Record of the
Proceedings of the Queensland Parliament
...
Legislative Assembly
26th June 1861
...
Extracted from the third party account as published in the
Courier 27th June 1861

The Speaker took the chair at seven minutes past three.

PETITIONS.

Mr. R. CRIBB presented a petition from certain immigrants who arrived in the colony during the year 1849 by the ships Chasely and Fortitude, praying the house to take into consideration their claims upon the colony for the grants of land which they were lead to believe they would be entitled to on their arrival in the colony. The motion was seconded by Mr. B. CRIBB, and carried without a discussion.

Mr. MOFFATT presented a petition signed by the Bishop, the clergy, and laity of the Church of England, to the number of seven hundred and fifty, setting forth that in consequence of the rules framed by the Board of National Education, a great injustice had been inflicted upon the Church of England by their being deprived of any pecuniary assistance towards the maintenance of the schools belonging to that body, in which there were upwards of 600 children, and praying for redress. The petition having been received, Mr. MOFFATT gave notice that he would move to-morrow (this day) that it should be printed.

MESSAGE.

A message was received from the Legislative Council transmitting to the Assembly the resolutions passed by the Council respecting the advisability of altering the constitution of the Upper House.

Mr. MOFFATT gave notice that he would move that the resolutions stand an order of the day for consideration in committee next Wednesday.

COTTON CULTIVATION.

Mr. WATTS moved the transmission of a message, which he read, to the Legislative Council, informing them that in consequence of two of the amendments made by the Legislative Council in the resolutions passed by the Legislative Assembly for the cultivation of cotton, being calculated to frustrate the effect of the resolutions, they had not been agreed to by the Assembly, and that the other amendment had been agreed to. Carried.

QUESTIONS.

Mr. GORE, pursuant to notice, asked the Colonial Secretary

"(1.) Whether a letter was not written by his direction on the 7th of May to Messrs. Aldred and Harris, of Warwick, in acknowledgement of a memorial signed by fifty inhabitants of that town, stating that the Government had instructed the contractor to adopt a site for the Court House and lock-up, abutting upon Albion-street, and that it had no intention of interfering with the public recreation ground? (2.) Whether the government have not since instructed the Police Magistrate of Warwick to call a meeting of the local bench, with a view of reconsidering their former decision? (3.) By whose advice, or at whose instigation, the government has been induced to over-rule their former very proper and satisfactory decision, and to disregard the representations of the memorial before mentioned? (4.) Whether the government has any objection to refer the matter to the municipal body to be elected on the 5th July?"

The COLONIAL SECRETARY replied—such letter was written, the government having previously, in answer to a prior memorial, expressed their approval of the erection of a court-house on

the reserved square. (2.) Having, under a misconception, approved of two different sites, the government have desired the Bench to report which, in their opinion, is most desirable. (3.) They will have no objection also to hear the opinion of the Corporation before finally deciding.

Mr. TAYLOR, in rising to ask the Colonial Secretary the questions that stood in his name, said that he did so from its having come to his knowledge that merchants and banking firms had become alarmed by learning that officers connected with the telegraph department did not take any pledge of secrecy, he would, therefore, ask—(1.) Do officers, on joining the Telegraph Department, make any declaration of secrecy? (2.) Is there any law in Queensland by which officers divulging messages can be punished, either by fine or imprisonment? (3.) Is it not usual for officers of the same department in New South Wales to make a declaration of the nature referred to above, and, is there not a law there by which a breach of it can be punished both by fine and imprisonment?

The COLONIAL SECRETARY replied as follows:—(1.) Officers joining the Telegraph Department make no declaration of secrecy, but are cautioned that divulging messages will be followed by immediate dismissal. (2.) I believe no such declaration is made in New South Wales, but the New South Wales Telegraph Act, which is in force in Queensland, provides for the punishment of officers so offending by fine and imprisonment.

Mr. FORBES asked the Colonial Secretary—If it is the intention of the government in this, or early in next session, to bring in a bill to amend the Municipalities Act?

The COLONIAL SECRETARY said that “the Municipalities Act will be ready in a few days.”

BRISBANE STREET, IPSWICH.

Mr. O’SULLIVAN, seeing the Colonial Secretary in his place, said that as he had stated it to be the intention of the government to introduce a bill to amend the Municipalities Act, he would like, if he were not out of order, to ask him if it contained any amendment relating to endowments, as the amendment might be such as to induce him to withdraw his motion.

The COLONIAL SECRETARY stated that he had no objection to answer the question. The government intended to introduce such a bill, a portion of which would have the effect of giving over to municipalities a portion of the proceeds of land sales within the boundaries to the extent of one-third, a proportion which the hon. member might not consider sufficient to induce him to withdraw his motion. He had seen it reported that the Mayor of Brisbane had stated that it was the intention of the government to give the whole of the lands within the boundaries to municipal corporations. This statement must have arisen from some misunderstanding, such not being the intention of the government.

