioters. Now, Mr. Jardine did not determine upon the reserve until a few days before he left, so that he should not be annoyed by the residents in making known his determination. He left Charters Towers, it might be, on the 18th November, and he arrived at Ravenswood on the 20th. He (Mr. Macrossan) was inclined to believe that that gentleman, in putting in his affidavit, had made the mistake of confounding the whole time he was on Charters Towers in the month of October; but, as if to prove that, he and Mr. McDonald went together to choose the spot for the reserve, as it was to be extended. Mr. Jardine's affidavit contained the following passage:—

"At the time aforesaid there were erected on the street frontage of the said reserve two or three tents, composed of saplings, bark, and canvas, and on the bank of the watercourse from the northern boundary of the said reserve one humpy, facing the southern boundary."

That was the humpy in question. There never was another built facing the southern boundary but the humpy of Andrews, as stated by Mr. Ramsay in his report. Mr. Ramsay was on the ground, and could better get all the evidence requisite than honorable members could understand it in the report. There was a great difference between reading a report of an inquiry put on paper, and hearing witnesses giving their evidence *viva voce*; as everyone knew, a great deal depended upon the demeanor of witnesses, and upon the manner in which they gave their evidence. So that Mr. Ramsay was in a much better position to judge of the nature of the proofs adduced than any honorable member could be in the House, reading the report. According to Mr. Jardine's affidavit, and as Mr. Ramsay said in his report—

"He told Mr. McDonald at the time, that if the reserve was extended he could purchase the hut, as it could be made available for men's quarters, and there is not the least doubt there never was more than one hut near the place. Andrews distinctly denies having received any notice."

There could be no doubt that Andrews told the truth, that the hut was built outside the boundary before the reserve was extended. But, in the extension of the reserve, Mr. McDonald far exceeded the intentions of Mr. Jardine, because, instead of marking off four or five acres, he actually marked off—

"17 acres 3 roods 30 perches, in the best part of the town, which naturally has injured it very much, and about a fourth of the ground would have been quite sufficient."

Now, he (Mr. Macrossan) defied the Minister for Works, and anyone else, to say if that was not so.

The SECRETARY FOR PUBLIC WORKS: Was that part of the charge?

Mr. MACROSSAN: No; but it showed how Mr. McDonald had exceeded his duty. There was another charge apart from that of Andrews, a more serious charge than that, which he had not come to yet. Further down, after remarking upon Little's evidence, Mr. Ramsay said:—

"There is not the least doubt that J. Wiseman Wilkie and Leah Gardiner were living together in the hut from the beginning of February till after the middle of May. It was notorious that Wilkie was living with her during the time he acted as orderly to Mr. McDonald."

"Regarding Mr. McDonald not turning Wilkie out of the house, on account of the illness of Leah Gardiner, Mr. Rutherford, chemist, states that on the 2nd March she was so far recovered that she could have moved easily; and it is strange the very day Mr. Collopy gave Wilkie notice to leave, that Mr. McDonald wrote to him saying that he required the hut for his orderlies."

The other part of the paragraph related to the charge of embezzlement which was made against Wilkie, and the extraordinary manner in which Mr. McDonald dealt with the charge. An information was laid against Wilkie for embezzlement, and Mr. McDonald, instead of waiting, as any other magistrate would have waited, for Wilkie to be brought before him as a prisoner, actually allowed him to be bailed before he was arrested at all. It appeared that Wilkie was never arrested until he was in the court house, actually when he was being tried. The evidence for that was the two bondsmen, who stated that when they first went to the court house, in company with Wilkie, to sign the bail bond, which was some time in the night, they were told that the bail bonds were not made out; when they went a second time, Detective Timmins came up, but he never went in; so that Wilkie was never actually arrested at all. That was most extraordinary. It tended to show, as Captain Whish said, "community of interest."

Mr. MILES: Partnership between them.

Mr. MACROSSAN: Yes; a partnership. Mr. Ramsay said:—

"Mr. McDonald has tried to insinuate that the whole of the inquiry has been instituted by the police; but if the police had wished to do anything of the kind, it would have been done long ago."

"In conclusion, I must say I fully endorse what Captain Whish has stated in his report, in every point. Having been Gold Commissioner in charge of Ravenswood during the whole time Mr. McDonald was stationed at Charters Towers, I was perfectly aware that the Police Commissioner's Courts";—

he (Mr. Macrossan) thought there was a mistake—"Police Commissioner's Courts"

must be meant for "Police and Gold Commissioner's Courts";—

"were in many cases improperly conducted."

The report of the impropriety had reached him at Ravenswood, a distance of nearly sixty miles:—

"In fact, I go much further than Captain Whish, as I consider the evidence I now forward to you places Mr. McDonald in a far worse position than he was before, and that, with every opportunity given him, he has quite failed to break down the case against him in any single point."

Now, he took it that that report ought to have been sufficient for any Government to have dismissed the gentleman in question. He believed that had the late Government not gone out of office as soon as they did, after that report reached them, Mr. McDonald would have been dismissed. But that charge which Andrews made was not the most serious charge in the inquiry. There was another charge underlying that, more serious, although that which Andrews made was quite bad enough. Before ever Andrews made a charge at all, it had come to the ears of the Colonial Secretary and the Minister for Works that Mr. McDonald employed Wilkie in the Government service, "an ex-convict," as he was called; and if honorable members would turn to the first page of the return, they would find two or three telegrams on the subject:—

"Telegram to Commissioner McDonald, Melbourne.—Brisbane, 15th March, 1873.—You are requested to dismiss Wilkie at once."

Another telegram, same date:—

"MEMO.—Referring to instructions from the honorable the Colonial Secretary, I am desired to inform you that John Wiseman Wilkie is not to be employed in any department of the Government; you will therefore be good enough to dismiss him from your office at once."

Another, on the 19th March. It seemed that the members of the Government were rather doubtful about Mr. McDonald complying with that request:—

"MEMO.—Referring to letter and telegram from this office on the 15th instant, requesting you to dismiss Wilkie, I am to state that the Secretary for Public Works considers the employment of an ex-convict by you as orderly and secretary is unpardonable."

"It is considered to have been your duty as police magistrate to have been aware, through the police, who are the licentious characters in your district. And hence, since the police report the circumstances, you should have known that this man Wilkie was notoriously keeping a woman named Gardiner at Kitchen's public-house."

"The whole matter is looked on as being most discreditable to yourself, and must seriously affect your character in the eyes of the respectable inhabitants of Charters Towers."

"I am further desired to confirm Wilkie's dismissal from your department, and forbid his having any further access to the public records."

Now, one would have thought that that language was strong enough, and that the

dismissal was quite sufficient; but it was not. There were still some further doubts; and the same day, a further telegram was sent:—

"I am instructed further to say, *re* Wilkie, that he must not only be dismissed, but not allowed any access to Government premises or records in any way."

