

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 5 OCTOBER 1876

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LEGISLATIVE COUNCIL.

Thursday, 5 October, 1876.

The Contingent Account of the Legislative Council,
1875-6.—Maryborough School of Arts Bill.

THE CONTINGENT ACCOUNT OF THE
LEGISLATIVE COUNCIL, 1875-6.

The PRESIDENT moved—

That the House be put into Committee for the consideration of the Report of the Standing Orders Committee, laid upon the table of this House on the 27th ultimo.

He said that he had had to alter the shape of the motion on this subject of which he had first given notice, because the 92nd Standing Order required that

“All questions of Finance, or of Joint Addresses to the Crown relating thereto, shall first be considered in a Committee of the whole House.”

He had adopted the present form of bringing the subject before the Council in accordance with their own rules and orders.

Question put and passed.

Whereupon the House resolved into Committee of the Whole.

The report brought up by the Standing Orders Committee was as follows :—

“The Standing Orders Committee have agreed to the following Report :—

“It having been brought under the notice of your Committee by the President, that owing to the death of the late Clerk of the Parliaments, Mr. Henry Johnson, under exceptionally painful circumstances, at Sandgate, in May last, certain expenses were incurred which might fairly have been charged to the Contingent Account of the Legislative Council, had the amount to the credit of that account admitted it; and your Committee having examined the state of the Contingent Account—a matter rendered somewhat difficult by the deaths following so quickly on each other of the two gentlemen who for the last fifteen years had managed this account, and finding outstanding liabilities to the amount of £54 12s. 5d., which ought at once to be met, and also expenses connected with last illness of Mr. Henry Johnson, which to some extent were guaranteed by the President: your Committee recommend that an Address be presented to His Excellency the

Governor, praying that he will cause the sum of £123 16s. 11d. to be placed in a Supplementary Estimate as an increase to the Contingent Account of the Legislative Council for the financial year ending June 30th, 1876.

" M. C. O'CONNELL,
" Chairman.
" Legislative Council,
" Committee Room No. 1,
" 22 September, 1876."

The PRESIDENT said: Honorable Gentlemen—As Chairman of the Standing Orders Committee and as President of the Council I brought the matter now under your consideration before that committee; and, in urging the adoption of their report upon this House, it is incumbent on me to endeavor to explain the reasons which have led me to judge that this was a matter fairly and properly to be submitted to your consideration. As it is a matter of finance, perhaps there may be an idea on the part of some honorable members that it is one with which we ourselves are not, in the first instance, competent to deal; but, I would take this opportunity, in order to remove that misapprehension from the minds of honorable members, to refer to many preceding discussions on subjects of a similar nature which have been before the Council, when, perhaps, they have not been present. The right of the Legislative Council to deal with its own establishment, without reference to any other power than that of the Crown, has been, I think, established by arguments which are irrefutable. As we have but very lately entered upon the existing mode of dual legislation by two Houses of Parliament, we have, of course, to take the best precedent which is before us in history; and the best precedent we can obtain and can follow is presented in the practice of the two Houses of Parliament in England, which have existed for the last eight hundred years, and have proved by their course of procedure that they have arrived at a means by which the conflicting feelings and influences of the two Houses can be carried on together for the benefit of the country. It has always been held, as I explained to the House when a question of a somewhat cognate nature to the present was brought before it, in the year 1869, and it was allowed by Mr. Gladstone, who was at that time Chancellor of the Exchequer, that the House of Commons never attempts to interfere with the arrangements for the establishment of the House of Lords. He was asked this question:—

"Whether he had been correctly understood to mean that the House of Lords claim the privilege of granting pensions out of the public money, to their own officers, as of their own authority, without the cognisance or consent either of the Chancellor of the Exchequer, the Secretary to the Treasury, or the House of Commons?"

The answer of the right honorable gentleman is a lengthy one, to the effect that—

"The House of Lords votes or adjudges what they consider to be the necessary or reasonable

expenses connected with the transaction of their business out of what is called the 'fee' fund."

He goes on to show that the subject is a very important one, and we, honorable gentlemen, may very naturally suppose that it is very intimately connected with the independence of the House of Lords, that it keeps control over its own expenditure:—

"In some years that fund is sufficient to defray the entire charges; in others it is not; but when it has been found insufficient, an application has been made to the Treasury, who have placed the amount asked for on the Estimates, and a vote has been granted by this House without any inquiry as to the particular manner in which it would be expended. The subject is evidently one of very great importance. We may naturally suppose that it is very much connected with the independence of the House of Lords, that its control over its own expenditure should be regulated in a particular manner."