Mr. O’SULLIVAN said that the £3000 granted last session as a loan to repair the main line of road through Brisbane-street, and the wharves at Ipswich, was not for an extravagant, but a necessary work. The corporation, in calling for tenders, found that the contractors entertained such an opinion of the power of the corporation to pay, that tenders had been sent in far beyond the estimated amount; and, therefore, the work had not been wholly carried out by contract. They had, however, spent the whole of the £3000, and another £1000, which had been spent, borrowed on the personal security of the corporation, without completing the work. The house was, then, to consider whether this work should be thrown away for the want of £3000 extra, required to complete them. The particulars of this work, and the estimates of expense, had been transmitted to the government, and had been not only approved of by them, but also applauded. He trusted that the government would not demand the repayment, as a large quantity of land within the municipality had been sold since the loan was voted. If the endowment were granted, the corporation would soon be in a position to return the loan he asked for.

Mr. BLAKENEY was quite surprised that the hon. member (Mr. O’Sullivan) should have perservered with his motion after the observations made by the Colonial Secretary. Mr. O’Sullivan was quite in error in stating that all the works in the city of Brisbane was at a stand still, and he, on behalf of the corporation, denied that such was the case. The Brisbane corporation had never come to that house and asked for money, but had borrowed £5000 from the banks on their own personal security. If the Ipswich corporation had made a bad bargain of the contracts entered into by them, that was no reason why they should come to that house and ask for a second loan, especially after the government had expressed their determination to endow municipalities to the extent of one third of the land sales.

The COLONIAL SECRETARY was not prepared to support the motion, but believed that the

money voted last year had been well expended. Such a loan as that asked for would, he thought, be unfair to the towns in the colony. As to the £3000 voted last year, he considered it as a gift in consequence of the Ipswich corporation having labored under considerable difficulty. He was sorry he could not support the motion.

Mr. RAFF said that if the money were asked for as a loan, and to be repaid, it mattered but little what amount of endowment was granted. If the Ipswich Corporation wanted money, they should have gone to a money lender, and not to the government, who were borrowers themselves. The statements made by the Colonial Secretary contradicted those made by Mr. O'Sullivan, inasmuch as the mover stated that the £3000 already expended would go to waste if the sum sought for were not granted, whilst the Colonial Secretary said that it had been well expended. If the money had been expended badly, Ipswich was not likely to obtain the loan of more.

Mr. FITZSIMMONS said that the principle of giving money to corporations had already been affirmed by the house, but he would like to know whether it was prepared to affirm as a principle that money could be borrowed by municipalities without being returned. He would take a commercial view of the case, and ask what time the money was to be borrowed for, and at what rate of interest, if interest were to be given? He thought the principle wrong.

Mr. EDMONSTONE said that the loan obtained for Ipswich last session by the hon. member (Mr. Macalister) was a special case, and could not be regarded as as a precedent, as the money asked for was to be returned from lands sold, and the government had promised to endow the municipality with one-third of the proceeds arising from land sales, the money could easily be returned from that source. (Mr. CRIBB: £3000 of that has already been advanced.) He (Mr. E.) would advocate the motion.

Mr. R. CRIBB found, on reference to the records of the house, that when the loan was granted last session, it was on the understanding that it was to be deducted from any land endowment given to the Ipswich corporation. He, therefore, contended that it should be returned. If not returned, he could not see the justice of giving to one town an addition to the municipal endowment without making similar grants to other towns. As nothing was said in the motion about interest, he supposed it was intended to be so, and that of itself would be a boon. If the money was not obtained from the government, the corporation could borrow upon the rates of the municipality, and in that case he would have no objection to the government giving a guarantee. He contended that the money voted last year was no gift, and could not be so until declared so by the house.

Mr. WATTS did not agree with the last speaker. The government was not a money-lender nor a municipal institution. The honorable member (Mr. Blakeney) had said that the government had not advanced any extra money for the city of Brisbane, but forgot to say how much had been advanced by the Government of New South Wales for the improvement of Brisbane before separation. Although he understood the money advanced last year to be a gift, the Government were not to be called upon to repeat it, especially as the Corporation had power to raise a loan upon rates. The amendments proposed might be altered in committee so as to extend the endowment to one-half or two-thirds of the proceeds of land sales.

Mr. R. CRIBB said he did not advocate that the government should lend the money; quite the contrary. The Government of New South Wales had given both Brisbane and Ipswich £2000 each.

Mr. MACALISTER said that the circumstances under which the Ipswich Corporation asked for this loan were different to those of any other corporation in the colony, as the road for which the loan was asked was one used as a thoroughfare to every part of the colony. It was on that account that he asked for the first loan last session, and that his honorable colleague asked for the present one to complete the work. He believed that the £3000 had been well expended, and that it was not unreasonable to argue that if the work was neglected it would be spoiled. He had been informed by the Mayor of Ipswich, that since the first sum was granted, no less than £7000 had been received by the government for municipal and suburban allotments; and therefore thought that it was not too much to ask that a sufficient sum be advanced to complete the work, which was for the benefit of the whole colony, and which the corporation were willing to keep in repair when formed.

Mr. LILLEY was astonished at a motion asking for a loan under such circumstances, but more so at the hon. member (Mr. Macalister) asking for a loan, and not expecting to be returned again. The Brisbane corporation had borrowed £5000 on the security of the members of the corporation, and the people of Ipswich could do the same.