Now, he (Mr. Macrossan) maintained that this was the most serious charge in the inquiry. And Mr. McDonald had failed to do as he was directed: he did not dismiss Wilkie from the Government premises, and the answer which he made on the 24th March, by telegram, was a falsehood. Perhaps honorable members would not understand that about "Kitchen's public house." Leah Gardiner, a short time previous to this—according to another complaint which he had, quite unconnected with the present one, but connected with the case of Constable Gillanders—

Mr. DE SATGE rose to a point of order. The honorable member for Kennedy said he had some other document quite unconnected with the present case: he was not in order in referring to it. The House had had enough of the present case from him.

Mr. MACROSSAN: He did not state it! The honorable member was quite mistaken.

Mr. DE SATGE: Were they to listen to other matters not connected with the case before the House?

Mr. MACROSSAN: It was the complaint of Constable Gillanders.

The SPEAKER: He might state that he thought the honorable member had wandered from the case; but he had not wished to interrupt him so far.

Mr. MACROSSAN: In the end of the year 1871, there was a lady on Charters Towers named Mrs. Kitchen, who kept a public-house. He believed she was pretty well known to every member of the House, and all might rest assured that her character had not much improved by her going to the North.

HONORABLE MEMBERS: Hear, hear.

Mr. MACROSSAN: Well, Captain Whish, in his report—or, at least, Mr. McDonald himself, in reply to Captain Whish—insinuated a community of interest existing between him and Wilkie and Leah Gardiner. Now, this community of interest made its appearance for months before ever Andrews made his complaint. Mrs. Kitchen applied to Mr. McDonald, it seemed, quietly, for a license to keep her house open all night. Mr. McDonald granted her permission. Constable Gillanders, in the exercise of his duty, saw her house open, and ordered her to close it. She complained to Mr. McDonald, and Mr. McDonald fined the constable, who only acted in the exercise of his duty, £5, or, in default, two months imprisonment. The constable complained to his superior, and his complaint came down as far as the honorable member for Port Curtis, and this is what he said on the matter:—

"This conviction is wrong. There is no power given by any Act which enables a magistrate to

give authority to licensed publicans to keep their houses open all night. Mr. McDonald to return the £5 fine to Gillanders."

He (Mr. Macrossan) should like to know the date of that: there was no date to it. The occurrence must have been at an early period of the year. Now, let the House see what the lady was to whom Mr. McDonald was kind enough to give permission to keep her house open all night:—

"This hotel in question is one frequented by bad characters; rowdies and card-sharpers find it a home. On the night of the 30th ultimo one of the lodgers went out of the house, joined by more of the same character, and waylaid two decent men on their way home, but were subsequently arrested and punished.

"Mrs. Kitchen, the proprietress, is a woman of very questionable character; she has recently been living with a man who is not married to her, her lawful husband being still alive. She has also a barmaid, named Gardiner, openly kept by a man named James Wiseman Wilkie."

At a very early period it was known to every one on Charters Towers, and to a great many people out of Charters Towers, that Wilkie and Leah Gardiner were living together; and Wilkie was at the time an orderly of the commissioner. Although he was stated to be an orderly, he actually never performed an orderly's duties, being all the time employed in the office on Government work, acting sometimes as clerk of petty sessions. The "community of interest" between this *trio* was established in January, 1872, when Mr. McDonald actually broke the law to enable a woman of questionable character to keep her house open all night; and broke the law still further by reprimanding and fining a constable for doing his duty. Therein, he had found he had gone too far. It was not the only act of which the same gentleman was guilty beyond the law, if the newspapers were looked at; because the whole of his career on Charters Towers was in defiance of the law and of morality. Honorable members would understand that the tent which was spoken of in several parts of the inquiry, was said to be on the Government reserve; it was so close to the Government reserve that Mr. Ramsay said it was either on it or so near it that he did not think it worth while to run the line. This tent was kept as a convenience, and that was how the discrepancy occurred; they sometimes lived together in the tent, and when more convenient they lived at Mrs. Kitchen's public house. Another reason was, they boarded at Mrs. Kitchen's; and it was a common thing on gold fields for people to sleep at one place and board at another. He had been told by some honorable members, that in bringing this motion forward, he was simply moving a vote of censure on the Government; but he distinctly repudiated any such intention; he had no desire to censure the Government or to embarrass them

in any way. His desire was simply to prevent a public scandal from being perpetrated, and he hoped honorable members would only take it as such; and that each member, in giving his opinion on the question, would give it altogether independent of party motives, and with a clear conscience, whether he was a member of the Government or not. It might be asked by honorable members, how was it that miners and other residents on Charters Towers did not complain of the irregularities of this gentleman? and he would give a good reason why. Since his connection with the gold fields of Queensland, which was over eight years, there had been complaints made constantly to the Secretary for Public Works, by miners, of the conduct of commissioners. At the very first gold field on which he was on, Peak Downs, there was a commissioner there, who, as honorable members were aware, ended his days in Rockhampton gaol. Complaints were made over and over again against him, and yet every one of them was unattended to; and he believed that if they had been attended to, as they ought to have been, his crime would never have been committed. Again, in the Rockhampton district, innumerable complaints had been made against the gold commissioner, of which no notice was taken, and it was the same at the Cape River. Men actually came down from that field to Brisbane to get justice done, and then they were told they had no redress. At Ravenswood, at a certain time previous to the time mentioned in this inquiry, there was a gold commissioner, not quite so immoral, perhaps, as the gentleman upon whom the inquiry was held, but quite bad enough, and whose conduct was equally bad, so far as his decisions were concerned. He was complained of—more than 1,100 persons signed a petition calling for an inquiry into his conduct—his immoral conduct, and the partiality of his decisions as gold commissioner. A short time after the petition was sent down, although no specific charge had been made, a telegram came to Ravenswood, stating that an inquiry into a specific charge mentioned therein was to be held by Messrs. McMillan and Sharkey. He knew all the circumstances connected with the inquiry, as he was present on behalf of the miners of the district. The inquiry was—

The SPEAKER: I think the honorable member is wandering from the question.