And then he continues:—

"I do not enter into any discussion on that question, nor give any opinion upon it; but I will give the House information as to the facts:—There was a vote in 1859-60, for the House of Lords, for £13,000; in 1860-1 a vote of £6,000; in 1861-2 a vote of £7,000; in 1862-3 there was no vote at all, the House of Lords having sufficient funds for their purpose; in 1863-4 there was a vote of £6,000; in 1864-5 there was no vote; and from the state of the private business in that House in the present session it is not probable that any demand will be made for 1865-6. I am informed that the balance of the fee fund of the House of Lords in the month of February last was about £26,000."

It is shown that when any surplus is required over and above the fee fund of the House of Lords, it is voted by the House of Commons without any question as to the mode in which it is to be appropriated. That opinion, given by the Chancellor of the Exchequer to the House of Commons, shows clearly what is the arrangement between the two Houses of the Imperial Parliament in respect to the matters concerned; but I have here on the table a report laid before the House of Lords on the 29th July, 1864, which any honorable member can examine for himself, showing that—

"The Lord Rededale reported for the Lords Committee, appointed a Select Committee on the office of the Clerk of the Parliaments, and office of Gentleman Usher of the Black Rod; and to whom was referred the fee fund account. That the committee had met, and had been attended by the Clerk of the Parliaments, and the Gentleman Usher of the Black Rod, and had conferred with them on several matters connected with their respective departments; and had to submit to the House the following resolutions; viz:—

"1. That Mr. Charles Green be allowed six months' leave of absence, by reason of his severe indisposition, and that the employment of Mr. Harrison in his place, be sanctioned.

"2. That having regard to the length of service of Messrs. L. Birch, F. Green, and Pechell, namely, exceeding eighteen years, and to the fact that they

entered the service previously to 1849, when the establishment and salaries of the clerks were revised, on which account, special allowances of £50 each have been already granted to them, it is expedient that their salaries be permanently increased, so as to bring them up to the maximum limit of the third class, namely, £400 per annum."

And so on, a string of resolutions dealing with the officers of the House of Lords, as to the House seemed most advisable. That the same practice is carried on at the present day I will prove by a paragraph from *The Times*, received by the last mail from England:—

"THE HOUSE OF LORDS.—The Select Committee on the office of the Clerk of the Parliaments and office of the Gentleman Usher of the Black Rod have made a report recommending the adoption of a scheme submitted by the Deputy Lord Great Chamberlain for the better security of the Palace of Westminster, and the maintenance of order and regularity therein. It is proposed that the Resident Doorkeeper, who has been in the service of the House for fifty-nine years, should be allowed a pension of £300 a-year,"

and so on, making recommendations which were carried out by the House. That is sufficient of precedents., I think, to prove that we, as the Upper House of this colony, have a right to look to the government of our own establishment, and that we are entitled to deal with it as we think most beneficial for the service and the dignity of the House. Having endeavored so far to prove to you what precedents we can derive from the practice of the House of Lords in the mother country, I now remind you that we have a precedent of our own; and that in 1873, James Doyle, who had been for a long time Chief Messenger to the Legislative Council, was in such ill-health, that he was compelled to retire, and this House recommended that a very similar course to that which I bring before you to-day should be carried out. That is, that an address be presented to His Excellency the Governor requesting him to provide for the amount recommended by the Standing Orders Committee being included in the Estimates of Expenditure next submitted to Parliament; which, I may tell honorable members who were not then in the House, was carried out, and James Doyle got his retiring allowance of £162, at the rate of one month's pay for every year of service. Therefore, we have a precedent in our own House, if not more than one. I have not looked up the matter much; but there is one in which, at any rate, we have decided that we have the management of our own establishment, and that what we deem prudent or just to ask for we have obtained, and, I have no doubt, will obtain under the same circumstances. Now, I will go into the merits of the case that is brought before you in this report. The report begins by stating:—

"That owing to the death of the late Clerk of Parliaments, Mr. Henry Johnson, under exceptionally painful circumstances, at Sandgate, in

May last, certain expenses were incurred, which might fairly have been charged to the contingent account of the Legislative Council, had the amount to the credit of that account admitted it."

Now, we may take the contingent account to stand with us somewhat in the position of the fee fund at the command of the House of Lords; that is, an account devoted to certain special purposes, but also containing an item for "incidental expenses;" the total of the contingent account being £175. From this, however, must be deducted £25, say, for the necessary expenses of the Shorthand Writer's department—stationery, and the pay of a boy messenger during the session. Therefore, we must take the contingent fund of the Legislative Council to be only £150. The terms of it are, as placed in the Estimates for the current year—

"CONTINGENCIES—

"Postage, fuel, and incidental expenses, including messenger, and stationery for Shorthand Writer, £175."