Mr. TAYLOR was sorry to feel obliged to oppose the loan. He did not expect the first sum would

be returned, knowing the hands it had got into. He did not mean the members of the corporation, but the people of Ipswich. The corporation of Brisbane had borrowed £5000 on the personal security of the aldermen, and if the Ipswich corporation were unwilling to take the responsibility of a loan, the ratepayers should take care and elect men who would be willing to give their security. The Colonial Treasurer had frequently told the House that there was not a sixpence in the Treasury. If that was the case, he could not see how he could lend the money. They all knew what it was to have poor friends who were asking for the loan of a pound, offered to pay it again, and to give their promissory note; and although they well knew they would never see it again the money was lent to get rid of a troublesome customer.

Dr. CHALLINOR believed that the sums voted for Port Curtis and Rockhampton quite equal to those voted for Ipswich, if the proportion of taxation paid by them was taken into consideration. The hon. member Mr. R. Cribb, had said that the same amount (£2000) had been given to Ipswich as had been given to Brisbane by the government of New South Wales, but made no reference to the large sums expended upon the improvement of the city, and which was more beneficial to it, by the Imperial government. Large sums of money had been so spent, and therefore the corporation of Brisbane were far in advance of that of Ipswich. The street for which this money was asked was one of the highways of the colony, which he thought should be constructed at the expense of the colony, otherwise these parties should not be required to keep it in repair. He well knew from the nature of the soil that it was more difficult to keep such roads in repair in the neighbourhood of Ipswich than in Brisbane. He also knew that from land being of more value in Brisbane than in Ipswich the corporation of Brisbane obtained a larger revenue whilst repairs were less expensive. He thought there municipal corporations should be entitled to all the profits arising from the sale of land within the municipal boundaries.

Mr. FORBES thought it would have been better if Mr. O'Sullivan had postponed his motion till the amendments to the Municipalities Act had been introduced. He thought that half of the unsold lands should be granted to corporations, and then they would be able to improve the roads. If only one-third of the proceeds of land sales were given, it would, in all probability, be spent as it was received, and that in twenty years time the corporation would be in a worse position than at the present time, but if half the lands were given for the corporation to make use of a permanent fund could be established from the use of them. The £3000 voted last year had been expended on the public works of the colony, and if the £3000 asked for were granted, there was every probability that it would be returned. He was well aware that the Government were not money lenders, but that it was their duty to protect municipalities. For instance, if the Government could borrow money at six per cent whilst corporations could not borrow at less than eight, it was the duty of the Government to assist them in obtaining it at the lower rate.

Mr. FERRETT did not understand that the money advanced last year was to be treated as a loan. Brisbane-street was one of the main thoroughfares of the colony, and the £3000 had been well spent, and more work done in it for the money than on any other road in the colony. There had been large quantities of land sold since this grant was made, of which the corporation was entitled to some share. The road was as much used as any in the colony, and for one dray that entered Brisbane, there were a hundred that travelled this. If the corporation was fairly endowed, the corporation would not effect the money received as a grant.

Mr. O'SULLIVAN said, with regard to the assertion that there was no money in the Treasury, that if such was the case the money could easily be raised, as there was plenty of land which could be surveyed and sold within a month. It made no difference whether money was given now as if the endowment was given, the money could easily be raised by the corporation. As to the money spent before separation, he was sure that for £1 spent in Ipswich £9 had been spent in Brisbane.

The question was then put, and the house divided with the following result :—

Ayes, 8.		Noes, 17.
Mr. O'Sullivan		Mr. R. Cribb
" Challinor		" Royds
" Edmondstone		" Warry
" B. Cribb		" Herbert
" Fleming		" Taylor
" Ferrett		" Raff
" Macalister	} Tellers	" Fitzsimmons
" Forbes	}	" Watts

" Lilley
" Haly
" Richards
" Moffatt
" Coxen
" Blakeney
" Pring
" Gore } Tellers
" Mackenzie }

AMENDMENT OF MASTERS' AND SERVANTS' ACT.

The COLONIAL SECRETARY moved that the second reading of the bill to amend the Masters' and Servants' Act be an order of the day for that day week.

The motion having been seconded, was put and passed.

PRIVILEGES BILL.

The COLONIAL SECRETARY moved the second reading of the bill to confer certain Powers and Privileges on the Houses of the Parliament of Queensland. He stated that this must not be considered a government measure, as he had brought it forward upon his own responsibility as an individual member of that house, and he had no doubt that the house would accord to the measure a fair consideration. He wished it to be distinctly understood that he introduced the bill in his capacity of a private member of the house, and that it was not as a government measure that he brought it forward. It had been found upon one or two occasions that some doubt arose whether the house could exercise certain powers with which he deemed it necessary to the efficient discharge of their functions that they should be invested. The present measure had been introduced to meet the difficulty.