Mr. MACROSSAN submitted that he was not. He was endeavoring to show the reason why the miners of Charters Towers had not complained against Mr. McDonald. That charge was:—did that gold commissioner bring a certain woman to a certain place, she being a notorious prostitute? That charge was admitted on the second day of the inquiry when the commissioner saw that the evidence was too strong against him. Another charge was in course of being proved, along with many others in the back-ground, when the inquiry was stopped; and in spite of the ad-

mission of the commissioner, who had actually been suspended, he was reinstated, and, as he said himself, with more power than ever he had before. The miners of Queensland, and especially of Northern Queensland, had been tired out in making complaints without avail, and that was the reason why no specific complaint was made against Mr. McDonald until the inquiry now under notice was held. Even this complaint Andrews would not have made if Mr. McDonald had paid him the full value of his property. There were two men mentioned in the inquiry who were evicted a few days before Andrews, MacIlroy and Sanjoe. They came to him and made a complaint somewhat similar to the one Andrews made to the honorable the Secretary for Works;—they complained that they had been evicted from their humpies, and he distinctly told them it was better to bear the wrong inflicted upon them than to seek redress at the hands of the Government in Brisbane, because they would not get it. Had Andrews come to him he would have told him the same, because he was completely tired of seeing miners make complaints which were never attended to. He certainly hoped the responsibility which now rested on the shoulders of that House—a responsibility which had never before assumed the same appearance, because hitherto the management of the gold fields had never been brought before the House—would be undertaken in the spirit so important a question deserved. Complaints which had been made had never gone beyond the walls of the office of the honorable the Secretary for Works; and he hoped every honorable member would go into the matter with the full responsibility which rested upon his shoulders, of trying now, at least, to prove that miners would not make complaints without having them tried, and investigated, and adjudicated upon justly and honestly. He believed he was justified in saying, as he said before, that had the late Government remained in office, this complaint would not have come before the House; that they would have dealt with it in a very different manner to what the honorable the Secretary for Works had done. He did not, however, blame that honorable gentleman very much, because the report of the inquiry, made by Mr. Ramsay, did not reach Brisbane in sufficient time before the meeting of Parliament. This report was dated in November. He knew full well that the gentleman who previously occupied the position of Minister for Works and Mines was fully determined that Mr. McDonald was unfit to occupy the position of gold commissioner. He had no intention whatever of depriving Mr. McDonald, or rather of ousting him from the public service; but he said, from the line of conduct he had pursued at Charters Towers, and the scandals he had caused there, it would still be a greater scandal to send him back to the gold fields as gold commissioner. If the Government were determined to

keep him in the service, they ought to find some other employment for him than that of Police Magistrate and Gold Commissioner. He did not wish to dictate what they should do, but merely pointed out what they should not do. They should not place him in that responsible position, because, from the inquiry, it was evident he was totally unfit to discharge such important duties. He hoped honorable members would deal with the matter in such a manner as to show that they were determined to do justice to the miners of the country. He would conclude by asking the members of the present Government, if, at the time, on the 5th of February, when this minute was signed—

“Ministers recommend that the suspension of Mr. J. G. McDonald, ordered by the Executive Minute, dated 17th July, 1873, be withdrawn, and that the case be referred to the Secretary for Public Works for his decision”—

they had ever read the evidence and the reports given in this inquiry? There was one name of a member of the Government which was not attached to that minute—the name of the honorable the Attorney-General. He knew that that honorable gentleman had read it previously; and whether it was because he had read it his name was not there, he did not know; but he felt certain that if the honorable the Premier had read it, he would never have consented to put his signature to that minute. He now moved—

That, in the opinion of this House, J. G. McDonald, late Gold Commissioner, Charters Towers, is unfit to occupy the responsible position of Gold Commissioner or Police Magistrate.

Mr. HODGKINSON said he would second the motion, although he entirely disagreed with it. It was a vote of censure upon the present Government, and he could not possibly endorse it, even if the character of Mr. McDonald was ten times worse than it was. He knew nothing about the virtue of Leah Gardiner, about whom the honorable member appeared to know so much. He was happy to say he was not so well acquainted with her as that honorable member appeared to be. He did not know at what hour she retired to rest, or whether the tent she occupied was twenty or forty feet from the commissioner's residence. The honorable member seemed to have devoted a great amount of his intelligent ability to the locality which Leah Gardiner usually adopted as her residence; and, considering the highly mercurial character of that gentleman, he could not admire the knowledge he possessed of that female. He would, however, point out one fact: There might be some question about Mr. McDonald's fitness as a gold commissioner, and he would not say that the honorable member for Kennedy was not right to some extent; but he thought that when he stated a case against a man, he ought to state both sides. Now, it was a fact that a testimonial had been pre-

sented to that officer on the conclusion of the inquiry referred to. That testimonial was signed by a large number of respectable men on Charters Towers, one of whom was of the same name—he did not say that was an additional compliment—as the late Premier, H. Wyndham Palmer. There was also Mr. A. B. Carr, manager of the Bank of New South Wales; Mr. Mowbray, manager of another bank; and a great many other gentlemen, not only bankers and business men, but reefers; and it was only right that they should give Mr. McDonald credit for receiving that testimonial. And when they remembered this on the one hand, and also the fact that those men were not to be bribed, and then looked at the notorious character of the man on whose statements the honorable member for Kennedy appeared chiefly to found his case—that was this Mr. Wilkie—he thought they could at any rate leave it a matter of indecision whether Mr. McDonald was a depraved character or not. No doubt he might have been in error, but he (Mr. Hodgkinson) believed his chief fault was in being found out.

THE SECRETARY FOR PUBLIC WORKS said he could scarcely make out what the honorable member for Kennedy could mean when he said that by this motion he had no intention of proposing a vote of censure upon the Government. He thought that honorable member must give the Government credit for having some little spirit. And was it possible that the Government could sit there for ten minutes if such a motion were passed? As to the disclaimer of the honorable member, there was no necessity whatever for making it, and he only called attention to it to show the value he placed upon it. He would not sit in that seat for ten minutes if such a motion was carried, and he believed no man with the least possible spirit could do so. As to the motion itself, as the honorable the Speaker was aware, this matter was for a considerable time before the late Government, and it had come to the point at which all the evidence was printed, he thought, about six weeks before the present Government came into office. At all events, it was a month before; and no doubt the matter had been under the careful consideration of the late Government. He merely pointed this out to show it was an unfair argument to say, if that Government had remained in power, what they would have done; because they had plenty of opportunity of going into the whole matter, and acting in a certain way, if they thought fit, but they did not do so. With regard to the merits of the case, he could only assure the House that he had gone through the evidence carefully, that he had pored over it for several days, and he was perfectly satisfied that the statements made by Mr. McDonald were thoroughly true, and completely borne out by the evidence. His statements were clear and straightforward from beginning to end, and were corroborated