Now, I say that account, covering incidental expenses, may be allowed, I think, to meet any sudden and extraordinary expenses which may occur, and which cannot be foreseen, and which shall seem to the House just to be met. Such being the case, I may state that the late Mr. Henry Johnson, who was Clerk of the Council from the origin of the colony—from the very commencement of the Queensland Parliament—until some time in May last, was, for a month or two previously to his decease, in a very weak state of health. It was to me a serious trouble and anxiety that he was not really able to take care of himself. He chose to have a bed in his own room in this building, and, though I often remonstrated with him, thinking him very imprudent, he preferred to remain there: he was wilful and weak, and in very low health, and much reduced and liable to be still more so. As life sunk in him, I suppose, he got restless and anxious, and he used sometimes to go up to Toowoomba by rail, and sometimes down to Sandgate. Early in the month of April he went off suddenly, without my knowing anything about it, to Sandgate, and took up his abode there; hoping, doubtless, that his health might benefit. I heard no more of him until a letter was placed in my hands, which had been addressed to the caterer of the Parliamentary Refreshment Rooms, Mr. Baldwin, by a gentleman then a citizen of Brisbane. The effect of that letter is as follows:—

"Dear Sir,—Mr. Johnson, Clerk of Parliaments, is at Deagon's Hotel, Sandgate, very ill. It is questionable, under any circumstances, that he can recover. A doctor should be sent down at once (Dr. Cannan, I think, is his medical attendant). I shall be going back to-night, and will gladly take down any medicine that may be telegraphed for, if sent to my office not later than a quarter to five p.m.

"Will you kindly let me know if you, or any other of his friends, will send a doctor down at

once; because, if not, for the sake of humanity, I shall feel bound to send one down myself."

Upon reading that letter, and learning, at the same time, that a boy had come up from the hotel that Mr. Johnson was staying at, to request that the sick man should be removed; knowing that the sick man was without friends—I could refer to no relative of his to take charge of him—I sent a messenger down to Sandgate to see what state he really was in, with instructions to let me know at once. I got, in the course of the day, this telegram:—

"Sandgate, 12.15 p.m. 25 April.

"Mr. Johnson is dying and childish Deagon wants him removed to doctor No peace with him."

Well, getting that, and understanding the miserable state in which the poor man was, and there being no relative at that moment to approach him, I deemed it my duty to go down myself to him. I drove down that same afternoon, and the Chairman of Committees was kind enough to accompany me. We found him almost helpless, imbecile, and rolling about on his pillow; and, as far as I could judge, certain to die that night. I thought the poor man could not live twenty-four hours, at any rate. The people of the hotel declared that they would not—that they could not—keep him. I argued the matter with them, to this result:—They had doubts about being remunerated for all their care and trouble; and I admitted that theirs was not an unreasonable course. I said, "You shall not be at any loss. You must keep him here. I shall see that a nurse is provided for him." A nurse was got for him, because they said they could not really look after him; and Mr. Johnson remained an inmate of the hotel. It may be that I was not justified in incurring that expense; still, I feel that I should rather have incurred it than have allowed an officer who had been sixteen years in the service of this House to be turned upon the street without the means of covering himself and unfit to go off his bed. There he was in the state I have described him; and the extraordinary thing is, that when no man who saw him on the 25th of April would value his chance of existence at five shillings, or could think there was twenty-four hours' life in him, he lingered on until the 24th of May. He lingered on; some days he could move about, and other days he was at the point of death; the opening of Parliament was approaching, and I was so uncertain how best to act, that I had to request Dr. Cannan to go down to Sandgate to visit Mr. Johnson professionally, and report to me, officially, whether he thought that our late Clerk would be likely to take his place at the table during the session. I got the doctor's report: ten guineas of the account mentioned in the report has reference to that. The doctor's report was that Mr. Johnson was not at all likely to attend

in his place again. Then I had to make the arrangements which honorable members know I did make, in Mr. Johnson's absence, for the performance of his duties. Mr. Ralph Johnson, who also shortly afterwards died, took temporarily the place of the Clerk of the Parliaments; and Mr. Ralph Gore, who is now permanently in the office, acted as Clerk-Assistant. The late Clerk lingered on so long that I had to incur that expense and that responsibility, to send the medical man down to ascertain whether it was at all probable that Mr. Johnson would take his place in the House, before I was able to make the necessary arrangements for the session. Now it may be said, and I have heard, that there is some objection to the proposal to provide for this expenditure; that we have no right to charge it to the public account, because it ought to be met by the estate of the deceased officer. Well, that may be true. Of course, it would be highly proper and correct that it should be paid out of his own private estate; but the private estate cannot meet it, as I am informed by the gentleman who has charge of the estate, for the reason that there are not sufficient funds. Therefore, I cannot see why, when we know that when officers of the other branch of the legislature have died, after not by any means the long service of Mr. Johnson, awards have been voted to their widows; I fail to understand why some small appropriation should not be made in this case. There are two instances that I recollect—Mr. Coley, who was Sergeant-at-Arms of the Assembly, and subsequently, Mr. Uhr, who succeeded to the office, dying; after their decease, £300 was awarded, in each case, to their widows. I presume the same measure of relief or compensation would have been meted out to the widow of the late Mr. Johnson, had his wife survived him; but he left no widow, and there is nobody to whom, or upon whom his interest or his property, or anything he had or might be entitled to, devolves. There is nobody to stand in support of any debt or claim of whatever sort that he left, but the Council, whose servant he had been for the past sixteen years! I thought, therefore, that it was but a fair claim, which we had the means to discharge; the claim arising from the circumstance that his last days should be protected from the inhumanity which in all probability would have attached to his removal from the place he was in, when utterly unable to take care of himself and in dire extremity. That is all I have to say upon the first part of the report, containing the recommendations of the Standing Orders Committee. The committee propose that the expense incurred by Mr. Henry Johnson, from the date on which I went down to see that he was taken care of until his death, shall be paid out of an increased vote for our contingent account; supposing, if its state would have admitted it,