With reference to the powers which, upon the one hand, that the house claimed to exercise, and which, on the other hand, it was denied that they possessed the power to exercise, the precedents were numerous on both sides of the question, and it would be unnecessary for him to detain the house by citing those precedents. In some cases it appeared that legislatures of analogous constitution to our own had power to commit persons for contempt, whilst in other cases it appeared doubtful upon appeal to the Privy Council at home, whether such power had been invested in the Legislature. This act was a transcript of one which had for some years been the law in South Australia, where the constitution was similar to our own. He concluded that they had in that colony found it necessary to define distinctly the powers of the Legislature, and to confer certain powers upon both houses. Believing that a similar necessity existed in this colony, he had determined upon introducing this measure. He believed that he had not altered a single word in the bill as passed in South Australia; at any rate, he had not intentionally altered it, and the bill, as passed in that colony, had been assented to by her Majesty. Most of the clauses of the bill merely gave the house power to enforce their standing orders. They also gave that house power to punish persons for non-attendance before the house when summoned. One portion of the measure somewhat affected the Press; and as, since the introduction of the bill, there had been an article daily in one portion of the Press upon this matter, he concluded that this clause in the measure must have created a great sensation in the minds of persons connected with the paper in question. He had not thought it desirable to alter any clauses of the bill, as he believed it to have been drawn up by men who had given a great deal of thought and consideration to the subject. He should be the last person to recommend the house to be rash or hasty in the exercise of their privileges, or in their interference with the Press. He did not wish to interfere with the fullest freedom of comment upon the conduct of public men by the Press. The hon. member here proceeded to argue that when strictures were published upon members of the house which exceeded the bounds of fair comment, or when false and libellous statements were made, that the house ought to have power to take action in the matter. He thought also that when the house, in its collective capacity, was insulted or brought into contempt, that they should possess the power to punish the offender. He denied that he was desirous to curtail the liberty of the press by this measure. He had been induced to bring it forward, as already on two occasions some difficulty had arisen in consequence of the powers of the house not being distinctly defined. On the last occasion, it would be remembered a witness had been summoned before the select committee upon the native police, and had refused to attend. He would here remark that in the report of the debate upon that occasion the press had put words into his mouth which he had never

uttered. They had represented him as making use of language which he had never uttered, and had then favoured her with a considerable amount of abuse for the use of that language. He should leave the measure in the hands of the house, and he hoped, as he believed it to be a very necessary measure that it would receive their assent. He must, however, again repeat that he had introduced the bill as an individual member of the house, and it was not therefore a government measure.

The ATTORNEY-GENERAL had on a previous occasion expressed his doubts, from the particular language of the Orders in Council, whether that house had power to make bye-laws, giving them such powers as those contained in the bill before the house. His hon. colleague (the Colonial Secretary) on that occaion expressed his belief that these powers were inherent in the houses of the legislature, and he (the Attorney-General) had stated that although it was possible that such powers might inherently exist, yet he thought it would be safer to frame some enactment dealing with the matter before proceding to exercise them. He was well aware that the law upon the subject was in a very indistinct state. In Moore's Privy Council cases would be found a case in point. The case of Bones v. Barrett was a case of appeal from the Supreme Court of Jamaica. The editor of a newspaper had published what was considered to be by the house of legislature there a libel upon them. The editor was brought up before the house under the Speaker's warrant, admitted the publication of the letter complained of, and was committed for contempt. He, in return, brought an action against the Speaker, who pleaded his right to issue a warrant by direction of the house. The question was then brought to an issue as to the inherent right of the house to exercise their powers over persons outside. A long judgment was delivered by Baron Parke who laid down the dictum that the house did possess the inherent right at common law to punish persons for contempt and writing libels. Another case, however, of a similar nature subsequently arose in Newfoundland, and this case was referred to the Privy Council, who, after a second hearing, decided that the Assembly of Newfoundland did not possess the right to commit for contempt. This second case referred to, viz.,—Keary v. Carson, perhaps possessed distinctive features from the first case mentioned, yet the decision in this latter case most certainly threw doubts upon the inherent right of a Legislative Assembly to commit for contempt. If the house thought that the Assembly should not possess these powers, they would of course oppose the bill. He believed it to be necessary that the house should possess these powers, but they should be exercised temperately, moderately, and after mature deliberation, as the house would in a certain sense have to decide upon their own cases. Not only in South Australia had they passed a bill to define the privileges of Parliament, but he found on looking over the votes and proceedings of the New South Wales parliament that a committee was appointed in 1844, at the instigation of Mr. Lowe, to enquire into statements published by Messrs Macdermott, Moore, and Macfarlane. This committee was presided over by Mr. Wyndeyer, and went into the whole question, drawing attention to the cases which he (the Attorney-General) had previously quoted. The committee seemed doubtful whether the decision in the latter case was as good as the decision in the former case, and they then proceeded to recommend that a bill should be passed to confer such powers upon the house as were necessary for the efficient discharge of their functions. He (the Attorney-General) agreed with the principles of the bill before the house, and he deemed it necessary to make these few remarks upon this occasion, in order to explain to the house the apparent difference of opinion upon the inherent powers of the house expressed by himself and the Colonial Secretary upon the previous occasion.

Mr. LILLEY was sorry that the Colonial Secretary had dwelt, in introducing the measure, only upon one of its features, and that feature the least objectionable. He believed that the house, when they required the testimony of any man, ought to have powers which might enable them to procure that testimony. They ought in this respect to have at least the same powers as Courts of Petty Sessions, and they, of course, ought to be able to punish a witness who refused to attend before them. So far the bill was unobjectionable; and had it gone to this length only he should have felt himself bound to support it. The Colonial Secretary must have been attempting a joke upon the house when he placed this bill before them, and entitled a bill to confer certain powers and privileges upon the house. He (Mr. Lilley) must say that he felt deeply grateful for the powers and privileges which the bill would confer upon him. As if the bill were passed, this might be the last occasion upon which an hon. member could speak his mind in that house, he (Mr. Lilley) would avail himself of the opportunity, and freely state that he thought the measure would be an invasion of the privileges of the house, and would virtually take away from every member the right of free speech. He claimed for himself a just and righteous freedom of speech, and thought that, as a member of that house, he had a right to comment, and comment severely if occasion required, upon the public conduct of any other hon. member. He was aware that in the heat of debate hon. members might occasionally overstep the strict line of moderation which had