to a very great extent by the evidence. The case was commenced by the letter of Andrews to the Secretary for Public Works; and it was hard, after reading that letter, to see what the charge was. He accused Mr. McDonald of having forced him to leave the house which he had built on the reserve, and it was difficult to see whether he forced him to take too little for the property, or whether he should have forced him to leave at all, or that having done so—and this appeared to be the real charge—he put some other parties in it for an immoral purpose. He had examined the first part of the charge, and, so far as that was concerned, he found that Mr. McDonald had acted correctly as a Government officer, so far as money matters were concerned; and with regard to his duty as gold commissioner, he was perfectly right in turning the man off. The other charge—that he did this only for the purpose of putting in other parties for immoral purposes of his own—was a matter of little more difficulty, perhaps. Captain Whish was sent up to report on this charge, and he was a gentleman with whom he was very slightly acquainted; in fact, the whole of his acquaintance with him had arisen in connection with his report on this matter. When he got so far as the end of that report, he was inclined to endorse such a memorandum, as he believed the honorable the Speaker, when Minister for Works, wrote, and which he believed appeared in Captain Whish's report. But when he read the evidence upon which it was based, he was very much surprised that such a report ever was written. If honorable members would look at the evidence and read the report, he believed they would be astonished that a man could commit himself to so many mistakes. The first man brought forward was Andrews, who wrote a letter to the Colonial Secretary, enclosing in it a letter which he said was forced out of him, by threats, by the Gold Commissioner and the man Wilkie. Now, the honesty of witnesses was a very important element in dealing with a matter of this kind, and therefore, first all, he tried to find out what sort of a man Andrews was. He found in a telegram, a testimonial from a policeman up there, that he was a man of excellent character. Now, he would call attention to the fact that, all through this affair, very little was said against Mr. McDonald, and very little evidence was given against him, that there was not a policeman at the bottom of it. There was nothing so clear as that it was a private matter, and that the police were at the bottom of it. In every important step in the investigation, the police were the only men who came forward against Mr. McDonald; it was also clearly proved that Andrews was in constant communication with them, and it seemed to him very evident that they were the concoctors of the whole scheme. Now, with regard to the honesty of this man Andrews, honorable members, on turning to page 4, would find the

letter addressed to Mr. McDonald, which he enclosed to the Colonial Secretary, and which ran as follows:—

"I have the honor to inform you that I was served with a summons to-day for being in unlawful occupation of land reserved for Police Court and other Government purposes. I am informed that if an order is made against me, it is within your power to stop my taking away, or in any way disposing of the building or any improvements I have made on the ground I have but lately known to be reserved for Government purposes. It is unfortunate for me I should be placed so, for I am only recovering from a lengthened suffering of fever, and barely in a position to find the ordinary necessities of life. This being so, I respectfully request you will concede that I be allowed to remove the improvements I have made, by Monday, the 10th instant. I have been offered £13 for the place, but would prefer to dispose of it to you for the Government, and what improvements I have made, at that sum—£8."

This letter, he said, he was coerced to write before he was removed, and it was commented on in the report written by Captain Whish, in this way:—

"The spirit of the letter is submissive, almost abject, which is by no means the spirit in which Andrews thinks and speaks of the whole affair; the letter represents him in pecuniary difficulties at a time when he was earning from £6 to £12 a-week as an engineer; and the idea of his preferring £8 from a gold commissioner to £13 from a private individual is so incredible, that Mr. McDonald thought it necessary to account for it (see page 4), by explaining that Andrews would have had to move the house for £13, which the latter denies."

If honorable members would now turn to page 12, they would find the original of this letter which he sent down to the Colonial Secretary, and which he represented—in fact he swore to it—to be a copy of the original which he was coerced to sign. This letter run pretty much in the same way as the copy, until they came to one or two important points. It said:—

"I have been offered £13 to remove the building, which was struck out of the copy—

"but would prefer to dispose of it to you, for the Government, at £8, as it stands, and that what improvements I have made, to you, at that sum."

The concluding words were, as would be seen, also altered, and the circumstances, as they appeared in the original letter, were entirely altered from what he represented them to be. The copy sent down was made to have a totally different meaning, and how this could have escaped the observation of Captain Whish—and it would be seen that it was an important matter, because it referred to the most serious charge made against Mr. McDonald by Captain Whish—he could not understand. He said:—

"The idea of his preferring £8 from a gold commissioner to £13 from a private individual, is so incredible that Mr. McDonald thought it necessary to account for it."

And, what Mr. McDonald said was, that Andrews had told him another party had offered him £13 to remove it; but Andrews, in the letter he enclosed to the Colonial Secretary left out the words "to remove the building." So far with regard to the man's honesty. But he went further into this matter. He had his suspicions aroused when he came to this part of the testimony, which appeared to be the only portion of it of any use, because the other evidence was given by parties who had a strong bias in the matter, and whose opinions should never have been taken, and how they came to be taken he did not know. When he came to examine further into this man's character, he found that he had been convicted under the Vagrant Act by the Bench about six weeks before, and for what? For striking a woman. It was a very disgraceful case, and the Police Magistrate at the time had to speak in very strong terms of this man's conduct. Then, to show the further bias the police had in the matter, Collopy actually came forward and endeavored by a side wind to insinuate that this man, who was not only fined, but severely censured by the Bench, was not fairly treated. He said two women were fighting; Andrews went to separate them, and one of them said he struck her, and yet the Bench fined him. In fact, in excusing the man in that way, he, in effect, insinuated that the Bench was wrong. He represented it as a squabble between two women; Andrews rushed in like any respectable man might to separate them, and for that the Bench fined him. But, in reality, it was a most disgraceful case, and Mr. Jardine, the Police Magistrate, commented in very severe terms on the conduct of Andrews. There was another point on the morality of the question that had been lost sight of, which was material here. This letter represented Andrews in pecuniary difficulties, when it appears he was earning from £6 to £12 a-week. Captain Whish put it forward as an excuse why Andrews could not have written this letter, that he was receiving from £6 to £12 a-week as an engineer. There might be some excuse, if he was sick and his wife lying ill, to come forward and write such a letter to the commissioner as he did; but what possible opinion could they form of a man who, when he was earning from £6 to £12 a-week, could make himself so mean—so detestable—as to write such a letter, simply for the purpose of getting £8? He threw aside his evidence as utterly bad and worthless. When he came to study the points and to follow them out, he found there was scarcely a bit of his evidence in which he did not contradict himself, or in which his wife did not contradict him. Look at the kind of evidence on which Captain Whish wrote his report! If honorable members would look through the bulk of Andrews' evidence, they would see it was what his wife told him. He came forward, gave this to Captain Whish in the shape of evidence, and then there was a certificate

signed by Selina Andrews that this was correct. That was certainly the most extraordinary evidence he had ever heard of. Then look at the statement in the last paragraph but one of Captain Whish's report, page 6, where he said :—

"Throughout this inquiry, the information obtained from the police officers has been most reluctantly given, especially such evidence as might seem to impugn the character of the Gold Commissioner."

He thought, if honorable members compared that with the evidence given in that report, and the facts proved in evidence afterwards, they would find very little justification for that assertion. For instance, one officer stated quite coolly, that the police barracks were not finished until the latter end of April, but according to Captain Whish's opinion, it was made with great reluctance. The statement was, however, thoroughly untrue, as was shown by the records of the department. If there was one thing proved more than another—for the evidence was in his own possession—it was that the building was finished on the 31st of January, and people were living in it at that time. He was not comparing the evidence given on one side with that given on the other; he was merely taking the evidence of those who had tried to prove Mr. McDonald in the wrong, and it was actually proved, on their own statements, that it was impossible he could have been there at the time. He believed the honorable member for the Kennedy said the letter was written in Wilkie's handwriting, but he had seen the original letter, and he was satisfied that it was not. Now, after all, it was very hard to see what they had been trying to prove Mr. McDonald guilty of. Captain Whish said it resolved itself into a number of questions, such as :—

"Was there a recognised reserve at Millchester before Mr. McDonald went there; and, if so, of what area?"