that the expenses incurred might very fairly have been charged to that account for the past year. There is a hotel bill, I may state, of £43 10s., as well as Dr. Cannan's charge for medical attendance, £14 14s. It is for the Council to determine whether they will vote that as a fair charge against whatever means we may have at our disposal for meeting incidental expenses. I think it is a fair charge. I brought the matter before the Standing Orders Committee under that impression; and I am still of that impression. I do not see how I could have acted otherwise than I did, representing the Council as I did. I do not see how I could have allowed that old officer of ours to be left without care and without refuge, which he would have been without, had I not interposed. The other matter with which the report is concerned has reference to a deficiency in the contingent account, which, it appears, on inquiry, has been accruing for several years past. It was not brought under my notice—at least, I never knew anything of it—until the present Clerk of the Parliaments, on assuming office, told me he found that there were a number of accounts which had not been paid, that the contingent account of last year had been overdrawn, and that there was no means of meeting those outstanding accounts. They amount altogether to £54 12s. 5d., according to the statement made. Directly this matter was brought under my notice, seeing no other way to provide for the payment of those accounts, I deemed it proper to submit it to the Standing Orders Committee, and the committee decided that the Clerk-Assistant should go through the expenditure shown in the vouchers for last year of the contingent account, and lay the particulars before them. That officer has done so; and it appears there is no extravagant item that we could find fault with; but there was a deficit of £46 on the year preceding which was charged to the account of last year, and that deficit began four or five, or ten, years ago; and, from being a small amount, at first, paid off from the incoming vote, it went on increasing from year to year, without ever being reported, until, when a change of officers took place, it was made known, and the amount was found to be larger than we could possibly charge to the contingent account of the present year. Therefore, it has been deemed best to bring the whole matter before the Council. I do not know that there is anybody to blame. I cannot see, in the accounts, that there has been any wasteful expenditure. I cannot make it out. As far as I can learn, honorable gentlemen, you have stamped paper, which is not given at the other end, because the Assembly gets its stationery from the Colonial Store; and you get scented soap, which honorable members elsewhere have very much complained that they do not get at the other end of the building. Yet I do not think the expenditure has

been very large for those items. I do not think that any reckless expenditure has occurred at all, unless it were four or five years back, when the Auditor-General did bring under my notice some vouchers for cab-hire, that had been sent to him by Mr. Ralph Johnson, who was then Acting Clerk of the Council, in Mr. Henry Johnson's absence. But the expenditure had been incurred; I had no means of recouping it; and I gave directions that it should not occur again, and it has not occurred since. The arguments I have brought before you, summed up, amount to this:—We have an account for incidental expenses; the circumstances I have detailed to you have arisen without any possible prevision, I think, on anybody's part; and I felt that I was justified in pledging myself to the eventual payment, at any rate, of the person who was then lodging the late Clerk of the Council, and I did so. It is now for you to decide whether you think those charges incurred may fairly be placed to our incidental account. If you do not think so, I am quite ready to carry out the obligation I undertook personally. I beg to move—

That the report of the Committee be now adopted; and, that, an Address be presented to His Excellency the Governor, praying that he will be pleased to cause the sum of £123 16s. 11d. to be placed in a Supplementary Estimate, as an increase to the Contingent Account of the Legislative Council, for the financial year, ending June 30th, 1876.

The POSTMASTER-GENERAL said: I can scarcely allow the proposal of the President to pass without offering a few words by way of comment upon it, as it involves a principle of great importance; and though it will probably be carried, yet it may give rise to discussion elsewhere. I may state with regard to the general question that has been alluded to by the President, that this House is competent in all cases to determine what the necessary requirements for its establishment are. I quite agree with him; and I think that the practice that has been insisted upon by the Council, in accordance with the practice of the House of Lords, is a very correct one, and seems to me to arise from the fact that the House is the only proper judge of its own requirements. That being so, it would be indiscreet, inadvisable, and improper for another body which has not the special knowledge of each case to interfere with the discretion of this House. I, therefore, think that in all circumstances a recommendation from this House to the Government to place upon the Estimates a stated sum of money for its requirements should most certainly be complied with. The only thing that it appears to me should be most carefully guarded against is, that in making any recommendation of that sort, we should not ask for anything beyond what is urgently required, or what can be reasonably demanded.