been marked out; this, indeed, happened in every Assembly in the world, and in the House of Commons as often as in any other. On such occasions, however, the retraction, when demanded, of the offensive word, and an apology, have always been deemed sufficient atonement for the offence. The two recent occurrences which had been adduced by the Colonial Secretary, as being the cause of the measure being introduced, were but flimsy pretext on which to hang this Gagging Act (Oh, oh, and laughter). He used the words advisedly, and at the next election, if this bill were passed, he should advise hon. members to ask their constituents to provide them with a padlock for their mouths before sending them into that house. The bill would have the effect both of gagging the press and of gagging hon. members. He contended that to attempt to place restriction upon the liberty of the press as this Act did, would prove both absurd and mischievous. History had proved that the licentiousness of the press would not be put a stop to by such means, as it was a fact that the press had never been so licentious as in those times when the greatest restrictions were put upon its liberties. The restrictions upon the press in the time of George the Third surely did not render the press of that day less licention than the press of the present day. He argued that, by attempting to stifle freedom of discussion, with either tongue or pen, as would in effect be done by this bill, the government would reduce us to such a state of society here that they would have to keep armed men at every street corner. Enlightened statesmen of the present recognised the fact that Englishmen must be permitted full and free discussion upon political topics. At the time of the Corn Law agitations in England words were uttered which would a few years previously have been treated as treasonable and seditious, but no one attempted to make laws to punish the people who uttered those words. He thought as he had before observed, that in case where a witness had refused to attend before the house, as had happened the other day, the house should have power to compel his attendance. He much regretted that on the occasion alluded to the witness summoned had not thought fit to attend, as no matter what might be the constitution of the committee, he (Mr. L.) would have in such a case felt it his duty to attend and speak the bold and honest truth. But this case afforded no justification for the present measure. He would draw attention to clause 5 in which certain contempts were set forth. In the first place with regard to the press he thought offences committed by the press should be left to the ordinary legal tribunal of the country to be dealt with. Because hon. members were occasionally, no doubt, brought under the lash, he did not think they were justified in asking to be endowed with such powers as were given them by this Act. He was an old member of the Press himself and he could assure the house that the best course would be to leave offences committed by the Press to be dealt with by the ordinary tribunals of the country. With reference to the conduct of members themselves, he found that one of the offences which rendered a person liable to committal for contempt was the “insulting” any member. Suppose a very strong government were in that house and wished to shut up the mouth of an opponent for one session, could they not most effectually do so by bring him up for “insulting” the house or another hon. member. It would be possible, if they desired, to construct the most trivial remark into an insult. The hon. member here proceeded to argue at some length that the clauses having reference to sending threatening letters to members, and offering bribes to members were an insult to the house. Another offence was “the sending of a challenge to fight a member.” Suppose in a moment of rash passion he were to send a challenge to fight the hon. member for Maranoa between the sessions of parliament when the house was not sitting, (laughter) should he (Mr. L.) in such a case be liable to punishment by the house. The framers of the bill had evidently overlooked such a contingency arising. He did not mean to say that there was any danger of his challenging the hon. member for Maranoa, for whom he had the greatest respect, and with whom he was on the best terms. Again, the publication of a “derogatory” libel was a punishable offence. The slightest unfavourable comment upon a member’s conduct would of course be derogatory, and therefore punishable. The hon. member here proceeded to point out that the offences set forth in clause 5 could by clause 13 be treated as misdemeanours, also that the house could for these misdemeanours direct the Attorney-General to prosecute the offender before the Supreme Court. Neither in the Court of Equity nor in any other court was contempt of court made a misdemeanour. In any court a man could purge himself of contempt by doing constantly whatever the court might have required him to do. What hope would there be for a member of that house, who, as long as the Attorney-General was a political officer, might be sent to trial, prosecuted by him, the offending member having been, perhaps, a strong political opponent of the public prosecution. Moreover, in clause 12 he found that provision was made for the permanent suspension of the Habeas Corpus Act. A man might thus under mere warrant of the Speaker without being able to produce a word of evidence in his own defence, be committed to prison and kept there for any length of time and even the judges of the land could not release him or procure for him a fair trial. He contended that clause 5 also taken in connection with the clause alluded to, virtually gave the

house power to expatriate a man. He conceived the measure to be destructive of all freedom of thought and opinion. It was no reason that we should adopt a tyrannical measure because South Australia had done so. If he sat alone on the opposition benches, he would oppose the bill, and should oppose it at every stage of its progress.