What that could possibly have to do with the subject he could not understand. The plain facts of the matter were these :—Mr. Jardine had at a certain time marked out an area of ground for a reserve; it was increased on the spot that had been pegged out before, and the reasons given by Mr. McDonald for the action he took in the matter, seemed to him to be good and conclusive. As a matter of fact, the reason it was increased to seventeen acres was to oblige the inhabitants, by allowing them to make a portion into a cricket ground. But that was a matter of no importance whatever. He had power to make the reserve as large as he thought necessary, and he could not see how that had any bearing on the question. Whether Andrews' house was on the reserve or not did not bear materially on the matter, because Mr. McDonald had power to remove him whether he was in the original reserve or not. The only question was whether Mr. McDonald told the truth when he

said the man was building there at a certain time. Mr. Jardine said, in his affidavit, that when he went to mark off the ground there was a hut on it; and Mr. McDonald said, after receiving instructions from his superior officer, Mr. Jardine, to mark off the ground, but before he did so, he was walking over it, and saw a man building a hut, and he sent his orderly to give him warning, which was only a matter of courtesy, as the reserve had not then been marked off. It seemed the man and his mate, or the man he had in his employ, were at work, and Mr. McDonald, after sending his orderly to them, rode on; and this was corroborated by a man who was in his company. It had been said that this orderly was not called as a witness, but there was no blame whatever to Mr. McDonald for that. He had not the slightest information as to the way in which the investigation was conducted, what witnesses would be required, or what he was wanted to do. But whether his orderly gave the men warning or not was quite immaterial. This man corroborated Mr. McDonald's statement, which was also corroborated by several other facts too minute to go into; and if there was anything more conclusively proved than another, it was the correctness of Mr. McDonald's statement—that there was a hut building on the ground at the time, which was a matter the honorable member for the Kennedy brought against him. He might here state that during the whole of the investigation he never saw Mr. McDonald; he did not know him personally, and until recently, he never spoke a word to him in his life. In going through this matter, there were two points he was not clear upon, and he sent for Mr. McDonald and asked him how could it be consistent with truth to say there was no hut on the ground two days after Mr. Jardine said he saw it. Mr. McDonald at once referred him to a certain date, and he saw that the Government had actually bought off the hut referred to by Mr. Jardine, and he now had the vouchers in his desk, giving the man compensation for it. This was conclusive proof; and all the more valuable, because Mr. Jardine did not know at what point his evidence on the matter would be directed. It was a small hut, and he had the vouchers for the £4 compensation paid for it. It was amusing to see the way in which they proved the reserve was there. Mr. McDonald said he could never get any one to show him the complete boundaries of the reserve, nor was there any official record respecting it at Millchester; but when Mr. Whish was sent up, he at once sent for the inevitable policeman, he called Gillanders, who was always ready to prove the reserve. But why, in the name of common sense, should a commissioner go and ask a policeman for things which ought to be in the office? If the Government could not find better means than that of keeping records in towns of such importance as Millchester, he thought Mr. McDonald was quite justified in

taking the thing *de novo* and marking out the reserve afresh. Captain Whish gave what might be termed Irish kind of evidence on this—he said he saw the pegs himself. Now, if that meant anything, it simply meant that the policeman showed him the pegs. He said :—

“And I was myself shown the pegs, which are still standing.”

And he gave this as proof positive that a survey had taken place. This was only repeating, in another form, and a very unfair form, so far as Mr. McDonald was concerned, that the policeman showed him the pegs, and it amounted to nothing. He would again call attention to the man Andrews. Captain Whish said :—

“The spirit of the letter is submissive, almost abject, which is by no means the spirit in which Andrews speaks of the whole affair.”

But honorable members must remember that Andrews' rage took three weeks to boil over. It was only when he got the money, and had fresh conversations with the policeman, and kept going backward and forward, that his indignation was raised to the point at which he wrote the letter to the Colonial Secretary. Captain Whish said in his report, page 5 :—

“On the 6th and 7th particulars,—The evidence of all parties shows that after turning Andrews and his wife out of the house, Mr. McDonald gave possession of it to Wilkie, who was his orderly, and who occupied it from the time that Andrews vacated it, to the date of Wilkie's last embezzlement, about the 25th May,—and that he had a prostitute named Leah Gardiner living with him at the time, of which fact Mr. McDonald was admittedly cognisant.”

He did not think there could be a more unfair conclusion, or that a more unfair remark than this could be made on the evidence that Mr. McDonald gave about this matter. He actually made it to be understood in his report that, Mr. McDonald knowing these circumstances, allowed this man Wilkie to go into a hut that was the property of the Government, and that he admitted it. But it had never been admitted by Mr. McDonald throughout the case, and his statement on the point was clear and straightforward. Not knowing anything of the antecedents of Wilkie, who appeared to be an ex-convict, and on the recommendation of Mr. Jardine, who merely said Wilkie had got into some trouble, he took him into the Government employment. This was all the foundation there was for Captain Whish's statement, that Mr. McDonald took Wilkie into the Government service, and he knew a woman came to live with him. Mr. McDonald was not aware at the time, so far as he could see, whether this woman was his wife or not; and as soon as he did know, as the evidence showed, that she was a woman of the town, he ordered them to leave. The doctor said the woman could not leave at that particular time, and the orders then given were to leave as soon as she was able.

The hut was handed over to the Inspector of Police, and after that it was entirely out of the hands of Mr. McDonald. The Inspector had often asked for a house—he asked if he might have that one, and when it was given to him, all the responsibility rested with him with regard to the parties remaining there. There was a good deal of evidence on the matter, which went to show that Mr. McDonald was living about three miles back, at Charters Towers, at the time he allowed them to occupy the house; and that when he actually found out the character of the man and the woman, he did not allow them to remain inside Government property at all. There was one part of the evidence upon which he himself was a long time before he could be satisfied. He did not wish to follow the honorable member for Kennedy into details, except so far as they bore on the point, and there was one point which required very careful study before the thing could be seen. The correspondence commenced with a telegram from the Under Secretary to Mr. McDonald—

“You are requested to dismiss Wilkie at once.”