HONORABLE MEMBERS: Hear, hear.

THE POSTMASTER-GENERAL: Now comes the question—Is the requirement proposed by the Standing Orders Committee a reasonable one? And upon that the House is entitled to demand full explanation. I must confess that I am not as perfectly satisfied as I should wish to be that the whole amount that has been asked for can be shown to be reasonably demanded of us. I think that the committee will not come to the conclusion that the President acted unwisely in giving the undertaking that he did give with reference to the position of the late Mr. Johnson, at Sandgate. I do not think it would have been becoming to the Council, or conducive to its respect, that an old officer like Mr. Johnson should have been allowed to be treated improperly, when he had no personal friends to fall back upon for relief; and I think his long term of service entitled him to some consideration at our hands. The course adopted by the President was, I think, the one which this committee will entirely approve of. So that any expenses that have been properly and reasonably incurred and guaranteed by the President, ought to be met by the House, or by the country. What were those expenses? I understand that a hotel bill has been sent in for the sum of £43, for board and lodging between the 25th of April and 25th of May. Well, now, that appears to me to be an extraordinary amount; and I think the committee fully entitled to ask for the production of the account, to see that the expense has been properly incurred. With regard to the medical attendance, it was only an act of humanity to send a doctor down to Sandgate, to see Mr. Johnson; and it was necessary, also, to enable the President to ascertain whether the late Clerk would be able to perform his duties, and what position the House would be in on the meeting of Parliament. That expense, also, I think, is fairly chargeable. But the amount of £14 14s., I do not know whether it was incurred after the 25th April. If it were, I think, under the special circumstances of the case, and taking into consideration the position of Mr. Johnson, without friends or relatives in the colony, that no exception can be taken to the House making good that payment, which I understand the President made himself, or the House through him, responsible for. A simple explanation ought to be forthcoming with regard to that item: Are the charges made for medical attendance given after the time the President went to Sandgate and gave his guarantee? If not, then, I think there can be no claim made upon him or the House; because, if we recognise one claim of prior date, we will be obliged to recognise all claims. From what I can gather of the position of the deceased's affairs, there are other claims; and we should not be liberal in one case by recognising a claim, and act unjustly by rejecting other claims. Any responsibility that was incurred by the President

under the special circumstances that have been narrated to us we can fairly ask Parliament to meet by voting the money required by the Council. But I think, before finally adopting the report of the Standing Orders Committee, it is only reasonable, it is not unfair, to ask that this committee should have under notice for the purpose of investigation, the two accounts, for the hotel expenses and the £14 14s. for medical attendance. The £10 10s. for the special report, in order to ascertain the condition of the late Clerk, that the President might know how to act for the meeting of Parliament, cannot be questioned. It is desirable that the Council should be in a position, if exception is taken elsewhere to this demand, to give the fullest and most satisfactory explanation; and the evidence before the committee is not complete in that respect.

THE HON. A. H. BROWN said he thought, whatever the action the President had taken, it had been dictated by the kindest feeling; and that the honorable gentleman did relieve the late Clerk, he was very glad to learn. At the same time, he did not quite concur in the honorable gentleman's view of the relative positions of the House of Lords and the Legislative Council of Queensland; there was no parallel. The House of Lords had command of special funds which it dealt with. The precedent of Doyle, the late messenger of the Council, had nothing to do with the appropriation of special funds. His retiring allowance was placed on the Estimates and voted in the ordinary way. In the case before the House, now, it was proposed to take the amount from the contingent account; yet the contingencies of the Council were voted by the Legislative Assembly. He did not agree with paying for the short comings of the late Clerk of the Council in the way proposed. He should like very much to see what had been the expenditure on contingent account. There were, he fancied, many claims on the fund; and the very fact of there being a debit balance for so long a time past showed some degree of inattention on the part of the Standing Orders Committee.

THE PRESIDENT: The Standing Orders Committee had nothing to do with it, as no accounts went before them.

THE HON. A. H. BROWN: He had fancied the committee passed the accounts.

THE PRESIDENT: No; never in all the last sixteen years. The account was under the Clerk of Parliaments, until the deficit was discovered.

THE HON. A. H. BROWN: He should like to know who supervised the Clerk of Parliaments.

AN HONORABLE MEMBER: He was a superior officer.

ANOTHER HONORABLE MEMBER: The Auditor-General audited his accounts.

THE HON. A. H. BROWN: The man had now passed away; but he had grossly mismanaged his accounts.