Dr. CHALLINOR thought that one of the strongest arguments for the liberty of the Press was to be found in the bill itself. If it were necessary to secure the good behaviour of members, by placing such restrictions upon their conduct as those imposed by the bill, it was certainly necessary that public opinion, through the medium of the Press, should be brought to bear upon their political conduct. The fact that they held their seats for five years, and could not be called to account, perhaps, until the end of five years, when they would have had the time to consummate much evil legislation, rendered it very necessary that some sort of check upon their actions should be kept by the Press of the day. He had understood the Colonial Secretary to state that he thought it right that the political acts of individual members should be criticised, but the Legislative, in its collective capacity, ought not to be censured in too strong terms. He (Dr. C.) thought this a very illogical view to take of the matter. If hon. members acted conscientiously, and according to their own honest convictions, they might set at defiance the comments of the Press. He felt more free to speak on this subject, because during his career in the colony he (Dr. C.) had not by any means been a favorite with the colonial Press. (Laughter.) Hon. members might laugh, but such was the case until recently, when the part he took in the Fassifern affair appeared to have rendered the Press more friendly to him. If the bill passed the house he could not refrain from expressing a hope that the colonists would petition her Majesty to disallow the bill.

Mr. R. CRIBB said that it appeared that, although that House fancied they possessed some powers, they had not in reality the powers of a justice of the peace. He thought, therefore, that their powers should be more distinctly defined; and taking the bill in its entirety, he was inclined to vote for it. He saw that there were many minor alterations which it would be requisite to make in the measure in committee. Of course on the second reading they discussed merely the main principles of the bill, and he was sorry to hear the hon. member for Fortitude Valley denounce the measure in such wholesale terms. He (Mr. C.) was an older man than that hon. member, and had lived in very exciting political times. He remembered the Cato-street conspiracy and other exciting events since then, but he attributed the greater freedom and liberty of speech which characterised the present day, not so much to the removal of any particular restrictions as to the more general spread of education and the greater enlightenment of the age. There was no man who would defend the liberty of the press more strenuously than he would, although he was well aware that that liberty was in too many cases abused. But he thought that if a false and scandalous libel was published upon any member for his conduct as a member, that the parties publishing the libel should be punished. He certainly should not vote for that part of the bill which would have the effect of abolishing the Habeas Corpus Act.

After a pause,

Mr. TAYLOR thought that hon. members must possess a wholesome dread of consequences, seeing that they were so slow to express an opinion upon this measure. He intended to support the measure, and no doubt that he, together with other honorable members who supported the measure, should catch it most unmercifully. (Laughter.) However, he was as independent of the press as the press was of him. He would desire to give them fair play. The hon. member for Fortitude Valley appeared very frightened of the bill and had endeavored to make out that under its provisions they could arrest one another, annihilate one another, and put one another in ‘chokey’ to any extent (laughter). He (Mr. Taylor) did not believe the bill was so bad as had been represented. A few clauses would have to be altered in committee. With regard to the false and scandalous libel, he presumed that at present a paper would be amenable to law for the publication of such a libel. Therefore the bill in this respect gave no more power over the press than existed at present. It was highly necessary to define the powers of the house, as they looked very foolish the other day when a witness was summoned to attend before them and refused to do so. He trusted the bill would pass, and hoped the hon. member for Fortitude Valley would have to sit upon the opposition benches by himself as he had threatened to do. (Laughter.) And he hoped, moreover, that they should have the assistance of that hon. member in making it a good bill as it passed through committee.

Mr. WATTS contended that the bill did not so much give increased powers to the house, as define powers which the house already possessed. The Colonial Secretary, after what had occurred, no doubt felt forced to bring in some such measure as this. After the two recent discussions upon points of privilege, one of which he (Mr. Watts) had originated, a measure of this kind was urgently

called for. The fifth clause, with some little amendments, might be made a very good clause. With regard to the observations of the hon. member for Fortitude Valley he (Mr. Watts) would like to know whether the judge ought to be able to override the powers and privileges of that house. Ought the judge to have a greater power in his hands than the legislature. Who, he would like to know, ought to object to appear before that house, the grand jury of the country. (Cries of “No.”) He contended that that house was the grand jury. It was not likely that such heavy punishments would be inflicted by that house as had been represented. Gentlemen elected to that house knew what was right and what was wrong. He contended that the argument that the bill did away with the Habeas Corpus Act was trivial, as that Act only gave power to the judge to bring before him parties unjustly imprisoned. Again the 18th clause contained nothing extraordinary. They were empowered by it to direct the Attorney-General to prosecute the offender at the Supreme Court. This merely gave them powers such as a private person would possess. Perhaps it might be advisable to strike out the word ‘derogatory’ in the 5th clause as had been suggested.

Mr. O’SULLIVAN thought it not strictly correct on the part of the previous speaker to state that the Colonial Secretary was forced to bring in this bill. He (Mr. O’S.) considered that the bill required by the house was a bill to enforce the attendance of witnesses before the house. He did not believe that the house anticipated such a measure as the present one. He thought the offences set forth in the bill were couched in much too vague language. He had no intention of coming down to that house to be subject to two years imprisonment. (Laughter). It appeared that persons using threatening words would come under this bill but it did not definitely and clearly set forth what would constitute threatening words. He had heard one hon. member of the house state on a previous occasion that it was not the words were disorderly but the person who spoke them. According to this bill, a person for a few hasty words uttered perhaps in debate might be put into prison. This was a very dangerous power to confer upon the house. He, for his own part, got no payment for what he did in that house, and he most certainly had no notion of being imprisoned for two years. He should vote against the bill altogether. It proposed to confer powers and privileges, but the only privilege that it conferred appeared to him to be the privilege of two years’ imprisonment. (Laughter.)