That was on the fifteenth of March, and it was hard to see from the evidence, except by carefully comparing dates, whether he carried out these instructions or not. He had, however, satisfied himself, on a perusal of the evidence, that the telegram in the middle of the page,

“*Re Wilkie*—Your request has been attended to,”

was correct in every particular. That was on the 24th of April, and it appeared that on the day he received the telegram he dismissed Wilkie. He had found that the records of the office showed there was nothing in Wilkie's handwriting after that date; and he had not left the premises for the reason given before—that it was in the possession of another man. He would now make a few remarks as to how this case grew as it went on. The first charge, and the only charge that he could see, was this: that Mr. McDonald had used Government property for immoral purposes; and with regard to this he would point out that one extraordinary part of the evidence was the letter written by Wilkie to the Colonial Secretary, which had been commented on so severely to the disparagement of Mr. McDonald. All he could say was, that if the fair fame of any Government officer was to be tarnished in the slightest degree by such letters as that, it was time every respectable man left the Government service. He would not give it five minutes' consideration, and he was astonished that the Commissioner sent up to inquire into the matter could think it could possibly have any influence in the case. He could not see that it had any bearing on the case; and from the very fact that Wilkie tried to bring his old master, or superior, into a mess, was the best evidence in fact in favor of him. Wilkie's virtuous remon-

strance with Leah Gardiner about the scandal she was causing by walking out at night with Mr. McDonald for immoral purposes led to the assault case; and if Wilkie's evidence was of any use at all, it was in support of Mr. McDonald. It tended to prove that they were all virtuous, and not immoral characters, and on that point the whole case rested. Another charge mixed up with this was, respecting the arrest of Wilkie; and not understanding much about legal matters, he had consulted the honorable the Colonial Secretary on the point, and he said Mr. McDonald acted according to the usual forms, and quite correctly—so that he could at once dismiss that from further consideration. He knew the honorable member for the Kennedy had a strong belief in the legal opinions of the honorable the Colonial Secretary, and he would, therefore, take it for granted that Mr. McDonald was right in all his proceedings in that matter. He was prepared to go further into the evidence of Andrews, but he thought the House would be perfectly satisfied with what he had already shown respecting his character. He had been convicted in court under the Vagrancy Act six months before; it was shown that he was a man mean enough to write a letter which was characterised by the commissioner sent up to enquire into the matter as "submissive, almost abject," and in which he stated he had been sick and was not in good circumstances, in order to get £8 from the Government; while, according to Captain Whish's report—although it was not clear how he got the information, and he presumed he made it on the man's own authority—he was earning from £6 to £12 a-week. He was also mean enough, in writing to the Colonial Secretary, to enclose a letter which was altered from the original; and it was through that piece of forgery that all the charges had been made against Mr. McDonald. If he had been honest enough to send down the original letter in the first place, there would have been no investigation by the Government. Another advantage taken of Mr. McDonald was charging him, in the second report, with being responsible for the morality of the town, and with issuing licenses to all sorts of people. This was very unfair, and he did not take it into his consideration at all. There were five magistrates on the bench, and how could Mr. McDonald be held responsible? It was introduced into the evidence for the purpose of damaging Mr. McDonald, but the true facts of the case did not damage him in the least. He had read Mr. St. George's letter, but it did not bear out what was stated. Mr. St. George was sent up to take charge of the field when Mr. McDonald was suspended, and as soon as he arrived there, he wrote to Mr. Jardine as follows:—

"I arrived here on the 30th ultimo, and took over charge from Mr. McDonald on 1st August, the two intervening days being holidays on account

of the races. I am glad to be able to tell you that I found everything in the most satisfactory state in the office, and, so far as I have been yet able to judge, out of doors as well; and I am bound to say that at the races, as you know, usually a sort of licensed saturnalia on a gold field, nothing could be more orderly than the conduct of the people. I have not had a single police court case before me, arising out of any misconduct or riotous behaviour there, or, indeed, elsewhere. There are of course a considerable number of disorderly characters, of both sexes, upon a place like this, but so far as I can judge, they are held well in hand; and, though I have given strict orders to the police respecting them, I have had no complaint brought before me. McDonald goes down to-day, and he has been presented with a most flattering address and a purse of £120. I dare say you will see the former.

Later, on the 6th of August, he wrote again on the same subject, and much to the same purport, except in one clause, which he would read:—

"There has been, in my opinion, too great a facility given by the bench of magistrates here to persons of notoriously disreputable character in obtaining licenses as publicans; and, judging by repute, and from my own observation, I should say that some of the public houses in the town are brothels."

That was about the only evidence on the matter, and he took it as the best evidence. He believed a man who had been in Brisbane for some time could make the same observation about the Brisbane bench of magistrates. He passed a house which, he believed, could be characterised in that way, and the statement—"that some of the public houses in the town are brothels" might also be said about Brisbane. Such a thing as that could not be brought in as part of the charge, and he merely brought it forward as showing the way in which evidence had been foisted in. He had examined the matter connected with the granting of licenses very carefully, and the correspondence showed that it was the police who were to blame that certain persons did not get notice. In fact, the bench expressed regret that they could not go into the matter, simply because notice had not been given. And yet, although there were five respectable men on the bench, this was brought in as a charge, not against the bench, but against one individual. There was one part of the correspondence which did not refer to his department at all, and that was with reference to policeman Gillanders. He had read it through, and he thought it was not a very heinous thing for a magistrate to grant leave to a publican to keep his house open all night. He did not know whether it was legal or not, but he knew that, in his capacity as a magistrate, he had done it himself, and the parties had danced all night. And then, an additional reason why leave should have been given on the occasion referred to was—it was New Year's night; and, if he had been in Mr. McDonald's place, he would have given them leave himself, as

long as they behaved respectably. Whether it was legal or not, he knew it was the custom of the country for magistrates and the bench to allow it. Mr. McDonald acted on his opinion, and there was nothing, so far as he could see, immoral or wrong in it, or anything to support the statement that he was unfit to be a magistrate. With regard to going over the evidence there was one point on which he had not dwelt, and that was, the apparent inconsistency between the evidence given by the man Andrews and that given by his wife. Honorable members would see that Andrews' evidence differed upon most material points from that of his wife, and therefore there was not much dependence to be placed upon it; he might say that he had settled his mind upon Andrews' evidence, after knowing his history, before he had read it. It might be that he had left out some point of importance in the case, but he could safely say he had given it the most minute study and consideration, and had gone into every detail to see if Mr. McDonald had acted improperly. He saw that directly Mr. McDonald wrote the memorandum on the report, that if he had gone further, and seen the evidence on which it was based, he would not have written it. He had read to the House, he believed, sufficient to exonerate that officer from having anything to do with the woman whom Wilkie brought into the hut. Some honorable members, he had heard, said the case appeared to be not proven; but he considered it was most distinctly proved by Mr. McDonald that he was not aware of the character of the people about him. There was one point remaining upon which he had not settled his mind, and that was, whether McDonald obeyed his orders—whether having received instructions to dismiss the man Wilkie, he did so immediately; but there was proof that he did so; the mere fact of the woman remaining in the hut until some time afterwards was said to be a proof that he had not acted up to his instructions; but he did act up to them, and whether people kept her there or not afterwards, had nothing to do with Mr. McDonald, for she might have lived there for a month afterwards, and he would not know anything about it. There was something about the circumstances of the woman leaving the place which would absolutely exonerate Mr. McDonald from knowing anything about it. The statement of Collopy that she was living there till the 25th May was quite sufficient for him; and if honorable members would refer to the different evidence that man gave on three different occasions, they would be quite satisfied that it was not to be relied upon. In one place it contained a lot of insinuations, next time it was plainer, but when the man was cross-examined he ran away altogether in several particulars. No honorable member would fail to see that on the occasions on which Sergeant Collopy was examined he was not consistent in