The PRESIDENT: The honorable member is rather unjust in saying there was gross mismanagement; because the only report as to over-expenditure was when the man was absent from his office and duties.

The Hon. A. H. BROWN: Was there no means of finding out how the accounts were managed?

The PRESIDENT: Yes; if you move for a Select Committee, you can have the whole of them.

The Hon. H. G. SIMPSON: They do not come before the Standing Orders Committee at all.

The Hon. A. H. BROWN: The case quoted from the House of Lords was the raising of the salary of an officer, which bore a very different feature from the present proposal. He did not blame the President for what he had done; but he objected to the course by which the honorable gentleman proposed to obtain the aid required. He did not believe that the payment on behalf of the late Clerk of the Council should come from the contingent fund of the Council. He should have been very glad, individually, to have contributed to a private fund, and he believed that the majority of honorable members would have coincided in the carrying out of such an arrangement; but he strongly objected to forwarding a claim under cover of the contingent expenses, for he could not conceive that it was ever intended that the vote for contingencies should ever be appropriated in such a way.

The PRESIDENT: Incidental expenses.

The POSTMASTER-GENERAL: The general vote is for "contingencies," including "incidental expenses."

The PRESIDENT: We have no fee fund; therefore, I suppose that our vote for contingencies, for "incidental expenses," supplies it. The terms of the Estimates include incidental expenses as well as others specified.

The Hon. A. H. BROWN: Well, he argued from the report of the Standing Orders Committee, and from what he had heard advanced by the President in support of the course proposed. He should object to accept the report and the recommendation to pay the claim on behalf of the late Clerk as contingent or incidental expenses; and he hoped that the President would see some other course open to him by which the money required for that object could be obtained. He quite agreed that all debts should be paid from the time the President guaranteed that they should be paid—from the time the honorable gentleman visited the late Mr. Johnson, at Sandgate; but he agreed, also, with the view the Postmaster-General had taken, that the sum of £43 10s. was a large sum to have been incurred at the hotel during the period that intervened until the late Clerk's death; and, therefore, he thought——

The PRESIDENT: I did not go into that item. If you will allow me, if I am in order

—to get rid of the discussion, I will amend my motion:—

"That an Address be presented to His Excellency the Governor, praying that he will be pleased to cause to be placed in a Supplementary Estimate for the year 1875-6, the sum of £65 2s. 5d., as an increase to the Contingent Fund of the Legislative Council for the year ending 30th June last."

The Hon. A. H. BROWN expressed his sorrow that the President appeared to take such strong exception to the few remarks that he made on the subject before the committee; and he did not think the honorable gentleman was justified in doing so, or in so immediately breaking in upon his speech, before he had concluded his remarks, with a new resolution. If the President assumed hostility to him for the tone he adopted, he regretted it.

The PRESIDENT: It is not likely that I should have my action questioned under the circumstances. What I did, I did for the best. I made a mistake.

The Hon. A. H. BROWN: He was prepared to accept the view that the President had acted for the best, and he had said so; but, still, in expressing his simple opinion, which was invited by the report on the table, he felt justified in making the exception that he did to the mode of providing payment of one part of the account.

The POSTMASTER-GENERAL suggested that there was a slight misapprehension on the subject, on the part both of the President and the Honorable Mr. Brown. As he understood, the question raised by the Honorable Mr. Brown, that honorable gentleman agreed that the action of the President in reference to Mr. Johnson was correct, but he thought that the charge should not be made on the contingent account of the Council; that the charge should be a special one, standing on its own merits. Well, that was a question which might be debated, though he (the Postmaster-General) was still inclined to think that it would not be incompetent for the Council to pay out of the contingent vote, which was intended to meet incidental expenses, or unforeseen expenses, that could not be specified beforehand—for instance the charge of £10 10s. for the medical report to the President. The Council had no special fund but the £175 voted under the head of contingencies, to meet such expenses; and any expenses which were not specially provided for on the Estimates, or anything of an exceptional character, could be met out of that fund, if it was sufficiently expansive, without the Council being obliged to go anywhere else for a special vote. As it had been pointed out, the £175 was voted for the year 1875-6, and it was not sufficient to meet the claims upon it. The amount was insufficient for more than one reason; there were arrears of legitimate claims which had been accumulating many years, the specific vote not being found

sufficient to wipe off the claims as rendered from year to year. Under ordinary circumstances the contingences would have been sufficient to have met all the accounts last year, and there might have been a surplus in hand to pay for the incidental charges on account of the late Clerk. If not, it would be legitimate to bring the exceptional circumstances under the notice of the legislature, and to ask for an increase to the contingent account which would enable the House to meet those unforeseen expenses. The length of service and the character of the service of the late Clerk of Parliaments would warrant the belief that if he had left personal representatives, the moneys which the legislature would have granted them would have enabled his estate to meet the expenses incurred which were now under the notice of the Council. Judging by the precedents that had been cited, in all probability if the late Clerk had left a widow, she would have had a gratuity of some hundreds of pounds voted to her, and she would have paid the debts of the deceased, and the Parliament would have heard nothing about the present claims. No claim for a gratuity would be made to Parliament; and the payment of the exceptional expenses which had been incurred by a gentleman who had been an officer of the Council, and who had been unable to help himself, was not, he (the Postmaster-General) thought, unreasonable.