Mr. BLAKENEY thought that the bill was intended principally to compel the attendance of witnesses, and to define the powers of the House. He was sorry to hear the hon. member for Fortitude Valley so sweeping in his denunciations of the measure. As far as he had been able to give his attention to the measure he thought the only portion of it which required to be expunged from the two last lines of the fifth clause referring to the publication of false, scandalous, and derogatory libels upon the public conduct of hon. members. One hon. member had said that the law at present reached the members of the Press, and that, therefore the Press could not complain of this bill being more oppressive than existing laws. But he (Mr. B.) would remind the House that at present the offending member of the Press would have to be tried by a judge and a jury of twelve men, and not by the House itself. Under this bill, it appeared to him that the House would have to decide as to what constituted a scandalous libel. He was of opinion that the less that House came into collision with the Press the better it would be for both parties. (Hear, and laughter.) The Press often exceeded the proper bounds; but in this instance he would remind the House of the old adage about playing with edged tools. With the main principles of the bill he entirely agreed.

Mr. GORE thought that the hon. member for Fortitude Valley had been too sweeping in his denunciations of this measure. The main principles of the bill were undeniably good, and he (Mr. G.) thought the only valid objections to the measure were those urged against the last part of the 5th clause. He had no desire to interfere with the Press, but he thought it desirable to have some clause of this kind. It would be as well for the house to have this power to hold *in terorem* over the press. For instance, the press might, as in some parts of America, commence a system of attack upon the private character of political opponents, and the power should be placed in the hands of the house, so that they might exercise it in the event of such a contingency arising. He did not desire to curtail the liberty of the press, and he thought that in the good sense of that house, and in public opinion, there would be a sufficient security for the liberty of the Press. Perhaps it would be as well to omit the word ‘derogatory’ when the bill passed through committee. The hon. member for West Moreton (Dr. Challinor) had talked as if that house was averse to fair criticism upon their proceedings. Such was not the case. But he (Mr. G.) thought that that house had a right to guard against gross falsehoods or false statements with regard to the private character of hon. members being made by the Press. There was he believed no danger that anything of this kind would happen here at present. People had occasionally made complaints to him of the licentiousness of the Press in this colony, and he had

always maintained that we possessed here a highly respectable Press. At the same time to guard against any such abuse of the privileges of the Press as had taken place in America he did not think this clause in the bill should be entirely expunged. With regard to the 13th clause he thought that that house by passing it would not arrogate to themselves greater privileges in this respect than the House of Commons possessed, although of course he would not for one moment be supposed by this assertion to claim for that Assembly such powers as the House of Commons claimed.

In obedience of cries of question from all sides, the SPEAKER then put the question, and the house divided with the following result :—

Ayes, 17.		Noes, 6.	
Mr.	Herbert	Mr.	Richards
	Mackenzie		Lilley
	Pring		O'Sullivan
	Gore		Warry
	Haly		Edmondstone
	Macalister		Challinor
	Watts		
	Taylor		
	Raff		
	R. Cribb		
	Ferrett		
	B. Cribb		
	Fleming		
	Coxen		
	Forbes		
	Blakeney		
	Moffatt		

The bill was then read a second time.

On the motion of the COLONIAL SECRETARY, the consideration in committee of the Parliamentary Privilege Bill was fixed as an order of the day for Tuesday next.

IMMIGRATION REGULATIONS.

On the motion of the COLONIAL SECRETARY, the report of the committee was adopted, and the resolution, as agreed to, was ordered to be forwarded to the Legislative Council for their concurrence.

SUPPLY.

On the motion of the COLONIAL TREASURER, the house resolved itself into a committee of the whole for the purpose of considering the supply to be granted to her Majesty.

The COLONIAL TREASURER withdrew the item having reference to the military, on the ground that warlike affairs in New Zealand rendered such a sum unnecessary.

The COLONIAL TREASURER then moved a sum of £200 for a second class clerk to the Registrar-General's department.

Carried.

The COLONIAL TREASURER next moved the sum of £538 for gaols, viz :—

		£
Gaoler	.....	50
Additional turnkeys	.....	238
Clergyman— Church of England	.....	25
" Roman Catholic	.....	25
Schoolmaster	.....	100
Messenger for sheriff	.....	100

The first two items were agreed to without opposition; but, on the next being proposed—namely

£25 for a Church-of-England clergyman, as chaplain to the gaol—a conversation arose as to the desirability or otherwise of making such provisions.

Mr. TAYLOR supported the item, because he regarded it to a certain extent as a return to the system of State-aid in behalf of religion. If people could not get religion out of the gaol, he thought the least thing they could do was to give them religion when in the gaol.

The item was then put and carried on the following division :—

Ayes, 15.		Noes, 8.	
Mr.	Macalister	Mr.	Ferrett
	Moffatt		R. Cribb
	Taylor		Warry
	Watts		B. Cribb
	Roydes		Forbes
	O'Sullivan		Raff
	Lilley		Richards
	Edmondstone	Dr.	Challinor
	Fitzsimmons		
	Fleming		
	Haly		
	Gore		
	Colonial Treasurer		
	Attorney-General		
	Col. Secretary		

The subsequent motion for giving a similar salary to a Roman Catholic clergyman was also carried.

Mr. MACALISTER opposed the sum set apart for a schoolmaster as likely to prove fruitless, but after some explanation from Mr. RAFF, the COLONIAL SECRETARY and other members, it was put and passed.