giving his evidence, and no man knew better than he did, what evidence he should give to elicit the truth. The honorable member for the Kennedy had referred repeatedly to the removal of people out of the way so that they should not give evidence, but there was one man, Mr. Little, who gave very important evidence, and Mr. Ramsay appeared to think very little of it; and therefore he did not think the statements of Mr. Ramsay should weigh much with the House. He would not detain the House longer, but he believed that anyone who read all the papers carefully, would see that it was simply a quarrel between the Gold Commissioner and the police, and the latter had managed to rake up into it the dirtiest matter he ever knew. After having very carefully gone into it himself, he believed that Mr. McDonald came out free of blame. It was asked whether the Ministers were responsible for his re-appointment, but all he could say was, that he recommended that re-appointment, and that he was quite willing to take the whole responsibility of it upon himself. He had examined the case, and he admired the straightforward way in which McDonald had treated it; at the same time quite understanding the difficulties that gentleman had to contend with.

Mr. PALMER thought the motion should not have been put in its present shape, as it was, in fact, giving to the House the prerogative of the Executive in dealing with their own officers. If the motion had been put in another form, such as, that in the opinion of the House the Government by their re-instatement in office of Mr. J. G. McDonald were not worthy the confidence of that House, he could easily have understood it. The honorable Minister for Works had put the case so well, that he would not have risen at all to address the House, had it not been for the statement of the honorable member for the Kennedy—that if the late Government had remained in office Mr. McDonald would never have been re-instated. Perhaps that honorable member, in his reply, would say how he became possessed of that information. Now, so far from that having been the case, he might say that he had always held the opinions he now expressed—and no doubt the honorable Minister for Works would come across papers to that effect—that Mr. McDonald was very badly treated. He was not at all satisfied with the reports of Captain Whish and Mr. Ramsay, but went into the evidence himself very carefully, and came to the conclusion that the case was one of malicious persecution of Mr. McDonald from beginning to end. That was his opinion; and no doubt some action would have been taken had not his honorable colleague, the late Minister for Works, required further evidence before he could make up his mind. Had that further evidence come, in all probability his Government would have taken the same action as that taken by the present

Government, and for which he gave them great credit.

Mr. DE SATGE thought it was quite evident that the honorable member for Kennedy had brought all the powers of his mind to bear upon the persecution of Mr. McDonald; but that honorable member appeared to have been opposed to every commissioner, for he believed it could not be denied that he had pleaded guilty to assaulting Mr. Hackett, and had been fined for the offence. He thought that an honorable member who had thus lost his temper on one occasion should have been the last person to bring forward the present case, and to attack a civil servant under his privilege as a member of that House, especially after that officer had had his case thoroughly investigated by the Ministry, and had been acquitted by them.

Mr. LORD said he had followed the honorable member for the Kennedy very closely through his arguments, and he had certainly arrived at the same conclusion as the old Scotch proverb—not proven. The whole case amounted to this, that Mr. McDonald had an orderly, who kept a woman.

Mr. MILES said he had no doubt that he should be accused by the honorable member for Normanby of wishing to maliciously persecute Mr. McDonald, when he said he held the very same opinions that had been expressed by the honorable member for the Kennedy. He had read all the papers very carefully, and he could come to no other conclusion than that the report of Mr. Ramsay was borne out by the evidence. There was an old proverb that—

“Birds of a feather will flock together,”

and when he found that Wilkie was orderly to Mr. McDonald, who must have known his previous character, and that he had been convicted of embezzlement, the whole case appeared to him as one which required looking into. The whole speech of the honorable Minister for Works referred to an inquiry made by Captain Whish, and the honorable member never made one allusion to the investigation carried on by Mr. Ramsay. Now, it would be found that Mr. Ramsay, after Captain Whish's report was sent in, communicated with McDonald, and told him that he must defend himself against the charges which had been made against him; and to that Mr. McDonald replied, that the inquiry was not a fair one, as he had no opportunity of cross-examining the witnesses. Mr. Ramsay then held another inquiry, the result of which was to put Mr. McDonald in a worse position than he was in before. Then again, the honorable member was very inconsistent in the attacks he made on the police, inasmuch as, on the previous evening, during a debate in committee on the Elections Bill, the Government held up the police as being specially qualified for the collection of the electoral rolls; how they could be that, and yet be guilty of such conduct as that with

which they were charged by the honorable member, he was at a loss to say. The fact was, the Government wanted one night to make use of them, and on the next, they were abused by a member of the Government, who said that the whole of the evidence against McDonald was simply the result of a quarrel between that gentleman and the police. He (Mr. Miles) was of opinion that the police were like other people—there were good and bad amongst them; but he was not prepared to make the sweeping charges against them which had been made by the honorable Minister for Works.

Mr. IVORY called attention to the state of the House.

A quorum was formed.

Mr. MILES: As he had said, he had looked through the evidence and he had failed entirely to come to the same conclusion as the honorable Minister for Works. It would be useless for him to go into that evidence again after it had been gone into so fully by other honorable members; but he was confident that it was all against Mr. McDonald. Then, again, it should be remembered that the honorable member for Kennedy had been residing on that gold field; so that every thing had come under his personal observation, and was it to be supposed that that honorable member would stand up in that House and state what was false?

Mr. W. SCOTT called attention to the state of the House.

A quorum being formed,

Mr. MILES resumed: Honorable members seemed to be very uneasy; but although they could count out the House, they would not put him down. The honorable member for Normanby attacked the honorable member for Kennedy by saying that that honorable member was always quarrelling with gold commissioners and had been fined for horse-whipping one; but he was under the impression that a horse-whipping would do some of them good. He believed that some of the gentlemen appointed to the position of commissioners were entirely unfitted for it—they resided at the most distant and extreme ends of the colony, and being thus far removed from the seat of government, they could do almost as they liked, and ride roughshod over everybody. He was not surprised at the honorable member having horse-whipped one of them. If the honorable member divided the House he should vote with him; and so far as his vote was concerned—whether it affected the position of the Government or not, he did not care one single straw—he should not hesitate in recording it.