The Hon. F. T. GREGORY regretted, with the Postmaster-General and other honorable gentlemen, that there had been a misunderstanding on the part of the President in connection with the discussion that had arisen on the question before the committee; the more so, as he felt perfectly sure that the Honorable Mr. Brown had not had the slightest intention of casting any reflection on the President. Indeed, on the contrary, the Honorable Mr. Brown thought the President had acted in a way becoming the dignity of the House, and in consonance with his own natural kindness and known good feeling towards every officer in the department over which he presided. He (Mr. Gregory) should say no more than that he concurred in that sentiment. He had risen to endeavor to avoid any chance of collision or doubt as to the real position of the question before the committee. Instead of involving the matter with the contingent account of the Legislative Council, he thought the House should ask for a specific vote to meet the

"expenses connected with the last illness of Mr. Henry Johnson, which, to some extent, were guaranteed by the President;"

and he would move an amendment to this effect:—

"That there be placed on the Supplementary Estimates a further sum of £58 14s. 6d., to meet unforeseen expenses arising out of and in connection with the illness and decease of Mr. Henry Johnson, late Clerk of the Parliaments."

After deliberation, the PRESIDENT expressed his willingness, in compliance with the wish of the committee, to allow his amendment and that of the Honorable Mr. GREGORY to be combined, and put as a substantive resolution, superseding all other motions.

The Hon. A. H. BROWN said the form that the motion now took was in his opinion far preferable to that which was first put by the President; and he should take this opportunity of expressing his regret that anything he had said to his old friend, the President, should have wounded him. His only object had been to criticise legitimately the report of the Standing Orders Committee, as it appeared to his view; and he had taken exception to the mode in which it had been proposed to deal with the contingent vote of the Council. He thought he had been correct, and that if the original proposal was carried it would form a very bad precedent for future action. To vote a sum as now proposed was quite a different thing. Referring to the statement of the Postmaster-General, he agreed that the length of service of the deceased ought to be considered in relation to the vote asked for. If any action he (Mr. Brown) had taken had had the effect of causing the withdrawal of the original proposal, he considered that he had conferred a boon on the Council; because he should not like it to go forth that the Council were devoting public money to purposes for which it was not originally intended.

The Hon. G. SANDEMAN agreed that expenditure recommended by this Chamber should be met. With reference to the contingent accounts that had been outstanding so long, he threw out the suggestion that it should be part of the duty of the Standing Orders Committee to have a periodical audit of the contingent accounts of the Council. For want of proper audit, instead of the small item of arrears, the arrears might have amounted to a very large sum.

The Hon. H. G. SIMPSON observed that as a member of the Standing Orders Committee, he most cordially endorsed the suggestion of the Honorable Mr. Sandeman. It would be a good thing that the contingent account should be periodically put before the Standing Orders Committee. Had that been done from the commencement of parliamentary government in the colony, the present application would never have been before honorable members in the House. As regarded the proposed address, he thought that on the whole, the present form was the preferable one; at the same time that he held the first proposal of the President was quite maintainable by the Council. Seeing that it must reflect upon the character of a gentleman who was gone, so far as his pecuniary arrangements were concerned, he was inclined to doubt of giving his final assent to the report, when a suggestion was advanced that, instead of going to the Treasury for payment of certain

expenses of the late Clerk, honorable members should take the payment upon themselves, and he was ready to bear his share thereof; but finding that they were not called upon to do so, and that many members of the House might not be inclined to do so, though he was given to understand that several honorable members were strongly in favor of that course, there was nothing further to be said. He thought the Standing Orders Committee had done right, and that the Council would do right in passing the resolution now proposed. He hoped Mr. Sandeman's suggestion would be carried out.