The remaining item was agreed to, in pursuance of an explanation elicited by Mr. RAFF.

The sum of £190 for the Attorney General's department, being as follows,—messenger, for 9 months, £75; coroners salaries and fees, £80; contingencies, &c., £35,—was passed without opposition.

The sum of £300 for a first class clerk in the Treasury, was assented to, after an explanation as to the necessity of the appointment by the COLONIAL TREASURER.

The COLONIAL TREASURER moved the sum of £1030 for the harbour department, the items being as under :—

New buoy and moorings for Smith's Rock	£200
2 buoys for Boomerang Channel ...	200
River buoys, ordered from England ...	200
Repairs to "Spitfire" and lightship "Rose"	150
Contingencies	150

In answer to a question by Mr. LILLEY, the COLONIAL TREASURER said he believed the limit of the port of Brisbane was defined.

The several items were carried after some discussion, in which Mr. EDMONDSTONE and other members took part.

The COLONIAL TREASURER moved—

Post Office Salaries: Difference in salary of sorting and delivery Clerk at £200 per annum	£80

Clerk of 3rd class (from 1st July), at £100 per annum	50
Additional letter carrier (from 1st January	120
Conveyance of mails—within and beyond the settled districts	700
Contingencies—3 iron letter receivers for Ipswich, painting, fixing, &c.	70
Total	1020

The hon. gentleman explained that owing to a clerical error the salary of the sorting and delivery clerk had been put down at a less figure than that voted by the Assembly. Hence the correction as now proposed. The hon. gentleman then proceeded to state that the heavy item now brought forward to meet the expenses conveying the mails through the country was proposed by the government in compliance with numerous memorials, petitions, &c., from various classes of the community. He concluded by inviting the attention of hon. members to a map of the mail routes, as defined under the new arrangement.

The motion was then put and passed.

The COLONIAL TREASURER next proposed the following estimate:—

Public Works. —Benevolent Asylum ward in hospital at Brisbane	£500
Store and boat-shed for Harbor-Master at Brisbane	400
Culvert at One-Mile Creek	80
Road between Bundamba Creek and Ipswich	650
Road between Ipswich and Drayton, Three-Mile Creek	1000
Repairs to punt at Maryborough	160
Additions to lock-up and court-house at Gayndah	460
Ferry steps at Maryborough	300
Repair of road between Ipswich and Brisbane	1000
Main roads	150
In aid of erection of School of Arts, South Brisbane	300
Total	£5000

The item of repairs to the pump at Maryborough occasioned some discussion, in the course of which Mr. FITZSIMMONS, the ATTORNEY-GENERAL and the SPEAKER addressed the committee in favour of the proposition. Another item, which elicited some remark, was the sum of £300 for the construction of ferry steps at Maryborough.

Mr. EDMONDSTONE objected to the proposal, on the ground that it was dissimilar in principle to anything of the kind ever yet done by the government in behalf of Brisbane.

Mr. TAYLOR proposed that the item be reduced to £150.

Mr. RAFF supported the original motion, as did also Mr. FITZSIMMONS, Mr. HALY, and Mr. R. CRIBB.

Mr. TAYLOR eventually withdrew his amendment, and the original motion, including all the items, was therefore carried without a division.

The COLONIAL TREASURER then proposed the item of £150 for main roads, which with the permission of the house he would alter to the repair of road from Ipswich to the Race Course. After a

few remarks and explanation from the Colonial Treasurer, the item was passed.

The sum of £300 towards the erection of a School of Arts at South Brisbane was next proposed by the COLONIAL TREASURER.

Mr. MACALISTER, seeing that no condition was applied to this sum, wished to know from the government whether the usual condition requiring the raising an equal sum by the promoters was attached to it.

The COLONIAL SECRETARY said that the government had required that the usual condition of raising an equal sum should be complied with, but as the promoters when they made the application had doubts about being able to raise little more than £200, the government recommended the passing the whole sum in order that they might be in a position to equal the amount raised by subscription.

Mr. O'SULLIVAN supported the item.

Mr. MACALISTER, after some remarks from Mr. EDMONSTONE, in support of the motion, said that there might be cases in which money for such purposes should be granted without condition, but he thought the principle bad. The people of South Brisbane might be poor, but still they were sufficiently numerous to be able to raise £300.

The COLONIAL SECRETARY thought it would be right to give similar sums in other places for similar objects when required. He did say in the first instance that the principle was to give only equal sums to those raised by subscription, but had since understood that that principle applied to subscriptions for the general purposes of such institutions and not to buildings.

The item was passed.

The COLONIAL SECRETARY then proposed £3,000 towards building and furnishing a Normal School at Brisbane. The object of the school, he said, was not only to educate children, but was also as a model school, in which masters would be trained for schools throughout the country. This item was rendered necessary on account of the funds remaining from the £7,000 last year for educational purposes not being sufficient to build a suitable building. If this sum were not voted, the building would be left incomplete, and require a much larger sum for its completion in the future.

After a few remarks from Mr. CRIBB, Mr. FERRETT, Mr. O'SULLIVAN, and Mr. MACALISTER, against the vote, and from Mr. EDMONDSTONE and Dr. CHALLINOR in its favor, and the COLONIAL TREASURER in reply, this vote was passed.

It being then five minutes to ten, the house adjourned till to-morrow (this day) at three o'clock.