Mr. FRYER said that like the honorable member for Carnarvon, he was very glad that the honorable member for the Kennedy had the courage to bring the matter before the House. The honorable member for Normanby, with his usual adroitness, had managed to import other matters into the debate, and had mentioned about the honorable member

for the Kennedy having been fined for assault—well, he had heard something of that case, and he believed the Bench fined the wrong person. He thought it was right that questions like the present should be brought before the House, so that honorable members might know what Ministers were doing sometimes—so that some things might be exposed which would not bear the light of inquiry. It appeared to him that there had been a great deal of beating about the bush, and referring to little discrepancies in the evidence without looking at the main facts. He thought the principal thing to be considered was, whether the commissioner knowingly employed an ex-convict, and whether he employed him, knowing that he was then living in direct violation of the law; also whether he allowed public houses to be kept open in violation of the law; also whether he fined a constable for discharging his duty; those were all matters which should have been treated very differently to what they had been by the honorable Minister for Works. It had been stated that commissioners were irresponsible, and that no appeal could be made from their decisions; but if such was the case, it was all the more necessary that great care should be shown in the selection of gentlemen to fill such an office; and if the debate did no other good, it would have the effect of drawing attention to the necessity of giving a court of appeal from their decisions. Mention had been made of a testimonial which had been given to Mr. McDonald, and he had seen it, and a splendid specimen of calligraphy it was; but it was a great pity that before a man was thought worthy of a testimonial, he must set at defiance the laws of decency. He hoped the honorable member for Kennedy would withdraw his resolutions, as he would not like to see them put to the vote; he would not like to vote against the Government under the circumstances in which they were placed. He was very glad that the matter had been brought forward.

Mr. MACROSSAN, in reply, said he rose to say a few words, and was sorry that the honorable member for Normanby was not in his place, as he would then have said a few words to that honorable member. He wished to reply to some of the remarks of the honorable Minister for Works, in regard to the manner in which that honorable gentleman had spoken of the police, who had known what the reserve was very well indeed. If Mr. Whish or Mr. Ramsay wanted any information upon the subject on which they were instructed to inquire, they could not have applied to anybody better than the police; but those gentlemen said that the police were unwilling to give any information, so that the honorable Minister for Works was wrong when he said it was a case got up by them. With regard to the testimonial, he might say that he was on the gold field at the time Mr. McDonald was dis-

missed, and was about to leave; and he could assure the House that the testimonial was got up, not for the purpose of recording a sense of the professional ability of that gentleman, but simply to give him a sum of money to help him on his way home. He could assure honorable members that many who signed that memorial, signed it without knowing what it was, and paid their money without knowing what for. That memorial could in no way, therefore, be accepted as an interpretation of the feelings of the people there. He had heard one person say that he had signed it without reading it, and it had been brought to himself, as the editor of a newspaper at Millchester, to sign; but well knowing Mr. McDonald's character, he had refused to do so, although he was asked a second time; so that it was no disproof of the charges which had been made by him that day. As to the evidence of Collopy, he thought the honorable Minister for Works had treated that man very unhandsomely, as there was no doubt that, as a policeman, he was the best officer in the service; and he very unwillingly gave any evidence against Mr. McDonald. The honorable Minister for Works said, it was not proved that Wilkie lived in the hut after the telegram had been sent to McDonald to dismiss him; but there was the evidence of seven witnesses that he lived in the humpy for some time after. He thought, however, the matter had been discussed sufficiently, and in order to ease the consciences of those honorable members who could not vote against the motion, and did not like to vote for it out of regard to the Government, he would, with the permission of the House, now withdraw it.

Motion, by leave, withdrawn.

ROCKHAMPTON GAS COMPANY'S BILL.

Mr. GRAHAM moved—

That this Bill be now read a second time.

He might inform honorable members that the object of the Bill was simply to enable a company to supply the town of Rockhampton with gas. A Select Committee had considered the matter very carefully, and had made a few suggestive amendments in the Bill, which he would move when it was in Committee of the whole House.

Question put and passed.

INSOLVENCY BILL.

The COLONIAL SECRETARY moved the postponement of all other business on the paper, with the view of considering the Order of the Day for the third reading of the Insolvency Bill.

The SPEAKER said the honorable member had a perfect right to dispose of the Government business as he thought proper; but he had no control over the private business on the paper, hence the motion could not be put.

Mr. GRIFFITH submitted that it was not an unusual course to pursue, and in the present

instance it was necessary, as if counsel were to be heard at the Bar, some time should be fixed for their attendance. He had no objection to amend the motion; but as to its being unusual or irregular, he might say that he recollected very well that when the then honorable member for Leichhardt had a motion on the subject of the appointment of a railway commission, which had dropped to the bottom of the paper, the honorable the Speaker, who was then on the floor of the House, supported a similar course being adopted to that now proposed. If it was ruled out of order, then the same objection would apply to Orders of the Day Nos. 15 and 16; but he believed the House would agree to it, as it was a matter which would only occupy half an hour.

The SPEAKER said that the order of business as laid down on the paper must be strictly adhered to, and no motion such as the present could he allow to alter it.

Mr. PALMER did not see why any business should take precedence simply to suit the personal convenience of anybody—even if they were judges of the District Court. If it was in the ordinary course of business he should have no objection.

The ATTORNEY-GENERAL thought it was hardly a private matter, as it was in connection with the business of the country.

Mr. J. SCOTT thought the honorable members opposite should fix upon a day when there was no business on the paper.

Mr. GRIFFITH would then name Friday, the 22nd instant.

The COLONIAL SECRETARY said he understood that the Insolvency Bill was down for the third reading that day, and he would ask, what there was to prevent counsel being heard at the Bar at once?

The SPEAKER said the only difficulty was that such a motion would disarrange the order of business, of which the honorable the Premier was not in charge. He might further point out to the honorable member that there was a motion on the subject standing in the name of the honorable Attorney-General.

The ATTORNEY-GENERAL: Hear, hear.

Mr. GRIFFITH said if honorable members would consent to sit five minutes longer they would come to that motion in the ordinary way.

The Order of the Day for the third reading of this Bill being called,

The ATTORNEY-GENERAL moved, as a *contingent* motion—

That Edmund Shepherd and William Henry Abbott Hirst have leave to be heard by counsel, at the Bar of the House, with reference to this Bill.

The Judges of the District Court had petitioned to be so heard, and they could be heard at half-past three next day.

Mr. PECHÉY said he did not think it was exactly fair to put back other business on the paper in order that those gentlemen should be heard by counsel. Honorable mem-

bers did not know how long the legal gentleman might be who would appear for the judges. And he could not see why the judges should not come themselves to the Bar, instead of being represented by counsel. The House should hear them *in propria persona*.

The ATTORNEY-GENERAL: He knew that both the judges ought to be about their duties; but one had spoken to him for leave of absence on account of illness. He thought it would shorten the proceeding and convenience the House if their honors should be heard by counsel, as he had proposed. It would not take twenty minutes or half-an-hour. Anyone interested in a Bill before the House who wished to be heard, should be heard.

Mr. GRIFFITH observed that, as the Colonial Secretary had given notice for the adjournment of the House over next week, he should be willing to postpone the third reading of the Bill until next day, to enable the judges to be heard at the Bar before the Bill was passed. Counsel would not occupy long at the Bar; and it would be a convenience to decide now when counsel should be heard on behalf of the judges.

Mr. PETTIGREW said he thought it was asking too much that the business of honorable members should give precedence to the gentlemen who had petitioned to be heard. Let them go to the Attorney-General. Two barristers in the House were enough.

Question put and negatived.

On the motion of Mr. GRIFFITH, the Bill was read a third time and passed.