The PRESIDENT: I would remind the honorable gentleman who has just sat down that he has not had so much experience on the subject as myself. It is not often that I have been able to get a meeting of the Standing Orders Committee. I have called them together over and over again, and have found nobody but myself in the committee-room at the appointed time. Therefore, I have been bound to take a certain responsibility upon myself, at times, which I should be very glad to be relieved of. I had determined, before the Honorable Mr. Sandeman spoke, that it was absolutely necessary that the contingent account should be periodically reviewed, say, every three months, by the Standing Orders Committee, so that we might know what is going on. Hitherto it has been under the control entirely of the Clerk of Parliaments. It was not a large amount he was allowed to spend. He was not allowed to spend more than a monthly proportion of the vote. The only time I have ever known any instance otherwise was long ago, when the Auditor-General called upon me to know if I approved of a certain item of expenditure for cab-hire. I told him I did not. As the money had been spent in the previous financial year, there was no other resource, but I directed that it should not occur again. I think it is very desirable that the account should be brought before the Standing Orders Committee for reviewal and examination every three months; and I will take particular care that it is in future. With regard to the amendment, I do not think it makes much difference. The original motion, based upon the report, showed what money was wanting, and how it was proposed to be disposed of. The amended resolution is, I fancy, no more than the same thing. If the latter form pleases some honorable gentlemen, I am quite agreeable. I am sure my very old friend opposite to me has said nothing that for a moment would affect me. I have said I have given my best consideration to the subject, as far as my judgment is capable of forming a conclusion; and I feel that these expenses we ought to meet; and I think we take the proper means in asking the Government to provide the requisite amount.

The Hon. E. I. C. BROWNE concurred that the present form of the resolution for the

money was the preferable one. He did not agree with the Chairman of the Standing Orders Committee that the expenses could be fairly charged to the contingent account of the Council. No member could feel more strongly than he did that the Council was to be the only judge of what moneys were required for its establishment, and that the House was to have the most perfect control over it. Unless such a principle was carried out, the Council would hardly be an independent body. Still, at the same time, he held that when the Council made application for money to be provided, it should take care that it was for purposes that could not be questioned at all. That was what honorable members must keep before them. He could not but admit that he considered the action of the President during the late Clerk's illness, was only such as was to be expected from him, and was entirely in accordance with the honorable gentleman's well-known character for kindness and proper feeling.

The Hon. A. H. BROWN: Hear, hear.

The Hon. E. I. C. BROWNE: And that the honorable member should not be left to bear the expenses incurred through his humane consideration was a matter that need hardly be put to the House, honorable members were so fully agreed on it. The course adopted on the suggestion of the Honorable Mr. Gregory was the preferable to the original proposal, when the matter had to go to the other House, and it was the one most safe to be adopted when there was any chance of discordant feeling there.

The Hon. W. D. BOX could not help feeling, he said, that honorable members were very much indebted to their President for his action in the matter of Mr. Henry Johnson's illness and decease, but he did not think the Council was wise in going to the other House to ask for a vote in connection therewith. In return for the duties performed in his office, the other House voted Mr. Johnson his salary, which was paid to him. It seemed to him (Mr. Box) that the man was in a good position, with £600 a-year, that he was paid all he had asked for. It was a mistake, as suggested by the Honorable Captain Simpson, that honorable members had not been called on to subscribe the £60 or £70 required out of their own pockets, rather than that the Council should ask for provision to be made for a man who had been in a good position, and who only suffered the penalties he had brought on himself by his own misconduct. True, he was an old servant of the Council. He (Mr. Box) knew all about those things; but, all the same, the Council had to ask that £54 12s. 5d. be made good for the errors and discrepancies of that old servant, of which honorable members had no information, except that the President had told them that there had been no extravagance.

The question was then put, in this amended form :—

That an Address be presented to His Excellency the Governor, praying that he will be pleased to cause to be placed on the Supplementary Estimates for the year 1875-6, the sum of £65 2s. 5d. as an increase to the Contingent Fund of the Legislative Council for the year ending on 30th June, 1876—and a further sum of £58 14s. 6d. to meet unforeseen expenses, arising out of and in connection with the illness and decease of Mr. Henry Johnson, late Clerk of the Parliaments—

and agreed to.

Upon the resumption of the House, the resolution was reported, and the report was adopted.

MARYBOROUGH SCHOOL OF ARTS BILL.

The Hon. E. I. C. BROWNE moved the second reading of this Bill. He said that by deed of grant under the hand of Governor Sir George Bowen, numbered 5041, an allotment of land in Maryborough was vested in trustees for the purpose of a School of Arts. Buildings were erected thereon. It was now found that the site was extremely inconvenient, and the people interested were desirous of selling the land and buildings, and with the proceeds, providing a better site and buildings. Evidence in support of the Bill had been taken before a Select Committee of the Legislative Assembly; and it would be found on reference thereto that it was the unanimous wish of all concerned to dispose of the present site and to invest the money in the National Bank of Queensland until another more appropriate site suitable for the purposes of a School of Arts could be selected and purchased.

The Hon. A. H. BROWN said there was no necessity for supporting the proposition; he knew the property well, and that it was in a very dilapidated condition, and that it was very necessary that something should be done towards improving the buildings or erecting a new School of Arts on another site. He was not sure that the action of the trustees was wise. However, they knew better than he what was required; and he had much pleasure in supporting the resolution.

Question put and passed.